



Strasbourg, 31 May 2011

**Opinion No. 625 / 2011**

**CDL-REF(2011)17**  
Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**THE CONSTITUTIONAL LAW OF THE KYRGYZ REPUBLIC**  
**ON THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS**  
**IN THE KYRGYZ REPUBLIC**

**The Constitutional Law  
of the Kyrgyz Republic**

**On the Presidential and Parliamentary Elections in the Kyrgyz Republic**

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## **Chapter I. General Provisions**

### **Electoral Rights**

#### **Article 1. Key definitions used in the Present Law**

The following terms and definitions are used in the Present Law:

**Campaigning materials** – printed audiovisual and other materials with campaigning features and intended for massive distribution, promulgation in the process of election campaign;

**Active electoral right of citizens** – the right of Kyrgyz citizens to elect President and parliamentarians in the Kyrgyz Republic;

**Next of kin** – spouse, parents, children, adoptive parents, adopted children, full and half blood siblings, grandfather, grandmother, grandchildren;

**Guarantees for electoral rights** – organizational, legal, informational and other means to ensure electoral rights of Kyrgyz citizens;

**Identification Document** – passport (ID card), regular passport of Kyrgyz citizen or substituting document, such as: certificate of active service officer, military service record card, pensioner's certificate;

**Single election district** – election district comprising the entire territory of the Kyrgyz Republic

**Voters** – citizens of the Kyrgyz Republic with active voting right and included into the voting list;

**Election documents** – the list of constituents, ballots: valid, invalid, not used (cancelled), wasted (filled with errors), as well as ballots issued to constituents for early voting and absentee ballots, election commission minutes, their resolutions on election related issues, registration papers of candidates, of referendum's initiative groups, election results summary tables, election constituencies and districts lists and layouts;

**Election Commissions** – collegial bodies organizing the preparation and conduct of elections, referenda in the KR to ensure that electoral rights of the Kyrgyz Republic citizen are implemented and protected;

**Electoral legislation** – the Constitution of the KR, the present Constitutional Law, the Constitutional Law of the KR "On Referendum in the KR", the Law of the KR "On Elections to Local Self Governance in the Kyrgyz Republic", Resolutions of the Central Commission for elections and referendum in the KR (hereinafter – Central Election Commission);

**Electoral rights of citizens** – right of Kyrgyz citizen to elect and be elected to Presidency, Parliament including participate in nominating candidates, campaign, observation of election, performance of election commissions, including summarizing voting results and determining of election results, as well as other election activities;

**Election Information Support** – informing constituents, referendum participants and pre-election campaign ensuring conscious expression of the citizens' will, publicity of elections and referenda;

**Voter's address** – actual residence of citizen, pursuant to the procedure established by this constitutional law, where he/she is willing to vote and which is not his/her permanent address;

**Candidate** – individual nominated according to the procedure specified by this constitutional law as an applicant for presidential or parliamentary elections;

**International observer** – individual representing foreign or international organization that acquires the right to observe the preparation and conduct of elections in the KR pursuant to procedure established by the law in line with the legislation;

**Observer** – individual, assigned by non-profit making organization, to carry out observation over voting, tallying up, determining election results pursuant to procedure established in line with the legislation;

**Passive electoral right of citizens** – right of citizen of the KR to be elected to presidency or parliament;

**Permanent residence** – residence of citizen within the KR certified in the identification document by registration body;

**Election campaign** – activity of citizens of the KR, candidates, authorized representatives and agents of candidates and political parties with regard to preparation and dissemination of information during campaigning with the aim to encourage voters to vote for candidates (lists of candidates) or against them;

**Representative of candidate, political party** – representative with consultative capacity in election commissions, authorized representative, agent representing registered candidate, political party that had nominated the list of candidates;

**List of candidates** – list of citizens of the KR with active electoral right on polling day which is made up by corresponding election commission;

**List of early voters** – list of voters made up by relevant territorial election commission 9-1 days prior to polling day that includes the information on voters who voted earlier based on written request and submission of the relevant documents in line with this constitutional law;

**List of candidates** – single list of candidates registered by election commission and nominated by political parties;

**Territorial election commission**– Bishkek, Osh city commissions, rayon election commissions;

**Technical equipment** -booths, ballot boxes and official stamps of election commissions.

### **Article 2. Principles of electoral participation**

1. Elections in the KR are carried out on the basis of equal and direct suffrage in secret voting.  
Elections in the KR are based on free and voluntary exercise of rights. No one can make a pressure on citizens with a view to make them participate or not participate in elections as well as on their free will;  
  
Kyrgyz citizens residing or staying outside of the KR have electoral rights in line with this Constitutional Law. Diplomatic institutions and consulates of the KR must provide for realization of electoral rights established by this Constitutional Law. Kyrgyz citizens residing outside of the KR vote only within the territory of diplomatic institutions and consulates of the KR.
2. During elections in the KR women have equal rights with men in realization of their electoral rights can be elected to presidency and parliament of the KR.

