

## On Introduction of Amendments and Supplements to the Constitutional Law of the Republic of Kazakhstan “On Elections in the Republic of Kazakhstan”

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated April 14, 2004 N 545

### Unofficial translation

**Article 1.** To introduce to the Constitutional Law of the Republic of Kazakhstan dated September 28, 1995 "On Elections in the Republic of Kazakhstan" (Official Gazette of the Supreme Council of the Republic of Kazakhstan, 1995, N 17-18, Article 114; Bulletin of the Parliament of the Republic of Kazakhstan, 1997, N 12, Article 192; 1998, N 7-8, Article 71; N 22, Article 290; 1999, N 10, Article 340; N 15, Article 593) the following amendments and supplements:

1) item 4 of Article 4 should be read as follows:

‘4. Shall not be registered as a candidate for President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan, including the party lists, Maslikhats and candidate members of the local governments a person, who has a criminal record, which at the time of registration is not cancelled or taken in accordance with the law.’;

2) item 3 of Article 5 should be read as follows:

‘3. Candidates are guaranteed equal rights and conditions for participation in the elections’;

3) Article 9:

paragraph 4 of sub-item 2) of item 1 should be deleted;

item 2 should be read as follows:

‘2. In the election of deputies of Maslikhats considered elected, who receives compared with other candidates for a larger number of voters who took part in the vote.

4) Article 10:

item 3 should be read as follows:

‘3. Term of office for election commissions is five years.

Regional, district and divisional election commissions shall be elected by the relevant Maslikhats on the basis of proposals from political parties. Each political party has the right to submit one candidate to the membership of a relevant election commission. A political party has the right to submit to the membership of election commission candidates, who are not members of that political party.

In the absence of proposals from political parties within a period, specified by Maslikhat, which must be at least one month before the date of formation of election commissions, the election commission shall be elected by Maslikhats on the proposals of other public

associations, and higher-level election commissions.

The persons proposed to the Election Commission shall make an application for consent to participate in its work. The Chairperson, deputy Chairperson and Secretary of Election Commission shall be elected at the first meeting of the Electoral Commission.

The formation of a new composition of election commissions shall commence no later than two months and finish not later than three days before the end of the term of the election commissions.

The bodies that make up the election commission have the right to make changes in their composition, during the term of the election commission’;

items 6, 7 and 8 should be added and read as follows:

‘6. Interference in the activities of election commissions in the exercise of their powers shall not be allowed.’

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

8. Member of the Election Commission cannot be deprived of office, except in cases as provided by items 6 and 7 of Article 19 of this Constitutional law.’;

5) Article 12:

sub-item 3) should be read as follows:

‘3) form electoral districts for the election of deputies of the Mazhilis of the Parliament, define a unified numbering and publish in the media.’;

sub-item 3-1) should be deleted;

sub-item 5):

after the word ‘action’ should be added the word ‘(omission)’; the sentence ‘carry out international cooperation in the field of electoral systems’ should be added, ’;

sub-item 6):

after the words ‘of their production’ should be added the words ‘as well as the degree of protection’;

the words ‘sample ballots boxes, and’ should be replaced by the words ‘the form transparent ballot boxes for voting and material samples’;

the words ‘Mazhilis of the Parliament’ should be replaced by the words ‘Parliament and Maslikhats’;

sub-item 8) the words ‘and the initiative groups’ should be deleted.

sub-item 9) the words ‘periodically publishes information bulletin’ should be added;

sub-item 15):

to the words ‘their activities’ should be added the words ‘compliance of their activities with the requirements of this Constitutional law’;

the following sentence should be added:

‘Detection of violations of this Constitutional law should be referred to the body, forming an election commission or a court to terminate the relevant election commission’;  
sub-items 16-1), 16-2), 16-3) and 16-4) should be added and read as follows:

‘16-1) posted on the official web-site of the Central Election Commission regulations on the election legislation, information about the appointment and conduct of elections, as well as the results of counting of votes at the last elections;

16-2) has a uniform electronic Registration register of citizens - voters of the Republic of K a z a k h s t a n ;

16-3) in the conduct of elections using the electronic electoral system provides training to members of the electoral commissions for its use;

16-4) organized training people to use e-voting system for elections through the mass m e d i a ; ’ ;

sub-item 17) the word ‘Republic’ should be replaced by the words ‘the Republic of K a z a k h s t a n ’ ;

6 ) A r t i c l e 1 3 :

in the title the words ‘and the order of their formation’ should be deleted;

i t e m 3 s h o u l d b e d e l e t e d ;

7 ) A r t i c l e 1 4 :

s u b - i t e m 3 ) :

after the word ‘action’ should be added the word ‘(omission)’;

the words "refers to the body, forming an election committee or the court to terminate the activities of election commissions, have violated of this Constitutional law;’ should be added;

sub-item 5) the words ‘and the initiative groups’ should be deleted;

sub-item 6-1) should be added and read as follows:

‘6-1) establishes a uniform numbering of polling stations;’;

sub-item 7) the words ‘deputies of the Senate of the Parliament, Maslikhats and’ should b e d e l e t e d ;

sub-item 9) the words ‘represents to the Central Election Commission records of the vote counting for the relevant constituencies and polling stations, which shall be published on the official web-site of the Central Election Commission;’;

sub-item 11) the words ‘and the initiative groups’ should be deleted;

sub-item 12) the word ‘Republic’ should be replaced by the word ‘the Republic of K a z a k h s t a n ’ ;

8 ) A r t i c l e 1 5 :

in the title the words ‘and the order of their formation’ should be deleted;

I t e m 1 s h o u l d b e w o r d e d a s f o l l o w s :

‘1. District election commissions provide the organisation and conduct of elections of deputies of the Mazhilis of the Parliament and Maslikhats in constituencies.’;

9 ) A r t i c l e 1 6 :

sub-item 3) the words ‘actions of precinct election commissions’ should be replaced by the words ‘actions (omission) of the precinct election commissions, in a case of detection of violations of this Constitutional law, shall approach to the body, forming an election commission or a court for termination of the election commission;’;

sub-item 4) should be deleted;

sub-item 5) the words ‘and the initiative groups’ should be deleted;

10) Article 17:

in the title the words ‘and the order of their formation’ should be deleted;

item 1 should be worded as follows:

‘1. Precinct election commissions provide the organisation and conduct of the election of the President, deputies of the Mazhilis of the Parliament and Maslikhats, members of local government in the respective polling stations.

Precinct election commissions shall be composed of seven members.’;

11) Sub-item 3) of Article 18 the word ‘made’ should be replaced by the word ‘specified’;

12) Article 19 should be worded as follows:

‘Article 19. The status of a member of the Electoral Commission

1. Members of electoral commissions are public authorities and shall be under state protection.

2. The legal status of members of electoral commissions shall be determined by the Constitution, this Constitutional Law and other legislative acts of the Republic of Kazakhstan.

3. Chairperson, deputy Chairperson, Secretary, members of the Central Election Commission and members of its staff carry out their authority on a permanent professional basis.

4. Members of the electoral commission, who are not listed in item 3, cannot be dismissed from their jobs or transferred to another job by the employer without their consent during the election period.

5. Members of the Electoral Commission:

1) shall be notified of the meetings of the relevant election commission forty-eight hours before, except in cases requiring immediate action;

2) shall be entitled to speak at a meeting of the election commission, make proposals on matters within the competence of the relevant election commission, and require to vote on them;

3) shall be entitled to ask questions to other participants in the meeting in accordance with the agenda and get answers on its merits;

4) have the right to inspect documents and materials of the election commission, in which they are and receive their certified copies;

5) under the authority confirmed by three-fourths vote of the Electoral Commission, in which they are, shall be entitled to inspect the activities of subordinate election commissions;

6) shall be obliged to comply with the requirements of the Constitution, this Constitutional Law and other laws of the Republic of Kazakhstan, and the generally accepted standards of ethics;

7) shall be obliged to carry out its responsibilities, decisions and instructions of the election commission and its chairperson, and the higher election commission;

8) shall be obliged to ensure respect for and protection of voting rights and lawful interests of citizens, demonstrate impartiality and independence in decision-making, and to refrain from public evaluation of the candidates and political parties that nominated party lists;

9) shall not be constrained by the decisions of a political party or any other public association, an agent of which they are and have no right to defend their interests.

