Constitutional Law of the Republic of Kazakhstan on Elections
Adopted in September 1995
as of 2020

I. GENERAL PART

Article 1. Relations regulated by this Constitutional Act

This Constitutional Act shall regulate the relations arising from preparation for and conduct of the elections of the President, deputies of the Senate and the Mazhilis of Parliament, the maslikhats and members of other local self-government bodies of the Republic of Kazakhstan as well as shall establish the guarantees ensuring a free expression of the will of citizens of the Republic.

Footnote. Article 1 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 19.06.2007 No. 268-III.

Article 2. Freedom of elections

Election in the Republic shall be based on the free implementation by any citizen of the Republic of the right to vote and to be elected.

Article 3. Principles of the suffrage

1. Elections of the President, deputies of the Mazhibis of Parliament and maslikhats, members of other local self-government bodies of the Republic shall be conducted on the basis of universal, equal and direct suffrage by the secret ballot.
2. Election of deputies of the Senate of Parliament of the Republic shall be conducted on the basis of indirect suffrage by the secret ballot.
3. Participation of the citizens of the Republic in elections shall be voluntary.
   No one shall be eligible to force a citizen to take part or not to take part in elections and to restrict his/her will.

Footnote. Article 3 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 19.06.2007 No. 268-III.

Article 4. Universal suffrage

1. Universal active suffrage shall be the right of citizens of the Republic to take part in the voting at elections upon reaching the age of eighteen years irrespectively of his/her birth, origin, social, official and property status, sex, race, ethnicity, language, relation to religion, belief, place of residence or any other circumstances.
2. The passive suffrage is a right of citizens of the Republic of Kazakhstan to be elected as a President of the Republic of Kazakhstan, a deputy of the Parliament of the Republic of Kazakhstan, maslikhat or a member of other local self-government body.
3. The citizens, who have been recognized by a court as legally incapable, including those who kept in places of confinement under the court’s sentence, shall not take part in elections.
4. A candidate to President of the Republic of Kazakhstan, to deputy of the Parliament of the Republic of Kazakhstan, including by party lists, maslikhat as well as a candidate to member of other local self-government body cannot be:
   1) a person with a prior conviction, which has not been cancelled or withdrawn in the order established by Act;
   2) a person, who has been found guilty of committing corruption crime or offense by the court in the order established by Act.

   Footnote. Article 4 is with the changes, introduced by the Constitutional Acts of RK of 08.05.1998 No. 222-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV.

Article 5. Equal suffrage

1. Voters shall take part in the elections of the President, deputies of the Mazhilis of Parliament to be elected on the basis of the party lists and the maslikhats of the Republic on equal basis and each of them shall have one vote per one ballot.
2. Voters shall take part in the election of members of other local self-government bodies of the Republic on equal basis and each of them shall have an equal number of votes.
3. The candidates shall be guaranteed with equal rights and conditions for participation in elections.
4. 
   Footnote. Article 5 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

Article 6. Direct suffrage

The President, deputies of the Mazhilis of Parliament and maslikhats, members of other local self-government bodies of the Republic shall be elected by citizens directly.

   Footnote. Article 6 is with the changes, introduced by the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 7. Indirect suffrage

1. Election of deputies of the Senate of Parliament is taken part by electors – the citizens of the Republic, who are maslikhat deputies.
2. Electors shall take part in the election of the Senate deputies on the equal basis and each of them shall have one vote at the election of a Senate deputy.
3. Excluded by the Constitutional Act of RK of 08.05.1998 No. 222-I.
   Footnote. Article 7 is with changes, introduced by the Constitutional Act of RK of 08.05.1998 No. 222-I.

Article 8. Secret ballot

Voting at the elections of the President, deputies of the Parliament and maslikhats, members of other local self-government bodies of the Republic shall be secret, excluding possibility of any control over the expression of voters’ will.
Article 9. Electoral systems

1. The following system for vote count shall be applied at the elections of the President, deputies of the Senate as well as deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan:
   1) the sub-clause is excluded by the Constitutional Act of RK of 06.11.1998 No. 285-I;
2) a candidate shall be considered as elected who has:
   - collected more than fifty percent of votes of voters (electors) taken part in the voting;
   - collected more votes of voters (electors) taken part in the re-run of a vote in comparison with the other candidate.

   1-1. Deputies of the Mazhilis of Parliament from the political parties shall be elected by party lists in the single nationwide constituency.

2. Deputies of maslikhats are elected on party lists submitted by political parties, on the territorial constituency.

3. The following vote count system shall be applied at the election of members of other local self-government bodies:
   1) the sub-clause is excluded by the Constitutional Act of RK of 06.05.1999 No. 375-I;
   2) the candidates, who in comparison with other candidates have collected more votes of voters taken part in the voting, shall be considered as elected.

Footnote. Article 9 is with the changes, introduced by the Constitutional Acts of RK of 06.11.1998 No. 285-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-I; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 2. ELECTION BODIES

Article 10. Election bodies, their system and term of office

1. Election commissions shall be the state election bodies organizing preparation for and conduct of elections in the Republic.

2. A unified system of election commissions shall be comprised of:
   1) Central Election Commission of the Republic;
   2) territorial election commissions;
   3) the sub-clause is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication);
   4) precinct election commissions.

3. Territorial election commissions are formed by the Central Election Commission, and precinct election commissions - by the relevant territorial election commissions. The compound of the election commissions, with the exception of the Central Election Commission, is formed by relevant maslikhats.

   The term of office of election commissions is five years.

   Members of territorial and precinct election commissions shall be elected by relevant maslikhats.
on the basis of proposals of political parties.

Each political party has the right to submit one candidate to relevant election commission. Political party can submit to the election commission candidates who are not members of that political party.

In the absence of proposals of political parties within the period established by maslikhats, which should be at least fifteen days before the formation of election commissions, maslikhats elect an election commission on the proposal of other public associations and superior election commissions.

The persons proposed to the election commission shall attach statements of consent to participate in its work. The Chairperson, Deputy Chairperson, Secretary of the election commission shall be elected at the meeting of the election commission.

The formation of the new compound of election commissions shall begin no later than two months and shall end no later than three days before the end of the term of office of the election commissions.

The bodies forming the compound of election commissions have the right to make changes in their compound during the term of office of election commissions.

4. Decisions on the formation of election commissions, their compound and location are reported in the media.

5. Decisions of election commissions taken within their competency shall be mandatory for implementation by all state bodies, organizations, local self-government bodies and officials in the corresponding territory.

6. Interference with the work of election commissions during the exercise of their authorities shall be prohibited.

7. The activities of the election commission may be terminated by a decision of the body forming the election commission or by a court decision on the basis of application of the Central Election Commission.

8. A member of an election commission cannot be deprived of his/her authorities, except the cases mentioned in clauses 6 and 7 of Article 19 of this Constitutional Act.

Footnote. Article 10 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication);

Article 11. The Central Election Commission of the Republic of Kazakhstan

1. The Central Election Commission shall head the single system of the election commissions of the Republic of Kazakhstan and operate as a permanent body.

2. The Central Election Commission shall consist of the chairperson and six members.

   Deputy Chairperson and Secretary of the Central Election Commission shall be elected at the first meeting of the commission.

3. The clause is excluded by the Constitutional Act of RK of 19.06.2007 No. 268-III.

4. The Central Election Commission shall have its own office.

   4-1. The Central Election Commission is in charge of subordinate organizations, whose functions include facilitating the organizational activities of the territorial election commissions and ensuring in its election activities the creation, development, implementation, maintenance, administration, operation and system maintenance of information and communication infrastructure, Internet resource, as well as logistics.

5. Expenses on the maintenance of the Central Election Commission and its personnel shall be covered
from the republican budget.

Footnote. Article 11 is with the changes, introduced by the Constitutional Acts of RK of 19.06.2007 No. 268-III, of 09.02.2009 No. 124- IV; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 12. Authorities of the Central Election Commission of the Republic of Kazakhstan

The Central Election Commission shall:

1) exercise in the territory of the Republic of Kazakhstan control over implementation of election legislation; ensure its uniform application; within the limits of its authority take decisions to be mandatory in the entire territory of the Republic;

2) organize preparation for and conduct of elections of the President and deputies of the Mazhilis of Parliament; administer organization and conduct of elections of deputies of the Senate of Parliament;

2-1) consider the issue of admission of political parties to participate in the elections of deputies of the Mazhilis of the Parliament and maslikhats elected by party lists;

3) the sub-clause is excluded by the Constitutional Act of RK of 19.06.2007 No. 268-III;

3-1) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;

4) compound and submit to the Government of the Republic an approximate cost estimate for the election campaign on the basis of budget applications submitted by the territorial election commissions, in the manner determined by the Central Election Commission;

5) manage the election commissions for the elections of the President, of deputies of the Parliament; cancel and suspend their decisions; distributes among them the funds of the republican budget allocated for the election campaign; control the creation of the necessary material and technical conditions for the activities of election commissions; consider applications and complaints against decisions and actions (inaction) of territorial and district election commissions; organize clarification of election legislation; organize and conduct training for participants in the electoral process; hold seminars with representatives of political parties and other participants in the electoral process on the organization and conduct of elections; carry out international cooperation in the field of electoral systems; carries out international cooperation in the field of electoral systems;

6) establishes the form and text of the ballot for the elections of the President and deputies of the Mazhilis of the Parliament, the form of ballots for the elections of deputies of the Senate of the Parliament, maslikhats and members of other local governments, the procedure for their production, as well as the degree of protection, the form of voter lists (electors), the subscription list for collecting signatures of voters in support of presidential candidates and collecting signatures of electors in support of candidates for Senate deputies, other electoral documents, the form of ballot boxes from transparent material for voting and samples of seals of election commissions, the order of storage of election documents; provide production of ballot papers on elections of the President and deputies of Parliament;

6-1) organize the production, determine the procedure for issuing and recording absentee vote certificates;

6-2) determine the procedure for making changes to ballots in cases of withdrawal of a candidate, cancellation of the decision to nominate a candidate, cancellation of the decision on registration of candidates, party lists;
be eligible to hear the reports of the state bodies and organizations on the issues related to preparation and conduct of elections as well as the information of public associations on the issues of observance of the election legislation;

register candidates to President of the Republic, grant them with the corresponding certificates, publish the communication on registration of candidates in mass media;

inform voters about the electoral campaign at elections of the President and deputies to the Parliament, periodically issue information bulletins;

sum up the election results of the President and deputies of the Parliament in the Republic as a whole, register the elected President and Parliament deputies, publish relevant communication in mass media;

call and organize conduct of the re-run of a vote and a re-run of election of the President;

call a re-run of election of the Parliament deputies;

call a by-election of the Parliament deputies;

call the regular and early elections to maslikhats;

during the organization and conduct of elections of deputies of maslikhats and members of other local self-government bodies, exercise control over the compliance of the activities of territorial election commissions with the requirements of this Constitutional Act and, if violations of this Constitutional Act are detected, cancel their decisions;

determine the number of the maslikhats to be elected from them;

post on the official Internet-resource of the Central Election Commission the legal acts on the election legislation, information on the calling and conduct elections as well as on the results of vote count at the elections;

to maintain a unified Electronic Register of Citizens - voters of the Republic of Kazakhstan;

during holding election with the use of electronic electoral system conduct training of members of the corresponding election commissions on its application;

through mass media organize training the population on the use of the electronic electoral system at elections;

to form consultative and Advisory bodies;

establish the procedure for carrying out pre-election campaigning through the media and information support of the elections of the President Republic of Kazakhstan, deputies of the Parliament, maslikhats of the Republic of Kazakhstan, as well as members of other local governments;

purchase goods, work and service on creation, development, introduction, maintenance, administration, operation and system maintenance of objects of information and communication infrastructure, the Internet resource and material and technical support of elective activity at the subordinated organization concerning which carries out public administration;

approve the instruction on equipping the polling place at the election station, the polling station;

approve the instruction on registration of authorized persons;

exercise other authorities in compliance with the legislation of the Republic of Kazakhstan.

Footnote. Article 12 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 15.06.2017 No. 75-
VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 13. Territorial election commissions

1. Territorial election commissions shall be the election commissions of oblasts (cities of the Republican status and the capital of the Republic), districts, cities and districts in the cities.

2. The territorial election commissions shall:
   1) ensure organization and conduct of elections of the President, deputies of the Parliament and maslikhats, members of other local self-government bodies;
   2) be formed of seven members.

3. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

4. Information on the membership in the territorial election commissions at elections of the President, deputies of the Parliament and maslikhats shall be published in mass media not later than in ten days, and in the territorial commissions on elections of the members of other local self-government bodies not later than in seven days after calling or announcement of such elections.

   Footnote. Article 13 is in edition of the Constitutional Act of RK of 06.05.1999 No. 375-I, with changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

Article 14. Authorities of the territorial election commission

The corresponding territorial election commission shall:

1) supervise implementation of election legislation in the territory of an administrative-territorial unit;

2) ensure preparation and conduct of elections of the President, deputies of the Parliament and maslikhats, members of other local self-government bodies;

2-1) register proxies of candidates to President, political parties, which have nominated their party lists, and issue corresponding certificates to them;

3) manage the activities of lower territorial and precinct election commissions; cancel and suspend their decisions; distribute among them the funds of the Republican and local budgets allocated for the election campaign; submit budget applications for the election campaign; control the creation of the necessary material and technical conditions for the activities of precinct election commissions; consider applications and complaints about the decisions and actions (inaction) of precinct election commissions; organize execution of decisions of the Central Election Commission by all election commissions formed within the relevant administrative-territorial unit;

4) be eligible to hear to the reports of the election commissions, the state bodies and organizations on the issues related to preparation and conduct of elections as well as the information of the public associations on the issues related to the implementation of the election legislation;

4-1) control the relevance and reliability of information on voters and polling station boundaries, timeliness and correctness of voter lists for voting and their submission for public inspection;

5) ensure conduct of election of the Senate deputies; register the candidates to the Senate deputies, their proxies, issue the corresponding certificates to them; publish in the mass media the communication on registration of candidates; prepare polling stations, ensure manufacturing of the polling booths and ballot-boxes; sum up the voting results at elections of the Senate deputies and submit the protocols on the voting results to the Central Election Commission for registration of the
Senate deputies;
6) form election districts at elections of maslikhat deputies and publish their list, notify voters on the locations of their election commissions;
6-1) establish a uniform numbering of polling stations;
7) ensure the production of ballots for the election of deputies of maslikhats, members of other local authorities, as well as the delivery of ballots to precinct election commissions;
8) organize and ensure the conduct of elections of maslikhat deputies; register party lists submitted by political parties nominate candidates to deputies of maslikhats, register of proxies of political parties, issues, candidates and authorized persons corresponding certificates; publishe in mass media reports on the registration of party lists;
9) establish the results of voting at polling stations in the relevant administrative-territorial unit, sum up the results of the elections of maslikhat deputies, register the elected deputies and publish a message about it in the media; submit to the superior election commission the protocols of counting votes in the relevant electoral districts and districts for summarizing the results of elections and publication on the official Internet resource of the Central Election Commission;
10) organize re-run of a vote and re-run of elections of the Senate deputies, repeated elections of deputies of maslikhats and also elections to replace the retired deputies of the Senate;
11) appoint and organize election of the members other than the maslikhats local self-government, repeated elections and elections of members to replace the retired; register candidates for members of other than maslikhats, local authorities, their agents, issue them corresponding certificates; publishe in local mass media report on the registration of candidates; sum up the results of the election of the members other than the maslikhats local self-government bodies; publishe in local mass media report on the outcome of the election;
11-1) organize clarification of election legislation; organize and conduct training for participants in the electoral process; hold seminars with representatives of political parties and other participants in the electoral process on the organization and conduct of elections;
12) exercise other authorities in compliance with the legislation of the Republic of Kazakhstan.

Footnote. Article 14 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 15. <*>

Footnote. Article 15 is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 16. <*>

Footnote. Article 16 is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 17. Precinct election commissions

1. Precinct election commissions ensure the organization and conduct of elections of the President, deputies of the Mazhilis of the Parliament and maslikhats, members of other local self-government bodies at the
relevant polling stations.

The relevant territorial election commission determine the quantitative composition of precinct election commissions:

1) from five to seven members with the number of voters at the relevant polling station to two thousand;
2) from seven to eleven members with the number of voters at the relevant polling station in excess of two thousand.

The number of precinct election commissions should be odd.

2. The composition of precinct election commissions for the election of the President, deputies of Parliament and maslikhats shall be published in the media not later than fifteen days, and the territorial commissions for the election of members of other local self-government bodies - not later than seven days after the appointment or announcement of elections.

Footnote. Article 17 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 18. Authorities of the precinct election commissions

Precinct election commission shall:

1) conduct electoral campaign in the electoral precinct at elections of the President, deputies of the Mazhilis of Parliament, maslikhats and members for other local self-government bodies;
2) notify voters about location of the precinct election commission;
3) define more exactly the register of voters of the corresponding electoral precinct;
4) familiarize the citizens with voter registers, consider applications about errors and discrepancies in the registers and solve the issues of entering in them the appropriate changes;
4-1) take the necessary measures to implement the electoral rights of citizens with disabilities;
5) notify the voters about the day, time and place of voting;
6) arrange the premises, ensure manufacturing of polling booths and ballot-boxes;
7) organize the voting at the polling station on the day of elections;
8) conduct vote count and define the voting results at polling station;
9) consider appeals and complaints in respect to the issues of preparation and organization of voting and take the decisions concerning them;
9-1) organize an explanation of the legislation on elections; organize and conduct training for participants in the electoral process; hold seminars with representatives of political parties and other participants in the electoral process on the organization and conduct of elections;
10) exercise other authorities according to the legislation of the Republic.

Footnote. Article 18 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268- III, of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication);

Article 19. Status of an election commission’s member

1. The members of the election commissions shall be representatives of the state bodies and shall be under the state protection.
2. The legal status of the election commission members stipulated by the Constitution, this Constitutional Act and other legislative acts of the
Republic of Kazakhstan.

2-1. A member of the election commission cannot be:
   a person with a previous conviction that has not been cancelled or removed in the order established by the Act;
   a person recognized by the court as legally incapable or as having limited legal capacity.

3. The Chairperson, members of the Central Election Commission, its staff, chairmen or their deputies, as well as the secretaries of the territorial election commissions shall exercise their powers on a permanent professional basis.

   The territorial electoral commission adopts a decision on the implementation by the chair or the Vice chair of the authority on a permanent professional basis.

4. The members of the election commission that are not listed in clause 3 of this Article during conduct of elections cannot be dismissed from their work or transferred to other work by the initiative of the employer without their consent.

5. A member of the election commission shall:
   1) be notified about the meetings of the corresponding election commission forty eight hours earlier, except for the cases that require an immediate decision-making;
   2) be eligible to speak up at the meetings of the election commission, to make proposals in respect to the issues that are within the competency of the corresponding election commission, and to require voting in their respect;
   3) be eligible to ask any questions to other participants of the meeting according to the agenda and to receive answers in essence;
   4) be eligible to inspect the documents and materials of the election commission, which he/she represents, and to obtain their certified copies;
   5) supervise the activities of the subordinate election commission upon authorization confirmed by three quarters of votes of the members of the election commission, which he/she represents;
   6) be obliged to respect the requirements of the Constitution, this Constitutional Act and other legislative acts of the Republic of Kazakhstan, the generally accepted ethical standards;
   7) be obliged to fulfill the assigned to him/her responsibilities, decisions and instructions of the election commission and its chairperson, the superior election commission;
   8) be obliged to ensure the observance and protection of electoral rights and lawful interests of the citizens, demonstrate impartiality and independence at decision-making as well as abstain from a public evaluation of the activities of candidates and the political parties which have nominated the party list;
   9) not be bound by the decisions of the political party, which he/she represents, or other public association and not be eligible to defend their interests.

6. A member of the election commission shall be relieved of his / her duties:
   1) upon expiry of the term of office of the election commission;
   2) upon termination of the activities of the election commission.

   By decision of the superior election commission, a member of the lower election commission shall be relieved of his / her duties in the following cases:
   1) submission of an application for exemption from duties on their own;
   2) lose of citizenship of the Republic of Kazakhstan;
   3) departure for permanent residence outside the administrative- territorial unit in which maslikhat is located, which formed the composition of the relevant election commission;
4) the entry into force of a court judgment of conviction;
5) the entry into force of a court decision on the recognition of his incapacity, limited capacity, missing or declaring him dead;
6) his death;
7) adoption in accordance with the legislation of the Republic of Kazakhstan by a political party of a decision on liquidation of the political party that nominated it or by a court of a decision that has entered into legal force, on liquidation of the political party that nominated it.
8) In case of repeated violation by a member of the election commission of official powers or requirements of this Constitutional Act, he shall be dismissed from office by the maslikhat, which formed the composition of this election commission. The higher electoral commission shall appoint a member of the election commission instead of the member of the election commission who has left before election by the body forming the composition of the election commission in the manner prescribed by article 10 of this Constitutional Act.
9) More than half of members of the election commission shall not be employees of the same organization, except for the cases of the establishment of polling stations provided for in paragraph 3 of article 23 of this Constitutional Act. A member of the election commission must reside in the territory of the administrative-territorial unit in which the maslikhat, which formed the composition of the commission, is located.


Article 20. Arrangement of the election commissions' activities and appeals against their actions. Publicity in the activities of election commissions.

1. Election commissions shall act on the basis of the principles of collegiate style, publicity and transparency.
2. The first meeting shall be convened:
   1) the Central Election Commission - Chairperson of the commission within fourteen days after the election of the commission;
   2) territorial election commissions of regions, cities of Republican status and the capital - a person determined by the maslikhat who formed the composition of this commission, not later than seven days after the formation of the new composition;
   3) lower election commissions - the chairmen of the relevant superior commissions not later than seven days after the formation of their composition.
3. In the course of preparations for and conduct of electoral campaign the meeting of commissions shall be convened at least once in two weeks. Otherwise, the meeting of a commission shall be convened by the initiative of the chairperson or at least one third of the commission’s members.
4. Meetings of the election commissions shall be legally qualified if they are attended by at least two thirds of the total number of the commission’s members.
5. Decisions of commissions shall be adopted through an open vote by a majority of total number of their members apart from other cases stipulated by this Constitutional Act. Members of an election commission, who disagree with its decision, shall be eligible to express their individual opinion, which shall be without delay brought to the notice of the superior election commission and attached in written form to the minute of the commission’s meeting.

6. Election commissions shall create conditions for the free familiarization of all persons with their decisions, which are placed in public telecommunications networks, and in the cases provided for by this Constitutional Act, shall be subject to other publication. Political parties that do not have a representative in the electoral commissions have the right to delegate to relevant election commission a representative with the right to an Advisory vote for the period of preparation and conduct of the election campaign not later than ten days from the date of appointment or announcement of the elections.

The act of delegation a representative of a political party, signed by authorized persons in accordance with the Charter of the party and stamped, shall be sent to relevant election commission. The statement of the citizen on consent to be included in the commission with the right of advisory vote is attached to the act.

The election commission shall decide on the appointment of a member of the election Commission with the right of advisory vote.

Representatives of political parties with the right of advisory vote are not paid.