### **Article 3. Universal suffrage**

1. Kyrgyz citizens who attained the age of 18 years old have the right to vote and upon attaining the age established by the Constitution and this Constitutional Law have the right to be elected to presidency and parliament of the KR.
2. Kyrgyz citizens can elect and be elected irrespective of their origin, sex, race, nationality, official and material capacity, confession, political and religious beliefs;
3. Citizens adjudicated by court as incapable or kept in places of confinement cannot vote.
4. Citizens whose conviction has not been dropped or redeemed pursuant to procedures established by the law cannot be elected to presidency or parliament.

### **Article 4. Equal suffrage**

Citizens of the KR participate in elections on equal basis.



### **Article 5. Direct suffrage**

Citizens of the KR elect directly their representatives out of candidates for presidency and parliament

### **Article 6. Secrete voting**

Voting in the elections in the KR shall be secrete and any possibility of control of citizens' will shall be eliminated.

### **Article 7. Elections are compulsory and periodical**

1. Presidential and parliamentary terms are established by the Constitution of the KR
2. Presidential and parliamentary elections are compulsory and implemented in the periods established by the Constitution of the KR
3. Elections shall not be carried out in the emergency or military situations imposed in the territory of the KR or part of it.

### **Article 8. Transparency of the electoral process**

1. Elections shall be organized and carried out in transparent and open manner.
2. Members of higher level election commissions, candidates, representatives of candidates or political parties, as well as observers, international observers, mass media can attend the sessions of the relevant elections commissions.
3. The state automated information system shall be used for monitoring voting process and results via transfer of protocol data from lower level election commissions to higher level election commissions. The data received via state automated information system shall be regarded as preliminary information with no legal importance (not legally binding). The Central Election Commission shall determine the procedure for the use of the state automated information system.

### **Article 9. Observers**

1. Non-profit making organizations have the right to designate observers. Observer attains the rights and duties of observer provided by this Constitutional Law upon submission of referral to corresponding election commission by his/her organization. The referral should indicate the fist name, last name, patronymic name, place of residence, number of precinct, name of election commission where he/she is directed to as well as a note about absence of restrictions specified in item 2 of this article. That document is valid upon submission of passport or substituting document. Preliminary notice on directing of observer in not needed.
2. Observers can be citizens of the KR who have electoral right.

Parliamentarians, local council deputies, government official and local self governance officers, members of election commissions, representatives of candidates and political parties, judges, prosecutors, law enforcement officers, military servicemen cannot act as observers.

3. Observers have the right to:

- 1) Review lists of voters of corresponding election commission, roster of request to vote outside precinct;
- 2) Be at precinct at any time on polling day.
- 3) Be present at voting place outside of precinct;
- 4) Observe the process of voting established by this Constitutional Law including issuance of ballots; observe counting of voters included into voter list, ballots given to voters, invalidated ballots; observe counting of votes at distance in circumstance providing for visibility of the content of ballots, review any filled up (valid) or unfilled (invalid) ballots during counting of votes; observe drawing up of election commission protocols about the voting results and other documents;
- 5) Approach chairperson of precinct he/she directed to and in the absence of chairperson approach his/her deputy with suggestions and remarks on voting process;
- 6) Review election commission protocols;
- 7) Get from election commission copies of protocols and attached documents;
- 8) Appeal decisions and (or) action (inaction) of election commission in line with this Constitutional Law;
- 9) Attend repeat counting of votes in corresponding elections commission;
- 10) Have badges on with no sign of campaigning but indicating the status, name, name of organization that directed observer to election commission;

4. Observer cannot:

- 1) Hand ballots to voters;
- 2) Put down signature for voter on his/her request when getting ballot;
- 3) Fill up ballots for voter
- 4) Take up any actions abusing secrecy of voting;
- 5) Participate in counting of ballots;
- 6) Create any obstacles to the work of election commission;

- 7) Carry out campaigning among voters;
  - 8) Participate in election commission decision making process.
5. Observers' activity is regulated by election legislation.