6. Member of the Electoral Commission shall be released from his/her duties on the expiry of the term of the Election Commission, at the termination of its activities, as well as the decision of the body, formed the Election Commission in the following cases:

1) application for exemption from duties at their own request;

2) loss of citizenship of the Republic of Kazakhstan;

3) departure for permanent residence outside of the administrative-territorial unit, which formed the corresponding election commission;

4) entry into force of a judgment of conviction against him/her;

5) the entry into force of the court's recognition of their incapacity, limited capacity, or of the court's decision, recognising him/her missing or declaring him/her dead;

6) his/her death.

7. In the case of repeated violations of authority by the member the commission or improper performance of their duties, they shall be dismissed by the body forming an election commission.

8. The higher election commission shall appoint a member of the regional or district election commission to replace the member, retired on the grounds provided by items 6 and 7 of this Article, until the election of a member by the Electoral Commission body, forming an election committee in the manner prescribed by Article 10 of this Constitutional law.

9. The Electoral Commission shall not consist of workers from the same organisation.

10. Member of the Election Commission shall reside in the territory of the administrative-territorial unit where the relevant commission is situated';

13) Article 20:

in the title should be added by the words 'and the appeal of their actions';

item 4 should be added by the second part, worded as follows:

'Prohibited the presence of unauthorised persons, not related to the electoral process in the room of election commission.';

item 5:

the second sentence should be deleted;

the third sentence should be worded as follows:

‘Election commission members who disagree with its decision, have the right to express a dissenting opinion, which shall be promptly brought to the attention of the higher election commission in writing, attached to the minutes of the meeting of the commission.’;

item 6 should be worded as follows:

‘6. Decisions and actions (omission) of the election commission may be appealed to a higher election commission or the court within ten days from the date of the decision or action (omission), unless other terms of appeal are stipulated by this Constitutional Law. Upon expiration of the deadline an application on decision or action of the Election Commission shall not be a subject to review. Pre-treatment in the higher election commission shall not be a prerequisite for going to court.

In an application filed for the superior election commission shall be set out the circumstances giving rise to the application, and identified the evidence with which the applicant justifies his request.

With the simultaneous consideration of applications in the election commission and the court the Electoral Commission shall suspend consideration of the application before the entry into force of the court decision. Court shall notify the election commission about the applications and the entry into force of a court decision on the results of its consideration.

If the decision of Election Commission is annulled by the court, the election commission, whose decision was reversed, or, by a court decision, a higher election commission shall accept a new decision on the merits,. The court's decision is binding for the relevant election commissions.’;

item 8 the sentence should be added and worded as follows:

‘Additional compensation of members of election commissions shall be done at the expense of funds allocated for elections.’;

item 9 should be worded as follows:

‘9. Candidates for the President, the deputies of the Parliament, Maslikhats, members of local government and agents cannot be members of electoral commissions.

Husband (wife) and close relatives of the candidates, as well as persons who are candidates for the direct authority, cannot consist in the election commissions, providing direct organisation and conduct elections in the constituency in which the candidate participates.

These persons shall suspend their activities in the Election Commission from the date of registration of the candidate to the cancellation of registration or termination of the election campaign.’;

14) Article 20-1 should be added and worded as follows:

Article 20-1. Publicity in the activities of election commissions

1. The activity of election commissions shall be public and open.

Agents, observers and media agents have the right to be present at all stages of the

electoral process and receive in the election commissions any information about the electoral process. Nobody may restrict the rights of agents, observers and media agents granted by this Constitutional Law.

2. Electoral commissions shall create conditions for free access of all persons to their decisions, which shall be placed in public telecommunication networks, or be a subject to a different kind of publication in cases stipulated by this Constitutional Law.

. Candidates, agents, observers and agents of mass media in the presence of their business card and the editorial job may be present at the meetings of the Election Commission.

Candidates and political parties who have put forward their party lists, shall be notified in advance about the meetings of the election committees and the agenda.

4. At polling stations on election day since the opening of the polling station for vote and before establishing the voting results, during the process of counting of votes may simultaneously be present: one agent from each candidate, one agent from each of the media in the presence of a business card and the editorial job, and one observer from each political party, public association, a non-profit organisation of the Republic of Kazakhstan and the observers of foreign states and international organisations.

5. The powers of the observer must be certified in writing with his family name, first name, patronymic, number of the polling station (the name of election commission) and the date of the election. This document shall be sealed by the organisation issuing it and is valid upon presentation of identification document of the observer. Documents shall be presented to the Chairperson of the Electoral Commission or the person acting for him, for the registration of the observer.

6. Agents, observers and media agents have the right:

1) to attend a meeting of the election commission;

2) to familiarise with the voter lists, receive information on the number of voters who participated in the voting, including voting outside the polling station;

3) to be in the rooms of the relevant polling station, including polling stations formed in military units, ships belonging to the Republic of Kazakhstan that shall be at sea, in rest homes, health centers, inpatient hospitals, in places of citizens located in remote and inaccessible areas, pastures for cattle grazing, in detention centres and detention centres, in the foreign offices of the Republic of Kazakhstan in foreign states, on election day during the voting and counting;

4) to accompany the portable ballot boxes, including the location in the vehicle during their transport;

5) to observe the voting procedure, vote counting and processing the results of voting at a polling station in the voting, providing a clear opportunity to review these procedures;

6) appeal against decisions, actions (omission) of the Electoral Commission and (or) its members in the higher election commission or court;

7) present during the voting outside the polling station in the case of their inability to

arrive at the polling station;

8) present during the counting and the repayment of the members of the Precinct Election Commission of unused ballots;

9) take photos, audio and video, without interfering with the course of voting and summarising its results;

10) after the vote introduce with the records of the election commission on voting, receive their certified copies;

11) draw the attention of members of the commission to violations of the requirements of this Constitutional Law, give them relevant written statements, acts of violations, and receive a mark on the receipt. Chairperson of the Election Commission or a person replacing the Chairperson, shall at the request of authorised agents and observers attach to the record of counting their acts.

7. Agents, observers and media agents must:

1) have documents proving their identity and authority;

2) not to interfere in the electoral process, the procedure of counting the votes and decisions of the election commission;

3) not take actions that impede the work of the Electoral Commission;

4) fulfill the requirements of members of the Election Commission to comply with the rules of conduct at the polling station established by the election commission;

5) base their comments on documented, valid and verifiable facts;

6) comply with the requirements of this Constitutional Law and other laws of the Republic of Kazakhstan;

7) maintain impartiality and not express preferences for a specific candidate or political party.

8. Observers of foreign states and international organisations, as well as agents of foreign mass media shall be accredited in the Central Election Commission on the proposals of the Ministry of Foreign Affairs of the Republic of Kazakhstan. Individuals from foreign states shall not be accredited in the Central Election Commission.

The Central Election Commission shall issue a model certificate to observers, which shall be the basis for their activities during the election campaign. Accreditation of observers of foreign states and international organisations shall end five days before voting day.

In cases stipulated by this Constitutional Law, the Central Election Commission has the right to revoke the accreditation of the observer of foreign states, international organisations, as well as agents of foreign mass media.

9. Financial and organisational support of the observers shall be provided at the expense of parties who sent observers.

10. In case of violation of legislation of the Republic of Kazakhstan, or the universally recognized norms of international law by observers, the corresponding Election Commission shall have the right to cancel the registration of an observer or propose to the Central Election



sub-item 2) should be worded as follows:

‘2) the citizens registered at the place of residence in the territory of respective polling stations.’;

sub-item 5) the second sentence should be deleted;

19) Article 26:

item 1 should be worded as follows:

‘1. Lists of voters of polling stations formed in the residence of citizens shall be provided to the voters for review by election commissions fifteen days before the voting day.