A representative of a political party with the right of advisory vote may speak at a meeting of the election commission, make proposals on issues within the competence of the election commission, appeal against the actions (inaction) of the election commission to a higher election commission or court.

Representatives of political parties with the right of advisory vote do not vote at decision-making by the commission and do not sign documents of the commission.

7. Candidates, proxies, observers and mass media representatives upon submission of a certificate of employment and the editor’s assignment shall be eligible to attend meetings of election commissions.

The candidates to deputies, political parties, which have nominated their party lists, when considering the issues affecting them shall be notified about meetings of the corresponding election commission and their agenda in advance.

Presence in the premise of the election commission of unauthorized persons, who are not involved in the electoral process, shall be prohibited.

8. On Election Day since the opening of polling stations and till determination of voting results at the vote count the following persons shall be eligible to be present at the same time at the polling station: candidate or political party that nominated the party list, one proxy of each candidate and political party; one representative of each mass media upon submission of a certificate of employment and the editor’s assignment; one observer representing each political party, other public associations, other non-governmental organizations of the Republic of Kazakhstan and observers of foreign states and international organizations that are entitled to be accompanied by an interpreter.

9. Decisions or actions (inaction) of an election commission can be appealed to a superior election commission and/or to a court within ten days from the day of making such a decision or action
(inaction), unless other deadlines for appeals have not fixed in this Constitutional Act. Upon expiration of the above mentioned deadlines appeals against decisions and actions (inaction) of an election commission shall not be considered.

When appeals are considered either by the election commission and the court at the same time, the election commission shall suspend proceedings until a court judgment shall come into effect. The court shall notify the election commission on the submitted appeal and on the effect of the court’s decision on the basis of the results of proceedings.

10. The state bodies, organizations, bodies of local self-government as well as their officials must support to election commissions in exercising their powers, provide them with necessary data and materials, respond to the requests of election commissions within three days, whereas on the Election Day and the day prior Election Day the same must be done immediately.

11. During preparations for and conduct of an election the members of territorial and precinct election commissions may by their wish to be exempted from their professional and official duties by the decision of election commission, whose work shall be paid from the funds, allocated for the conduct of elections.

For the period of preparation for and conduct of elections the average monthly salary at the place of primary work shall be preserved for those members of the election commissions, who are civil servants. For this period the salary of other members of election commissions shall be set at a rate of not less than three minimum wages at the expense of funds, allocated for the conduct of elections.

Payment of overtime work, work on holidays and weekends, work at night by the members of elections commissions including those members who are civil servants shall be made from the funds, allocated for the conduct of elections.

12. Cannot be members of election commissions:
   1) deputies of Parliament, maslikhats, members of other local self-government bodies;
   2) presidential candidates, deputies of Parliament, maslikhats, members of other local self-government bodies, as well as authorized representatives of candidates;
   3) persons holding the position of political civil servant;
   4) judges of the courts of the Republic of Kazakhstan.

The spouse and close relatives of the candidates, as well as persons under the direct authority of the candidates, may not be members of election commissions that ensure the direct organization and conduct of elections in the electoral district in which the candidate participates.

Performance of duties of the persons specified in subparagraph 2) of part one and part two of this paragraph as the member of election commission shall be suspended from the date of registration of the corresponding candidate by the decision of election commission for the period of election campaign.

A member of the election commission may be appointed instead of a member of the electoral commission referred to in part three of this paragraph for the period of the relevant election campaign by a decision of the higher election commission.

The composition of election commissions may not include close relatives (parents, children, adoptive parents), adopted (adopted), full and half brothers and sisters, grandparents, grandchildren) or spouse (spouse).

Footnote. Article 20 is in the edition of the Constitutional Act of RK of 19.06.2007 No. 268-III, with
changes, introduced by the Constitutional Acts of RK of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 20-1. Observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan

1. The authorities of an observer of political parties, other public associations, nonprofit organizations must be certified in written form with indication of his/her surname and given names. This document shall be certified by a seal of the organization that sent an observer and shall be valid upon submission of a document, confirming the observer’s identity. The documents shall be submitted to the chairperson of an election commission or to the person, who substitutes him/her, for the purposes of registration of an observer in the registry.

2. The observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan shall be eligible to:

1) be present at meeting of the election commission;
2) receive information on the number of voters, who have taken part in voting, including voting outside of premises of polling stations;
3) be present in a polling station of the corresponding electoral precinct during voting and vote count;
4) accompany portable ballot-boxes, including being in the vehicle transporting them;
5) observe the voting, procedures of vote count and tabulation of voting results at a polling station in the conditions enabling good observation of all above mentioned procedures;
6) appeal against decisions, actions (inaction) of a respective election commission and/or of its members to a superior election commission or a court;
7) attend the conduct of voting outside of the polling station in the case if voters are unable to visit the polling stations;
8) attend the vote count and cancellation by members of the precinct election commission of unused ballot papers;
9) take photo, audio and video records without intervening with the course of voting and summing up its results;
10) observe the procedure of transfer of protocols on voting results to the superior election commissions;
11) be acquainted with protocols of an election commission on voting results and obtain their certified copies after completion of the voting;
12) bring attention of election commission’s members to the violation of the requirements of this Constitutional Act, hand over to them the relevant written applications, reports on irregularities and receive notes of their receipt. Upon receipt of an application from proxies or observers the chairperson of election commission or the person substituting him/her shall be obliged to attach to the protocol on vote count the notes made by them.

3. The observers of political parties, other public associations, nonprofit organizations of the Republic of Kazakhstan shall:

1) hold documents, certifying their identity and authority;
2) not interfere with the electoral process, the procedures for vote count and decision-making by the election commission;
3) not take any actions interfering with the activities of the election commission;
4) fulfill the requirements of the election commission’s chairperson regarding the rules of
conduct in a polling station as established by the corresponding election commission;
5) base their comments on the documented, true and verifiable facts;
6) respect the requirements of this Constitutional Act and other legislative acts of the Republic
of Kazakhstan;
7) be impartial, not to express preference in respect of a specific
candidate or a political party.

4. In case of the breach of the legislation of the Republic of Kazakhstan by observers of political parties,
other public associations, non-profit
organizations of the Republic of Kazakhstan a corresponding election commission shall be eligible to
cancel the registration of this observer.

Footnote. Article 20-1 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 20-2. Observers of foreign states and international organizations, representatives of
foreign mass media

1. The invitations to foreign states and international organizations to take part in election observation
in the Republic of Kazakhstan shall be forwarded by the Chairperson of the Central Election
Commission or the Minister of Foreign Affairs of the Republic of Kazakhstan.

Invitations shall be forwarded via the Ministry of Foreign Affairs of the Republic of Kazakhstan.
The invitation may contain wishes in respect to the number and the composition of election
observation mission as well as on ensuring gender balance and country representation.

2. Observers of foreign states and international organizations shall be accredited by the Central
Election Commission upon presentation by the Ministry of Foreign Affairs of the Republic of
Kazakhstan.

For the purposes of accreditation foreign states and international organizations shall submit to
the Ministry of Foreign Affairs of the Republic of Kazakhstan a list of observers, and representatives.
Private persons, who are not observers of foreign states and international organizations, shall
not be subject to accreditation.

Persons, who have political, economic or other interests in the Republic of Kazakhstan, or whose
accreditation has been earlier revoked (canceled) due to a breach of law of the Republic of
Kazakhstan, the foreign state or universally recognized norms of international law, or who has been
found guilty in commitment of crime, corruption offence or other illegal activities during the election
period five years prior to the application for accreditation, shall not be accredited.

3. The term of accreditation of observers of foreign states and international organizations shall be
determined by the Central Election Commission.

4. Accreditation ends at eighteen o’clock by local time five days before the voting day.

5. The observers of foreign states and international organizations,
representatives of foreign mass media shall not be eligible to use their status to perform activities,
which are not related to the election observation in the Republic of Kazakhstan.

6. Observers of foreign states and international organizations as well as the representatives of foreign
mass media shall be eligible to:
   1) observe all stages of the electoral process;
   2) be informed on the progress of the electoral process by election commissions;
3) have access to the polling station during voting and vote count;  
4) meet the stakeholders of the electoral process;  
5) inform members of an election commission on his/her findings, observed violations, recommendations;  
6) make public statements;  
7) observe the handover of protocols on voting results to a superior election commission.  
7. Observers of foreign states and international organizations and representatives of foreign mass media shall:  
1) hold the documents identifying them and certifying their accreditation;  
2) not interfere with the electoral process, the vote count and decision-making by the election commission;  
3) not take any actions that impede the work of an election commission;  
4) fulfill the requirements of the election commission’s chairperson regarding the rules of conduct at the polling station as established by the corresponding election commission;  
5) be impartial, restrain from expressing preferences in respect to a specific candidate or a political party;  
6) respect the requirements of this Constitutional Act and other legislation of the Republic of Kazakhstan.  
8. In the cases stipulated by this Constitutional Act the Central Election Commission shall be eligible to revoke accreditation of the observer of foreign state or international organization.  
9. Accreditation of an observer of a foreign state, an international organization may be withdrawn by the Central Election Commission on the basis of an application of the relevant foreign state, an international organization on the proposal of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Footnote. The Act is supplemented with Article 20-2 in compliance with the Constitutional Act of RK of 19.06.2007 No. 268-III, with changes, introduced by the Constitutional Acts of RK of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 3. CONSTITUENCIES AND ELECTORAL PRECINCTS

Article 21. Constituencies and their system  
1. In the Republic of Kazakhstan the system of constituencies shall be formed and used at elections of maslikhat deputies, members of other local self-government bodies.  
2. Excluded by the Constitutional Act of the RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).  
3. At elections of the President of the Republic and the Mazhilis deputies to be elected on the basis of the party lists under the proportional representation system the whole territory of the Republic of Kazakhstan shall be considered as a single national constituency.  
4. At elections of deputies of maslikhats in the territory of the corresponding administrative-territorial unit the territorial constituency is formed.  
5. At election of members of the local self-government bodies the multimember constituencies shall be formed, which shall cover the territories of urban and rural communities.
Article 22. Formation of the constituencies and redrawing their boundaries

1. Constituencies shall be formed by territorial election commissions.
2. The list of electoral districts, indicating their boundaries and the locations of territorial election commissions, shall be published in the relevant media by the relevant election commissions no later than ten days after the appointment or announcement of elections.
3. Excluded by the Constitutional Act of the RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 23. Formation of electoral precincts

1. By the agreement with the territorial.
2. Electoral precincts shall be formed taking into account the following conditions:
   1) not more than three thousand voters per each electoral precinct;
   2) observation of the borders of the administrative-territorial division within the administrative-territorial units;
   3) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.
3. In the military units, on boards of the ships belonging to the Republic of Kazakhstan that on the Election Day are in navigation; in the rest houses, health resorts, medico-prophylactic institutions; in the places of citizens’ stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers, electoral precincts shall be formed and included in the constituencies according to the place of their dislocation, port of registry of a vessel or disposition. The polling stations formed in the representations of the Republic of Kazakhstan in foreign states shall relate to the constituency in the territory of which the Ministry of Foreign Affairs of the Republic is located.
4. Formation of polling stations shall be conducted by heads of establishments mentioned in clause 3 of this Article, corresponding akims and the Ministry of Foreign Affairs of the Republic accordingly upon proposals of the captains of ships, commanders of military units or body of troops.
5. The relevant akims shall notify the voters through the mass media about the boundaries of the polling stations within fifteen days, and during the elections of members of other local self-government bodies-within seven days after the appointment or announcement of the elections.

Footnote. Article 22 is with the changes, introduced by the Constitutional Acts of RK of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 23 is with the changes, introduced by the Constitutional Acts of RK of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).
CHAPTER 4.
REGISTERS OF VOTERS (ELECTORS)

Article 24. Registers of voters (electors) and the order of their compilation
1. The voter registers shall be compiled at elections of the President,
deputies of the Mazhilis of Parliament and maslikhats, members of other local self-government
bodies. The elector registers shall be compiled at election of the Senate deputies.
2. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.
3. The grounds for enrolment of a citizen in the voter register shall be the fact of his/her registration
in the place of residence in the territory of the given electoral precinct.
4. Voters lists shall be formed in alphabetical or other order. The list
includes the surname, name, and patronymic, year of birth (at the age of eighteen years -
additionally day and month), individual identification
number and address of the voter’s place of residence. The lists of
electors shall be drawn up in alphabetical or other order and shall include the surname, name,
patronymic, year of birth, individual identification
number, name of the maslikhat of which the elector is a deputy, and address of his / her place of
residence.
5. The list of voters at the place of residence is compiled by the relevant local executive body on the
basis of the state database on individuals.

Every voter has the right to register as a voter in the relevant local executive body from the
moment of announcement or appointment of elections.
If the voter becomes aware not later than thirty days before the election that he / she will not
be able to arrive at the polling station at the place of his
 / her registration on the Election Day, he / she has the right to apply to the local executive body at
the place of his / her stay with a written application for inclusion in the relevant voter list.
At the address of the citizen according to this point the local executive body will organize the
exception of the citizen from the list of voters in the place of registration and its inclusion in the list
of voters of that site on which the citizen will vote.
The lists of voters for each polling station shall be signed by the akim, by whose decision was
established the polling station, and shall be submitted with the act twenty days before the start of
voting.

Information about voters and the boundaries of polling stations by 1 July and 1 January of each
year shall be submitted by the local executive body in electronic form to the relevant territorial
election commissions, which ensure the verification and transfer of information to higher election
commissions.
The procedure for verification and submission of information is determined by the Central
Election Commission.

Officials of the local executive bodies are responsible for the accuracy of the voter lists as well
as the voter data provided by the relevant electoral commission.
6. Students in secondary special and higher educational institutions, as well as in vocational training
programs of postgraduate full - time education, living in hostels, are included in the list of voters at
the location of the
hostel.
7. The registers of voters, who are military servicemen in the military units as well as members of
their families and other voters living in the locations of military units, shall be compiled on the basis of the data submitted by commanders of the military units.

8. The voter registers by polling stations to be formed in the rest houses, health resorts, medico-prophylactic institutions, in the places of the citizens’ stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representative offices and agencies of the Republic of Kazakhstan in foreign states, on board of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation shall be compiled on the basis of the data submitted by the chiefs of the named establishments, corresponding akims, chiefs of the named representative offices and agencies and captains of ships.

The voter registers by polling stations to be formed in the places for temporary stay (rest homes, health resorts, medico-prophylactic institutions, in the outruns, in investigative wards and detention centers, including the representative offices of the Republic of Kazakhstan abroad, on board the ships belonging to the Republic that are in navigation on the Election Day) shall be subject to mandatory adjustment on the day preceding the Election Day.

9. The registers of electors at election of deputies to the Senate of Parliament shall be compiled by the corresponding territorial election commissions upon the presentation by the secretary of the corresponding oblast, city (the cities of the Republican status and the capital of the Republic) maslikhats.

10. Making changes in the voter registers since the beginning of vote count shall be prohibited.

Footnote. Article 24 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II; of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 25. Enrolment of voters (electors) in the registers

1. The voter registers shall include:

1) the citizens of the Republic with active suffrage;
2) the citizens at the place of residence in the territory of the relevant polling stations shall be included.

Temporarily registered citizens are included in the voter lists on the basis of their application to the local executive body with the exception of the list at the place of permanent registration;

3) in the polling stations to be formed in the rest houses, health resorts, medico-prophylactic institutions, in the places of the citizens’ stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers and boards of ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation – all citizens, who on the Election Day stay in the named institutions and organizations or on the board the ships;

4) in the military units – all military servicemen, who stay in military units as well as their family members and other voters living in the locations of military units. The military servicemen living outside the military units shall be enrolled in the voter registers in the place of their residence on the general grounds;

5) at the polling stations formed in the representative offices of Republic in foreign states – all citizens who live or are in continuous business trip in the corresponding foreign state and who have
valid passports of the Republic’s citizens. The citizens of the Republic of Kazakhstan arriving in foreign states by private invitations, to business and tourist trips shall be enrolled in the voter register upon their application to the precinct election commission and submission of a valid passport of the citizen of the Republic.

2. The elector registers shall include all deputies of:
   1) maslikhats, located in the territory of oblast;
   2) maslikhat of the cities of the Republican status and the capital of the Republic.

3. A citizen (elector) can be enrolled only in one voter (elector) register.

Footnote. Article 25 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 26. Familiarization with the registers of voters (electors)

1. The voter registers by polling stations to be formed in the place of residence of citizens shall be presented to voters by the corresponding election commissions for familiarization fifteen days before the day of election.

   The voter registers by polling stations to be formed in the military units, on board of the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in the rest houses, health resorts, medico-prophylactic institutions, in the places of the citizens’ stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representations of the Republic of Kazakhstan in foreign states shall be presented to the voters for familiarization five days before the Election Day; at the polling stations to be formed at elections of members of other local self-government bodies – seven days before the Election Day.

2. Lists of electors for the elections of deputies of the Senate are presented for review by publication in the local media, as well as posted on the Internet resources of maslikhats of regions, cities of Republican status and the capital at least seven days before the elections.

3. In the premises of the corresponding election commissions citizens (electors) shall be provided with the opportunity to be familiarized with voter (elector) registers and check the correctness of the data about voters (electors).

   Working hours of precinct election commissions, except the day of voting, shall be established by the corresponding territorial election commissions.

4. Every citizen (elector) shall be eligible to check the data about him/her in the voter registers and appeal against the non-enrolment, incorrect enrolment or exclusion from the register as well as against inaccuracies in the data about a voter (elector). Applications on enrolment in the voter registers or exclusion from it, making corrections in the register shall be considered by the corresponding election commission on the day of the receipt of the application. In case of refusal of the application the election commission shall immediately issue a copy of decision on the motivated refusal of application. The decision can be appealed to the corresponding court in the location of the election commission, which shall consider the appeal on the day of its receipt. In case of positive for the applicant decision the correction in the voter (elector) register or enrolment of a voter in the voter register must be done by the precinct election commission immediately.
Footnote. Article 26 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV, of 31.07.2015 No. 340-V; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 26-1. Formation of the list of voters for voting

1. Lists of voters for each polling station shall be submitted by the relevant akim under the act to the precinct election commission twenty days before the start of voting in electronic form and (or) on paper, to the territorial commission - in electronic form.
2. In the event of any change in the voters’ list the precinct election Commission informs the superior election Commission.
3. The lower territorial election commission shall submit the lists of voters in electronic form to the higher commission for inclusion in the electronic register of citizens-voters of the Republic of Kazakhstan.
4. The procedure for the formation of voter lists for voting, as well as their submission to the election commissions shall be determined by the Central Election Commission.

Footnote. The Constitutional Act is supplemented with Article 26-1 in compliance with the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 5.
PRE-ELECTION CAMPAIGN

Article 27. Pre-election campaign

1. The pre-election campaign shall be the activity with the aim of inducing voters to take part in voting for or against any candidate or a political party.
   The foreigners, stateless persons, foreign legal entities and international organizations shall be prohibited to conduct the activities, which may hinder and (or) facilitate nomination and election of candidates, political parties nominated their party lists, and achievement of certain results at elections.
2. The pre-election campaign shall begin since the end of the candidates’ registration and shall finish at midnight by the local time on the day before election. In case of conduct of the re-run of a vote the pre-election campaign shall begin from the day of assignment of a day for the re-run of a vote and shall finish at midnight by the local time of the day before election.
3. The pre-election campaign shall be conducted:
   1) through mass media;
   2) by holding of public pre-election campaign (pre-election meetings and meetings with voters (electors), public debates and discussions, meetings, processions, demonstrations and other activities in the order established by the legislation and not forbidden by
this Constitutional Act), personal meetings of candidates and their proxies with voters (electors);
3) through issue and (or) distribution of printed, audiovisual and other campaign materials.
4. It shall be forbidden to conduct a pre-election campaign, to distribute any pre-election campaign materials to:
   1) state bodies, local self-government bodies as well as their officials, while on duty;
   2) servicemen of the armed forces, other troops and military formations, personnel of the bodies of the national security, law-enforcement bodies and judges;
   3) members of election commissions;
   4) religious associations.
5. Taking advantages of the official status by the candidates, who are officials of the state bodies, shall be forbidden.
   Under the use of advantages of the positional or official status, this Constitutional Act shall consider the following:
   1) involvement of persons, who are subordinated or dependent on candidate, to the conduct of a pre-election campaign, except the cases when the above-mentioned persons conduct campaigning as proxies of a candidate;
   2) using the premises occupied by the state bodies to promote the election of a candidate or a political party that nominated a party list, if other candidates, political parties are not guaranteed by the use of these premises on the same conditions.
   Compliance with the restrictions stipulated by this clause must not create obstacles for implementation by the officials of their duties.
6. Journalists, officials of the editorial staff of mass media, registered as candidates or their proxies, shall not be entitled to take part in the election coverage by mass media.
7. The mass media are obliged to provide objective coverage of the election campaign of candidates, political parties; to refrain from the publication of campaign materials and other information, deliberately discrediting the honor, dignity and business reputation of the candidate or political party; to provide these persons with the opportunity of free publication of refutation in defense of honor, dignity and business reputation in the next issue of the printed edition in the same volume, the same font and in the same place where the refuted message or material was placed. On radio and television the refutation shall be transmitted at the same time of day and in the same television, radio program, as the refuted message or material, and in cases of closing of the specified television, radio program
   - in other television, radio program with the corresponding thematic orientation.
   The volume of denials cannot twice and more exceed the amount of deny messages or material.
   The mass media are obliged to disseminate information about the activities for the nomination of all candidates and party lists, their registration by election commissions in equal amounts of printed space, air time.
   The mass media shall immediately enable the relevant electoral commissions to publish information on the electoral campaign and the communications established by this Constitutional Act.
8. The officials of mass media shall not bear responsibility for the statements of candidates and political parties during electoral campaigns, except for cases of publication of materials indicated in clause 1 of Article 29 of this Constitutional Act.
9. Conduct of the pre-election campaign accompanied by granting to voters of goods, services,
securities free of charge or on favorable terms as well as conduct of lotteries, charitable actions, payment of money or promise to provide the latter shall be considered as inadequate pre-electoral campaign, except for free distribution of the printed and illustrative materials, badges, flags specially produced for the electoral campaign. Conduct of inadequate pre-election campaign shall be forbidden.

Since the moment of announcement (calling) of elections the candidates, political parties, which nominated their party lists, any physical persons and legal entities acting on behalf of them or in their support shall be forbidden to carry out charitable actions except the conduct of entertainment and sports events.

Infringement by a candidate or a political party nominated a party list and their proxies of the rules established by this clause shall entail cancellation of the decision on registration of the candidate and the party list.

10. Conduct a pre-election campaign using the image of any person without his/her written consent and in case of his/her death - without permission of his/her heirs shall be forbidden.


Article 28. The right to conduct pre-election campaigns

1. The state shall guarantee to its citizens and public associations the right to conduct unimpeded pre-election campaigns for or against any candidate or a political party in compliance with this Constitutional Act and other legislative acts of the Republic of Kazakhstan.

The citizens and the public associations which according to this Constitutional Act have not established any election funds shall be eligible to conduct a pre-election campaign which does not need any financing.