#### **Article 10. International observers**

1. International observers shall be accredited by the Central Election Commission provided they have received invitation sent by the President of the KR, the Parliament, the Government of the KR, and Central Election Commission after official calling elections. Proposals for invitations can be submitted by international and national non-profit making organizations specialized in the election legislation and rights as well as human rights;
2. Term of international observer begins as of the day of accreditation by the Central Election Commission and ends on the day of official publication of election results.
3. International observers can freely move and attend any precinct and election commissions.
4. International observers can:
  - 1) Express in public their views on election legislation, on preparation for and carrying out of elections;
  - 2) Hold news conferences and approach mass media only after completion of voting;
  - 3) Make photo pictures and video without violation of voting secrecy;
  - 4) Have badges on with no sign of campaigning but indicating the status, name, name of organization they represent;
  - 5) International observers cannot use their status to be engaged into activities not related to observation of preparation and carrying out of elections;
  - 6) Central Election Commission can withdraw accreditation of international observer in the event of violation of this Constitutional law or Kyrgyz legislation;
  - 7) Activities of international observers shall be regulated by elections law.

#### **Article 11. Mass Media**

1. Mass media shall be accredited by the Central election commission upon request in writing.

2. Mass media representatives can:
  - 1) Attend election commission meetings;
  - 2) Review election commission protocols;
  - 3) Get from election commissions copies of protocols and attached documents;
  - 4) Take pictures or shoot video and on polling day make it at the place indicated by the chairperson of the precinct election commission without violating voting secrecy;
  - 5) Have badges on with no sign of campaigning but indicating the status, name, name of organization they represent;
  - 6) Central Election Commission can withdraw accreditation of international observer in the event of violation of this Constitutional law or Kyrgyz legislation;
  - 7) Activities of international observers shall be regulated by elections law.

## **Chapter II. Election commissions and constituencies**

### **Article 12. Election Commissions**

1. Election commissions shall organize preparation and implementation of elections in the KR, provide for realization and protection of electoral rights of Kyrgyz citizens;
2. The Unified election commissions system in the KR shall create:
  - 1) Central Commission for elections and referenda in the KR;
  - 2) Territorial elections commissions: Bishkek, Osh municipal election commissions, rayon commissions for election and referenda;
  - 3) Precinct election commissions;
3. Election carry out their activity pursuant to the following principles:
  - 1) Legality;
  - 2) Transparency;
  - 3) Openness;
  - 4) Independence;
  - 5) Collegiality;
  - 6) Equity;
4. The Constitution of the KR and this Constitutional Law, the Law on election commissions and election legislation represent the legal basis, activity procedures as well as guarantees of election commissions' independence.

### **Chapter III. Voter List**

#### **Article 14. Drawing up voter lists**

1. During presidential and parliamentary elections a single voter list shall be made up on the basis of voter lists from each precinct with a view to realize electoral rights, inform voters about themselves (their rights) as well as to carry out voting.
2. The List shall include citizens of the KR with active voting right.
3. The Central Election Commission is responsible for drawing up voter lists, formation of data about registered voters in the period between elections. All government bodies and local self governance shall assist and provide any information available with regard to registered citizens on written request of election commission.
4. The voter list shall be drawn up on the basis of information about voters via unified voter record system.
5. Data on voters temporarily confined to hospitals, investigation cells, temporary containment cells shall be provided by heads of the abovementioned institutions and submitted to corresponding precinct election commission no later than 12 days prior voting day.
6. Data on voters staying outside the KR and registered with consulates shall be prepared by heads of corresponding diplomatic representations and consulates and submitted to the Central election commission no later than 25 days prior voting day.  