Lists of voters of polling stations, formed in military units, ships belonging to the Republic of Kazakhstan that on the election day are at sea, in rest homes, health centers, inpatient hospitals, in places of citizens located in remote and inaccessible areas, pastures for cattle grazing, in investigatory isolators and temporary detention in the foreign offices of the Republic of Kazakhstan in foreign states shall be submitted to voters for review five days before the election day; at polling stations formed in the election of members of local government - seven days before voting day.’;

item 4:

in the first sentence, the words ‘every citizen (elector) entitled’ should be replaced by the words ‘every citizen (elector) shall be entitled to verify the current data on the voter lists, and’;

in the second sentence the words ‘not later than three days, and the day before and on election day - immediately’ should be replaced by the words ‘the day of receipt of application to the Election Commission’;

in the fourth sentence, the words ‘within three days, and the day before and on election day - without delay’ should be replaced by the words ‘the day of receipt of application’;

in the fifth sentence the word ‘additional’ should be deleted;

20) Article 27, 28 and 29 should be worded as follows:

‘Article 27. Election campaigning

1. The election campaign - an activity which seeks to encourage voters to vote for or against a particular candidate or political party.

2. Election campaigning shall begin on the date of registration of candidates and end at midnight local time the day before election. In case of carrying out re-election, the election campaigning shall begin from the date of appointment of the re-election day and end at midnight local time the day before the election.

3. The election campaign shall be carried out:

1) through the media;

2) through public campaign events (pre-election meetings and meetings with voters (electors), public pre-election debates and discussions, rallies, marches, demonstrations and other campaign activities not prohibited by this Constitutional Law), personal meetings of candidates and their agents with voters (electors);

3) issue and (or) the distribution of printed, audiovisual and other promotional materials.

4. Shall be prohibited to conduct election campaigning and distribute any propaganda materials :

- 1) state agencies, local governments and their officials in acting their duties;
- 2) service persons of the Armed Forces, other troops and military units, employees of national security, law enforcement officials and judges;
- 3) members of election commissions;
- 4) religious associations.

5. Candidates, who are public officials shall be prohibited from taking advantage of their official position .

According to this Constitutional Law taking advantage of official position shall be:

- 1) involvement of individuals in subordination or other official function to the implementation of the campaign, except the cases when such persons shall campaign as agents of the candidate ;
- 2) use of the premises occupied by state agencies for activities promoting the election of a candidate, political party that nominated the party list, if the other candidates, political parties shall not be guaranteed the use of the premises under the same conditions.

Compliance with the limits specified in this clause shall not hinder officials from exercising their duties .

6. Journalists, officials of the editorial media, registered by candidates or their agents, shall not be entitled to participate in the election coverage in the media.

7. The media shall be obliged to unbiased coverage of election campaigns of candidates, and political parties; refrain from publication of promotional materials and other information, obviously discrediting the honour, dignity and business reputation of the candidate or political party; provide an opportunity to such persons free publication rebuttal in defence of their honour, dignity and business reputation in the next issue of the printed edition on the same page, in the same volume and same font or transmission on television or radio in the same time, within twenty-four hours after receiving the treatment.

The media shall immediately provide an opportunity to the appropriate election commission to publish information about the campaign and messages defined by this Constitutional Law .

8. Officials of the media shall not be held responsible for statements of candidates and political parties during their election campaign, except the publication of materials referred to in item 1 of Article 29 of this Constitutional Law.

9. Improper pre-election campaign shall be an election campaign, accompanied by providing voters for free or on favorable terms with goods, services, securities, and by the conduct of lotteries, charity events, payment of money or promises of such, except for the free distribution of printed, including illustrative, materials, as well as badges, flags, specially produced for the campaign. Improper conduct of the election campaign is prohibited.

Since the announcement (appointment) of election, candidates and political parties which put forward their party lists, as well as any individuals and legal entities acting on their behalf or in support of them, shall be prohibited from conducting charitable activities, except for the organisation of entertainment and sporting events.

Violation of the rules set in this item by a candidate, political party, which nominated the party list, as well as their agents shall entail cancellation of the decision on registration of candidates or the party list.

10. It shall be prohibited to conduct pre-election campaigning by using the image of a person without his written permission, and in the event of his death - without the written permission of the heirs.

#### Article 28 The right to conduct election campaigning

1. The State shall guarantee to citizens and public associations the right to unimpeded campaigning for or against a particular candidate or political party in accordance with this Constitutional Law and other legislative acts of the Republic.

Citizens and associations, which shall not create campaign funds, in accordance with the present Constitutional Law, have the right to conduct pre-election campaign, which does not require funding.

2. Since the expiration date established in accordance with the present Constitutional Law and before the end of the campaign the candidates, political parties which nominated the party list shall have the right to campaign and promote its election program in the press and other media.

Candidates, political parties which nominated their party lists, shall be guaranteed equal access to media for election campaigning.

3. The State shall guarantee to candidates equal allocation of funds to present their programs in the media. Each candidate shall be provided by a fifteen minutes speech on television, ten-minute speech on the radio, as well as the publication of two articles in the print editions of not more than 0.1 of a printed sheet.

Political parties which nominated their party lists, have the right to participate in political debates on television, organised by the Central Election Commission, within the time limit stipulated by this Commission.

The media shall provide on a contractual basis airtime and print space, to the registered candidates and political parties which nominated their party lists. Terms of the contract, providing airtime and print space in the media to candidates and political parties which nominated their party lists, should not create any benefits for a particular candidate or political party. Information on the amount of payment, terms and procedure for providing broadcast and print space shall be announced and published by the relevant organisation of TV and radio broadcasting or the editorial office of the periodical print edition no later than the tenth day after the official publication of the decision, and shall be represented in central and regional electoral commissions for elections of the President, in other territorial and

district electoral commissions for elections of deputies of Parliament, Maslikhats and members of local self-government.

Consent to the release of air time and print space, given by the mass media to one of the candidates, political party that nominated the party list, shall be a consensus on the allocation of airtime and print space to other candidates, political parties that nominated the party list.

The order of presentation of candidates and political parties nominated their party lists in the media should be set in order of receipt of written requests, or by drawing lots if the applications were received simultaneously.

It shall be prohibited to interrupt and comment on the candidates' speeches on television and radio immediately after the speech, as well as in print edition in the same issue.

4. At the request of election commissions, local government and local government shall provide candidates on a contract basis premises for meetings with voters. The Electoral Commission shall make a schedule of meetings of candidates with voters in the allocated premises and publish it in the media. Terms of the premises should be the same for all candidates.

5. For publication of posters, leaflets, slogans and other printed materials the relevant election commissions shall allocate to candidates, other than for party lists, an equal amount of money. All printed campaign materials should contain information about the organisation that produced these materials, the place of their printing and circulation, the people who made the order, and from which they were paid. The manufacture of printed campaign materials outside the territory of the Republic of Kazakhstan is prohibited as well as the distribution of anonymous campaign materials.

6. Local executive bodies with the relevant electoral commissions shall determine the location for the printed campaign materials for all candidates and equip them with stands, boards and curb stones. Printed campaign materials shall be placed under conditions which ensure equal rights for all candidates.

Candidates shall have the right to post printed campaign materials in other places with the permission of the owner of the respective object.

Hanging of promotional materials on monuments, obelisks, buildings and structures of historic, cultural or architectural value, as well as in the polling shall be prohibited.

In the area of electoral commissions and polling stations shall be provided information about the candidates in the same format with a photograph of the candidate and a standard set of data, established by the Central Election Commission.

7. Candidates for the President, for the Parliament and Maslikhat shall have the right to pay from their campaign funds for costs associated with appearances in the media, holding public campaign events, the publication of additional promotional materials, as well as cover transport and travel expenses. It shall be forbidden to attract for these purposes any funds from other sources, to receive from individuals and legal entities any goods and services, which are not paid from the election funds of a candidate; the candidate shall be also

forbidden to provide to the mentioned individuals and entities any assistance for provision of these services.