2. Since the completion of registration, which is established according to this Constitutional Act, and till the end of the campaign, the candidates and the political parties that have nominated their party lists shall be eligible to campaign their election program in the press and other mass media.

The candidates and political parties which have nominated their party lists shall be guaranteed equal access conditions to mass media to conduct their pre-election campaigns.

3. The state guarantees candidates equal allocation of funds for their programs in the media. The procedure and the amount of funds allocated to the candidates for media appearances are determined by the Central Election Commission.

Presidential candidates, political parties that have put forward party lists of candidates for deputies of the Mazhilis have the right to participate in pre-election debates on television organized by the Central Election Commission.

Political parties that have put forward party lists of candidates for maslikhats may participate in pre-election debates on television, which are entitled to organize the relevant territorial election commissions.

The procedure and conditions for holding pre-election debates determined by the Central Election Commission should be equal and should not create advantages for any candidate or political party.
The mass media on a contractual basis provide airtime, print space to registered candidates and political parties that have nominated party lists. The terms of the agreement on the provision of airtime and printed space in the media to candidates and political parties that have put forward party lists should not create advantages for a candidate or a political party. Information on the amount of payment, conditions and procedure for the provision of air and print space should be announced and published by the appropriate media no later than five days before the start of the election campaign, as well as submitted to the Central Election Commission for the election of the President and deputies of Parliament, to other territorial election commissions - for the election of deputies of maslikhats and members of other local self-governance bodies.

On the Internet resources of the Central and territorial election commissions are placed information provided by the media about the amount of payment, conditions and procedure for the provision of air and print space. The mass media cannot provide airtime, printed space for placement, distribution of campaign materials of candidates, political parties that have nominated party lists before the publication of information on the amount of payment, conditions and procedure for the provision of air and printed space. In the pre-election promotion the circulation of a periodical publication associated with election campaigning candidates, political parties nominating party lists must be the same for all candidates, political parties nominating party lists.

Consent to the allocation of airtime, printed space given by the media to one of the candidates, the political party that nominated the party list, is consent to the allocation of airtime, printed space to other candidates, political parties that nominated the party lists.

The order of appearance of candidates and political parties that have put forward party lists in the media is established in the order of receipt of written appeals or by lot if the appeals were received simultaneously.

It is forbidden to interrupt and comment on the speeches of candidates on television and radio immediately after the speech, as well as in printed publications in the same issue.

4. Local executive bodies and local self-government bodies shall provide candidates on contractual basis the premises for meetings with voters. Terms for rent of premises shall be uniform and equal for all candidates.

Election commissions jointly with local executive bodies and local self-government bodies shall compile a schedule of meetings of candidates with voters in the dedicated premises and publish it in the mass media.

5. For publication of posters, leaflets, slogans and other printed campaign materials the corresponding election commissions shall allocate to the candidates an equal sum of money, except for the candidates who stand for elections by party lists. All printed campaign materials shall contain data about the organization that published the given materials, place of their printing and circulation, about the persons who have made the order, sources of funding. It shall be prohibited to produce printed campaign materials outside the territory of the Republic of Kazakhstan and to distribute anonymous campaign materials.

6. The local executive bodies jointly with the corresponding election commissions shall determine places for posting printed campaign materials for all candidates and shall equip them with stands, boards and advertising columns. The printed campaign materials shall be displayed in conditions that ensure equal rights for all candidates.

The candidates shall be eligible to post their printed campaign materials in other places with the consent of the owner of the corresponding premises.
Posting of any campaign materials on monuments, obelisks, buildings and the structures having historical, cultural or architectural value as well as in the polling stations shall be forbidden.

Information about candidates shall be placed in the premises of election commissions and polling station in a uniform format with a photo of the candidate and a standard form of the data to be established by the Central Election Commission.

Information on political parties, which have nominated party lists, shall be posted in the premises of the election commission and polling stations and shall comply with a standard form of data to be established by the Central Election Commission.

7. Candidates, political parties which nominated their party lists, have the right to pay from their electoral funds for expenses related to appearances in the media, holding public election campaigns, publishing additional campaign materials, and covering transportation and travel expenses. It is prohibited to attract other funds from other sources for this purpose, to accept any goods, works and services of individuals and legal entities that were used by the candidate during the election campaign, to provide any assistance to the said individuals and legal entities for providing these services.

Physical persons and legal entities providing services to a candidate, a political party associated with the conduct of election campaigning, must have their written consent to accept the service. Persons who do not have a written consent shall be liable in accordance with the laws of the Republic of Kazakhstan.

8. Information subject to mandatory publication in accordance with this Constitutional Act shall be posted on the Internet resources of local executive bodies and election commissions. Periodicals publish the messages of the election commissions in the order and volume determined by the Central Election Commission at the expense of the funds provided by the Republican and local budgets.

9. When publishing the results of public opinion polls related to the elections, the media must indicate the legal entity that conducted the survey, the persons who ordered the survey and paid for it, the time of the survey, the method of collecting information, the exact wording of the question, the number of respondents and the error rate of the survey results.

Legal entities registered in accordance with the legislation of the Republic of Kazakhstan, having at least five years of experience in conducting public opinion polls, shall have the right to conduct public opinion polls, having previously notified the Central Election Commission in writing with copies of the relevant documents. The notification sent to the Central Election Commission shall contain information on the specialists participating in the survey and having experience in this field, on the regions in which the public opinion polls will be conducted, and on the methods of analysis used.

Publication of the results of public opinion polls, forecasts of election results, other election-related studies, voting in support of candidates or political parties on the Internet is not allowed within five days before the Election Day and on the Election Day.

It is prohibited to conduct a poll on the Election Day in a polling station or point for voting.

162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

**Article 29. Election program of the candidate, the political party**

The candidate to President, deputy of the Parliament and maslikhat and member of other local self-government bodies, the political party which has nominated the party list shall put forward their electoral program on future activities. The election program must not proclaim ideas of a forcible change of the constitutional form of government, violation of the integrity of the Republic, undermining the security of the state, inciting the social, racial, national, religious, class and tribal strife, violence cult as well as creation of the militarized formations that is not stipulated by the legislation.

In case of infringement of the above-mentioned requirements the corresponding election commission shall be eligible to refuse the candidate in his/her registration and the political party in registration of the party list. In case of putting forward by the candidate or the political party of such an election program after registration - to cancel the decision on registration of the candidate or the party list.

*Footnote. Article 29 is in edition of the Constitutional Act of RK of 14.04.2004 No. 545-II.*

**Article 30. Proxy**

*Footnote. Article 30 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.*

**Article 31. Proxies**

1. Candidates, the political parties which have nominated their party lists shall be eligible to have proxies to help them in conducting of electoral campaigns, pre-election campaigns and to represent the interests of candidates and political parties.
2. Candidates and the political parties which have nominated the party lists shall determine their proxies at their own discretion in the number that shall not exceed three persons per each polling station of the corresponding constituency and shall notify the corresponding election commission for their registration.

The candidate to the Senate deputy shall be eligible to have one proxy in each district, city and district in the city.

The persons to be offered by a candidate and a political party as proxies shall submit to the corresponding election commission an application expressing their willingness to act as a proxy.
3. The election commission after registration of proxies issues to them corresponding certificates.
4. The proxy must be a citizen of the Republic of Kazakhstan and cannot be a maslikhat deputy at election of the Senate deputy, neither a member of any election commission or a person holding a post of a political civil servant.
5. Proxies shall have the rights and responsibilities of observers of political parties, other public associations and non-government organizations of the Republic of Kazakhstan and shall act within the limits of authority granted to them in written form by a candidate or a political party, which has nominated a party list.
6. Proxies shall lose their status after completion of electoral campaign by their own initiatives or by a decision of a candidate and a political party which has nominated the party list as well as in cases of cancellation of registration of a candidate or a party list, breach of this Constitutional Act.


Article 32. Termination of the pre-election campaign

1. Conduct of any pre-election campaign on the day of elections and the day preceding it shall be forbidden.
2. The printed campaign materials which earlier have been posted outside the premises of the election commissions and polling station can be preserved in their place.

Printed campaign materials previously posted on the Internet can be stored in the same places. It is not allowed to display previously posted materials on the main pages of Internet resources.

Footnote. Article 32 is with change, introduced by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 6. FINANCING OF ELECTIONS

Article 33. The state financing of elections

1. Elections of the President, deputies of the Parliament, maslikhats, members of other local self-government bodies of the Republic of Kazakhstan shall be funded from the republican budget through the accounts of local executive bodies opened specifically for these purposes. The territorial election commissions shall control the funds that are transferred to the above named accounts from the republican budget. The order of financing shall be established by the budgetary legislation.
2. The following expenses shall be covered from the funds of the republican budget:
   1) for organization and activity of election commissions, rent of premises, travel and living allowances, salary of advisers, experts, members of the linguistic commission, specialists, maintenance of electronic electoral system;
   2) for speeches of candidates in mass media, except the candidates who stand for elections under the party lists, according to provisions established in clause 3 of Article 28 of this Constitutional Act;
   3) for the conduct of public pre-election activities of candidates and for issue of campaign materials of candidates, except the candidates who stand for election under the party lists to be covered in accordance with clauses 4 and 5 of Article 28 of this Constitutional Act;
   4) for transport charges of candidates, except the candidates who stand for election under the party lists to be covered in the amount established by the Central Election Commission;
   5) for the production of posters about candidates to President, the Senate and maslikhats deputies, members of other local self-government bodies as well as about political parties, which have nominated party lists, which shall be placed in the premises of an election commission and at polling stations.
3. Financing of elections in the Republic by international organizations and international public associations, foreign state bodies, foreign legal entities and citizens as well as stateless persons, and their direct or indirect participation in financing of elections in the Republic of Kazakhstan shall be forbidden.

4. The clause is excluded by the Constitutional Act of RK of 15.04.2005 No. 44-III.

Footnote. Article 33 is with changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 34. Private financing of elections

1. Pre-election campaigns of candidates at elections of the President and deputies of the Parliament as well as deputies of maslikhats can be funded from the election funds formed in compliance with the procedure established by this Constitutional Act.

2. Excluded by the Constitutional Act of the RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

3. The election funds shall be formed from the following sources:
   1) personal means of candidates, funds of political parties;
   2) means allocated to the candidate by the republican public association that has nominated the candidate;
   3) voluntary donations of citizens and organizations of the Republic. The voluntary donations of the state bodies and organizations, local self-government bodies, charitable organizations, religious associations, legal entities of Kazakhstan having foreign stock in their charter capital as well as anonymous donations of physical persons and legal entities shall be forbidden.

4. Only the funds that have been received in a legal way can be transferred to the election funds. Within ten days after publication of the election results the information about the total sum of the money transferred to the fund and about its sources shall be published in mass media by:
   - the Central Election Commission – at elections of the President, deputies of Mazhilis of the Parliament of the Republic of Kazakhstan to be elected on the basis of party lists;
   - the oblasts (the cities of the Republican status and the capital) election commissions - at election of deputies of the Senate of the Parliament;
   - the territorial election commissions – at election of maslikhat deputies.

5. The maximum size of the financial resources which can be transferred to the election funds from the aforementioned sources shall be determined in the Special part of this Constitutional Act. The financial resources received above the established limit shall not be transferred to the election funds and shall be refunded to the citizens and organizations that have donated the money. In this case the expenses associated with refund of the indicated money shall be covered at the expense of citizens and organizations that have contributed in these funds. Anonymous donations shall be transferred to the republican budget as the state revenue.

6. The financial resources forming the election fund shall be kept at a special temporary bank account, opened in the financial bodies by the corresponding election commission after registration of the candidate or the party list. No income shall be charged or paid for this account.
The right to give the name of the election fund for the purposes specified in this Constitutional Act shall belong exclusively to the candidate and the political parties, which have nominated their party lists. The banks shall submit to the corresponding election commission a weekly report on the transfers to the funds to the special temporary bank accounts as well as on spending. Upon the inquiry of the corresponding election commission, the same data shall be provided within twenty four hours. The order of spending the money from the election funds and the corresponding financial institution shall be determined by the Central Election Commission.

7. In case of withdrawing by the candidate of his/her candidature, calling back by the political party of the party list or cancellation of the decision to nominate a candidate, a party list or registration of the candidate, the party list, the financial resources which have been contributed to the election fund shall be immediately refunded to the citizens and organizations that have contributed their money. In this case the cost of refund of the indicated finances shall be covered at the expense of the above mentioned citizens and organizations.

8. All financial transactions including settlements with physical persons and legal entities, due deductions, taxes and other payments to the budget from the special temporary bank accounts shall be stopped at 6 pm on the day proceeding the Election Day.

In case of a re-run of a vote the marginal sum of money to be allowed for transfer to the candidate’s election fund shall be increased by one and a half times.

At the conduct of a re-run of a vote, the financial transactions to special temporary bank accounts of candidates in respect to whom the re-run of a vote is conducted shall be resumed on the day of calling a re-run of a vote and shall be stopped at 6 pm on the day proceeding the Election Day.

The total sum of the money to be transferred to the election fund from the moment of its formation should not exceed the limits established by this Constitutional Act.

9. Not later than within five days after establishment of the results of the elections, the candidate and the political party shall be obliged to present to the corresponding election commission a report on the estimation of the funds from the election fund. The two thirds of the financial resources from the election fund that have not been spent for the electoral campaign shall be transferred to the republican budget, and one third shall be returned to the candidate and the political party.

10. Infringement by the candidate and the political party that has nominated its party list of the rules stipulated by clauses 1-8 of this Article as well as of the procedure on spending the funds from the election funds established by the Central Election Commission shall entail cancellation of the decision on registration of the candidate or the party list. After conduct of elections before registration of the candidate as the President, the deputy of the Parliament, the maslikhat deputy and member of other local self-government bodies - declaration of the elections in the corresponding territory or district as null and void.

Footnote. Article 34 is with changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).
Article 35. Financing of the election events by election commissions

1. The financing of the election events at elections of the President of the Republic of Kazakhstan, deputies of the Parliament, maslikhats as well as members of other local self-government bodies shall be carried out by the Central Election Commission.

2. The chairpersons of the election commissions shall dispose the financial resources and shall bear responsibility for the conformity of the financial documents with the decisions of the election commissions on financial issues.

Footnote. Article 35 is with changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

Article 36. Control over spending of the funds allocated for the conduct of electoral campaign

1. Control over spending by candidates of the funds allocated from the republican budget for the election campaigns shall be exercised according to legislation of the Republic of Kazakhstan.

2. Control over spending of the funds from the election funds shall be exercised by the corresponding election commissions and banking institutions.

3. By suggestions of the corresponding election commissions, the experts of the state bodies within their competency can be involved in the conduct the aforementioned control.

Footnote. Article 36 is with changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

CHAPTER 7.
PROCEDURE OF VOTING

Article 37. The ballot paper

1. The ballot paper shall include all registered candidates with indication of their surnames, given names in the alphabetic order of the state language. The ballot paper for voting for political parties shall include the names of political parties in the order determined by a casting of lots.

The casting of lots shall be conducted by the Central Election Commission. The procedure for casting of lots shall be determined by the Central Election Commission.

1-1. The Central Election Commission shall determine the procedure for making changes to the ballots in the event of withdrawal of a candidate, cancellation of the decision to nominate a candidate, cancellation of the decision on registration of candidates, party lists.

2. The ballots shall be printed in the State and Russian languages.

The ballots shall be made in the amount equal to the number of voters in electoral precinct with a reserve of one percent of the total number of voters of the given electoral precinct.
3. Ballots shall be delivered to the precinct election commissions not earlier than three days and not later than one day before the elections with a reserve of 1 per cent of the total number of voters at the polling station.

4. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

5. The premises where the ballots are kept shall be sealed and handed over the internal affairs bodies for preservation.

Footnote. Article 37 is with changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 38. Time and place of voting

1. Voting at elections of the President, deputies of Mazhilis of the Parliament and maslikhats, members of other local self-government bodies shall be
conducted on the day of elections from 7 am till 8 pm of local time. The territorial election commissions upon presentation by the corresponding akim and the precinct election commissions shall be eligible to establish other time for beginning and end of voting. In this case voting cannot begin before 6 am and end after 10 pm. The voters shall be notified about the decision of the territorial commissions to change the time for the start and end of voting.

2. Precinct election commission shall notify voters via mass media and in other ways about the time and place of voting not later than ten days before the day of election; and not later than five days before the day of election of members of local self-government bodies other than maslikhats.

3. At the polling stations to be formed on board the ships belonging to the Republic of Kazakhstan that on the day of elections are in navigation, in the military units, in the rest houses, health resorts, medico-prophylactic institutions, in the places of the citizens’ stay in the remote and hard-to-reach areas, in the distant pastures, in the investigative wards and detention centers as well as in the representative offices of the Republic of Kazakhstan in foreign states, the precinct election commission shall announce the voting as finished at any time if all voters enrolled in the registers have voted. The list of such polling stations shall be approved by the corresponding election commission not later than seven days before elections while at conduct of elections of members of local self-government bodies other than maslikhats – not later than three days before elections.

4. Voting during elections of the Senate deputies shall be conducted within one day. In this case the time of voting shall be fixed by the territorial election commission.

Footnote. Article 38 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 39. The polling station

1. Voting at elections of the President, deputies of the Parliament, maslikhats and members of other local self-government bodies of the Republic of Kazakhstan shall be conducted in the specially allocated premises equipped with the required number of polling booths. Places for issue of ballots as well as ballot-boxes must be arranged in such a way that voters at the approach to them shall inevitably have to pass through the polling booths. Observers, proxies, media representatives and members of the election commission must be ensured with opportunity to watch the ballot-boxes, the entrance and exit from the polling booths. The equipment of a polling station, conditions must be provided for unimpeded access and voting for voters who are citizens with disabilities.

2. The persons who are at the polling station shall be strictly obliged to observe the rules established by the election commission. The chairperson of the corresponding election commission shall regulate the number of the voters in the polling station, shall be responsible for the order and shall be eligible to demand from anyone who violates the provisions of this Constitutional Act and hinders the conduct of voting to leave the polling station.

On Election Day, all the persons, who are not involved in the electoral process, shall be forbidden to stay in the premise of polling stations.

In case of infringement of the Constitutional Act of the Republic of Kazakhstan at elections, the member of the precinct election commission shall immediately be removed from the participation
in the work of the commission, the observer and other persons shall leave the polling station on the basis of the well-grounded decision of the election commission accepted in written form.

Fulfillment of the given decision shall be realized by the internal affairs bodies, the latter shall also undertake all possible measures to make answerable the discharged member of the election commission and the sent away observer or any other person for their violation of the provisions and rules of the laws of the Republic of Kazakhstan.

3. Ensuring the order at the polling stations shall be assigned to the internal affairs bodies. The officers of the internal affairs bodies shall enter and stay at the polling station only by invitation of the commission chairperson and shall be obliged to leave it immediately after recovering of order or at a request of the chairperson.

Footnote. Article 39 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 40. Opening of the voting

1. On the Election Day at elections of the President, deputies of Mazhilis to be elected on the basis of the party list, maslikhats, members of other local self-government bodies the precinct election commissions shall open the polling stations one hour prior to beginning of voting.

2. On the Election Day on elections of deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan, the corresponding territorial election commissions shall open the polling stations one hour prior to beginning of voting.

3. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

4. The chairperson of the precinct (territorial) election commission:
   1) thirty minutes prior to the beginning of voting in presence of the commission members shall check the ballot-boxes for availability or absence of ballots in them, integrity of ballot-boxes, seals or stamps on the ballot-boxes;
   2) shall nominate the members of the commission to be responsible for issuing ballots.

Footnote. Article 40 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

Article 41. Organization of voting

1. Each voter (elector) shall vote personally.
2. At election transfer of the right to vote as well as voting for other persons shall be inadmissible.
3. Ballot-papers shall be issued to voters (electors) on the basis of the voter (elector) registers upon submission of a document identifying the voter (elector).
4. Voters (electors) shall put their signatures in the register to confirm the receipt of the ballot papers.
5. A commission’s member, who has issued a ballot-paper (ballot-papers), shall put his/her signature in it as well as in the register against the surname of the voter (elector) who has received the ballot-paper (ballot-papers).
   The chairperson and the secretary of the election commission shall not be eligible to issue ballot-papers.
6. If some voters cannot come to the polling station due to their state of health, by the reasons of
nursing after an ill member of their family, including the voters living in the remote and hard-to-reach areas where no polling stations have been formed, the precinct election commission shall organize voting in the place of stay of such voter on the basis of their written applications to be submitted not later than at 12:00 am of the local time on the Election Day.

Upon a receipt of the application mentioned in this clause, the chairperson of the election commission shall make a corresponding mark in the voter register against the surname of the voter who has submitted an application.

During organization of voting outside the premise of polling station two members of the election commission shall accompany the portable ballot-box. Members of the precinct election commission shall be obliged to inform observers, proxies and media representatives about voting of such voters outside the polling station.

At the departure of the members of the election commission for voting outside the polling station, the observers or proxies shall be eligible to accompany them.

At voting outside polling station, the members of the election commission must be provided with the necessary quantity of ballots taking into account their possible damage.

At voting outside polling station the ballot-paper (ballot-papers) shall be issued to the voters who put their signatures in the application, on the basis of an application for voting outside the polling station.

The member of the commission who has issued the ballot-paper (ballot-papers) shall put his/her signature in it as well as shall sign the application for voting outside the polling station.

6-1. When a voter changes the place of his/her stay within the period between submission of the voter register for public formalization and the day of election, the precinct election commission shall issue for this voter an absentee vote certificate that shall confirm his/her right to vote on the basis of the voter’s request and upon submission of a document identifying the voter. In this case an appropriate mark shall be made in the voter register. When a voter submits his/her absentee vote certificate on the Election Day, the precinct election commission shall include the voter in the voter register of the electoral precinct where the voter resides.

Absentee vote certificate shall be issued to voters willing to vote in another constituency or in another electoral precinct within the same human settlement.

Issuance of absentee vote certificates shall be stopped at 6:00 pm of local time of the day before the vote.

The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Organization and conduct of voting according to clause 6 of this Article shall exclude a possibility of infringement of the election rights of the citizen, infringement of secrecy of the ballot or distortion of the expression of the voter’s will.

Footnote. Article 41 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 42. Conduct of voting

1. Ballots shall be filled in by voters in a polling booth. While filling in the ballots, the presence of
anybody in the polling booth, except the voter, shall be forbidden. The voter (elector) who cannot independently fill in a ballot shall be eligible to be assisted by a person to whom he/she trusts. After voting, the surname of this person shall be written down in the register next to the voter’s (elector’s) signature upon receipt of a ballot. This person cannot be:

1) a member of the election commission;
2) an official of the local representative or executive body;
3) a proxy of the candidate;
4) a journalist – a media representative;
5) an observer registered in the corresponding election commission.