The Central election commission in consultation with the Ministry of Foreign Affairs shall determine the form, type and procedure for submission of data on voters staying outside of the KR and registered with the consulates.
7. Voter list shall be drawn up in duplicate with voter names given in alphabetic order. Voter lists shall be signed and stamped by territorial election commissions no later than 40 calendar days prior to voting day with corresponding election commission getting a copy.
8. Voter lists submitted to precinct election commissions should be numbered, bound, signed and stamped by chairperson of territorial election commission.
9. Removal of a voter's name from voter list shall be done by corresponding territorial election commissions only on the basis of written information received from relevant voter registration bodies or written request of a voter supported by the passport data, ineligibility to vote at a specific precinct. And voter list shall reflect the date of removal of voter's name and the reason for it. It should be certified by the signature of chairperson of territorial election commission and can be appealed in the Central election commission or court who shall consider appeal in line with this Constitutional Law.
10. The government bodies and local self governance of the KR must provide all the necessary support to election commissions regarding the issue of including or excluding citizens of the KR from voter list and clarifying voter lists.

**Article 15. Review of voter lists. Voters' address**

1. Precinct election commission must post voter lists for the public residing within territory of corresponding election commission 40 days prior to voting day.
2. Precinct election commission no later than 30 days prior to voting day shall notify a voter about his/her inclusion into voter list.
3. Every citizen of the KR with active voting right has the right to advance a claim to a corresponding precinct election commission about non-inclusion into voter list, any errors or inaccuracy in voter list within 40 days prior to polling day and no later than 10 days prior to the polling day. During this period voter has the right to present information about his/her address by submission of the form established by Central election commission to precinct election commission.
4. 10 days prior to voting day precinct election commission shall stop accepting applications from voters and submit the received information together with voter list to territorial election commission.

Within 7 days, territorial election commission shall check the data in the applications, form the final voter list and no later than 3 days prior to voting day shall submit voter list to corresponding precinct commission.

5. Only citizens included to voter list have the right to vote.

**Article 16. State registration of voters**

State registration and record of voters is made via a unified system.

The Law shall regulate the use and formation of the unified system.

**Chapter IV. Representative of Candidate, Political Party. Status of Candidates****Article 17. Status of representatives with consultative capacity in election commission**

1. Candidate and political party has the right to designate representative to corresponding election commission with consultative capacity but without any right to vote. Representative of candidate shall submit identification documents indicating his/her job, occupation and full permanent address, and contact data.
2. Authority of representative with consultative capacity shall take effect at the moment of his/her registration with the corresponding election commission.
3. Citizen of the KR who attained the age of 21, has voting right and permanently reside in the KR can become representative with consultative capacity.

4. Parliamentarians, government members, officers of the President's Office, Central Government Office, the Parliament Office, officials of the government, self-governance, judges, military servicemen and officers of law enforcement, fiscal bodies, foreign citizens and individuals without Kyrgyz citizenship as well as individuals whose previous convictions were not dropped or redeemed pursuant to procedures established by the law cannot become representative of candidate with consultative capacity.
5. Representative with consultative capacity cannot be at the same time representative in other election commissions;
6. Representative with consultative capacity acting as state or municipal official should not abuse his position.
7. Representative with consultative capacity shall be issued certificate of standard form.

#### **Article 18. The power of representative with consultative capacity**

1. Representative with consultative capacity can:
  - 1) Review documents and materials that are going to be discussed at election commission meeting;
  - 2) Include in the agenda of election commission meeting suggestions related to his competence and participate in discussions of all the meetings of election commission;
  - 3) Attend and participate in discussion of all the meeting of election commission;
  - 4) Ask other participants of election commission meeting questions related to agenda and receive answers;
  - 5) Familiarize himself with documents and materials of election commission related to elections and get copies of those documents and materials (except for documents and materials containing confidential information or regarded as confidential in line with the legally established procedure);
  - 6) Appeal against activity (inactivity) of election commission in accordance with procedure provided by this Constitutional Law;
  - 7) Check documents submitted by voters and see if ballots are distributed correctly.
2. Representative with consultative capacity cannot:
  - 1) Participate in inspections implemented by elections commission;
  - 2) Give explanations and instructions, on behalf of election commission;
  - 3) Draw up protocols on election results;
  - 4) Participate in voting during decision making process related to authority of election commission;

- 5) Sign resolutions and protocols of election commission.
3. Power of representative with consultative capacity can be terminated at any time on the decision of individuals who had designated him and his power can be devolved on other persons.
4. Power of representative with consultative capacity can also be terminated in case of revocation of registration of person who had designated representative;
5. Power of representative with consultative capacity shall be terminated automatically upon official publishing of election results;
6. In case of appeal of election results by registered candidate, political party power of representative with consultative capacity shall be terminated after final court decision;

#### **Article 19. Candidates and political parties' authorized representatives**

Candidates and political parties can designate authorized representatives to represent them on elections and financial issues.