Individuals and legal entities that provide to a candidate or political party services related to the election campaign, must obtain written consent for receiving of these services. Persons without the written consent shall be held liable in accordance with the laws of the Republic of Kazakhstan.

8. Periodicals of the central and local executive bodies shall be obliged to publish the reports of election commissions and the data about the candidates participating in the elections in the order and amount determined by the Central Election Commission.

9. When publishing the results of public opinion surveys related to elections, the media must indicate the organisation which conducted the survey, those who ordered the survey and paid for it, the time of the survey, and the method of gathering information, the exact wording of the question, the number of respondents and the coefficient of error of the survey results.

Publication in the media of the results of public opinion surveys, forecasts of election results and other studies related to the election, shall not be allowed within five days prior to voting and on Election Day.

It shall be prohibited to conduct a public opinion survey on Election Day in a room or in a place of voting.

Article 29 The election program of the candidate or political party  
A candidate for President, for the Parliament and Maslikhat or for a membership in the local government, a political party, which have nominated the party list, shall present a pre-election a program of their future activities. A pre-election program should not declare the idea to change the constitutional system, violation of the integrity of the Republic, undermining state security, inciting social, racial, ethnic, religious, and tribal enmity, cruelty and violence, as well as the creation of the military forces not stipulated by the legislation.

In case of violation of these requirements the corresponding election commission has a right to refuse to register a candidate or political party to register the party list, and in the case of nomination of a candidate or a political party's election program, after registration - to reverse the decision on registration of a candidate or party list.";

21) Article 30 should be deleted;

22) Article 31 should be worded as follows:  
" Article 31 Agents

1. Candidates, political parties which have nominated their party lists, are entitled to have agents, who help them to conduct the election campaign, to campaign, and represent the interests of these candidates and political parties.

2. Candidates, political parties, which have nominated their party lists, choose the agents at their own discretion and report about them for registration in the relevant election commission.

The persons proposed by candidate, political party as agents shall submit to the relevant

election commission a statement of their consent to be an agent.

3. The election commission shall issue the corresponding certificates after registration of agents .

4. The agent must be a citizen of the Republic of Kazakhstan, may not be a deputy of Maslikhat in the election of deputy of the Senate, a member of any kind of election commission, a person holding a position of political public servant.

5. Agents are acting within the powers granted to them in writing by the candidate or the political party, which has nominated the party list.

6. Agents lose their status at the end of the election campaign, on the personal initiative of the candidate and the political party, which has nominated the party list, as well as in case of cancellation of the registration of the candidate and the party list.";

2 3 ) Article 3 3 :

In item 2 :

sub-item 1) the words "rental of premises, travel expenses, labour consultants, experts, members of the linguistic Commission" should be added;

in sub-item 2) the word "state" should be deleted;

item 4 should be worded as follows:

"4. Foreigners, stateless persons, foreign legal entities prohibited from activities that promote the nomination and election of candidates, political parties, which have nominated the party list, to achieve a particular result in the election.";

2 4 ) Article 3 4 :

in item 1 :

the word "Mazhilis" should be deleted;

after the word "Parliament" the words "and Maslikhat deputies" should be added;

Sub-item 3) of item 3, the words "as well as anonymous donations of individuals and legal entities" should be added;

In item 4, the second sentence should be worded as follows:

"The information about the total amount of money received by the Fund, within ten days after the election shall be published in the media:

At the election of the President, Deputies of the Mazhilis of the Parliament of the Republic of Kazakhstan on party lists - by the Central Election Commission;

At the election of Deputies of the Senate of the Parliament - by regional (cities of Republican significance and the capital) election commissions;

At the election of Deputies of the Mazhilis of the Parliament, in respect of candidates running the single-seat constituencies, and Maslikhats - by district election commissions;"

In item 6 :

the fourth sentence should be worded as follows:

"Banks represent a weekly report on the flow of funds in the special temporary accounts and on expenditures to the Election Commission. At the request of the Election Commission,

the same information shall be provided within twenty-four hours."

In the fifth sentence, the word "determines" should be replaced by the words "and the corresponding financial institution shall be defined";

In item 8, the parts should be added and worded as follows:

"If the second vote, the financial operations on special temporary accounts of candidates, in respect of which a second vote, shall be renewed on the day of the appointment of the re-election day and shall expire at six p.m. a day before the elections.

The total amount of money, received in the election Fund since its formation, shall not exceed the limits established by the Constitutional Law. ";

Item 10 should be worded as follows:

10. "Violation of a candidate, political party nominating the party list, of the rules established in items 1-8 of this Article, as well as of the rules of the Central Election Commission about spending campaign funds entails cancellation of the decision on registration of the candidate or the party list, and after the election, but before the registration of a candidate as President, deputy of Parliament, Deputy of Maslikhat, member of the local government - the recognition of election in the territory or district invalid;"

25) Item 1 of Article 35 should be worded as follows:

"1. Financing of election activities in the election of the President, Deputies of the Parliament, Maslikhats and members of local government shall be carried out by the Central Election Commission";

26) Article 36:

item 1 should be worded as follows:

"1. Control over the expenditure of funds by candidates from the Republican budget, allocated for election campaigns, shall be carried out in accordance with the legislation of the Republic of Kazakhstan";

In item 3, the words "other State bodies" should be replaced by the words "experts of State bodies";

27) in Article 37:

item 2 should be worded as follows:

"2. Ballot papers are printed in the State and Russian languages.

The ballot papers are made in amounts equal to the number of voters in the electoral district with a reserve of 0.1 per cent of the total number of voters in the constituency";

In item 3, the words "seven days" should be replaced by the words "not later than one day";

Item 4 should be deleted;

28) Article 38, item 2, the words "through the media and by other means" should be added;

29) Article 39:

In item 1:

in the first sentence the words "or rooms" should be deleted;

The second sentence should be worded as follows:

"In this case it must be possible to observers, agents, representatives of the media and members of the Electoral Commission to watch the electoral ballot boxes, the entrance and exit to the secret ballot";

In item 2 :

the second sentence, after the words "The chairperson of the corresponding Election Commission" the words "regulates the number of voters, who are present in the polling place at the same time" should be added;

The parts should be added by as follows:

"The presence at polling stations of officials, who are not related to the election process on Election Day, is prohibited.

In the case of violation of the legislation of the Republic of Kazakhstan on Elections, a member of the local election commission shall immediately be suspended from participation in its work, and the observer, and other persons shall be removed from the polling stations by a reasoned written decision of the Election Commission.

Execution of the decision shall be carried out by the internal affairs agencies, which also take measures to hold a discharged member of the Electoral Commission, and a removed observer or other person liable under the laws of the Republic of Kazakhstan";

Item 3 should be added by the following sentence:

"Law enforcement Officers must be present at the voting only on the invitation of the Commission and must leave it immediately after the restoration of order, or at the request of the Chairperson of the Commission";

30 ) Article 40 :

item 3 should be deleted;

In sub-item 1, of item 4 the words "in the presence" should be replaced by the words "thirty minutes before the start of voting in the presence";

31 ) in Article 41 :

item 5, should be added the following part:

"The Chairperson and Secretary of the Election Commission is not entitled to issue bulletins " ;

Item 6 should be worded as follows:

"6. If some individual voters, because of health conditions or due to caring for a sick family member cannot come to vote, the local election Commission, upon their written request, that may be filed not later than twelve a.m. local time on the election day, shall organise voting in the place of the voters.

Upon receipt of the request, referred to in this paragraph, the Chairperson of the Election Commission shall make a corresponding remark on the voters list next to the name of the voter who submitted the request.

In case of voting outside of the polling station, the portable box shall be accompanied by two members of the Election Commission.

Members of the Precinct Election Commission are obliged to inform observers, agents and representatives of the media on voting outside the polling station.

When leaving to organise voting outside the polling station, the members of the Electoral Commission may be accompanied by the observers or agents.