2. The voter (elector) shall put any mark in an empty space to the right of the surname of the candidate for whom he/she votes.
   In the ballot with the names of political parties the voter shall put any mark in an empty space to the right of the name of the political party for which he/she votes.
3. At election of members of other than maslikhats local self-government bodies the voter shall put a mark in an empty space to the right of the surnames of those candidates for whom he/she votes.
   3-1. It shall be inadmissible to mark the ballot with a pencil as well as to make any corrections in it.
4. The filled ballot shall be put by a voter (elector) in the ballot-box.
5. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Footnote. Article 42 is with the changes, introduced by the Constitutional Acts of RK of 06.11.1998 No. 285-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

CHAPTER 8.
DETERMINATION OF THE VOTING RESULTS

Article 43. Vote count at the polling station

1. Vote count at elections of the President, deputies of Mazhilis of Parliament to be elected on the basis of the party list and maslikhats, members of local self-government bodies of the Republic of Kazakhstan at all polling stations shall begin at 8 pm of local time if in the given polling station the time of voting has not been changed according to the order established by this Constitutional Act. In case of a change of the time for voting, vote count shall begin upon the end of voting.
   The members of the election commission shall conduct the vote count without interruption until the establishment of voting results and shall notify about it the persons who in the compliance with this Constitutional Act are eligible to be present during the vote count. The time for vote count shall not exceed twelve hours from the beginning of count.
   The tables at which vote count takes place at the polling station shall be arranged in such a way that all persons who are present in the premise shall have a good view of the actions of the precinct election commission’s members. The proxies and observers present at vote count shall watch vote count at a distance and under the conditions providing visibility of marks in the ballots.
   During the count of ballots, the chairperson of the commission or an assigned member of the commission shall demonstrate a ballot to persons, who are present at polling station, and shall announce the will the voter.
   In this case the ballots shall be stacked in a pile per each candidate or a political party which has nominated the party list and in a pile for null and void ballots.
2. The vote count at elections of the deputies of the Senate of the
Parliament and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan shall begin without delay upon the end of voting.

3. Vote count shall be done separately by each candidate, each political party. The ballot-boxes shall be opened by the corresponding election commission after the announcement by the chairperson of the commission of the end of voting. Opening the ballot-boxes before the end of voting shall be forbidden.

3-1. In the end of the voting, before the ballot-boxes with the ballot papers are opened, the precinct election commission on the basis of voter registers shall count the number of the voters who have received the ballot papers and shall define their total number. The chairperson of the precinct election commission or a member of the commission replacing him/her shall announce the results of the counting and shall write them in the protocol on voting results.

The portable ballot-boxes are the first to be opened. The number of the ballots in a portable ballot-box should correspond in quantity to the number of written applications to vote outside the polling station. If the number of the ballots of an established format in a portable ballot-box exceeds the corresponding number of written applications, all ballots from this box shall be recognized null and void. In such a case, it shall be required to issue an act on invalidation of all ballots taken from the portable ballot-box, with indication of the surnames, given names of the members of the commission who conducted voting outside the polling station with the help of the given portable ballot-box. The stationary ballot-boxes shall be opened after opening of the portable ballot-boxes.

4. Before opening of ballot-boxes all the unused ballot papers shall be counted and cancelled by the corresponding election commission. The election commission on the basis of the voter registers shall determine:

1) the total number of voters (electors) at the polling station;
2) the number of the voters (electors) who have received ballots;
3) the number of the ballots issued by each member of the commission.

4-1. After opening of the ballot-boxes, the election commission on the basis of the number of the ballot papers shall determine:

1) total number of the voters (electors) who have taken part in voting;
2) number of votes cast for each candidate, per each political party;
3) number of the ballots recognized as null and void;
4) number of the ballots received by the precinct election commission;
5) number of the cancelled ballots.

In case the number of the ballots taken from the ballot-boxes exceeds the number of the ballots given on the basis of voter registers and applications for voting outside the polling station, it shall be required to determine the quantity of the ballots given by each member of the election commission.

5. The following ballots shall be recognized as null and void:

1) of not established format;
2) with no signature of the member of the corresponding election commission;
3) in which more than one political party is noted, more than one candidate, with the exception of voting in elections of deputies of the Mazhilis of Parliament elected by the Assembly of the People of Kazakhstan, members of other members, except for maslikhats, local self-governments;
4) which has been marked with a pencil, have traces of erasure or any other way of forgery have been detected as well as where it is impossible to determine the will of voters.

During a direct vote count the null and void ballots shall be excluded from the number of the ballots of the voters (electors) who have taken part in voting.

6. The clause is excluded by Constitutional Act of the RK of 06.05.1999 No. 375-I.

7. In case of dispute concerning the validity of ballots, the issue shall be solved by the election commission through voting. In this case the decision shall be taken by more than half of votes of the total number of the commission’s
7-1. A precinct election commission (territorial election commission during elections of deputies of the Senate and deputies of the Mazhilis of Parliament elected by the Assembly of the People of Kazakhstan), at the request of a trustee in written form, recounts the votes only once in the period established by paragraphs 1 and 2 of this article.

8. The results of vote count shall be considered by the election commission and shall be specified in the protocols signed by the chairperson and members of the election commission. In the case of absence of the chairperson of the election commission, the protocols shall be signed by the deputy chairperson or the secretary of the election commission.

It shall be inadmissible to fill in the protocols on the voting results with a pencil and in ink of different colors as well as to make any corrections in them. In this case the numerical values of the voting results must be duplicated in words.

The copy of the protocol shall be immediately posted up in the premise of the polling station in a specially designated place for a public scrutiny and shall be kept in the premise within two days.

By the request of a person who according to this Constitutional Act shall be present during vote count, he/she can be issued with a copy of the protocol certified with the signatures of the chairperson and the secretary of the commission and the seal of the election commission.

8-1. Copy of the protocol on the election results in the given constituency shall be posted up in the premise of the polling station for public scrutiny and shall be kept in the given premise for three days.

At the request of a person who according to this Constitutional Act can be present during vote count, the named person shall be issued with a copy of the protocol certified by signatures of the chairperson and the secretary of the commission and the seal of the election commission.

8-2. Excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

9. In case of revealing by the corresponding superior election commission of mistakes, non-conformities in the protocols of precinct election commissions (of territorial election commissions - at elections of deputies of the Senate and deputies of the Mazhilis of the Parliament to be elected by the Assembly of the People of Kazakhstan) as well as doubts of the correctness of the vote count, the given commission shall be eligible to take a decision to recount the votes by the corresponding precinct (territorial) election commission. The vote recount shall be conducted in presence of a member of the superior election commission as well as the applicants, who have presented the facts of the wrong vote count.

The vote recount shall be conducted on the basis of the decision of the election commission and shall be carried out before an official publication of the election results.

Footnote. Article 43 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 44. Determination and publication of the election results

1. The results of elections of the President, the Parliament deputies shall be determined by the Central Election Commission.

2. The results of elections of the maslikhat deputies and members of other local self-government bodies shall be determined by the territorial election commission.
3. The results of election shall be included in the protocol to be signed by a chairperson and members of the election commission. In the absence of the commission’s chairperson the protocol shall be signed by a deputy chairperson or a secretary of the commission.

4. The statement on the election results of:
   1) the President, deputies of the Parliament shall be published in mass media by the Central Election Commission within ten days since the date of the election;
   2) maslikhat deputies are published in local mass media by relevant territorial election commissions no later than seven days from the date of the election;
   3) members of local self-government bodies other than maslikhats shall be published in the local mass media by the corresponding territorial election commission within four days since the day of election.

5. The statement of the Central (territorial) Election Commission shall include the following data: the day of election, the total number of the citizens enrolled in the voter (elector) registers and who have taken part in voting; the total number of the constituencies; the number of voters who voted with absentee certificates; the total number of the candidates who stand for elections; the number of the voters who had voted outside the polling station; the number of the political parties participating in elections; number of administrative units where re-run of a vote shall be held; the number of votes (the poll) voted for each candidate to President, deputy of the Senate of the Parliament, for each political party, for each candidate in the corresponding administrative-territorial unit number of votes cast for candidates to the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan; the elected President, the deputies of the Senate of the Parliament, deputies of Mazhilis to be elected by the Assembly of the People of Kazakhstan, maslikhats, members of the local self-government bodies with indication of the surname, given names, year of birth, position, place of residence as well as at the discretion of a candidate the data about his/her membership in a political party and his/her ethnic origin.

   The statement of the corresponding territorial election commission shall include the following data: total number of the citizens enrolled in the voter registers and taken part in voting; number of votes cast for each candidate; number of null and void ballots by polling stations; surname, given names, year of birth, position, place of residence of the elected maslikhat deputies as well as at the discretion of a candidate the data on his/her membership in a political party and his/her ethnic origin.

   The data in the statements of the Central and territorial election commissions shall be presented according to constituencies., while data in statements of district election commissions according to polling stations. The corresponding election commission shall make the statement on the preliminary election results within forty eight hours since the end of vote count and the issue of the corresponding protocol.

6. The clause is excluded by the Constitutional Act of the RK of 22.12.2006 No. 208-III.

Footnote. Article 44 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 22.12.2006 No.208-III, of 19.06.2007 No. 268-Ill; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 45. Registration of the President, deputies of the Parliament, maslikhats and members of the local government bodies

The corresponding election commissions in the order established by this Constitutional Act shall
conduct registration of the elected President, deputies of the Parliament, maslikhats, members of other local self-government bodies upon a receipt from them within seven days of a written application on abdication of all responsibilities by them that are incompatible in compliance with the Constitution and the laws of the Republic with the status of the President, the deputy of the Parliament, maslikhat and the member of the local self-government body.

Footnote. Article 45 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 19.06.2007 No. 268-III.

Article 46. The certificate and a breastplate of the President, the deputy of the Parliament, maslikhats and the member of local self-government body

1. The chairperson of the Central Election Commission at the accession by the President of the Republic to an office shall hand the President the corresponding certificate and a breastplate of the sample established by the Central Election Commission.
2. The Central Election Commission after publication in mass media of the results of election of the Parliament deputies shall present each deputy with the certificate and a breastplate of the established by CEC form.
3. The corresponding territorial election commission after publication in mass media of the list of:
   1) maslikhat deputies shall present each of them with the certificate of the maslikhat deputy and a breastplate of the sample established by the Central Election Commission;
   2) members of other local self-government bodies shall present each of them with the certificate of the member of local self-government body of the sample established by the Central Election Commission.

Footnote. Article 46 is with change, introduced by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

CHAPTER 9.
GUARANTEES FOR THE FREEDOM OF ELECTIONS

Article 47. Guarantees to candidates during electoral campaign

1. The candidates to President, to deputies of the Parliament, maslikhats from the date of their registration and till publication of the election results shall be eligible to be released from work, military service and periodical military trainings. The time of the candidates’ participation in elections shall be included in the term of service in the special area in which he/she has worked till the day of registration.
2. The candidates to President, to the deputies of the Parliament, maslikhats and the members of other local self-government bodies since the date of their registration and till publication of the election results cannot be dismissed from their work, transferred to other work or position without their consent as well as sent on a business trip or involved in military trainings.
3. The candidates to President, to deputies of the Parliament since the date of their registration and till publication of the election results as well as till their registration as the President, the deputy of the Parliament cannot be subject to detention, arrest, home confinement, attachment, administrative penalties to be imposed by the court, be held criminally liable without the consent of the Central Election Commission, except the cases of detention at the
scene of the crime or committing serious or the most serious crime.

Footnote. Article 47 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III, of 04.07.2014 No. 232-V.

Article 48. Activities of the state bodies on ensuring the freedom of elections

1. The Election Day and the day preceding it shall be declared as a working day for the courts, public prosecution and internal affairs bodies as well as organizations on maintenance of the housing stock.
2. The internal affairs bodies and organizations on maintenance of the housing stock shall be obliged to render any assistance that the election commissions shall need:
   1) to ensure the public order and freedom of elections during conduct of the voting;
   2) to adjust the voter registers;
   3) in respect to other issues that can arise in the activity of the election commissions.
2-1. Local executive bodies are obliged to assist election commissions in the work of ensuring the electoral rights of citizens with disabilities;
3. If the election commission at check of the application submitted in its name finds as it is necessary to conduct a check of the circumstances indicated in the application by the law-enforcement bodies, then, the corresponding bodies upon the request of the election commission shall check such circumstances and take a decision in respect to the given application within three days from the date of a receipt of the application and, if an application has been received less than five days before the Election Day or on the Election Day – then, the decision shall be taken immediately.

Footnote. Article 48 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 49. The appeal and cancellation of decisions and actions during electoral campaign

Courts and public prosecutor bodies shall be obliged to accept applications from the members of the election commissions, citizens, representatives of the public associations registered in the statutory order concerning the issues of conducting the voting, including infringements of election legislation, that have been received during preparation and conduct of elections, and shall consider them within five days, while the applications received less than five days prior to the voting or on Election Day shall be considered immediately.

Decisions and actions of the bodies of the local administration and local government, enterprises and organizations, their officials, which infringes the electoral legislation, shall be appealed in the court.

Courts, public prosecutor bodies and the election commissions shall organize their work during the electoral process, including the weekends and the day of elections, in a way that they can ensure receipt and consideration of appeals within the terms established by this Constitutional Act.

The applications from citizens and organizations about infringement of the electoral legislation shall be considered by the election commissions within five days since the submission of the complaint unless otherwise is not stipulated by this Constitutional Act.

The complaints on decisions and actions (inactivity) taken by the election commission and its members shall be considered by the superior commission within three days from the date of the submission of a complaint, if otherwise is not stipulated by this Constitutional Act.
Footnote. Article 49 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 31.07.2015 No. 340-V.

Article 50. The responsibility for infringement of the legislation of the Republic of Kazakhstan on elections

1. The person shall bear the statutory criminal responsibility in case of:
   1) interference with the work of the election commissions;
   2) obstruction of vote;
   3) obstruction of exercising the duties related to registration of the candidate, of the party lists;
   4) obstruction of exercising the duties related to the vote count and determination of the election results;
   5) use of advantage of his/her professional or official position with the purpose of electing a certain candidate, a political party;
   6) forgery of election documents;
   7) deliberately wrong vote count;
   8) deliberately wrong determination of the election results;
   9) violation of the secrecy of ballot;
   10) obstructing the free exercise of electoral rights of the citizen of the Republic by means of violence, fraud, threats and bribery.

2. The person shall bear the administrative and other responsibility stipulated by the laws of the Republic of Kazakhstan in case of:
   1) non-submission or non-publication of the data according to the requirements of this Constitutional Act;
   2) non-implementation of a decision of the election commission accepted within its competence;
   3) conduct of the pre-election campaign before the end of the registration term of a candidate, of the party list nominated by the political party, on the Election Day or on the day preceding the election;

4) obstruction of the right to conduct a pre-election campaign;
   5) dissemination of deliberately false information about the candidates, political parties or commitment of other actions discrediting their honor and dignity;
   6) violation of the rights of the election commissions’ members;
   7) violation of the rights of the citizens to be familiarized with the voter registers;
   8) submission of incorrect data about voters for compilation of voter registers;
   9) issue to the citizens the ballot papers with the purpose of voting instead of other persons;
   10) failure to provide a leave in order to take part in voting;
   11) breach of conditions for conduct of pre-election campaign in mass media;
   12) publication or distribution of anonymous campaign materials;
   13) intentional destruction or damage of campaign materials;
   14) rendering a financial (material) support to the candidates, political parties nominated their party lists in addition to their campaign funds;
   15) acceptance of donations from foreign states, organizations, citizens and stateless persons in order to elect a candidate;
   16) breach of conditions for conduct of the poll connected to elections;
   17) obstruction of the legal activities of the proxies of candidates, political parties, media representatives and observers at elections.

3. At detection of infringement of this Constitutional Act the election commission shall be eligible to
appeal to the court or the public prosecutor’s office.

4. In case of infringement by a candidate, political party of the requirements of this Constitutional Act except those, which are the subject to denial or cancellation of registration of the candidate, they shall be warned, while the repeated infringement shall lead to cancellation of the decision to register the candidate, the party list by the corresponding election commission.

Footnote. Article 50 is in edition of the Constitutional Act of RK of 14.04.2004 No. 545-II; with change, introduced by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication)

CHAPTER 9.1.
PECULIARITIES OF THE CONDUCT OF ELECTIONS WITH THE USE OF THE ELECTRONIC ELECTORAL SYSTEM

Footnote. The Act is supplemented by chapter 9-1 in compliance with the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 50-1. The electronic electoral system

1. Electronic electoral system can be used during conduct of elections for the purposes of compilation of the voter registers, voting, determination of the voting and election results in the territory of the constituency.

During conduct of elections with the use of the electronic electoral system the norms of this Constitutional Act taking into account the peculiarities in the use of the electronic electoral system shall be applied.

2. The electronic electoral system is an assortment of information technologies, information networks, the software and hardware means designed for automation of the information processes during preparation for and conduct of elections.

The software and hardware means to be used in the electronic electoral system shall be certificated in compliance with the legislation of the Republic of Kazakhstan.

3. During conduct of elections with the use of electronic electoral system the proxies, observers and media representatives shall have the all rights and obligations stipulated by this Constitutional Act.

4. The constituencies and polling stations, where the electronic electoral system is used, or its individual elements, are determined by the Central Election Commission.

5. The equipment of the electronic electoral system shall be opened and installed in the presence of the members of the precinct election commission not later than within three days prior to the Election Day, on which a report shall be compiled.

Proxies, observers and media representatives shall be eligible to be present at the moment of opening and installation of the equipment.

Since the moment of the installation of equipment of the electronic electoral system the protection of the polling station shall be assigned to the officers of the internal affairs bodies.

6. On the Election Day since the moment of opening of the polling station and till transmission of the voting results to the Central Election Commission the local executive bodies shall ensure an uninterrupted supply of electric power at the sites, where the electronic voting takes place.

7. The order of the use of the electronic electoral system in respect to the part, which is not regulated by this Constitutional Act, shall be stipulated by the Central Election Commission.
Footnote. Article 50-1 is with the changes, introduced by the Constitutional Acts of RK of 15.04.2005 No. 44-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 50-2. The requirements to the electronic electoral system

1. The electronic electoral system shall ensure observance of the requirements of the Constitution and this Constitutional Act as well as the authenticity, completeness and timeliness of the input and output data.
2. The electronic electoral system shall be provided with the corresponding safety measures, which exclude the unauthorized access to information, malfunction of the software and hardware means for collection, processing, accumulation, storage, search and transmission of information, disabling the above mentioned means.
3. During the use of the electronic electoral system at elections it shall be not allowed:
   - to use other electronic systems, except for the ones specified by the Central Election Commission;
   - to connect it to the public telecommunication networks and other information systems as well as to the communication networks which are not applied in the electronic electoral system;
   - to illegally intervene and control over conduct of the e-voting, vote count, transmission of information on the election results.
4. The electronic electoral system shall include the software and hardware means (the voting data recording system), allowing automatically in accordance with the input to save any entered information with the description of actions and indication the exact time of the data input.

Article 50-3. Polling station with the electronic electoral system

1. The polling stations where the electronic electoral system are used shall be equipped in such way that ensures the persons present at the polling station with a visibility of actions during the voting with use of the electronic electoral system, except the voting in a polling booth.
2. Only an expert who received the admission to maintain the electronic electoral system in the order established by the Central Election Commission can stay at the polling station where the electronic electoral system is used.

Article 50-4. The electronic ballot paper

1. During conduct of election with the use of the electronic electoral system, voting shall be conducted with the use of electronic ballot, created by the means of the electronic electoral system.
2. The text of the electronic ballot shall be compiled in the state and Russian languages and shall comply with the requirements established in clause 1 of Article 37 of this Constitutional Act.

Article 50-5. Organization of the electronic voting

1. The chairperson of the election commission thirty minutes prior to the beginning of voting in the
presence of the members of the commission shall:
check the operability of functioning of the electronic electoral system;
nominate the members of the commission responsible for registration of voters and issue of
devices for electronic voting.

The proxies, observers and media representatives shall be eligible to be present during checking
of the work of the electronic electoral system at the polling station.

Everyone shall be forbidden to exercise any actions with the electronic electoral system, except
the cases stipulated by this Chapter.

2. Before the beginning of voting the chairperson of the election commission shall unseal the sealed
password to start the electronic
electoral system and shall launch the electronic electoral system. In this case the persons who are
present at polling station must be ensured a possibility to be convinced beforehand of the integrity
of protection measures in respect to the password.

Launching of the electronic electoral system shall be conducted in the time, established by the
Central Election Commission.

3. A voter shall be admitted to the electronic voting on the basis of the voter registers upon
submission of a document identifying the voter.

4. In case of voting outside the polling station according to this
Constitutional Act, voters shall vote with the portable device which shall be equipped with a device
to save the data about votes outside the
polling station.

On the basis of voters’ applications submitted in compliance with clause 6 of Article 41 of this
Constitutional Act, the data about them obtained from the voter registers shall be entered
beforehand in the portable devices for electronic voting.

5. The electronic voting shall be conducted by a voter in a polling booth where the presence of any
persons other than a voter shall be forbidden, except the cases stipulated by clause 1 of Article 42
of this Constitutional Act.

The voter with the use of control elements of the device for electronic voting shall select on the
electronic ballot the surname of the candidate for whom he/she wants to vote and shall confirm
his/her choice.

At voting for political parties, the voter with the use of the control elements of the device for
electronic voting shall select the name of the political party for which he/she wants to vote and shall
confirm his/her choice.

The voter who has voted in a polling booth shall hand over the device for electronic voting to a
member of the election commission.

6. In case of technical failure which may affect the conduct of the electronic voting and vote count, the
election commission shall be eligible to take a decision about reloading of the program with an
issuance of the protocol to be signed by members of the election commission.

Implementation of the given task shall be assigned to the expert ensuring operation of the
electronic electoral system.

7. If the technical state of the equipment cannot ensure conduct of election in the proper manner,
then, the voting in the corresponding polling station shall be postponed by a decision of the Central
or corresponding territorial election commission for the term necessary to needed for a
elimination of failure and organization of voting.

The voters who have voted in the corresponding polling station at the moment occurrence of
such failure shall take part in the subsequent voting on the general basis.

Footnote. Article 50-5 is with the changes, introduced by the Constitutional Act of RK of
09.02.2009 No. 124-IV.
Article 50-6. Vote count with the use of the electronic electoral system

1. In case of use of the electronic voting, the vote count shall be conducted by the electronic electoral system.
   The vote count shall begin at the time fixed according to this Constitutional Act, but not earlier than the data contained in all devices for voting at the polling station shall be entered in the electronic electoral system.
   The data on the vote count shall be fixed in the voting data device.
2. The information on the results of the electronic voting at the polling station shall be put into the electronic protocol, which has to be certified by the electronic digital signatures of the commission members.
   The copy of the electronic protocol on the paper bearer, signed by the members of election commission shall be hung out in the premise of a polling station in a specially designated place for public familiarization and shall be kept in the premise for two days.
3. By the request of a person who according to this Constitutional Act shall be eligible to be present during vote count, shall be issued with a copy of the electronic protocol on the results of the electronic voting on the paper bearer, to be signed by the chairperson and the secretary of the commission and to be sealed by the corresponding election commission.

Article 50-7. Determination of the election results with the use of electronic electoral system

1. In case of the use of electronic electoral system the results of elections conducted in the constituencies shall be determined by the Central Election Commission on the basis of the electronic protocols submitted to the corresponding election commissions.
   The electronic electoral system shall be connected to the specially designated communication channel only for the term needed for the transmission of information obtained in compliance with this clause.
2. In case if the voting has been postponed in compliance with the order stipulated by clause 7 of Article 50-5 of this Constitutional Act, the results of elections in the corresponding constituency shall be determined after conduct of voting in all polling stations of this constituency.