1. Parliamentarians, government members, officers of the President's Office, Central Government Office, the Parliament Office, officials of the government, self-governance, judges, military servicemen and officers of law enforcement, fiscal bodies, foreign citizens and individuals without Kyrgyz citizenship cannot be authorized representatives;
2. List of authorized representatives of candidates and political parties shall be submitted to corresponding election commission with indication of power, last name, first name, patronymic, date of birth, number of passport or substituting document, date of issue, residence address, main job, post or occupation, telephone number of each authorized representative. Authorized representative on financial issues should be authorized to sign financial documents. Apart from the abovementioned list to be submitted to election commission, authorized representatives should provide their written consent on their newly appointed responsibility (to implement the mentioned activities);
3. Within 2 calendar days after submission of all required documents corresponding election commission shall issue registered certificates to authorized representatives or take a reasoned decision to refuse registration in line with this Constitutional Law;
4. Authorized representative of candidate or political party shall be regarded appointed and shall acquire all the rights and duties of authorized representative after issuance of registered certificate by election commission;
5. Authorized representative of candidate or political party acting as government or municipal official should not take advantages of his position.
6. Authorized representative shall:
  - 1) Certify candidacy list when collecting signatures of voters in support of candidate, count signatures, draw up protocol on the results of signature collection;



- 2) Submit to corresponding election commission candidacy list in support of candidate as well as other documents for registration of candidate;
  - 3) Receive from election commission written confirmation on receipt of candidacy lists and other documents;
  - 4) Carry out election campaign, disseminate campaigning materials;
  - 5) Participate in sorting implemented by election commission in order to determine provision of air time to candidates and political parties;
  - 6) Attend meetings of election commission on issues related to candidates and, political parties designating authorized representatives;
  - 7) Implement other activities specified by this Constitutional Law and on instructions of candidate or, political party.
7. Candidate or political party can terminate power of authorized representative at any time by notifying in writing election commission that has registered corresponding authorized representative.
  8. The term of authorized representative of a candidate or political party takes effect as of the day of his registration by election commission and expires from the moment of candidate's losing his status of candidate for presidency, parliament, or candidates nominated to the list of candidates of political party but no later than the day of official announcement of election results. Term of power of authorized representative of candidates or political parties on financial issues shall expire 20 days after the announcement of election results.

#### **Article 20. Candidates or political parties' Agents**

1. Candidate and political party can designate agents.
2. Registration of agents shall be made by election commission that has registered candidate (list of candidates) on the basis of written application of candidate or recommendation of political party or application of citizen who wants to become an agent. Election commission shall issue a certificate to agent.
3. Parliamentarians, government members, officers of the President's Office, Central Government Office, the Parliament Office, officials of the government, self-governance, judges, military servicemen and officers of law enforcement, fiscal bodies, foreign citizens and individuals without Kyrgyz citizenship cannot become agents.
4. Agent shall act within the authority provided to them by candidates or political parties.
5. Agents can:
  - 1) Carry out campaigning and other activities supporting election of candidate (list of candidates), present their programs;
  - 2) Speak up at pre-election assemblies, meet with voters, participate in debates and discussions;

- 3) Attend election commission meetings;
  - 4) Attend precincts during voting, count votes and summarize voting results;
  - 5) Review documents of election commission as well as protocols on voting results and election results;
  - 6) Appeal decision and activity (inactivity) of election commission and attend review of complaints and applications.
6. Agents of candidates or political parties cannot:
- 1) Interfere with the work of election commission;
  - 2) Sign for voter on his request when he is issued a ballot as well as filling up ballots;
  - 3) If agents are journalists or work with mass media they shall carry out informational, TV and radio programs, participate in raising public awareness about elections via mass media;
7. Candidates or political parties can at any time recall agents by notifying election commission that will revoke the certificate issued to those agents.
8. Power of agents shall stop if their candidate loses his status or if candidate, included into the list of candidates by political parties, loses his status.

#### **Article 21. Status of candidates**

1. All the candidates have equal rights and bear equal responsibilities unless otherwise provided for by this Law.
2. Candidates acting for government and municipal officials as well as for heads of state and municipal companies, agencies with state share more than 30% (or agencies with more than 30% of State involvement) cannot take advantage of their official position.