In case of voting outside of the polling station, election commission members should be provided with the necessary number of ballots, taking into account their possible damage.

In case of voting outside the polling station, bulletin (ballot-papers) shall be issued to voters on the basis of the application for voting outside the polling station, and on their signature on an application.

The Member of the Commission, that issued the bulletin (ballot-papers) puts his/her signature to it and signs the application for voting outside the polling station";

Items 7 and 8 should be deleted;

In item 9, the words "items 6, 7 and 8" should be replaced by the words "item 6"

3 2 ) Article 4 2 :

In item 1 :

In the first sentence the words "or a room" should be deleted;

Sub-item 5) should be worded as follows:

"5) The observer, registered in the relevant election commission";

In item 2 :

In the first part, the words "or in the box to the right of the line "I vote against all candidates" should be deleted;

In the second part, the words "or in the box to the right of the line "I vote against all political parties" should be deleted;

In item 3, the words "or in the box to the right of the line "I vote against all candidates" should be deleted;

Item 3-1 should be added and worded as follows:

"3-1. Affixing of marks in pencil is not allowed, as well as the introduction into it of any corrections " ;

Item 5 should be deleted;

3 3 ) Article 4 3 :

In item 1 :

In the second sentence, the words "in this case" should be replaced by the words "in the event of a change of the voting time";

Should be added by the parts, and worded as follows:

"The vote counting conducted by the members of the Election Commission without interruption until the establishment of the voting results, should be brought to the attention of those persons, who present in accordance with the Constitutional Law of the vote count. The

counting of votes at the polling station shall not exceed twelve hours from the start of counting .

The polling tables, at which the votes are counted, shall be arranged in such a way as to provide an overview of the members of the precinct election commission on the part of all participants in the room. Agents and observers, present during the counting of votes, watch the counting of votes from a distance and in circumstances which provide visibility of marks on the ballot papers .

During the counting of the ballots, the Chairperson of the Commission or a specific member of the Commission shows to the present audience, the ballot and announce the will of the voter .

At the same time, ballots are stacked in piles for each candidate, political party, nominating the party list, and in a pile for invalid ballots;"

The second part of item 3 should be deleted;

Item 3-1 should be worded as follows:

"3-1. after the vote before opening the ballot boxes, the Precinct Election Commission counts the voters, who received ballots, according to the voter lists and defines their total number. The Chairperson of the Precinct Election Commission or the alternate member of the Commission announces the results of counting and records them in the minutes of the voting results .

Firstly the portable ballot-boxes shall be opened one by one. Number of ballots in a portable ballot box must match the number of written applications, for voting outside of the polling station. If the number of the ballots of the established sample in a portable ballot-box exceeds the corresponding number of written applications, all the ballots from the ballot box shall be invalid. In this case, a report shall be made to invalidate all the ballots extracted from the portable ballot box; this report shall also contain the names, last names, patronymics of the members of the Commission, who carried out voting outside the polling station with the help of this portable box. After opening the portable ballot boxes, the stationary boxes shall be opened " ;

Item 4 should be worded as follows:

"4. Before opening the ballot boxes, all unused ballots shall be counted and cancelled by the corresponding Election Commission. The Electoral Commission shall determine on electoral registers :

- 1) The total number of voters (electors) in the area (of voting);
- 2) The number of voters (electors) who have received ballots;
- 3) The number of ballots, issued to each Member of the Commission";

Item 4-1 should be worded as follows:

"4-1. after opening the boxes, the Election Commission according to the number of ballots shall determine :

- 1) The total number of voters (electors) who took part in the vote;

- 2) The number of votes cast for each candidate for each political party;
- 3) The number of invalid ballots;
- 4) The number of ballots, received by the precinct election Commission;
- 5) The number of cancelled ballots.

If the number of ballot papers, taken from the ballot boxes, exceeds the number of ballots issued on the basis of the electoral registers and applications for voting outside the polling station, the number of ballots issued by each Member of the Election Committee shall be defined " ;

I n i t e m 5 :

Sub-item 4, after the words "in which" the words "mark with a pencil, bears traces of erasure or any other method of forgery, and where" should be added;

Should be added to by the following sentence:

"Invalid ballot papers shall be excluded from the ballot papers of voters (electors) who took part in the vote while counting the ballots";

In item 7 the words "not less than two-thirds vote" should be replaced with the words "more than half the votes";

Item 7-1 should be worded as follows:

"7-1. Precinct Election Commission (territorial Election Commission for the election of deputies of the Senate) conducts at the request of the agent a recount of votes only once within the period specified in items 1 and 2 of this Article";

Item 8 should be added to by the following sentences:

"It shall not be allowed to fill the protocols of voting with pencil and ink of different colors, and to make any corrections in these protocols. The numerical values of the election results should be duplicated in words.

A copy of the Protocol shall be immediately posted for public inspection at the polling station in a specially arranged place and shall stay there for two days.

At the request of the person, and in accordance with the present Constitutional Law for the counting of votes, he/she shall be given a copy of the protocol, certified by the signatures of the Chairperson and the Secretary of the Commission and the seal of the Election Commission " ;

Items 8-1 and 8-2 should be worded as follows:

"8-1. Results of elections in the electoral district shall be determined at the meeting of the District Election Commission, which is held at one of the polling stations determined by the District Election Commission not later than ten days before the Election day, with the publication of information about the place and time of the meeting in the media.

The results are based on protocols of precinct election commissions, which are delivered to this site .

A copy of the minutes on the results of the election in the electoral district shall be posted at the polling station to public and located in a room for three days.

At the request of the person, who is present during the counting according to this Constitutional Law, a copy of the protocol shall be issued, which is certified by signatures of the Chairperson and Secretary, and the seal of the election commission.

8-2. The district election commission not later than five days from the date of election shall post at the polling station, where it held its meeting, for the public a preliminary consolidated statement of the results of the counting of votes at the polling stations.

Official summary statement is based on the protocols of precinct election commissions on the results of counting of votes, and shall be signed by the Chairperson and Secretary of the District Election Commission and posted to the public";

The second sentence of item 9, should be added to by the words "and the applicants, submitting evidence of improper vote counting";

3 4 )            A r t i c l e            4 4 :

I n            i t e m            4 :

I n            s u b - i t e m            1 ) :

After the word "Deputies" the words "of the Senate" should be added; after the word "commission" the words "Deputies of the Mazhilis of the Parliament are elected by the relevant district commissions" should be added;

In sub-item 2) the words "relevant territorial election commission" should be replaced by the words "by the relevant territorial and district election commissions";

Item 5 should be worded as follows:

The statement of the central (territorial) Election Commission shall include the following data: the date of elections, the total number of citizens enrolled in the voter (elector) registers who have taken part in voting; the total number of the electoral districts; the total numbers of candidates who stand for election; the numbers of the voters voting outside the polling station ; the number of the polling station; the parties participating in elections; number of administrative units where repeat voting shall be hold; the number of votes cast for each candidate for President, deputies of the senate of the Parliament, for each political party in the corresponding administrative-territorial unit; number of votes cast for candidates to the Mazhilis of the Parliament 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 the indication of the surname, given names, years of birth, position, place of residence as well as at the discretion of the candidate the data about his/her e t h n i c o r i g i n .

The statement of the corresponding district election commission shall include the following data: total number of the citizens who were listed in the voter registers and took part in voting; number of votes cast for each candidate; number of null and void ballots in electoral districts; 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 ethnic

o r i g i n .

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

3 5 )                      A r t i c l e                      4 7 :  
Sub-item 2 of item 1 should be excluded;  
I n                      i t e m                      3 :

After the words " of the election results" the words " as well as until their registration as the President, the deputy of the Parliament cannot be a subject to arrest, court hearing, administrative punishment and criminal liability to be imposed by a court without the consent of the Central Election Commission" should be supplemented.

The words "without consent, respectively, of Central Election Commission relevant to territorial or district election commission" should be excluded;

36) Article 48 should be supplemented by item 3 with the following content:

"3. If the election commission by checking the application submitted to it finds it 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 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.