Article 50-8. Appeals against the election results with the use of the electronic electoral system

1. In case of appeals against the results of voting with the use of electronic electoral system to the superior election commission or the court, the data recording device shall be considered as the evidence.
2. For the purposes of this Article, the data recording device shall be kept in the corresponding oblast (the cities of the Republican status, the capital of the Republic) territorial election commission.

Article 50-9. Storage of data recording devices

After vote count the data recording device shall be packed in the package to be sealed by the seal of the election commission and delivered to the corresponding oblast (the cities of the Republican status, the capital) election commission.

The data recording devices shall be stored within one year from the date of elections.

II. SPECIAL PART CHAPTER 10.
Article 51. Regular election of the President of the Republic

Regular election of the President shall be held once in five years on the first Sunday of December of the corresponding year and shall not coincide by its term with election of a new composition of the Parliament.

Footnote. Article 51 is with the changes, introduced by the Constitutional Acts of RK of 06.11.1998 No. 285-I, of 19.06.2007 No. 268-III.

Article 51-1. Early election of the President of the Republic

1. Early presidential election shall be called by the decision of the President of the Republic and shall be conducted within two months from the date of its calling.
2. The regular election following the early election of the President shall be announced in five years within the term established by this Constitutional Act.

Footnote. The Act is supplemented by Article 51-1 in compliance with the Constitutional Act of 03.02.2011 No. 404-IV.

Article 52. <*> 

Footnote. Article 52 is excluded by the Constitutional Act of RK of 06.11.1998 No. 285-I.

Article 53. The announcement of the election of the President of the Republic

1. The regular election of the President shall be announced by Mazhilis of the Parliament not later than on the second Sunday of September.
2. The clause is excluded by the Constitutional Act of RK of 06.11.1998 No. 285-I.
3. One and the same person cannot be elected as the President for more than two times.
   Present restriction shall not apply to the First President of the Republic of Kazakhstan – the Leader of the Nation.


Article 54. Requirements to the candidates to President of the Republic

1. To be elected as a President, a citizen should meet the requirements established by paragraph 2 of Article 41 of the Constitution, should have a work experience in public service or elective government positions for at least 5 years, and also should have an active electoral right in accordance with paragraphs 2 and 3 of Article 33 Constitution and this Constitutional Act.
2. The compliance of the candidate to President with the requirements of the Constitution and this Constitutional Act is established by the Central Election Commission within five days from the date of submission of an extract from the minutes of the meeting of the highest body of the republican public association on the nomination of a candidate along with the candidate’s statement of consent and a document certifying candidate election fee.
   A presidential candidate makes an election contribution to the account of the Central Election Commission at a rate of fifty times of the minimum wage established by Act. The paid contribution
is returned to the candidate in cases where, according to the results of the election, the candidate is elected as a President of the Republic or the candidate collected at least five percent of the votes of the voters who participated in the voting, as well as in case of the death of the candidate. In all other cases, the paid contribution is not refundable and goes to the republican budget.

At the same time, the fact of residing for the last fifteen years in the Republic of Kazakhstan of a presidential candidate is established by the Central Election Commission, and the procedure for establishing the candidate’s fluency speaking of the state language is determined by a resolution of the Central Election Commission in accordance with the decision of the Constitutional Council of the Republic on the official interpretation of paragraph 2 of Article 41 of the Constitution.

The procedure for establishing the candidate’s fluency speaking of the state language does not apply to the incumbent President of the Republic, whose candidacy is re-nominated for the next term in office.

Footnote. Article 54 is in edition of the Constitutional Act of RK of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication).

Article 55. Nomination of candidates to President of the Republic

1. The right to nominate candidates for the Presidency belongs to republican public associations registered in the prescribed manner.
2. Nomination of candidates to President shall begin on the day following the day of announcement and shall end at eighteen o’clock by local time two months before elections.
3. Candidates to President shall be nominated by the republican public associations on behalf of their supreme bodies. A public association shall be eligible to nominate the candidates who are not members of the given public association. A public association shall be eligible to nominate only one candidate to President. Decision to nominate a candidate to President shall be taken by a majority of votes of members of the supreme body of a republican public association and shall be drawn as an extract from the minutes. The decision of the supreme body of the republican public association shall be:
   1) brought to the notice of the candidate to President;
   2) submitted to the Central Election Commission with the application of the candidate to President on his/her consent to be nominated as a candidate.
4. Excluded by the Act of the RK of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication).
5. If on the day of the end of the term for registration of candidates, less than two candidates to President have been registered, the Central Election Commission shall extend the term of nomination of candidates but not more than for twenty days.

Footnote. Article 55 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 56. Signature collection in support to the candidate to President of the Republic

1. The support by voters to the candidate to President shall be confirmed by their signature collection.
2. The candidate to President must be supported by at least one percent of the total number of voters, equally representing at least two thirds of the oblasts, the cities of the Republican status and the capital of the Republic.

3. Signature collection in support to the candidate to President shall be organized by proxies and shall be filled in the signature sheets to be issued by the Central Election Commission not later than in five days after the check of the candidate’s conformity to the requirements of the Constitution and this Constitutional Act on the basis of the documents on nomination mentioned in clause 3 of Article 55 of this Constitutional Act.

4. Each signature sheet shall have serial number and include the surname, given names of the candidate, personal signature of a proxy, the surname and given names of a person who is collecting signatures, the name of a settlement where collection of signatures is conducted, and include the columns containing the following data about the persons, who put signatures:

1) surname and given names;
2) number and serial number of the document, identifying them;
3) day, month and year of birth;
4) address of the permanent or temporary residence;
5) personal signature.

5. The person collecting signatures during signature collection shall submit a copy of the certificate of a proxy. The proxy shall put signature in the corresponding signature sheet.

6. The Central Election Commission shall:

1) approve a sample of a signature sheet;
2) provide candidates to President with the necessary amount of signature sheet.

7. The filled signature sheets on signature collection in support to the candidates to President shall be submitted to the territorial election commission which within ten-days shall check of the authenticity of signatures with involvement of the staff of passport services, draw up the corresponding protocol and send it to the Central Election Commission.

8. Check of authenticity of signatures shall be carried out before determination of authentic signatures in the quantity required for a candidate to President in compliance with clause 2 of this Article.

Footnote. Article 56 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication);

Article 57. <*>

Footnote. Article 57 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 58. The size of the election fund of candidates to the President of the Republic

The candidate’s election fund consists of:

1) the candidate’s own funds, funds allocated to the candidate by the Republican public association that nominated him, the total amount of which should not exceed the minimum wage established by the legislation more than twelve thousand times;
2) voluntary donations of citizens and organizations of the Republic, the total amount of which should not exceed the size of the minimum wages established by the legislation for more than fifteen
thousand times.

Footnote. Article 58 is in edition of the Constitutional Act of RK of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication).

Article 59. Registration of candidates to President of the Republic

1. Registration of candidates to President shall be carried out by the Central Election Commission.
2. Prior to the registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of their residence for the first day of the month of the beginning of nomination period to be set in accordance with this Constitutional Act, in the order and form established by the authorized state body of the Republic of Kazakhstan performing tax control over execution of tax obligations to the state.
   Accuracy of the information about income and property declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.
   In this case, the organizations that have been asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since the receipt of the request.
   For the purposes of this Constitutional Act, information on assets and liabilities is the information to be reflected in the declaration of assets and liabilities in accordance with the tax legislation of the Republic of Kazakhstan.
   2-1. The confirmation that the candidate to President has no diseases that impede the fulfillment of the duties of the President of the Republic, his medical inspection is carried out, the results of which are documented with an appropriate medical report on the state of health.
   The requirements for a medical certificate and a list of diseases that prevent registration of a candidate for the President of the Republic are established by a joint regulatory legal act of the Central Election Commission and the authorized body in the field of health care.
3. Any number of candidates to President shall be admitted for the registration.
4. Registration of candidates to President shall begin two months before and shall end at eighteen o’clock by local time forty days before the day of election if other term is not stipulated at the calling an election.
5. Registration of candidate to President nominated by a public association shall be conducted upon submission of the following documents:
   1) extracts of the minutes of the meeting of the supreme body of the public association on nomination of the candidate to President with enclosure of a copy of the document on registration of the given public association in the Ministry of Justice of the Republic;
   2) an application on the consent to run for election as the candidate to President;
   3) protocols of the territorial election commissions on the results of the check of the authenticity of the collected citizens’ signatures in support to the candidate to President;
   4) the biographic data of a candidate;
4-1) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;
4-2) references from the tax body confirming that a candidate and his/her spouse have submitted declarations on income and property.
   5) a document confirming that the candidate has deposited election contribution.
6) medical opinion on the health status.
6. Excluded by the Act of the Republic of Kazakhstan of 15.06.2017 No. 75- VI (enters into force from the date of its first official publication).
7. The Central Election Commission shall:
   1) not later than on the seventh day after registration of candidates to President publish in mass media the announcement on registration with indication of the surname, given names, year of birth, position, place of work and residency of each candidate as well as depending on the candidate’s wish the data on his/her membership in a public association and ethnic origin;
   2) issue the candidates the corresponding certificates at registration;
   3) refuse in registration or cancel the decision on registration of the candidate in cases of:
      infringement by a candidate of the rules of nomination, non-submission of the necessary documents for registration;
      incompatibility of the candidate to the requirements stipulated by the Constitution and this Constitutional Act;
      use by a candidate of the official or professional status for the purposes of electoral campaign;
      conduct of electoral campaign before the end of the registration term of a candidate, on the day of elections or the day preceding Election Day;
      establishment by a court of the fact of distribution by a candidate and/or proxies of false information discrediting the honor and dignity of a candidate, discrediting his/her professional reputation;
      establishment by the court of the facts of bribing the voters by a candidate and his/her proxies;
   in other cases stipulated by this Constitutional Act;
   3-1) cancel the decision on registration of the candidate in case of revealing at the moment of submission of a declaration of the fact of a non-authenticity of the data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.
   Cancellation of decision on registration of a candidate or restoration of previously deregistered candidates two days before the voting day shall not be permitted.

8. The refusal of the Central Election Commission to register the candidate to President or cancellation of the decision on registration can be appealed within ten days personally by the candidate or the public association which has nominated a candidate to the Supreme Court which shall consider the appeal within ten days from the date of its submission. The decision of the Supreme Court shall be final.

Footnote. Article 59 is with the changes, introduced by the Constitutional Acts of RK of 08.05.1998 No. 222-I, of 06.05.1999 No. 375-I, of 28.06.1999 No. 407-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 31.07.2015 No. 340-V; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 60. Withdrawing of a candidature, cancellation of the decision on nomination for candidacy

1. At any time since the registration day and two days before voting, the candidate to President can withdraw his/her candidature by submitting a written application about it to the Central Election Commission.
2. At any time before registration and after it the supreme body of the republican public association can cancel the decision on nomination of the candidate to President by submitting a corresponding statement to the Central Election Commission.
3. In the aforementioned cases the Central Election Commission shall not conduct any registration of the candidate or shall cancel the decision on his/her registration.
4. If withdrawing of the candidature or cancellation of the decision on nomination of the candidate have been effected without any circumstances, the Central Election Commission shall be eligible to charge part of the expenses incurred for the conduct of electoral campaign that have been covered from the funds of the republican budget to the account of the candidate or a public association that has nominated the given candidate.

*Footnote. Article 60 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III; of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication);*

**Article 61. Nomination of candidates to President of the Republic instead of the retired members after the end of the registration term**

1. If at the end of the registration term in the result of retirement of the candidates at least two candidates to President are left, the Central Election Commission by its resolution shall prolong the term of elections but not for more than two months.
2. In this case nomination of candidates to President shall be carried out according to the rules established by this Constitutional Act.

*Footnote. Article 61 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.*

**Article 62. Vote count at the election of the President of the Republic**

1. The results of vote count at the election of the President shall be determined at the sitting of the territorial election commission and shall be written down in the protocol signed by the chairperson and members of the commission and delivered to the Central Election Commission within two days.
2. Other issues related to determination of the result of vote count shall be solved according to the rules established in the General part of this Constitutional Act.

*Footnote. Article 62 is with the changes, introduced by the Constitutional Act of RK of 06.05.1999 No. 375-I.*

**Article 63. Re-run of a vote**

1. If the ballot includes more than two candidates to President and none of them has been elected, the Central Election Commission shall call the re-run of a vote for the election of the President among two candidates who have received the majority of votes. In case of retirement of one of the candidates the ballot shall include the next candidate from those candidates who have received the majority of votes.
2. Re-run of a vote shall be conducted within two months with the observance of the requirements of this Constitutional Act. Mass media shall be informed about conduct of the re-run of a vote.
3. *The clause is excluded by the Constitutional Act of RK of 06.11.1998 No. 285-I.*

*Footnote. Article 63 is with the changes, introduced by the Constitutional Acts of RK of 06.11.1998 No. 285-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.*
Article 64. Re-run of election

1. If the election of the President of the Republic of Kazakhstan have been declared null and void or the re-run of a vote has not allowed to determine the elected President, the Central Election Commission shall call a re-run of election of the President.
2. Re-run of election shall be conducted not later than two months after the initial election. Voting shall be conducted in the same polling stations and according to the voter registers compiled for the conduct of the initial election.
3. Formation of the composition of election commissions, nomination and registration of candidates to President, other electoral campaigns shall be carried out in the order stipulated by this Constitutional Act. In this case the reduced term for the electoral campaign shall be fixed by the Central Election Commission.
4. The re-run of election shall be announced in mass media.

Footnote. Article 64 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication)

Article 65. Establishment and publication of the results of election of the President of the Republic

1. Central Election Commission on the basis of the protocols of the territorial election commissions not later than seven days after election shall establish the results of the election of the President and shall adopt the corresponding resolution.
2. The candidate shall be considered as an elected President of the Republic if he/she:
   1) has collected more than fifty percent of votes of the voters who have taken part in voting;
   2) has collected at the re-run of a vote more votes of the voters who have taken part in the voting in comparison with the other candidate;
   3) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.
3. Other issues related to determination and publication of the results of election of the President of the Republic of Kazakhstan shall be solved according to the rules established in the General part of this Constitutional Act.

Footnote. Article 65 is with the changes, introduced by the Constitutional Acts of RK of 06.11.1998 No. 285-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 66. Registration of the elected President of the Republic

1. The Central Election Commission on the basis of the protocols of the territorial election commissions within seven days from the date of election shall register the elected President of the Republic.
2. The Central Election Commission on the basis of the documents of the corresponding election commissions and appeals from the citizens can refuse the registration of the elected President if at least at one fourth of the total number of polling stations or administrative-territorial units:
   1) elections have been announced as null and void;
2) during conduct of election, at vote count or determination of the voting results certain infringements of this Constitutional Act occurred.

3. The decision of the Central Election Commission, which has been taken in the order stipulated by clause 2 of this Article, can be appealed within ten days from the date of its adoption by a candidate to President to the Supreme Court, which within ten days shall make its final judgment.

Footnote. Article 66 is with the changes, introduced by the Constitutional Act of RK of 06.05.1999 No. 375-I.

Article 66-1. Conduct of early election of the President of the Republic

Early presidential election shall be conducted in accordance with the rules established by this Constitutional Act for the regular election of the President. The term for the conduct of electoral campaign shall be determined by the Central Election Commission.

Footnote. The Act is supplemented by Article 66-1 in compliance with the Constitutional Act of RK of 03.02.2011 No. 404-IV.

Article 67. <*>

Footnote. Article 67 is excluded by the Constitutional Act of RK of 06.11.1998 No. 285-I.

Article 68. Consideration by the Constitutional Council of the Republic of the issue on correctness of election of the President

1. By the appeal of the President of the Republic, the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth of the total number of Parliament deputies and the Prime-Minister, which can be submitted within ten days after summarizing of the results of the elections, in case of a dispute, the Constitutional Council shall settle the issue of correctness of the election of the President of the Republic. In this case inauguration of the President of the Republic shall be suspended for a period of the appeal’s consideration.

2. In case of a dispute about the correctness of election of the President of the Republic, the Central Election Commission shall submit the materials related to preparation and conduct of the election to the Constitutional Council.

3. In case of recognition by the Constitutional Council of the fact that the election of the President of the Republic did not correspond to the Constitution in those polling stations (administrative-territorial units) where the facts of infringements of the Constitution have been revealed, the Central Election Commission shall take a decision on recognition of the election conducted in the corresponding polling stations (administrative-territorial units) as null and void and on conduct of a re-run of a vote within two months in those polling stations (administrative-territorial units) where the election have been recognized as null and void.

Footnote. Article 68 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

CHAPTER 11.
ELECTION OF DEPUTIES OF THE SENATE OF PARLIAMENT OF THE REPUBLIC

Article 69. Calling an election of the Senate deputies

1. The reasons for the calling:
1) the regular election shall be the end of the constitutional term of office of the Senate deputies;
2) the early election - the pre-term termination of the term of office of the Parliament, formation of the corresponding administrative-territorial units which do not have representation in the Senate;
3) the by-election shall be the pre-term termination of the term of office of the deputy, the deprivation of his mandate or his/her death.

2. Election of deputies in the case stipulated by the sub-clause 1 of clause 1 of this Article shall be called by the President of the Republic at least four months prior to the termination of the constitutional term of office of the Senate deputies and shall be conducted at least two months prior to the termination of the constitutional term of their office.

3. Election of deputies in the case stipulated by sub-clause 2 of clause 1 of this Article shall be called by the President of the Republic simultaneously with adoption of a decision by him about the early termination of the powers of the Parliament and shall be conducted within two months from the date of the pre-term termination of the term of office of the Parliament.

The moment of the beginning of the period, during which the early election of deputies must be held, shall be the day of entry into force of the act of the President of the Republic of Kazakhstan on dissolution of the Parliament. This period shall end with the expiry of two months. If the end of the period falls on a month, in which there is no corresponding day, then the period shall expire on the last day of this month.

4. In cases stipulated by sub-clause 3 of clause 1 of this Article, the by-election shall be determined by the Central Election Commission within two months from the moment of the early termination and deprivation of the mandate of the deputy or his/her death.

5. Election of the Senate deputies shall be called taking into account the requirements of clause 3 article 41 of the Constitution and shall not coincide by terms with election of the deputies of Mazhilis of the Parliament.

Footnote. Article 69 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 03.10.2013 No. 133-V.

Article 70. The requirements to the candidates to the Senate deputies

To be elected as the Senate deputy, the citizen should meet the requirements established in clause 4 of Article 51 of the Constitution as well as have active suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.

Footnote. Article 70 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 71. Nomination of candidates to the Senate deputies

1. Nomination of candidates to the Senate deputies shall begin since the day that follows the day of calling an election and shall end at eighteen o’clock by local time one month prior to the day of election.

2. Nomination of candidates to the Senate deputies shall be conducted:

1) at the sessions of the oblast (the cities of the Republican status and the capital), city and district maslikhats. The political parties, other public associations through their representatives in maslikhats shall nominate candidatures to Senate deputies of the Parliament of the Republic of
Kazakhstan. In this case several maslikhats shall nominate one candidate;
2) by self-nomination.
3. A maslikhat deputy as well as a citizen living in the territory of the
 corresponding oblast, the cities of the Republican status or the capital of the Republic can be
 nominated as a deputy of the Senate.
4. The decision on nomination of the candidate to the Senate deputy to be taken by a majority of
 votes of the total number of the deputies
 representing the corresponding maslikhat shall be:
1) brought to the attention of the nominated candidate;
2) submitted to the election commission, accordingly, of the oblast, the cities of the Republican
 status and the capital of the Republic with the application of the candidate expressing his/her
 consent to stand for elections.
5. Self-nomination of candidates to the Senate deputies shall be carried out by the citizens through
 submission to the corresponding territorial
 election commission of an application expressing an intention of the candidate to stand for
 elections of the Senate deputies from the given administrative-territorial unit.
6. The oblast, city (the cities of the Republican status or the capital of the Republic) election
 commission shall establish within three days the conformity of the candidate to the requirements
 of the Constitution and this Constitutional Act and on the basis of the documents indicated in sub-
 clause 2 of clause 4, clause 5 of this Article on his/her nomination within three days from the date
 of the end of a check shall issue for
 him/her the signature sheets for collection of electors’ signatures.
7. If on the day of the end of the term for registration of candidates, less than two candidates to the
 Senate deputies have been registered, the Central Election Commi
 ssion on the basis of the
 presentation of the corresponding territorial election commission shall prolong the term for
 nomination of candidates but not for more than twenty days.

Footnote. Article 71 is with the changes, introduced by the Constitutional Acts of RK of
06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III; of 29.06.2018 No. 162-VI
(enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 72. Signature collection in support to candidate to
Senate deputy

1. The candidate to the Senate deputy must be supported at least ten percent of votes of the total
 number of the electors representing all
 maslikhats of the oblast, maslikhat of the cities of the Republican status or the capital of the Republic,
 but not by more than twenty five percent of the votes of electors from one maslikhat.
2. The support of electors shall be confirmed through collection of their signatures. In this case each
 of electors shall be eligible to put his/her signature in support of only one candidate to the Senate
deputy. The signature after registration of the candidate to the Senate deputy shall be revoked only
on the basis of the court decision.
3. Collection of signatures in support to the candidate to the Senate deputy shall be organized by
 proxies and shall be laid out in signature sheets
 issued accordingly by the oblast, city (the cities of the Republican status or the capital of the
 Republic) election commission.
4. Each signature sheet shall have its serial number and shall include the surname and given names of
 the candidate and the person collecting signatures, a personal signature of the candidate as well as
 the columns containing the following data about electors, who put their signatures:
1) surname and given names;
2) maslikhat that has nominated him/her as deputy;
3) day, month and a year of birth;
4) home address;
5) personal signature.
5. The sample of a signature sheet shall be approved by the Central Election Commission.
6. The filled in signature sheets shall be submitted, accordingly, to the oblast, city (the cities of the Republican status and the capital of the Republic) election commission which shall check the authenticity of the collected signatures with involvement of the staff of the passport services and shall draw out the corresponding protocol within five days.
7. If in the result of a check of authenticity of signatures it shall be established that over one percent of the collected signatures are unauthentic, then, the candidate to the Senate deputy shall be denied of registration.

Footnote. Article 72 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 73. Registration of candidates to the Senate deputies

1. Registration of the candidates to the Senate deputies shall be conducted, accordingly, by the oblast, city (the cities of the Republican status and the capital of the Republic) election commissions.
2. The candidate to the Senate deputy before registration and after check of his/her conformity to the requirements of the Constitution and this Constitutional Act as well as check of authenticity of signatures collected in his/her support shall be obliged to put a deposit fifteen times exceeding the size of the minimum wage established by the legislation of the Republic on the account of the Central Election Commission as an election contribution. The deposited contribution shall be paid back to the candidate if according to election results the candidate is elected as a deputy of the Senate of the Parliament or the voting results the candidate has collected at least five percent of the votes of the electors that have taken part in voting as well as in case of death of a candidate. In all other cases the deposited contribution shall not be subject for return and shall be transferred to the Republican budget as the state revenue.