According to this Constitutional Law official position implies the following:

- 1) Involving subordinates or dependent officers, or other government and municipal officers into nomination or election processes;
- 2) Use of premises of government or self governance bodies for nomination or election purposes provided that other candidates cannot use such premises under the same conditions;
- 3) Use of telephone, fax and other communications means, office equipment that belong to government and local self governance bodies for the purposes of nomination and election;

- 4) Free or privileged use of transport means that belong to government and local self governance bodies for the purposes of nomination or election;
  - 5) Engage government or municipal officers in collection of signatures during their business trips;
  - 6) Superiority in getting access to mass media (compared to other candidates) for purposes of collecting signatures or campaigning.
3. Individuals holding political, government positions, heads of law enforcement and fiscal bodies must step down or vacate their seat in cases specified by this Law.

Registered candidates acting for administrative government officials or working with mass media must suspend their official duties from the moment of registration till the moment of the announcement of elections results.

Heads of government, self governance bodies, companies, agencies, institutions, heads of military camps and other offices where registered candidate work must within 3 calendar days from the moment of application suspend his duties with preservation of his average salary rate at the expense of that institutions regardless of the form of ownership.

No later than 5 calendar days from the moment of registration, candidates or their authorized representatives, authorized representatives of political parties shall submit to election commission certified copies of corresponding orders.

Central election commission responsible for registration of candidates and candidate lists must inform candidate, authorized representatives of political parties about the abovementioned circumstances when registering them.

4. During elections registered candidates cannot be dismissed from their job (position) on the initiative of their administration (employer) or transferred to another job without their consent.

The period of registered candidate's participation in elections shall be included into his overall record of work of that job he had been holding before his registration as candidate.

5. Registered candidate cannot be brought to criminal responsibility, detained or submitted to administrative penalties inflicted by court before official declaration of election results via mass media without preliminary consent of Central election commission except for cases of being caught in action. Opening of criminal case cannot be a reason for barring candidate from being elected.
6. Registered candidate from the moment of official declaration of election results shall lose rights and be released from obligations related to candidate status and in case of early drop out from the moment of drop out. For those registered candidate who are not going through repeat voting from the moment of repeat voting if election commission resolved to hold repeat voting.

7. Candidate and political party can designate representatives with consultancy capacity, authorized representatives, agents in accordance with the procedures specifies in this Constitutional Law. According to the cases specified in this Constitutional Law, candidates and political parties bear responsibility for actions of their representatives, for abuse of provisions of this Constitutional Law.

## **Chapter V. Election Information Support**

### **Article 22. Raising awareness of voters and campaigning**

1. Election Information Support includes raising awareness of voters, campaigning aimed at ensuring informed decision of voters and transparent process.
2. Public awareness shall be carried out by government and self governance bodies, election commissions, mass media, legal and physical persons in line with this Constitutional Law and existing legislation. Government, self governance bodies, election commissions bear responsibility for providing the public with timely and true information.
3. Content of information published in mass media or otherwise disseminated must be unbiased and true, provide for equality of candidates or political parties with no superiority given to any candidates or political parties.
4. Publishing of opinion poll outcome related to elections is one of the ways to raise awareness of voters.
5. When election opinion poll results are published, mass media, citizens and institutions that have been engaged in the publication must mention institution or individual who carried out opinion poll, date of poll, number of interviewed people (sampling), method of information collection, region of opinion poll, clear phrasing of question, statistical assessment of possible error, individual (individuals) who ordered opinion poll and paid for publication.
6. Five days prior to voting till the day of voting, publication in mass media of opinion poll results, forecasting of election results or other researches related to elections shall be forbidden.
7. Noncompliance with the requirements of item 5, 6 of this Article, publication of opinion poll outcome shall be regarded as campaigning and result in liability stipulated by the existing legislation.
8. During elections, the state shall provide citizens of the KR, candidates and political parties with free campaigning in line with this Constitutional Law, and laws of the Kyrgyz Republic.
9. Citizens of the Kyrgyz Republic, candidates, and political parties can carry out election campaign, for or against any candidates, list of candidates, freely and comprehensively discuss pre-election programs of candidates or political parties. Campaigning can be carried out through assemblies, meetings, and mass media. The form and methods of campaigning must be consistent with the Kyrgyz legislation. Election commissions must provide for campaigns and meetings with voters. Government and self governance

bodies must provide at the expense of republican budget appropriate premises for meetings, places for election campaign posters.