3 7 )                      A r t i c l e                      4 9 :

The words "period for appeal" in the title should be substituted for "the appeal and cancellation", after the words "and entered" the words "less than" should be supplemented;

Shall be supplemented by the following sentences:

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

Courts, public prosecutor bodies and the election commissions shall organise their work during the electoral process, including the days off and the days of elections, in a way that they can ensure receipt and consideration of appeals within the terms established by this Constitutional Law."

38) Article 50 should be worded as follows:

"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 in the work of the election commissions;

2) Obstruction of vote;

- 3) Obstruction of exercising the duties related to registration of the candidate or 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 or 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 the 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 Law .
  - 2) Non-implementation of a decision of the election commission accepted within its competence .
  - 3) Conduct of pre-election campaign before the registration of a candidate and the party list nominated by the political party on the election day, or on the day preceding the elections;
  - 4) Obstruction of the right to conduct a pre-election conduct;
  - 5) Distribution 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 familiarised 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 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, organisations, 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 infringements of this Constitutional Law the election commission shall be eligible to appeal to the court of the Public Prosecutor's Office.

4. In case of infringement of the requirements of this Constitutional Law by a candidate, a political party except those, which are 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.

39) Chapter 9-1 should be supplemented with the following content:

Chapter 9-1. Peculiarities of the conduct of elections with the use of the electronic electoral system.

Article 50-1. The Electronic Electoral System

1. During elections, the Electronic electoral system can be used for the purposes of compilation of lists of voters, voting, and 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 technology, information networks, the software and hardware means designed for the automation of information processes during preparation for and conduct of elections.

The software and hardware means in the electronic electoral system shall be certified in accordance with the legislation of the Republic of Kazakhstan.

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

4. The electronic electoral system shall be used after it has been approved by the State Commission established in the order to be determined by the Government of the Republic of Kazakhstan.

Electoral districts and constituencies, where the electronic electoral system is used, shall be determined by the Central Election Commission depending on their readiness to use the electronic voting.

5. The equipment of the electronic electoral system with the issuing of a certificate shall be opened and installed in the presence of the members of precinct Election Commission within three days prior to the Election Day.

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

From the moment of 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 from the moment of opening of the polling station until 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 electronic voting takes place.

7. The order of the use of the electronic electoral system in respect to the part not regulated by the present Constitutional Act, shall be regulated by the Central Election Commission.

#### Article 50-2. Requirements on 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 adequate safety measures, which exclude the non-unauthorised access to information, malfunction of the software and hardware means for the collection, processing, accumulation, storage, search and transmission of information, disability of the abovementioned means.

3. During the use of the electronic electoral system at elections it shall not be 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 in and control electronic voting, counting of votes and the transmission of information on the results of the elections.

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 of the exact time of its input.

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

1. The polling station where the electronic electoral system is used shall be equipped in such way that ensures the persons present at the polling station have 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 has 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 elections using the electronic electoral system, voting shall be conducted with the use of the electronic ballot, created by 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

## Article 50-5. Organisation of the electronic voting

1. The Chairperson of the Election Commission thirty minutes prior to the beginning of voting in the presence of members of the Commission shall:

- check the operability of functioning of the electronic electoral system;
- nominate the members of the Commission responsible for voter registration and issue of devices for electronic voting.

The proxies, observers and representatives of mass media 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 perform 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.

3. A voter shall be admitted to the electronic voting on the basis of the voter registered upon submission of an identity document of the voter.

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

On the basis of voters' applications submitted in compliance with paragraph 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. The electronic voting shall be conducted by a voter in a polling booth where the presence of other persons shall be forbidden except of the voter and cases stipulated by clause 1 Article 42 of this Constitutional Act.

The voter with the use of the control 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 controls 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.

5. 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 protocols 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.

6. 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 an elimination of failure and organisation 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.

Article 50-5 is with the changes, introduced by the Constitutional Act of RK of 9 February 2009 No. 124-1 V.

Article 50-6. Vote count with the use of the electronic electoral system

a. 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.

b. The information on the results of the electronic voting at the polling station shall be put into the electronic protocols, which has to be certified by the electronic digital signatures of the commission members.

The copy of the electronic protocols on the paper bearer, signed by the members of election commission shall be hung out on the premises of a polling station in a specially designated place for public familiarisation and shall be kept on the premises 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 protocols 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

i. In case of the use of electronic electoral system the results of elections conducted in the electoral districts 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.

ii. In case if the voting has been postponed in compliance with the order stipulated by clause 7 Article 50-5 of this Constitutional Act, the results of elections in the corresponding electoral district shall be determined after conduct of voting in all polling stations of this electoral district.

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 city 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 city of the republican status, the capital) election commission.

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

40) In Article 54:  
In item 1:

The words "not a servant of a cult and" should be excluded;

The words "by item 2" should be substituted for "by items 2 and 3";

Item 2 should be supplemented after the words "at that" with the following content: "the fact of residence of not less than fifteen years in the Republic of Kazakhstan of a presidential candidate is established by the Central Election Commission, and"

Item 3 should be excluded;

41) In Article 55:

In the fifth sentence of the first paragraph in item 3 the words "during three days from the day of adoption;"

Item 5 should be worded as follows:

"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 for more than twenty days."

42) Article 56:

In item 2 the words "by two per cent" should be substituted for "by one";

In item 3 the words "is carried out by initiative groups formed in accordance with this Constitutional Act" should be substituted for "is carried out by trustees".

Item 8 should be worded as follows:

"8. Check of the 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"

43) Article 57 should be excluded.

44) Article 58 the words "three thousand", "five" and "ten" should be substituted for words "five thousand", "seven" and "fifteen".



deregistered candidate is not allowed two days before the day of voting";

46) In items 1 and 2 of Article 60 the words ", but not later than 24 hours before voting" shall be excluded.

47) Item 1 of Article 61 should be worded as follows:

"If at the end of the registration term as a 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 election but not more than two months.

48) The second sentence of Item 1 of Article 63 should be worded as follows:

"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"

49) In Article 64:

In item 1 the words "If the presidential elections ran one candidate and he was not elected" should be excluded.

The second sentence should be excluded.

50) Sub-item 3 of item 2 of Article 65 shall be excluded.

51) Item 1 of Article 68 should be supplemented with the following content, "which can be submitted within 10 days after summarising of the elections" after the word: "Prime minister".

52) In Article 70 the words "by item 2" should be substituted for "by items 2 and 3".

53) In Article 71:

Sub-item 1 of item 2 should be worded as follows:

"1) At the sessions of the region (the city of the Republican status and the capital), urban 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."

In item 4 the words "during three days from the date of adoption" should be excluded.

Item 7 should be worded as follows:

"7. If on the day of the end of the term of registration of candidates, less than two candidates to the Senate deputies have been registered, the Central Election Commission 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."

54) Article 72:

In item 1 the word "fifty" should be substituted for "twenty five";

In item 3 the words "is carried out by initiative groups in accordance with this Constitutional Act" should be substituted for "is carried out by trustees";

55) Article 73:

In item 2:

In the first sentence:

The words "from personal finances" should be excluded;

The word "twenty-five fold" should be substituted for "fifteen fold";  
In the second sentence the word "seven" should be substituted for "five", after the word "voting" should be supplemented the words "and in the case of the candidate's death";

I n i t e m 3 :

The words "no later than forty days prior to Election Day" should be substituted for "after receiving of all the necessary documents";

After the words "shall end" the words "no later than" should be excluded;

Sub-item 4-1 of item 4 should be excluded;

Sub-item 3-1 of item 5 should be excluded;

I n i t e m 6 :

Sub-item 3 should be worded as follows:

1) Shall refuse the 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 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 his/her registration, 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 honour 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 to 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.

The refusal in registration or cancellation of the registration can be appealed by candidates to the corresponding court.