Prior to the registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of their residence for the first day of the month of the beginning of nomination period to be set in accordance with this Constitutional Act, in the order and form established by the authorized state body of the Republic of Kazakhstan performing tax control over execution of tax obligations to the state.

Accuracy of the information about income and property declared by a candidate and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a candidate.

In this case, the organizations that were asked by the tax bodies to provide information about income and property of a candidate and his/her spouse shall be obliged to provide the requested information within four days since receiving the request.
3. Registration of candidates to the Senate deputies shall begin after receiving of all the necessary documents and shall end at eighteen o’clock by local time twenty days prior to the day of election if at calling an election it is not established otherwise.
4. Registration of the candidate to the Senate deputy nominated by the maslikhat (maslikhats) shall
be conducted upon submission of the following documents:
1) decision of the oblast, city or district maslikhat on nomination of the candidate;
2) application with the expression of his/her consent to run for the candidacy;
3) protocol of accordingly the oblast or city (the cities of the Republican status and the capital of the Republic) election commission on the results of check of the electors’ signatures in support of the candidate;
4) the biographic data of the candidate;

4-1) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;
4-2) a reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;
5) the document certificating that the candidate has made his/her election contribution.
5. Registration of the candidate to the Senate deputy in case of his/her self- nomination shall be conducted upon submission of the following documents:
1) application of the citizen expressing his/her intent to run for the candidacy for deputies;
2) protocol of accordingly the oblast or city (cities of the Republican status and the capital of the republic) election commission on the results of check of electors’ signatures in support of the candidate;
3) the biographic data on the candidate;
3-1) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;
3-2) a reference from the tax body confirming that the candidate and his/her spouse have submitted declarations on income and property;
4) the document confirming the transfer by the candidate of an election contribution.
6. Oblast or city (the cities of the Republican status and the capital of the Republic) election commission:
1) at the registration of candidates to the Senate deputies shall issue them with a corresponding certificate;
2) not later than on the seventh day after registration of candidates to the Senate deputies, shall publish in mass media the announcement on registration with indication of the surname, given names, year of birth, job position, work and home address of each candidate as well as at the discretion of the candidate, the data on his/her membership in a public association and ethnic origin;
3) shall refuse in registration of a candidate or shall cancel the decision on his/her registration in case of:
   infringement of the rules of nomination by a candidate, non-submission of the necessary documents for registration;
   incompatibility of a candidate to the requirements stipulated by the Constitution and this Constitutional Act;
   use by a candidate of his/her official or professional status for the purposes of the electoral campaign;
   conduct by the candidate of a pre-election campaign before the end of the his/her registration term, on the day of elections or the day preceding it; establishment by a court of the fact of distribution by a candidate and (or) his/her proxies of the false information discrediting the honor and dignity of a candidate, damaging his/her professional reputation;
   establishment by a court of the facts of bribing the voters by a candidate and his/her proxies; in other cases established by this Constitutional Act;
   3-1) shall cancel the decision on registration of the candidate in case of revealing at the moment of submission of a declaration the fact of unauthenticated data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on anti-corruption.
Deregistration of candidate or restoration of previously deregistered candidate two days before voting day shall not be permitted.

7. The refusal in registration of the candidate or cancellation of the decision on registration can be appealed within seven days in the Central Election Commission or in the court by the maslikhat (maslikhats) that nominated him/her or personally by the candidate.

   In this case the appeal shall be considered within seven days from the date of its submission.

8. The corresponding territorial election commission shall compile the protocol on registration of candidates to the Senate deputies which within three days shall be submitted to the Central Election Commission.

   Footnote. Article 73 is with the changes, introduced by the Constitutional Acts of RK of 08.05.1998 No. 222-I, of 06.05.1999 No. 375-I, of 28.06.1999 No. 407-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 31.07.2015 No. 340-V; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 74. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to the Senate deputy

1. The candidate to the Senate deputy within the period before the registration and two days before voting can withdraw his/her candidature by submission of a written application about it, accordingly, to the oblast, city (the cities of the Republican status and the capital of the Republic) election commission.

2. The maslikhat (maslikhats) that nominated a candidate within the period till registration and after it can cancel its decision to nominate a candidate by submission of an application about it, accordingly, to the oblast, city (the cities of the Republican status and the capital of the Republic) election commission.

3. In these cases, the corresponding election commission shall not conduct registration of the candidate or cancel the decision on registration of the candidate.

4. If withdrawing of the candidature or cancellation of the decision on nomination of the candidate have been effected without any causing for it circumstances, the territorial election commission shall be eligible to charge from the account of the candidate or the maslikhat that has nominated him/her part of the expenditures that have been incurred for the conduct of electoral campaign and have been covered from the republican budget.

   Footnote. Article 74 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication)

Article 75. The size of the election fund of a candidate to the Senate deputy

The election fund of the candidate shall be formed of:

1) own funds of the candidate, the total sum of which should not exceed the size of the minimum wages for more than two hundred times established by the legislation of the Republic of Kazakhstan;

2) donations of citizens and organizations of the Republic of Kazakhstan, the total sum of which should not exceed the established size of the minimum wages for more than five hundred times by
Article 75. Nomination of candidates to the Senate deputies instead of the retired ones after termination of the term of registration

1. If in the result of the candidates’ retiring after termination of the term of registration at least two candidates to the Senate deputies left, the Central Election Commission on the basis of the statement submitted by the corresponding oblast (the cities of the Republican status and the capital) and the city election commission shall issue its regulation by which it prolongs the term of elections but not more than for two months.
2. In this case, nomination of candidates to the Senate deputies shall be realized according to the rules established by this Constitutional Act.

Footnote. Article 75 is in edition of the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 76. The order of conduct of the joint session of electors at election of the Senate deputies

1. Election of the Senate deputies shall be conducted on the joint session of electors.
2. The joint session shall be legally qualified if more than fifty percent of the total number of the elected deputies are present at it, thus, representing all maslikhats of the oblast, maslikhat of the cities of the Republican status or the capital of the Republic.
3. Voting at election of the Senate deputies at the joint session shall be considered as conducted if more than fifty percent of the present electors take part in it.
4. The secretary of the oblast, city (the cities of the Republican status and the capital of the Republic) maslikhat shall preside at the joint session.
5. The chairperson and members accordingly of the oblast, city (the cities of the Republican status and the capital of the Republic) election commissions shall be present at the joint session of electors.
6. In the premise where the joint session of electors takes place, accordingly, the oblast or the city (the cities of the Republican status and the capital of the Republic) election commission shall organize the polling station for election of the Senate deputy.
7. The minutes of the joint session presented by the secretary of the corresponding maslikhat, accordingly, to the oblast, city (the cities of the Republican status and the capital of the Republic) election commission shall serve as the document that confirms the conduct of the joint session on election of the Senate deputies.
8. The joint session shall be closed after announcement by the chairperson, accordingly, of the oblast, city (the cities of the Republican status and the capital of the Republic) election commission of the voting results at election of the deputy of the Senate.

Footnote. Article 76 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 77. Vote count at election of the Senate deputy

1. The results of vote count at election of the Senate deputies shall be
established at the meeting, accordingly, of the oblast, city (the cities of the Republican status and the capital of the Republic) election commission to be conducted in the polling station.

2. The oblast, city (the cities of the Republican status and the capital of the Republic) election commission on the basis of the results of the voting shall draw up the protocol on the vote count at election of the deputy to the Senate, which shall be:

1) signed by the chairperson and members of the election commission;
2) announced at the joint session of electors;
3) delivered to the Central Election Commission within two-days from the date of election.

3. Other issues related to determination of the results of vote count shall be solve according to the rules established in the General part of this Constitutional Act.

Footnote. Article 78 is with the changes, introduced by the Constitutional Act of 06.05.1999 No. 375-I.

Article 79. Re-run of a vote at election of the Senate deputies

1. If the ballot includes more than two candidates of the Senate and none of them has been elected, accordingly, the oblast, city (the cities of the Republican status and the capital of the Republic) election commission shall call a re-run of a vote for two candidates who have received the majority of votes. In case of retiring of one of the candidates the ballot shall include the next candidate who has received the larger number of votes.

2. The re-run of a vote shall be conducted on the same day as the initial day of voting with the observation of the requirements of this Constitutional Act.

3. The clause is excluded by the Constitutional Act of RK of 06.05.1999 No. 375-I.

Footnote. Article 79 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 80. Re-run of election of the Senate deputies

1. If election has been recognized as cancelled due to non-appearance of the required number of electors or has been announced as null and void or none of candidates has been elected at the voting for two candidates, the Central Election Commission upon the presentation of the corresponding territorial election commission shall take a decision to conduct the re-run of election.

2. Re-run of election shall be conducted not later than two months after the initial election. Nomination and registration of candidates to deputies and other activities related to the re-run of election shall be conducted according to the rules established by this Constitutional Act. Herewith the shortened duration of electoral campaign shall be determined by the Central Election Commission.

3. The communication on the re-run of election shall be published in local mass media.

4. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Footnote. Article 80 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 81. Establishment and publication of the election results of the Senate deputies
1. Results of election of the Senate deputies as a whole across the Republic shall be established by the Central Election Commission not later than seven days since the date of election.

2. The candidate shall be considered as elected at the election as the Senate deputy if he/she:
   1) collected more than fifty percent of the votes of electors who have taken part in voting;
   2) collected at the re-run of a vote the majority of the votes of electors in comparison with the other candidate;
   3) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

3. Other issues related to establishment and publication of the election results shall be solved according to the rules established in the General part of this Constitutional Act.

Footnote. Article 81 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 82. Registration of the Senate deputies

1. The Central Election Commission on the basis of the protocols of the oblast, city (the cities of the Republican status and the capital of the Republic) election commissions shall register the elected Senate deputies.

2. The Central Election Commission on the basis of the statement submitted by the oblast, city (the cities of the Republican status and the capital of the Republic) election commission or applications of electors can declare the election of the deputy to the Senate as null and void if during the given elections or at vote count or determination of the voting results certain infringements of this Constitutional Act took place on the basis of which the commission can refuse the registration of the Senate deputy. In this case the given decision of the Central Election Commission can be appealed by the candidate to the Senate deputy within ten days since the date of its adoption in the Supreme Court which within ten days shall take the decision.

Footnote. Article 82 is with the changes, introduced by the Constitutional Acts of RK of 19.06.1997 No. 133-I, of 06.05.1999 No. 375-I, of 31.07.2015 No. 340-V.

Article 83. Conduct of the early election and by-election of the Senate deputies

1. The early election and by-election of the Senate deputies shall be conducted according to the rules stipulated by this Constitutional Act for the regular election of the Senate deputy. In this case the term for conduct of elections shall be determined by the Central Election Commission.

2. By-election shall not be conducted one year prior to the expiration of the constitutional term of office of the Senate deputies.

Footnote. Article 83 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 84. Consideration by the Constitutional Council of the issue of correctness of holding the election of the Senate deputies

1. By the appeal of the President of the Republic, the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth part of the total number of the deputies of the Parliament and the
Prime-Minister of the Republic which can be submitted within ten days after the summarizing of the results of the election, the Constitutional Council in case of a dispute shall solve the issue of correctness of election of the Senate deputies. In this case, the registration of the elected Senate deputies shall be suspended for the period of the consideration of appeal.

2. The Central Election Commission in case of a dispute about correctness of election of the Senate deputies shall submit the materials related to preparation for and conduct of the election to the Constitutional Council.

3. In case of recognition by the Constitutional Council that the election of the Senate deputies is not held in compliance with the Constitution in those administrative-territorial units where infringement of the constitution has been revealed, the Central Election Commission shall take a decision on recognition of the election as invalid in these administrative-territorial units and on the conduct of re-run of election within two months in those administrative-territorial units, where the election has been declared null and void.

Footnote. Article 84 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

CHAPTER 12.

ELECTION OF THE DEPUTIES OF THE MAZHILIS OF PARLIAMENT OF THE REPUBLIC

Article 85. Calling an election of the Mazhilis deputies

1. Reasons for the calling:
   1) the regular election shall be the end of the constitutional term of office of the Mazhilis deputies;
   2) the early election – the pre-term termination of the term of office of the Parliament or the Mazhilis of the Parliament;
   3) the by-election – the pre-term termination of the term of office of the deputy, the deprivation of his mandate or his/her death.

2. Election of deputies in the case stipulated by sub-clause 1 of clause 1 of this Article shall be called by the President of the Republic at least five months before and shall be conducted within two months before the termination of term of office of the Mazhilis deputies.

3. Election of deputies in case stipulated by sub-clause 2 of clause 1 of this Article shall be called by the President of the Republic simultaneously with adoption by him of the decision about advance termination of the term of office of the Parliament or the Mazhilis of the Parliament is conducted within two months from the date of the advance termination of the term of office of the Parliament or the Mazhilis of the Parliament.

   The moment of the beginning of the period, during which the early election of deputies must be held, shall be the day of entry into force of the act of the President of the Republic of Kazakhstan on dissolution of the Parliament or the Mazhilis of Parliament. This period shall end with the expiry of two months. If the end of the period falls on a month, in which there is no corresponding day, then the period shall expire on the last day of this month.

3-1. The Election Day of Mazhilis deputies who are elected by the Assembly of the People of Kazakhstan can be different from the Election Day of Mazhilis deputies who are elected on the basis of a party list.

4. In cases stipulated by sub-clause 3 of clause 1 of this Article, the by-
election shall be called by the Central Election Commission within three months from the moment of the early termination, the deprivation of his mandate or his/her death.

5. Elections shall be called taking into account the requirements of clause 3 of Article 41 of the Constitution.

Footnote. Article 85 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 19.06.2007 No. 268-III, of 03.10.2013 No. 133-V.

Article 86. The requirements to the candidates to the Mazhilis deputies

To be elected to a deputy of the Mazhilis, the citizen should meet the requirements established in clause 4 of Article 51 of the Constitution as well as to have the positive suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.

Footnote. Article 86 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 87. Nomination of candidates to the Mazhilis deputies

1. The right to nominate candidates to the Mazhilis deputies on the basis of the party lists shall belong to political parties registered in accordance with the set procedures, while the right to nominate candidates to the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall belong to the Board of Assembly.

2. Individuals shall be included into a party list to be elected as the Mazhilis deputies in a single national constituency by a majority vote of the total number of members of the supreme body of a political party. Political parties may not include into party lists those individuals, who are not members of this political party.

   The decision of the supreme body of a political party shall be forwarded to the Central Election Commission together with an individual’s consent to be included into the party list.

3. Political parties independently determine the order of placement of persons on the party list. The party list shall then be submitted to the Central Election Commission by a representative of the political party along with an abstract from the minutes of the supreme body of the political party about nomination of the party list. The authority of such representative must be proven by relevant documents.

4. Candidates to the Mazhilis deputies of the Parliament to be elected by the Assembly of the People of Kazakhstan shall be nominated by the Board of the Assembly. Relevant decisions shall be taken by a majority vote and shall be recorded in the minutes of the Board.

   The decision of the Board of the Assembly of the People of Kazakhstan shall be submitted to the Central Election Commission together with the individual’s consent to run for the Mazhilis.

5. Nomination of candidates to the Mazhilis deputies to be elected on the basis of the party lists shall begin two months prior and end at eighteen o’clock by local forty days prior to the election unless other deadlines are set at the time of calling the election.

   Nomination of candidates to the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall begin one month prior and end at eighteen o’clock by local time twenty days prior to the election.

Footnote. Article 87 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III, with the changes, introduced by the Constitutional Acts of RK of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).
Article 88. Election contribution

1. At their own expense, political parties nominating party lists shall transfer to the account of the Central Election Commission an election contribution equal to fifteen times of the minimum wage set by the legislation of the Republic of Kazakhstan for each person on the party list.

2. No election contribution shall be payable by political parties, which have received votes of seven and more percent of all voters at the previous election of the Mazhilis deputies.

3. A political party, which received votes of five to seven percent of all voters at the previous election of the Mazhilis deputies, shall pay an election contribution equal to fifty percent of the amount of the election contribution set in clause 1 of this Constitutional Act.

   A political party, which received votes three to five percent of all voters at the previous election of the Mazhilis deputies, shall pay an election contribution equal to seventy percent of the amount of the election contribution set in clause 1 of this Constitutional Act.

4. The paid contribution shall be refunded to a political party if it receives votes of at least seven percent of all voters, and in case of death of the only candidate on the party list. In all other cases the contribution paid shall not be refunded and shall proceed to the republican budget.

Footnote. Article 88 is in edition of the Constitutional Act of 19.06.2007 No. 268-III.

Article 89. Registration of candidates to the Mazhilis deputies

1. Party lists submitted by political parties and candidates nominated by the Board of the Assembly of the People of Kazakhstan shall be registered by the Central Election Commission.

2. Prior to the registration, a candidate and his/her spouse shall submit declarations on income and property to the tax bodies by the place of their residence for the first day of the month of the beginning of nomination period to be set in accordance with this Constitutional Act, in the order and form established by the authorized state body of the Republic of Kazakhstan performing tax control over execution of tax obligations to the state.

   Accuracy of the information about income and property declared by a candidate nominated by a political party and his/her spouse shall be checked by the tax bodies within fifteen days since the day of registration of a party list.

   In this case organizations, which have received the requests of the tax bodies to provide data about income and property of the candidate nominated by a political party and his/her spouse, shall provide requested information within four days upon a receipt of such request.

   Accuracy of the information about income and property declared by a candidate nominated by the Board of the Assembly of the People of Kazakhstan and his/her spouse shall be checked by the tax bodies within three days since the day of registration of a candidate.

   In this case organizations, which have received the requests of the tax bodies to provide data about income and property of the candidate nominated by the Board of the Assembly of the People of Kazakhstan and his/her spouse, shall provide requested information within two days upon a receipt of such request.

3. Party lists shall be conducted upon submission of the following documents:

   1) an extract from the minutes of the supreme body of a political party regarding nomination of the party list together with a copy of the registration certificate of a political party with the Ministry of Justice of the Republic;

   2) an application of the citizen with a consent to be included into the party list;
3. biographic data of each person on the party list;
4. certificate of tax body on receipt of an income and property declaration of the candidate and his/her spouse;
5. a document, confirming that the election contribution has been paid by a political party;
6. a document, confirming the membership of a person, included in the party list, in the political party, which has nominated such list.

4. Only one list of one political party shall be admitted to registration with the number of people listed on it not exceeding the established number of deputy mandates to be allocated among political parties by more than thirty percent.

5. Candidates nominated by the Board of the Assembly of the People of Kazakhstan shall be registered subject to availability of the following documents:
1) extract from the minutes of the Board of the Assembly regarding nomination of candidates;
2) an application of the citizen with a consent to stand for election as a candidate to deputy;
3) biographic data about each person nominated by the Assembly of the People of Kazakhstan;
4) certificate of tax body on receipt of an income and property declaration of the candidate nominated by the Assembly of the People of Kazakhstan and his/her spouse;

6. The Central Election Commission shall:
1) not later than on tenth day after registration of party list publish in mass media a communication on registration specifying the name of the political party and number of persons, listed on the party list, as well as the surname, given names, year of birth, job position, home and work address of each person, listed on the party list;
2) not later than on third day after registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan, publish in mass media a communication on registration specifying the name of the Assembly of the People of Kazakhstan, number of persons nominated by the Board of the Assembly of the People of Kazakhstan as well as the surname, given names, year of birth, job position, home and work address of each nominated person as well as his/her ethnic origin - to be specified at the discretion of a candidate;
3) issue certificates to candidates upon registration;
4) refuse to register or cancel decisions to register the party list in the following cases:
   breach of rules of nomination of a party list by a political party, failure to submit documents required for registration;
   conduct of a pre-election campaign by a political party, which has nominated a party list, by candidates it has nominated, its proxies prior to the end of the registration term;
   more than fifty percent of the whole party representatives leaving the party list;
   establishment by a court that a political party nominating the party list, or its proxies have disseminated false information discrediting the honor and dignity of a candidate, another political party, which has nominated the party list, or a person, listed on the party list, damaging his/her professional reputation;
   establishment by a court of the facts of bribing the voters by a political party nominated the party list or its proxies;
   in other cases stipulated by this Constitutional Act.

Cancellation of a decision on registration of party list or restoration of a previously deregistered party list two days prior the voting day shall not be allowed;
5) decide to exclude a person from the list who is listed on the party list in the following cases:
   failure of a person listed on the party list to comply with the requirements set by the Constitution of the Republic of Kazakhstan and this Act to a candidate;
use by a person, listed on the party list, of the advantages of his/her official position in his/her pre-election campaign;

conduct of a pre-election campaign by a person, listed on the party list, prior to the end of the registration term;

establishment by a court that a person listed on the party list has spread false information discrediting the honor and dignity of a candidate, a political party, which has nominated the party list, or a person, listed on the party list, damaging their reputation;

detection of false data on income and property data declared by the person, listed on the party list, and his/her spouse in compliance with the anti-corruption legislation of the Republic of Kazakhstan;

establishment by a court of the facts of bribing the voters by a person listed on the party list or his/her proxies;

in other cases stipulated by this Constitutional Act.

A decision to exclude a person, listed on the party list, from this list can be appealed by political party, which nominated party list, or by a person, who was excluded from the party list, to the Supreme Court, which decision shall be final.

Taking decision on exclusion of a person, listed on party list, two days before voting day shall not be permitted.

6) refuse to register or cancel the decision to register the candidate nominated by the Board of the Assembly of the People of Kazakhstan, in the following cases:

failure of a person listed on the party list to comply with the requirements set by the Constitution of the Republic of Kazakhstan and this Act to a candidate;

use by him/her of the advantages of his/her official position in his/her pre-election campaign;

breach by the Board of the Assembly of the People of Kazakhstan of rules of nomination of candidates, failure to submit documents required for registration;

conduct of a pre-election campaign by a candidate or his/her proxy prior to the end of the registration term;

establishment by a court that a candidate or his/her proxy have disseminated false information discrediting the honor and dignity of a candidate, damaging his/her professional reputation;

 detection of false data on income and property declared by the candidate and his/her spouse in compliance with the anti-corruption legislation of the Republic of Kazakhstan;

establishment by a court that a candidate or his/her proxies bribed voters;

in other cases stipulated by this Constitutional Act.

Cancellation of a decision to register the candidate or restoration of a previously deregistered candidate shall not be allowed two days prior to the voting day.

7. Refusal to register or cancellation of the decision to register the party list may be appealed to the Central Election Commission and/or the Supreme Court within seven days. Wherein, the Central Election Commission or the Supreme Court shall issue a decision on a complaint within seven days since the date of submission of the complaint.

Refusal to register or cancellation of the decision to register the candidate nominated by the Board of the Assembly of the People of Kazakhstan may be appealed to the Central Election Commission and/or the Supreme Court within two days. Wherein, the Central Election Commission or the Supreme Court shall issue a decision on a complaint within one day.

8. Registration of party lists shall begin two months and shall end one month prior to the election unless other deadlines are set at the time of calling the election.

Registration of candidates nominated by the Board of the Assembly of the People of Kazakhstan shall start twenty days and shall end at eighteen o’clock by local time fifteen days prior to the election unless other deadlines are set at the time of calling the election.

Footnote. Article 89 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III, with
the changes, introduced by the Constitutional Acts of RK of 09.02.2009 No. 124-IV, of 31.07.2015 No. 340-V; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication); of 25.05.2020 No. 335-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 90. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to the Mazhilis deputy

1. A person included into the party list may withdraw from the party list by applying with a relevant written request to the Central Election Commission. In these cases the Central Election Commission shall decide to cancel the registration of that person in the party list.

2. The Board of the Assembly of the People of Kazakhstan may revoke its nominated candidate by applying with a relevant written request to the Central Election Commission. In this case the Central Election Commission shall decide to cancel the registration of the candidate.

Footnote. Article 90 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 91. <*

Footnote. Article 91 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 92. <*

Footnote. Article 92 is excluded by the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 92-1. The size of the election fund of the political party

1. The candidates standing for elections under party lists nominated by the political parties shall not be eligible to form their own election funds.

2. The election fund of the political party shall be formed of:
   1) the political party’s own funds. The total sum should not exceed the size of the minimum wage established by the legislation for more than five thousand times;
   2) donations of citizens and organizations of the Republic. The total sum must not exceed the size of the minimum wage established by the legislation for more than ten thousand times.

Footnote. The Act is supplemented by Article 92-1 in compliance with the Constitutional Act of RK of 06.05.1999 No. 375-I.

Article 93. <*

Footnote. Article 93 is excluded by the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 93-1. Procedures for holding a session of the Assembly of the People of Kazakhstan on election of the Mazhilis deputies

1. An election of deputies of Mazhilis to be elected by the Assembly of the People of Kazakhstan shall be held at a session of the Assembly of the People of Kazakhstan shall be called by the President of the Republic.

2. The session of the Assembly of the People of Kazakhstan shall be
attended by the Chairperson and members of the respective territorial election commission of the capital of the Republic or the cities of the Republican status, in which territory a session shall be held.

The Board of the Assembly of the People of Kazakhstan shall notify the Central Election Commission of the voting venue within ten days before the voting.

3. The election commission shall arrange a station for voting on the election of Mazhilis deputies in the premises where a session of the Assembly of the People of Kazakhstan is to be held.

4. The document of the session of the Assembly of the People of Kazakhstan submitted to the territorial election commission shall be a document certifying that such session on election of Mazhilis deputies has been held.

5. The session shall be closed after the announcement of voting results with regards to the election of Mazhilis deputies by the corresponding territorial election commission.

Footnote. The Act is supplemented by Article 93-1 in compliance with the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 94. Vote count at election of the Mazhilis deputies on the basis of the party lists

1. On the basis of the voting results the precinct election commission shall draw up protocol on voting results to be immediately forwarded to the corresponding territorial election commission.

2. The results of a party-list based election shall be determined at the session of the Central Election Commission on the basis of the protocols of the corresponding territorial election commissions to be forwarded to the Central Election Commission within two days since the date of election. Protocol shall be drawn up with regards to the election results.

3. Other issues related to determination of the vote count results and election results shall be determined in accordance with the rules set out in the General part of this Constitutional Act.

Footnote. Article 94 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 94-1. Vote count at election of the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan

1. The results of vote count at election of the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall be determined at the session of the corresponding territorial election commissions held at the voting station.

2. On the basis of the voting results the territorial election commission shall draw up a protocol on vote count to be announced at the session of the Assembly of the People of Kazakhstan and to be forwarded to the Central Election Commission within two days since the date of election.

3. Other issues related to determination of the results of vote count shall be determined in accordance with the rules established in the General part of this Constitutional Act.

Footnote. The Act is supplemented by Article 94-1 in compliance with the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 95. Re-run of a vote at election of the Mazhilis deputies

1. By the request of the corresponding territorial election commission or citizens, the Central Election Commission shall be eligible to invalidate the election of Mazhilis
deputies in a corresponding administrative and territorial unit, if this Constitutional Act was breached during the election or vote count or determination of the election results, which do not allow the results of expression of the citizens’ will to be accurately determined. In this case the Central Election Commission shall announce re-run of a vote in a corresponding administrative and territorial unit.

2. Re-run of a vote shall be held within the term established by the Central Election Commission on the basis of the same party lists, the same polling stations and the same voter registers, which have been used for the initial election. Re-run of a vote shall be announced in mass media.

Footnote. Article 95 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 96. Re-run of election of the Mazhilis deputies

1. If election of the Mazhilis deputies on the basis of the party lists has been invalidated, the Central Election Commission shall take a decision on conducting a re-run of election of the Mazhilis deputies on the basis of the party lists. Voting shall be held at the same polling districts and the same voter lists, which were used for the initial election.

2. Re-run of election of the Mazhilis deputies to be elected by the Assembly of the People of Kazakhstan shall be set by the Central Election Commission, if the election was invalidated or if no person was elected during the initial election.

3. Re-run of election shall be conducted not later than within two months since the initial election or before the deadline set by the Central Election Commission. Electoral campaign, which have been foreseen for the re-run of election, shall be carried out according to the procedures stipulated by this Constitutional Act. Herewith the reduced term for the electoral campaign shall be determined by the Central Election Commission.

4. Re-run of election shall be announced in mass media.

Footnote. Article 96 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.

Article 97. Establishment and publication of the election results of the Mazhilis deputies

1. The election results of Mazhilis deputies in the entire territory of Republic shall be determined by the Central Election Commission within seven days from the day of election.

2. The clause is excluded by the Constitutional Act of RK of 19.06.2007 No. 268-III.

3. Other issues related to determination and publication of the election results shall be solved in compliance with the rules established in the General part of this Constitutional Act.

Footnote. Article 97 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

Article 97-1. Distribution of deputy mandates based on the results of voting by party lists

1. The Central Election Commission shall sum up the votes of voters cast in the territory of the single national constituency per each party list that has received seven and more percents of votes from the total number of the voters who have taken part in voting. The sum of votes cast for political parties, who overcame seven percent threshold shall be divided to the number of distributed deputy mandates. The received result shall be the first election quotient (quota).
2. If seven percent of votes of voters, who have taken part in voting, has been received only by one political party, then the party list of this political party as well as the party list of the party, which has received the next largest number of votes of voters, who have taken part in voting, shall be admitted to distribution of deputy mandates.

The sum of votes cast for two political parties shall be divided to the number of distributed deputy mandates. The received result shall be the first election quota.

3. The number of votes received by each party list admitted to the distribution of deputy mandates shall be divided by the first election quotient (quota).

The number of votes received by party list, which has not overcome the seven percent threshold and has been admitted to the distribution of deputy mandates in accordance with clause 2 of this Article shall divided by the first election quota and multiplied by a correction index of 0.7.

A political party, which has not overcome the seven percent threshold and has been admitted to the distribution of deputy mandates in accordance with clause 2 of this Article shall receive no less than two mandates.

4. If after the actions made according to clause 3 of this Article there are undistributed mandates, they shall be subject to the second distribution. The undistributed mandates shall be distributed by one between the same party lists which have the largest fractional exponent (remainder) of the number received in the result of division in compliance with clause 3 of this Article. In case of equality of the largest fractional exponent (remainder), the advantage shall be given to the party list, which has been registered earlier.

During distribution of mandates according to clause 2 of this Article undistributed mandates shall be given to that party list, which as a result of voting has overcome the seven percent threshold.

5. The sequence of distribution of deputy mandates shall be determined by the governing body of a political party from candidates included into the party list according to clause 4 Article 89 of this Constitutional Act within ten days from the date of publication of the election results.

If the governing body of the political party has failed to determine the sequence of distribution of the received deputy mandates within the deadlines fixed in the first paragraph of this clause, the Central Election Commission shall take a decision with regards to distribution of deputy mandates received by party according to the registered lists in the alphabetic order in the state language.

6. In case of early retirement of the deputy, the Central Election Commission shall take a decision to transfer his/her mandate to the next candidate to be nominated by the governing body of the political party from candidates included in the party list in compliance with clause 5 of this Constitutional Act.

In case if there are no more candidates in the corresponding party list, the mandate shall remain vacant till the next election of Mazhilis deputies.

Political parties shall be eligible to change sequence of candidates to their party lists by applying to the Central Election Commission with a written request and enclosing an abstract of the minutes from the meeting of the political party’s governing body.

Footnote. The Act is supplemented by Article 97-1 in compliance with the Constitutional Act of RK of 06.05.1999 No. 375-I, in the edition of the Constitutional Act of RK of 09.02.2009 No. 124-IV.

Article 98. Registration of the Mazhilis deputies

The Central Election Commission shall register the elected Mazhilis deputies.

Footnote. Article 98 is in edition of the Constitutional Act of RK of 19.06.2007 No. 268-III.
Article 99. Conduct of early election and by-election of Mazhilis deputies

1. The early election and by-election of Mazhilis deputies shall be conducted according to the rules stipulated by this Constitutional Act for the regular election of the Mazhilis deputies. In this case the term for conduct of election shall be determined by the Central Election Commission.

2. One year prior to the expiration of the constitutional term of office of Mazhilis deputies, the by-elections shall not be conducted.

Footnote. Article 99 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 100. Consideration by the Constitutional Council of the issue of correctness of election of the Mazhilis deputies

1. By the appeal of the President, of the Chairperson of the Senate, the Chairperson of Mazhilis, at least one fifth part of the total number of Parliament deputies and the Prime-Minister of the Republic which can be submitted within ten days after determination of election results, the Constitutional Council shall solve the issue on the correctness of elections of the Mazhilis deputies in case of a dispute. In this case, the registration of the elected Mazhilis deputies shall be suspended for the period of time for consideration of the appeal.

2. The Central Election Commission in case of rise of a dispute on correctness of elections of the Mazhilis deputies shall submit the materials related to preparation and holding the election to the Constitutional Council.

3. In case of a recognition by the Constitutional Council of non-compliance of the election of deputies of Mazhilis under party lists to the Constitution in territories of those administrative-territorial units where Constitution infringements have been established, the Central Election Commission shall take a decision on a recognition of the election invalid in territory of these administrative-territorial units and on the conduction of re-run of a vote.

4. In case of a recognition by the Constitutional Council of non-compliance of the election of the Mazhilis deputies elected by the Assembly of the People of Kazakhstan to the Constitution the Central Election Commission shall take a decision on recognition of this election invalid and on the conduct of re-run of election of the Mazhilis deputies elected by the Assembly of the People of Kazakhstan.

Footnote. Article 100 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III.

CHAPTER 13.
ELECTION OF THE MASLIKHAT DEPUTIES OF THE REPUBLIC

Article 101. Calling an election of maslikhat deputies

1. Reasons for the calling:
   1) the regular election - termination of the constitutional term of office of maslikhats, except for
the cases stipulated by law;
2) the early election - the advance cease of authorities of maslikhats;
3) the sub-clause is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

2. The regular election of the maslikhat deputies shall be called by the Central Election Commission at least three months prior to expiration of the term of office of maslikhats and must be conducted at least one month prior to the expiration of the constitutional term of office of maslikhats.
3. Early election of the maslikhat deputies, whose authorities have been terminated ahead of the schedule, shall be called the Central Election Commission on the basis of the President’s Decree on the advance cease of maslikhats’ authorities, decision of the maslikhat on its self-dissolution and must be conducted within two months from the date of the advance cease of authorities of maslikhats.
4. The sub-clause is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).
5. The regular election of the maslikhat deputies of all levels shall be conducted simultaneously and shall not coincide by the terms with the elections of the President, the Senate deputies of the Parliament.
6. The communication about the Election Day shall be published in mass media.

Footnote. Article 101 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 19.06.2007 No. 268-III; of 09.02.2009 No. 124-IV; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 102. The requirements to maslikhat deputies

To be elected as the maslikhat deputy the citizen shall meet the requirements stipulated by clause 3 of Article 86 of the Constitution as well as shall have the suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.

Footnote. Article 102 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 103. Nomination of candidates to maslikhat deputies

1. The right to nominate candidates for deputies of maslikhats elected by party lists belongs to political parties.
2. Inclusion in the party list of persons to be elected as a deputy of maslikhat of the corresponding administrative-territorial unit should be made by a majority of votes from the total number of members of the highest governing body of the relevant branch (representative office) of political party.
3. Political parties are not entitled to include persons on the party lists who are not members of them.
4. The decision of the highest governing body of the relevant branch (representative office) of a political party, together with a citizen’s statement of consent to be included in the party list, should be send to the appropriate territorial election commission.
5. The procedure for placing persons on a party list is determined by the decision of the highest governing body of the relevant branch (representative office) of political party. A representative of a political party shall submit the party
list to the appropriate territorial election commission simultaneously with an extract from the minutes of the highest governing body of the relevant branch (representative office) of political party on the nomination of the party list.

6. The powers of the representative must be confirmed by the relevant documents.

7. Nomination of candidates to deputies of maslikhats elected by party lists begins two months and ends at eighteen o’clock local time one month before Election Day, unless otherwise specified when calling elections.

8. If less than two party lists for maslikhat candidates are registered on the day of the expiration of the registration of party lists in the relevant electoral district, the territorial election commission extends the term for nominating candidates by no more than twenty days.

Footnote. Article 103 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 104. Registration of candidates to maslikhat deputies

1. Registration of political party lists, given by political parties should be made by corresponding territorial election commission.

Political parties that have nominated their party lists pay from their own funds to the account of local executive bodies the election fee in the amount of five times the minimum wage established by the legislation of the Republic of Kazakhstan for each person included in the party list.

The election fee in the respective territorial constituency is not paid by political parties that received seven or more percent of the votes from the number of those who took part in the voting at the previous elections of deputies of the respective maslikhat.

A political party that received from five to seven percent of votes from the number of voters participating in the respective territorial election district at the previous elections of deputies of the corresponding maslikhat is paid in the amount of fifty percent of the size of the election fee specified in part two of this clause.

A political party that received from three to five percent of the votes of the number of voters participating in the respective territorial election districts in the previous elections of deputies of the respective maslikhat shall be paid in the amount of seventy percent of the size of the election fee specified in part two of this clause.

The paid election fee is returned to the political party in cases where the political party won at least seven percent of the votes of the voters who took part in the voting, as well as in the event of the death of the only candidate on the party list. In all other cases, the paid election fee is not refundable and goes to the republican budget.

2. Prior to registration, the candidate included in the party list and his (her) spouse (s) submit to the state revenue authorities at the place of residence the income and property declarations on the first day of the month of the beginning of the nomination term established in accordance with this Constitutional Act, in procedure and form established by the authorized state body of the Republic of Kazakhstan, that exercises leadership in the sphere of ensuring the receipt of taxes and other obligatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the requirements of the state revenue authorities to submit information on the income and property of the candidate and his (her) spouse (spouse) must provide the requested information within four days from the date of receipt of the
3. Registration of party lists is carried out in the presence of the following documents:
   1) extracts from the protocol of the highest governing body of the relevant branch (representative office) of a political party on the nomination of a party list with an attachment of a copy of the political party’s registration document with the authorized body;
   2) a citizen’s statement of consent to be included in the party list;
   3) a biographical data about each person included in the party list;
   4) a document confirming that the political party has paid the election

   5) a certificates of the state revenue authority on the delivery by the
candidate and his (her) spouse of income and property declarations;
6) a document confirming the membership of the person included in the party list in the political party that nominated the list.

Only one list per political party is allowed for registration in a territorial constituency.

5. On the registration of party lists of candidates for maslikhat deputies, the territorial election commission shall draw up a protocol, which shall be submitted to a higher election commission within five days.
6. Territorial election commission:
1) not later than on the seventh day after registration of party lists, publish in the mass media a message about registration indicating the name of the political party and the number of persons included in the party list, as well as the last name, first name, patronymic, year of birth, position held (occupation), places of work and residence of each person included in the party list;
2) upon registration, issues an appropriate certificate to candidates;
3) refuses to register or cancels the decision on registration of the party list in case of: violation by a political party of the rules for the nomination of a party list, failure to submit the necessary documents for registration; holding by a political party that has nominated a party list, candidates nominated by it, its proxies for election campaigning before the end of the registration term, on Election Day or the day preceding it; determination by the court of the fact that the candidate and (or) his proxies have disseminated false information discrediting the honor and dignity of another candidate, undermining his business reputation; exit from the party list of persons constituting more than fifty percent of the entire party list; establishment by the court of the facts of bribing a political party that nominated a party list, or its proxies for voters; other cases established by this Constitutional Act. Cancellation of a decision on registration of a party list or restoration of a party list previously withdrawn from registration two days before voting day is not allowed;
4) decide on the exclusion of a person on the party list from this list in the case of: incompliance of the person included in the party list with the requirements of the candidate for the candidate by the Constitution of the Republic of Kazakhstan and this Constitutional Act; identifying, at the time of filing the declaration, the inaccuracy of information about incomes and property declared by the candidate or his (her) spouse (spouse) in accordance with the legislation of the Republic of Kazakhstan on combating corruption; using by a person included in a party list of official or official position in his election campaign; holding by the person included in the party list a pre-election campaign before the end of the term of registration of the party list, on the Election Day or the day preceding it; establishing by the court of the facts of bribing voters by a person included in the party list or his authorized representatives;
in other cases established by this Constitutional Act.

The decision to exclude a person on the party list from this list may be appealed by a political party that nominated the party list, or by a person excluded from the party list, to a court whose decision is final.

The decision to exclude a person included in the party list two days before voting day is not allowed.

7. Refusal to register or cancel a decision on registration of a party list may be appealed to a higher election commission or court within seven days. At the same time, a higher election commission or court issues a decision on the complaint within seven days from the day the complaint is filed.

8. Registration of party lists begins two months and ends at eighteen o’clock local time twenty-five days before Election Day, unless otherwise specified when calling elections.

Footnote. Article 104 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication); with the change, introduced by the Constitutional Act of RK of 25.05.2020 No. 335-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 105. Withdrawing of the candidature, cancellation of the decision on nomination of the candidate to maslikhat deputy

1. A person included in a party list may withdraw his candidacy by submitting a written application to the territorial election commission and a political party about this.

2. The administrative body of a political party or its corresponding branch (representative office) in the period before registration and after it may apply with an appropriate submission to the territorial election commission to exclude a candidate for maslikhat deputy from the party list.

3. In these cases, the territorial election commission shall decide on the exclusion of the person included in the party list.

4. If the withdrawal of the candidacy or the cancellation of the decision to nominate a candidate were made without compelling circumstances, the territorial election commission is obliged to charge part of the expenses incurred for conducting an election campaign to the account of the political party that nominated him.

Footnote. Article 105 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 106. The size of the election fund of the candidate to maslikhat deputy

1. Candidates running for party lists nominated by political parties are not entitled to create their own election funds.

2. Election funds of political parties for each party list are formed from:

   1) own funds of a political party, the total amount of which should not exceed the
minimum wage established by the legislation more than a thousand times;
2) voluntary donations of citizens and organizations of the Republic of Kazakhstan, the total amount of which should not exceed the minimum wage established by the legislation more than two thousand times.

Footnote. Article 106 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 107. Nomination of candidates to maslikhat deputies at by-election after termination of the term of registration

1. In case of leaving party lists after the expiration of the registration term in the relevant electoral district there are less than two party lists of candidates remain for the maslikhat deputies, the territorial election commission by its decision extends the term of elections, but not more than two months.
2. In this case, the nomination of party lists of candidates for the maslikhat deputies is carried out in accordance with the rules established by this Constitutional Act.

Footnote. Article 107 is in edition of the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 108. Vote count at election of maslikhat deputies

1. A precinct election commission shall draw up protocols on the results of voting in elections of deputies for the district (city) and regional maslikhats, which are immediately sent to the relevant election commission (district, city, district in the city).
2. Based on the results of voting, the district and city election commissions, based on the protocols of the district election commissions, establish the results of the election of deputies to district and city maslikhats no later than two days after the Election Day.
3. District election commissions on the basis of the protocols of precinct election commissions draw up protocols based on the results of voting during elections of maslikhats deputies of regions, cities of republican status and the capital, which are immediately sent to higher election commissions.
   Regional, cities of republican status and capital electoral commissions on the basis of these protocols no more than two days from the date of elections establish the results of the election of maslikhats deputies of regions, cities of republican status and the capital.

Article 109. <*>

Footnote. Article 109 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 110. Re-run of election of the maslikhat deputies
1. If election has been declared as invalid, the territorial election commission shall take a decision on conduct of the re-run of election. Voting shall be conducted in the same polling stations and under the same voter registers that have been compiled for the conduct of initial election.

2. Re-run of election shall be conducted within two months’ term after the initial election. Electoral campaign, which have been foreseen for the re-run of election, shall be conducted according to the rules stipulated by this Constitutional Act. In this case the reduced term of the electoral campaign shall be fixed by a territorial election commission.

3. Local mass media shall inform about conduct of the re-run of election.

4. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

   Footnote. Article 110 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 111. Establishment and publication of the election results of the maslikhat deputies

1. The results of election of the maslikhat deputies shall be established by the corresponding territorial election commission not later than within five days from the date of election.

2. The sub-clause is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

3. Other issues related to the establishment and publication of the election results of the maslikhat deputies shall be solved according to the rules established in the General part of this Constitutional Act.

   Footnote. Article 111 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 111-1. Distribution of deputy mandates by party list voting

1. The relevant territorial election commission calculates the amount of votes cast by the respective administrative-territorial unit for each party list that received seven or more percent of the votes of the number of voters who participated in the vote. The amount of votes cast for political parties that have overcome the seven percent barrier is divided by the number of deputy seats to be distributed. The result is the first electoral quotient (quota).

2. If seven percent of the votes of the voters who took part in the voting are received by only one political party, then the list of the indicated political party and the party list of the party that received the next highest number of votes of the voters who participated in the voting are allowed for the distribution of deputy mandates.

   The amount of votes cast for two political parties is divided by the number of deputy seats to be distributed. The result is the first electoral quotient (quota).
3. The number of votes received by each party list participating in the distribution of deputy mandates is divided into the first electoral quotient.

   The number of votes received by the list of a party that has not overcome the seven percent barrier and participates in the distribution of mandates in accordance with paragraph 2 of this article is divided by the first electoral quotient and multiplied by a correction factor of 0.7.

   The integer part obtained as a result of dividing the number is the number of deputy mandates received by the corresponding political party that formed the party list.

   A political party that has not overcome the 7% barrier and participates in the distribution of mandates in accordance with paragraph 2 of this article shall receive at least one mandate.

4. If after the actions performed in accordance with paragraph 3 of this article, there are unallocated mandates, they are redistributed. Unallocated mandates are transferred one by one to those party lists that have the largest fractional part (remainder) of the number obtained as a result of the division in accordance with paragraph 3 of this article. In case of equality of the greatest balance, priority is given to the party list registered earlier.

   In the distribution of mandates in accordance with paragraph 2 of this article, unallocated mandates are transferred to the party list, which, by a vote, surmounted the seven percent barrier.

5. The sequence of distribution of deputy mandates is determined by the governing body of the relevant branch (representative office) of a political party from among the candidates included in the party list no later than five days from the date of publication of the election results.

6. In the event of an early departure of a deputy, his mandate shall be transferred by the decision of the relevant territorial election commission to the next candidate determined by the governing body of the relevant branch (representative office) of a political party from among the candidates included in the party list.

   If there is no remaining candidate in the relevant party list, the mandate remains vacant until the next election of maslikhat deputies.