Cancellation two days prior to Election Day of the decision on registration of the candidate or restoration of the candidate who has been withdrawn from registration shall be inadmissible.

Item 8 should be supplemented with the following content:

"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."

56) in items 1 and 2 of Article 74 the words "but no later than 7 days before voting" should be excluded.

57) Article 75 should be worded as follows:

Article 75. The size of the election fund of a candidate to the Senate deputies  
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 established size of the minimum wages for more than two hundred times by the legislation of the Republic of Kazakhstan;

2) donations of citizens and organisations 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 the legislation of the Republic of Kazakhstan.

58) item 1 of Article 76 should be worded as follows:

"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 city of the Republican status and the capital) and the urban election commission shall issue its regulation by which it prolongs the term of elections but not more than for two months."

59) in item 2 of Article 77 the word "total number" should be substituted for "number of jet set";

60) The second sentence of item 1 of Article 79 shall be worded as follows: "In case of retiring of one of the candidates the ballot shall include the next candidate who has received the largest number of votes."

61) In Article 80:

In item 1 the words "unopposed candidate or two candidates he (they) was not (were not) elected" should be substituted for "two candidates who were not elected"

Item 4 should be excluded;

62) sub-item 3 of item 2 of Article 82 should be excluded;

63) item 2 of Article 83 should be worded as follows:

"2. Election and by-election of the senate deputies shall not be conducted one year prior to the expiration of the constitutional term of office of the senate deputies."

64) item 1 of Article 84 after the words "Prime Minister of the Republic" should be supplemented with the following sentence: "which can be submitted within 10 days after the summarising of the results of the election.";

65) In Article 86 the word "item 2" should be substituted for "items 2 and 3";

66) In Article 87:

In item 1, the words "by republican and local social unity" should be substituted for "by political parties";

Item 2 should be worded as follows:

"2. Supreme bodies, indicating the electoral district in which to run a candidate nominate candidates for the Majlis by political parties. Political party has the right to nominate candidates for the persons who are not members of that political party. Political party may nominate in each electoral district only one candidate to the Mazhilis. The decision to nominate candidates for the Majlis passed by a majority vote of the members of the highest body of the political party and issued an extract from the minutes. The party list of persons for election to the Mazhilis for a single national constituency is the supreme body of the political party. Political parties are not entitled to include in the party lists of persons who are not members of that political party. Person on the party list for the election of deputies of the Mazhilis for a single national constituency may not be nominated for the geographical c o n s t i t u e n c i e s . "

Item 2-2 should be supplemented with the following sentences:

"2-2. Political parties at the time of the election may form electoral blocs, which are registered with the Central Election Commission. Electoral blocs can form at least two p o l i t i c a l p a r t i e s .

Political party during the election period can belong to only one ballot box. The decision to join an electoral bloc is made by ??the supreme body of the political party.

The polling units during the election period are subject to the rules for political parties according to this Constitutional Law. ";

In paragraph 1 of item 3:

The words "of public association during three days" should be substituted for "of political p a r t y " ;

In item 6 the words "and according one party list" should be excluded;

In item 7 the words "sixty days" should be substituted for "two months";

Item 8 should be worded as follows:

"8. If on the termination day of registration of candidates in the corresponding electoral district there are less than two candidates for the Majlis, the Central Election Commission shall extend the deadline for nominating candidates for not more than twenty days upon the recommendation of the relevant district election commission. "

6 7 ) In Article 88:

The words "from personal finances" should be excluded;

The word "twenty five fold" should be substituted for "fifteen fold";

In the second sentence:

The word "seven" should be substituted for "five";

After the word "voting" should be supplemented with the following sentence: "and also in the case of death of the only candidate on the party list."

6 8 ) In Article 89:

In item 2:

In paragraph 1, the words "public association" should be substituted for "political party";

Sub-item 1 should be worded as follows:

"1) extracts from the minutes of the meeting of the supreme body of the political party to nominate a candidate for the relevant electoral district with a copy of the registration of the political party in the judiciary";

In sub-item 2, the words "nominating by public association" should be substituted for "nominated by political party";

Sub-item 3-1 should be excluded;

Sub-item 5 should be supplemented with the following sentence:

"5) of document, confirming the membership of a candidate in the political party, which nominated him";

Sub-item 2-1 of item 3 should be excluded;

In item 6:

In sub-item 1 the words "public association" should be substituted for "political party";

Sub-item 3 should be worded as following:

"3) refuse to register or cancel decisions to register the candidate in the following cases: breach of rules of nomination of a party list by a candidate, failure to submit documents required for registration;

inconsistency of a candidate to the requirements of the Constitution and this Act;

candidate uses his official position in his campaign;

campaign of a candidate before it is registered on election day or the preceding day;

if the court finds out that a candidate and (or) his proxies distributed false information discrediting the honour and dignity of a candidate, undermining his reputation

if a court finds bribery carried out by the candidate and his proxies;

in other cases stipulated by this Constitutional Law;";

item 3-1 should be worded as follows:

" 3-1) cancel the decision on registration of the candidate in case of false data on income and property by the candidate or his (her) wife (husband), in accordance with the laws of the Republic of Kazakhstan on the fight against corruption. "; and should be supplemented with the parts as follows:

"The refusal of registration or cancellation of registration may be appealed to the candidates in the appropriate court. Cancellation of registration of a candidate or the reversal of a previously de-registered candidate two days before the voting day, are not permitted. ";

In the first part of item 7:

Sub-item 4 should be excluded;

Item 6 should be supplemented with the following sentence:

"6) Document confirming membership of a person on the party list in the political party which nominated the list."

The second part should be excluded;

Item 8 should be worded as follows:

"8. Only one list is allowed for registration from one political party to the number of persons included in it, which does not exceed the number of seats to be allocated to the political parties by thirty percent. ";

I n i t e m 9 :

Sub-item 3 should be worded as follows:

"3) 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 political party nominating the party list or its authorised representatives campaigning before the registration of the party list election day or the preceding day;  
if a court finds out that a political party nominating the party list, or its proxies disseminate false information discrediting the honour and dignity of a candidate, another political party, which has nominated the party list, or a person on the party list impairing his\her professional reputation;  
more than twenty five percent of the whole party representatives leaving the party list;  
if a court finds out that a political party nominating the party list or its proxies bribed voters ;

in other cases stipulated by this Constitutional Act.

Cancellation of a decision to register the party list or restoration of a previously deregistered party list shall not be permitted two days prior to the voting day;

Item 4 should be supplemented with the following content:

"4) 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;  
if a person listed on the party list avails himself/herself 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 registration of the party list;  
if a court finds out that a person listed on the party list disseminates false information discrediting the honour and dignity of a candidate, a political party, which has nominated the party list, or a person from the party list damaging their professional reputation;  
if income and property data submitted by the person on the party list and his/ her spouse shall be found as false, as per the anti-corruption legislation of the Republic of Kazakhstan;  
if a court finds out that a person listed on the party list or his/her proxies bribed voters;  
in other cases stipulated by this Constitutional Act; ";

A decision to exclude a person from the party list who shall be listed on the party list can be appealed against by the political party, which has nominated the party list, or by a person removed from the party list to a corresponding final court.