Footnote. The Constitutional Act is supplemented with Article 111-1 in compliance with the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 112. Registration of maslikhat deputies

1. The relevant territorial election commission shall register elected maslikhats deputies.

2. The relevant territorial election commission on the submission of the district (city) election commission or citizens’ appeals may recognize the election of maslikhat deputies invalid if this Constitutional Act was violated during the election or when counting votes or determining election results. At the same time, the decision of the territorial election commission within ten days from the date of its adoption may be appealed by the political party that nominated the party list, to the court, which makes a decision within ten days.
Article 113. Conduct of early election and by-election of maslikhat deputies

Early elections of maslikhat deputies are held in accordance with the rules established by this Constitutional Act for regular elections of maslikhat deputies. At the same time, the timing of electoral events is determined by the relevant territorial election commission.

Article 114. Calling an election of the local self-government bodies

1. The grounds for the calling:
   1) the election shall be termination of the statutory term of office of the local self-government bodies;
   2) the by-election of the member of the local self-government body shall be the preterm termination of the authorities of the member, deprivation of his/her mandate or his/her death.

2. Election of the local self-government bodies shall be called by the territorial election commission at least two months prior to expiration of authorities of the local self-government bodies and must be conducted at least one month prior to the expiration of the statutory term of their authorities.

   The order of conduct of election shall be determined by the Central Election Commission according to this Constitutional Act.

3. The communication about the day of election shall be published in local mass media.

Article 115. Requirements to the members of the local self-government bodies

To be elected as a member of the local self-government bodies the citizen shall meet the requirements established by the corresponding Act of the Republic of Kazakhstan as well as have the suffrage according to clauses 2 and 3 of Article 33 of the Constitution and this Constitutional Act.
Article 116. Election districts and election commissions at elections of members of the local self-government bodies

At election of members of the local self-government bodies:
1) the territories of rural and urban local communities where groups of the population compactly live shall make constituencies;
2) the sub-clause is excluded by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication);
3) organization and conduct of election shall be carried out by the precinct election commissions.

Footnote. Article 116 is with change, introduced by the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 117. Nomination of candidates to members of the local self-government bodies

1. The right to nominate candidates to members of the local self-government bodies shall belong to assemblies of citizens, which shall be legally qualified in case of availability at least fifty citizens having the suffrage and compactly living in rural and urban local communities as well as to the citizens by self-nomination.
2. The decision to nominate candidates to members of the local self-government bodies shall be taken by the majority of votes of citizens present at the assembly. The decision shall be validated by the corresponding minutes.
3. The decision of the assembly of citizens shall be:
   1) brought to the notice of the proposed candidate;
   2) sent to the corresponding territorial election commission with the candidate’s application expressing his/her consent to run for candidacy to deputies.
4. Nomination of candidates to members of the local self-government bodies by the citizens shall be made through self-nomination by submission to the corresponding territorial election commission of an application on intent to run for the candidacy to members of the local self-government bodies in the territory of the corresponding rural or urban local community.
5. The citizen who does not live in the territory of the given rural or urban local community cannot be nominated as a candidate to members of the local self-government bodies.
6. The number of the nominated candidates shall not be limited.
7. Nomination of candidates shall begin from the day following calling an election, and ends fourteen days prior to the day of election.
8. If on the day of termination of the term of registration of candidates less than two candidates to members of the local self-government bodies have been registered, the territorial election commission extends the term for
nomination of candidates but not for more than twenty days.
9. The territorial election commission within three days shall determine conformity of
the candidate to the requirements of the Constitution and this Constitutional Act.

Footnote. Article 117 is with the changes, introduced by the Constitutional Acts of
RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 118. Registration of candidates to members of the local self-government bodies

1. Registration of candidates shall be carried out by the territorial election commissions.
   1-1. Prior to the registration, a candidate and his/her spouse shall submit
        declarations on income and property to the tax bodies by the place of their residence
        for the first day of the month of the beginning of nomination period to be set in
        accordance with this Constitutional Act, in the order and form established by the
        authorized state body of the Republic of Kazakhstan performing tax control over
        execution of tax obligations to the state.

        Accuracy of the information about income and property declared by a candidate
        and his/her spouse shall be checked by the tax bodies within fifteen days since the day
        of registration of a candidate.

        In this case, the organizations that were asked by the tax bodies to provide
        information about income and property of a candidate and his/her spouse shall be
        obliged to provide the requested information within four days since receiving the
        request.

2. Registration of the candidate nominated by the assembly of citizens shall be made on
   the basis of the following documents:
   1) the minutes of the assembly of citizens;
   2) application of the citizen expressing his/her consent to run for the candidacy to
      members of the local self-government bodies;
   3) the biographic data of the candidate;
   4) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;
   5) a reference from the tax body confirming that the candidate and his/her spouse
      have submitted declarations on income and property;

3. Registration of the candidate in case of his/her self-nomination shall be
   conducted on the basis of the following documents:
   1) application expressing an intention to run for the candidacy to deputies;
   2) biographic data of the candidate;
   3) the sub-clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II;
   4) a reference from the tax body confirming that the candidate and his/her spouse
      have submitted declarations on income and property.

4. Any number of candidates can be presented for registration.
5. The territorial election commission shall draw up the minutes about registration
   of candidates.
6. The territorial election commission:
   1) within on the fourth day after registration of candidates shall publish in local mass
      media the announcement on registration with indication of the surname, given names,
the year of birth, job position, work and home address of each candidate as well as by a consent of a candidate, data on his/her membership in a public association and ethnic origin;
2) shall issue approved certificates to the registered candidates;
3) shall refuse in registration or cancel the decision on registration of the candidate to the following cases:
infringements by the candidate of the rules on nomination, non-submission of the necessary documents for registration;
incompatibility of the candidate to the requirements stipulated in the Constitution and this Constitutional Act;
use by the candidate of his/her official or professional status for the purposes of the electoral campaign;
conduct by a candidate of a pre-election campaign before the end of the registration term on the day of elections or the day preceding it;
establishment by court of the fact of distribution by the candidate and (or) his/her proxies of the false information discrediting the honor and dignity of the other candidate, damaging his/her professional reputation;
establishment by court of the facts of bribing the voters by a candidate and his/her proxies;
in other cases stipulated by this Constitutional Act;
3-1) shall cancel the decision on registration of the candidate in case of revealing at the moment of submission of a declaration the fact of non-authenticity of the data on income and property declared by the candidate or his/her spouse according to the legislation of the Republic of Kazakhstan on struggle against corruption.
Cancellation of decision on registration of candidate or restoration of previously de-registered candidate two days prior voting day shall not be permitted.
7. The refusal in registration of the candidate or cancellation of the decision on his/her registration can be appealed within three days by the assembly of citizens or the candidate to the superior territorial election commission or in a court. In this case the territorial election commission or the court shall take a decision as regards the appeal within three days from the date of submission of the appeal.
8. Registration of the candidate shall begin twenty days before and end thirteen days prior to the day of elections.

Footnote. Article 118 is with the changes, introduced by the Constitutional Acts of RK of 08.05.1998 No. 222-I, of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III, of 31.07.2015 No. 340-V;
of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 119. Withdrawing of the candidature, cancellation of the decision on nomination as a candidate to member of local self-government body

1. The candidate within the period before registration and prior two days before voting can withdraw his/her candidature through submission of a written application about it to the corresponding territorial election commission.
2. The assembly of citizens within the period before registration and after it can cancel its decision on nomination of the candidate through submission of a corresponding statement to the territorial election commission.
3. In this case the territorial election commission shall not conduct any registration of the candidate or cancel the decision on registration of a candidate.

Footnote. Article 119 is with the changes, introduced by the Constitutional Acts of RK of 14.04.2004 No. 545-II, of 15.04.2005 No. 44-III; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 120. <*>

Footnote. Article 120 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 121. Nomination of candidates to members of local self-government bodies instead of the retired members after termination of the term of registration

1. If, on the day of the expiration of the registration of candidates, less than two candidates for members of local governments are registered, the territorial election commission, by its decision, extend the term of the election, but not for more than a month.
2. In this case, nomination of candidates shall be carried out according to the rules stipulated by this Constitutional Act.

Footnote. Article 121 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II; of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

Article 122. Vote count at election of the member of the local self-government bodies

1. Precinct election commission on the basis of the results of voting shall issue a protocol on voting, which shall be immediately sent to the territorial election commission.
2. Other issues related to determination of the results of vote count shall be solved according to the rules established in the General part of this Constitutional Act.

Footnote. Article 122 is with the changes, introduced by the Constitutional Act of RK of 06.05.1999 No. 375-I.

Article 123. By-election of members of the local self-government bodies

1. In case the number of the elected members of the local self-government bodies appeared to be less than the number of mandates of the corresponding local self-government body, the territorial election commission shall call the by-election of the members of local self-
government bodies in a month’s time from the date of conduct of the initial election.
2. By-election shall be conducted according to the rules established by this
Constitutional Act for initial election.

Footnote. Article 123 is with the changes, introduced by the Constitutional Act of
RK of 06.05.1999 No. 375-I.

Article 124. Re-run of election of members of the local self-government bodies

1. If election has been declared null and void, the territorial election commission shall
take a decision on conduct of the re-run of election. Voting shall be conducted in
the same polling stations under the same voter registers that have been compiled for the
conduct of initial election.
2. Re-run of election shall be conducted not later than within one month since the initial
election. Electoral campaign, which have been foreseen for the re-run of election,
shall be conducted according to the rules stipulated by this Constitutional Act.
3. Local mass media shall inform about conduct of the re-run of election.
4. The clause is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Footnote. Article 124 is with the changes, introduced by the
Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 125. Establishment and publication of the election results of members of the
local self-government body

1. The election results shall be established on the meeting of the territorial election
commission on the basis of the protocols of the precinct election commissions not
later than within three days from the date of election. Protocol on the election
results shall be signed by the chairperson and members of the territorial commission.
1-1. The candidates who according to the available mandates have collected the
majority of votes of the voters who have taken part in voting in comparison with other
candidates shall be considered as elected members to the local self-government
bodies.
2. Other issues on the establishment and publication of the election results shall be solved
according to the rules stipulated in the General part of
this Constitutional Act.

Footnote. Article 125 is with the changes, introduced by the Constitutional Act of
RK of 06.05.1999 No. 375-I.

Article 126. Registration of members of the local self-government bodies

1. The corresponding territorial election commission on the basis of the minutes of
precinct election commissions within three days from the date of election shall
register the elected members of the local self-government bodies.
2. The corresponding territorial election commission upon submission of the precinct
election commission or citizens’ appeals can declare the election of members of the
local self-government bodies as invalid and void if
during the election or vote count or determination of the election results certain infringements of this Constitutional Act have been revealed, and can refuse in registration of members of the local government bodies. In this case the given decision of the territorial election commission can be appealed within five days from the date of its adoption by candidates to court which within ten days shall take its decision.

Footnote. Article 126 is with the changes, introduced by the Constitutional Act of RK of 06.05.1999 No. 375-I.

Article 127. Conduct of by-election of members of local self-government bodies

1. By-election of members of local self-government bodies shall be conducted according to the rules stipulated by this Constitutional Act for the regular election. In this case the term for the conduct of electoral campaign shall be fixed by the corresponding territorial election commission.
2. By-election of a member of local self-government body shall not conducted one year before the termination of the term of office of the local self-government bodies as it shall be established by the legislation of the Republic of Kazakhstan.

Footnote. Article 127 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

CHAPTER 15. CONCLUDING AND TRANSITORY PROVISIONS

Article 128. *

Footnote. Article 128 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

Article 129. The order for the election of deputies of the Senate of Parliament of a new convocation at early election

1. Electoral campaign at election of deputies of the Senate of the new convocation in case of conduct of early election, except for the conduct of voting, establishment of the election results and determination of the term of office of the Senate deputies, shall be conducted according to this Constitutional Act.
2. Voting at elections of the deputies of Senate of the new convocation at the joint session of electors - deputies of maslikhats of the oblast (cities of the Republican status, the capital) shall be conducted simultaneously for two mandates of the Senate deputies.
3. The territorial election commission shall distribute all registered candidates in the ballot in the alphabetic order. Two empty spaces to mark votes for any candidate shall be placed to the right of the candidates’ surnames. One empty space shall be fixed to mark a candidate to be elected for the six year term and the other empty space for a candidate to be elected for the three year term.
4. At voting the elector shall put any mark in two empty spaces to the right of surnames of those candidates for whom he/she casts the vote, accordingly, one mark in the empty space for the election for six years and the other mark in the empty space for the election for three years.

5. Vote count and determination of the results shall be conducted separately in two mandates of the Senate deputies.

6. The candidates who have received more than fifty percent of votes of the total number of electors who have taken part in voting shall be considered as elected at election of the Senate deputies of the new convocation.

7. If the Senate deputies have not been elected in the first run of voting, the voting shall be rerun. The re-run of a vote shall be conducted under different ballots, one ballot for voting for the candidate to be elected for six years and the other for the candidate to be elected for three years.

The ballot shall include two candidates who have received the majority of votes of electors who have taken part in voting. The candidate who has received the larger number of votes of the electors in comparison with the other candidate shall be considered as elected.

Footnote. Article 129 is with the changes, introduced by the Constitutional Acts of RK of 06.05.1999 No. 375-I, of 14.04.2004 No. 545-II.

Article 130. <*>

Footnote. Article 130 is excluded by the Constitutional Act of RK of 14.04.2004 No. 545-II.

**Article 130-1. Terms of election of maslikhat deputies**

Maslikhat deputies will be elected on the basis of a proportional election system from January 1, 2019 if the grounds provided for by this Constitutional Act occur.

Until that time, the relevant provisions of this Constitutional Act shall be in the previous edition.

Footnote. The Constitutional Act is supplemented with Article 130-1 in compliance with the Constitutional Act of RK of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication).

**Article 131. Term for election of members of local self-government bodies**

Election of stipulated by the Constitution of other than maslikhats local self-government bodies shall be called accordingly by oblast, city (the cities of the Republican status and the capital of the Republic) election commissions after entry into force of the law, which shall determine the status and authorities of local self-government bodies.

Footnote. Article 131 is with the changes, introduced by the Constitutional Act of RK of 19.06.2007 No. 268-III.

**Article 132. <*]**
Article 133. Entry into force and operation of this Constitutional Act

This Constitutional Act:
1) comes into force from the date of publication;
2) applies to legal relations arising after the entry into force of this Constitutional Act.

Suspend until 1 January 2019 the effect of paragraph 3 of Article 19, having established that during the period of suspension this paragraph is valid as follows:

“3. The Chairperson, members of the Central Election Commission and the staff of her staff exercise authority on a professional, permanent basis. The Chairperson of the election commission represents the interests of the commission in court and other state bodies, and also has the right to delegate authority to represent the interests of the election commission to other persons by issuing an appropriate power of attorney.”;

Suspend until 1 January 2021 the action:

1) in Article 59:

Parts one, two, three and four of paragraph 2, having established that during the period of suspension parts one, two and three shall act as follows: “The candidate and his (her) spouse (spouse) before registration submit to state revenue authorities at the place of residence declarations on income and property on the first day of the month of the commencement of the nomination period established in accordance with this Constitutional Act, in the manner and form established by the authorized state body of the Republic of Kazakhstan, providing leadership in the field of security revenues and other obligatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the requirements of the state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) are required to submit the requested information within four days from the day the request was received. “;

subparagraph 4-2) of paragraph 5, establishing that during the period of suspension this subparagraph is effective as follows:

“4-2) certificates of the state revenue authority on the delivery by the candidate and his (her) spouse of income and property declarations;”;

of the first subparagraph 3-1) of paragraph 7, having established that during the suspension period this part is valid as follows:

“3-1) cancels the decision on the registration of a candidate in the event that at the time of filing a declaration that the information on incomes and property declared by the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption. “;

2) in Article 73:
Parts Two, Three and Four of clause 2, having established that during the period of suspension these parts are as follows:

“The candidate and his (her) spouse (spouse) before registration submit to state revenue authorities at the place of residence declarations on income and property on the first day of the month of the commencement of the nomination period established in accordance with this Constitutional Act, in the manner and form established by the authorized state body of the Republic of Kazakhstan, providing leadership in the field of security revenues and other obligatory payments to the budget.

The accuracy of information on income and property declared by the candidate and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen days from the date of registration of the candidate.

At the same time, organizations that have received the requirements of the state revenue authorities to submit information on the income and property of a candidate and his (her) spouse (spouse) are required to submit the requested information within four days from the day the request was received.”;

subparagraph 4-2) of paragraph 4, establishing that during the period of suspension this subparagraph is valid as follows:

“4-2) certificates of the state revenue authority on the delivery by the candidate and his (her) spouse of income and property declarations;”;

paragraph 3-2) of paragraph 5, establishing that during the period of suspension this subparagraph is effective as follows:

“3-2) certificates of the state revenue authority on the delivery by the candidate and his (her) spouse of income and property declarations;”;

of the first subparagraph 3-1) of paragraph 6, establishing that during the suspension period this part is valid as follows:

“3-1) cancels the decision on the registration of a candidate in the event that at the time of filing a declaration that the information on incomes and property declared by the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.”

3) in Article 89:

of paragraph 2, establishing that during the period of suspension this paragraph is valid as follows:

“2. The candidate and his (her) spouse (s) before registration submit to state revenue authorities at the place of residence declarations on income and property on the first day of the month of the beginning of the nomination period established in accordance with this Constitutional Act, in the manner and form established the authorized state body of the Republic of Kazakhstan, which exercises leadership in the sphere of ensuring revenues of taxes and other obligatory payments to the budget.

The accuracy of information on income and property declared by a candidate nominated by a political party and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen days from the date of registration of the party list.

At the same time, organizations that have received the requirements of state revenue authorities to submit information on the income and property of a candidate nominated by a political party and his (her) spouse (spouse) must submit the requested information within four days from the date of receipt of the request.

The accuracy of information on incomes and property declared by the candidate nominated by the Council of the Assembly of the People of Kazakhstan and his (her)
spouse (spouse) is checked by the state revenue authorities within three days from the
date of registration of the candidate.

At the same time, organizations that have received the requirements of the state
revenue authorities to submit information on the income and property of a candidate
ominated by the Council of the Assembly of the People of Kazakhstan and his (her)
spouse (spouse) must submit the requested information within two days from the day
the request was received.”;

subparagraph 4) of paragraph 3, establishing that during the period of suspension
this subparagraph is effective as follows:

“4) certificates of the state revenue authority on the delivery by the candidate and
his (her) spouse of income and property declarations;”;

subparagraph 4) of paragraph 5, establishing that during the period of suspension
this subparagraph is effective as follows:

“4) certificates of the state revenue authority on the delivery of income and
property declarations by the candidate nominated by the Council of the Assembly
of the People of Kazakhstan and his (her) spouse (husband).”;

the paragraph of the sixth part of the first subparagraph 5) and the paragraph of
the seventh part of the first subparagraph 6) of paragraph 6, having established that
during the period of suspension these paragraphs are as follows:

“identifying the inaccuracy of information about incomes and property declared
by the person included in the party list and his (her) spouse (spouse) in accordance
with the legislation of the Republic of Kazakhstan on combating corruption;”;

“in case of detection at the time of filing the declaration of inaccuracy of
information about incomes and property declared by the candidate or his (her) spouse
(spouse) in accordance with the legislation of the Republic of Kazakhstan on combating
corruption;”;

4) in Article 104:

clause 1-1, establishing that during the period of suspension this clause is valid as
follows:

“1-1. The candidate included in the party list and his (her) spouse (s) before the
registration are submitted to the state revenue authorities at the place of residence
the income and property declaration on the first day of the month of the beginning of
the nomination period established in accordance with this Constitutional Act, in the
manner and form established by the authorized state body of the Republic of
Kazakhstan, exercising leadership in the sphere of ensuring revenues from taxes and
other obligatory payments to the budget.

The accuracy of information on income and property declared by the candidate
and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen
days from the date of registration of the candidate.

At the same time, organizations that have received the requirements of state
revenue authorities to submit information on the income and property of a candidate
and his (her) spouse (spouse) must provide the requested information within four days
from the date of receipt of the demand.”;

subparagraph 5) of paragraph 2, establishing that during the period of suspension
this subparagraph is effective as follows:

“5) certificates of the state revenue authority on the delivery by the candidate and
his (her) spouse of income and property declarations;”;

90
of the first subparagraph 3-1) of paragraph 6, establishing that during the suspension period this part is valid as follows:

“3-1) decides to exclude a person included in the party list from this list in the following cases:

incompliance of the person included in the party list with the requirements of the
candidate for the candidate by the Constitution of the Republic of Kazakhstan and this
Constitutional Act;

identifying, at the time of filing the declaration, the inaccuracy of information
about incomes and property declared by the candidate or his (her) spouse (spouse) in
accordance with the legislation of the Republic of Kazakhstan on combating
corruption;

the use by a person included in a party list of official or official position in his
election campaign;

holding by the person included in the party list election campaigning before the
end of the term of registration of the party
list;

the establishment by the court of the facts of bribing voters by a person included
in the party list or his authorized representatives;
in other cases established by this Constitutional Act.”;

in Article 118:

clause 1-1, establishing that during the period of suspension this clause is valid as
follows:

“1-1. The candidate and his (her) spouse (s) before the registration submit to the
state revenue authorities at the place of residence the declaration of income and
property on the first day of the month of the beginning of the nomination period
established in accordance with this Constitutional Act, in the manner and form
established by the authorized state body of the Republic of Kazakhstan, providing
guidance in the field of ensuring revenues from taxes and other mandatory payments
to the budget.

The accuracy of information on income and property declared by the candidate
and his (her) spouse (spouse) is checked by the state revenue authorities within fifteen
days from the date of registration of the candidate
At the same time, organizations that have received the requirements of the state
revenue authorities to submit information on the income and property of a candidate
and his (her) spouse (spouse) are required to submit the requested information within
four days from the day the request was received. “;

subparagraph 5) of paragraph 2, establishing that during the period of suspension this
subparagraph is effective as follows:

“5) certificates of the state revenue authority on the delivery by the candidate and his
(her) spouse of income and property declarations.”;

subparagraph 4) of paragraph 3, establishing that during the period of suspension this
subparagraph is effective as follows:

“4) certificates of the state revenue authority on the delivery by the candidate and his
(her) spouse of income and property declarations.”;

of the first subparagraph 3-1) of paragraph 6, establishing that during the suspension
period this part is valid as follows:

“3-1) cancels the decision on the registration of a candidate in the event that at the
time of filing a declaration that the information on incomes and property declared by
the candidate or his (her) spouse (spouse) was unreliable in accordance with the legislation of the Republic of Kazakhstan on combating corruption.

Footnote. Article 133 is amended by the Constitutional Acts of the Republic of Kazakhstan of 13.03.2017 No. 52-VI (enters into force upon expiry of ten calendar days after the day of its first official publication); of 15.06.2017 No. 75-VI (enters into force from the date of its first official publication); of 29.06.2018 No. 162-VI (enters into force upon expiry of ten calendar days after the day of its first official publication); of 30.12.2019 No.296-VI (will enter into force on 01.01.2020).

President of the Republic of Kazakhstan