Decisions to exclude a person from the party list shall not be allowed two days prior to the voting day;

69) In Article 90:

In items 1 and 2 the words ", but not later than 7 days before voting" should be excluded;

In item 2 the words "public association" should be substituted for "political party";

Sub-item 3-1 should be supplemented with the following sentences:

"3-1) a cancellation of decision to register a candidate in a case if income and property data submitted by the candidate or his\her spouse shall be found as false, as per the anti-corruption legislation of the Republic of Kazakhstan.";

Should be supplemented with the parts as follows:

"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";

The words "in this case" should be subtitled for "in these cases";

After the word "list" should be supplemented the words "or a person listed on the party list";

In item 4:

The word "has a right" should be subtitled for "must";  
the words "nominating by public association" should be substituted for "nominated by political party";

70) Article 91 should be excluded:

71) In sub-item 2 of Article 92 the words "nominating by public association" should be substituted for "nominated by political party";

72) Item 1 of Article 93 should be worded as follows:

"1. If as a result of retirement of the candidates there is less than two candidates for the Majlis after the expiry of the registration in the corresponding electoral district, the Central Election Commission extends the election upon the recommendation of the district election commission, but no more than two months.";

73) The second sentence of item 1 of Article 95 should be worded as follows:

"In the case of retirement of one of the candidates, the ballot will include the next candidate with the most votes.";

74) In Article 96:

In item 1 the words "the only candidate or two candidates, he (they) was (were) elected" with "the two candidates were not elected";

Items 4 and 5 should be excluded;

75) sub-item 3 of item 2 of Article 97 should be excluded;

76) item 5 of Article 97-1:

The third part should be worded as follows:

"Elimination of the political party or termination of membership in a political party is grounds for termination of office of deputies of the Mazhilis of the Parliament elected on the

party list of this party. ";

Should be supplemented with the part as follows:

"Political parties have the right to change the order of candidates on party lists, a written notice of this and with an extract from the minutes of the meeting of the supreme body of the political party in the Central Election Commission.";

77) item 2 of Article 99 should be worded as follows:

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

78) item 1 of Article 100 after the words "Prime Minister of the Republic" should be supplemented with ", which can be submitted within 10 days after determination of election results, " ;

79) item 2 of Article 101 the word "four" should be substituted for "three";

80) In Article 102 the words "item 2" should be substituted for "items 2 and 3";

81) In Article 103 :

Item 1 after the word "also" should be supplemented with "their subdivisions":

Item 2 should be worded as follows:

"2. Nomination of candidates to Maslikhat deputies by the republican or local public associations and their structural divisions shall be made by their supreme bodies with indication of the electoral district in which each candidate shall stand for election. The public associations shall not be eligible to nominate candidates out of the persons who are not members of the given public association. The public association or its structural division can nominate in each electoral district only one candidate to Maslikhat deputy. The decision on nomination of candidates to Maslikhat deputies shall be taken by a majority of the total number of members of the supreme body of the Republican or local public association and its structural division, and shall be validated in the format of an abstract of the minutes."

In paragraph 1 of item 3 the words "no later than 3 days" should be excluded;

In item 6 the words "three" and "two months" should be substituted for "two" and 'one month " ;

Item 7 should be worded as follows:

"If by the day of termination of the term for registration of candidates to the corresponding electoral district, less than two candidates to deputies of Maslikhat have been registered, then, the territorial election commission on the basis of the presentation submitted from the corresponding district election commission shall prolong the term for nomination of candidates but not for more than twenty days.;

82) Article 104 :

In item 2 :

In sub-item 1 the words "respectively, in the Ministry of Justice, in the region, city (the city of republican status, capital)" should be substituted for "in the bodies";

Sub-item 4 should be excluded;

Sub-item 3 of item 3 should be excluded;

In item 6 :

Sub-item 3 should be worded as follows:

"3. shall refuse in registration or cancel the decision on registration of the candidate in the following cases :

infringements by the candidate of the rules for nomination, non-submission of the necessary documents for registration;

incompatibility of the candidate to the requirements stipulated by the 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 his/her registration, on the day of elections or the day preceding it;

establishment by court of the fact of distribution by the candidate and (or) his 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 stipulated by this Constitutional Act;"

item 3-1 should be worded as follows:

"3-1) shall cancel the decision on registration of the candidate to case of revealing at the moment of a declaration submission a fact of non-authenticity of 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.

The refusal in registration or cancellation of registration can be appealed by candidates to the corresponding court.

Two days prior to Election Day, it shall be inadmissible to cancel the decision on registration of the candidate or to restore the candidate who was earlier withdrawn from registration . "

In item 8, the word "forty" should be substituted for "twenty five";

83) In Article 105 :

In items 1 and 2, the words ", but no later than 7 days before voting" should be excluded;

Item 2 the word "association" should be supplemented with ", subdivision of public association " ;

84) Article 106 should be worded as follows:

Article 106. The size of the election fund of the candidate to Maslikhat deputies

The election fund of the candidate shall be formed of:

1) Own funds of the candidate. The total sum should not exceed the established by the legislation of the Republic of Kazakhstan size of the minimum wages for more than hundred

t i m e s ;

2) The funds allocated to the candidate by the public association which has nominated him/her. The total sum should not exceed the size of the minimum wages for more than two hundred times established by the legislation of the Republic of Kazakhstan;

3) Donations of citizens and organisations of the Republic of Kazakhstan. The total sum should not exceed the minimum wages for more than three hundred times established by the legislation of the Republic of Kazakhstan;

85) Item 1 of Article 107 should be worded as follows:

If in the result of the candidates' retiring, after termination of the term of registration, less than two candidates to the Maslikhat deputies remain in the corresponding electoral district, territorial election commission on the basis of the presentation made by the corresponding district election commission on the basis of its decision shall prolong the term of election, but not for more than two months.";

86) Article 109 should be excluded;

87) In Article 110:

In item 1 the words "either by ballot one candidate, he was not elected" should be excluded ;

Item 4 should be excluded ;

88) Item 2 of Article 111 should be worded as follows:

"2. The candidate shall be considered as elected Maslikhat deputy if the majority of voters who have taken part in the voting voted for him/her in comparison with other candidates."

89) Item 2 of Article 113 should be worded as follows:

"2. By-election of Maslikhat deputies shall not be conducted one year prior the expiration of deputies' mandates." ;

90) Item 2 of Article 114 should be supplemented with the following part:

"The order of conduct of elections shall be determined by the Central Election Commission in accordance with this Constitutional Law. ";

91) In Article 115 the words "item 2" should be substituted for "items 2 and 3";

92) In Article 117:

In item 3 the words "no later than 3 days" should be excluded;

Item 8 should be worded as follows:

"8. If on the day of termination of the term of registration of candidates less than two candidates members of the local self-government bodies have been registered, the territorial election commission shall extend the term for nomination of candidates but not for more than twenty days." ;

93) In Article 118:

Sub-item 4 of item 2 should be excluded;

Sub-item 3 of item 3 should be excluded;

In item 6 :

Sub-item 3 should be worded as follows:

c. "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 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 his/her registration, 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 honour 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 to 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.

The refusal in registration or cancellation of registration can be appealed by candidates to the corresponding court.

Two days before Election Day cancellation of the decision on registration of a candidate or restoration of candidacy of the candidate who has earlier been withdrawn from registration shall not be allowed.

Should be supplemented with the following parts:

"The refusal of registration or cancellation of registration may be appealed to the candidates in the appropriate court. Cancellation of registration of a candidate or the reversal of previously de-registered candidates two days before the day of voting is not permitted";

In item 8 the word "fifteen" should be substituted for "thirteen";

94) In items 1 and 2 of Article 119 the words ", but no later than three days prior to Election Day";

95) Article 120 should be excluded;

96) Item 1 of Article 121 should be worded as follows:

"1. If, on the day of termination of the term of registration of candidates, less than two candidates have been registered to members of the local government bodies, the territorial election commission upon presentation of the corresponding district election commission by its resolution shall extend the term of elections, but not by more than a month.";

97) Item 4 of Article 124 should be excluded;

98) Item 2 of Article 127 should be worded as follows:

"2. By-election of a member of local government body shall not be conducted one year before the termination of the term of office of the local government bodies as it shall be established by the legislation of the Republic of Kazakhstan.";

99) Article 128 should be excluded;

100) Article 129 should be worded as follows:

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

1. Electoral campaign at elections 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 election of the deputies of Senate of the new convocation at the joint session of electors - deputies of Maslikhats of the oblast (city 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 t h r e e y e a r t e r m .

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 gives 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 y e a r s .

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 elections 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 rerun 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.

101) Articles 130 and 132 should be excluded.

**Article 2. This Constitutional shall be enforced from the date of its publishing.**

*the Republic of Kazakhstan*

*P r e s i d e n t                    o f*

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