10. The following activities are recognized as campaigning:
  - 1) Call to vote for candidate, list of candidates or against them;
  - 2) Expression of preference with regard to certain candidates, political parties;
  - 3) Description of possible consequences of electing or non-electing candidates, political parties;
  - 4) Information dissemination about candidates, political parties;
11. During campaigning period citizens of the Kyrgyz Republic, political parties not running for elections can carry out election campaign funded in consultation with candidates or political parties and from their elections funds.
12. Candidates and political parties guarantee equal access to mass media.
13. Campaigning can be carried out via:
  - 1) Mass media;
  - 2) Popular activities (assemblies, meetings with people, public debates and discussions, demonstrations);
  - 3) Issuance and dissemination of printed, audiovisual and other campaigning materials;
  - 4) Other forms not prohibited by the Constitution of the Kyrgyz Republic.
14. Candidate and political parties can determine on their own the form and type of their campaign via mass media.
15. Members of election commissions, observers, international observers, judges, representatives of religious organizations, charity organizations, individual under 18 years of age, foreign citizens and organizations have no right to carry out election campaign, issue and disseminate any campaign materials.

Officers of government and self governance bodies can carry out campaign and disseminate any campaign materials when they are outside of their official positions.
16. It is prohibited to carry out campaigning via foreign mass media, which is disseminated in the Kyrgyz Republic. During elections rebroadcasting of foreign TV- radio programs bear responsibility for information aspersion honor, dignity and business reputation of candidates.
17. According to this Constitutional Law, journalists, other creative workers as well as officials of mass media offices are prohibited to carry out TV and radio programs,

participate in giving coverage to elections via those mass media if the abovementioned persons are founders of the that mass media outlets, candidates or their representatives.

This rule has nothing to do with campaigning speeches of the above-mentioned persons when candidates use free air time on the government and local TV and radio channels in the order specified in Article 24 of this Constitutional Law.

18. Mass media outlets whose founder or co-founders are government and local self governance bodies or their subordinated agencies and companies are fully or partially funded by the republican budget or local budgets or mass media with privileges on taxes and other mandatory payments compared to other mass media must provide to candidates and political parties equal opportunities in election campaigning.
19. Mass media that do not fall under item 18 of this Article can provide candidates and political parties air time, space in printed media on a contract basis in line with the procedures on providing candidates or political parties with air time on the TV and radio company channels, space in printed media that has been approved by the Central Election Commission. The amount of payment for air time, publications in periodicals must be the same for all candidates or political parties.
20. The information on the amount of payment and other terms for getting air time and space in printed media must be published by corresponding TV and Radio Company or the office of printed media no later than 10 days after official call for elections and submitted to the Central election commission.

### **Article 23. Period of election campaigning**

1. Election campaign shall begin from the day of completion of registration of all candidates, list of candidates and end 24 hours prior to voting.
2. In case of repeat voting election, campaigning shall resume from the moment of decision on repeat voting and end 24 hours prior to repeat voting.
3. Campaigning printed materials (flyers, posters, billboards and other materials) that have been placed outside the buildings and premises of election commissions shall be kept at the same places on the day of voting.

### **Article 24. Campaigning on TV and Radio**

1. Candidates and political parties have the right to get free air time on the TV and radio channels that fall under item 18 Article 22 of this Constitutional Law and broadcast within the territory of elections. The mentioned air time should be provided in the period when TV and radio programs gather the largest audience – between 8 – 12 pm.
2. The total volume of free air time allocated by state TV and radio companies for the purposes of presidential and parliamentary campaigning shall not be less than one hour per working days. The mentioned free air time should be distributed on an equal basis among registered candidates who have arrived at TV or Radio Company and political parties that have nominated their list of candidates.

Candidates or political parties that have nominated candidate lists cannot use free air time for other candidates' and political parties' election campaigning.

3. No less than one third of the total air time shall be allocated to candidates or political parties that have nominated list of candidates for joint discussions, round tables and other similar campaigning. All the candidates or political parties shall have equal access to such a share of free air time. During joint campaigns on the TV and radio channels registered candidates can only participate personally Political parties can do it through their authorized representatives, agents.

Refusal to participate in joint campaign shall not result in increase of the air time provided to the registered candidate or political party that has refused to. If candidate or representative of political party failed to participate in joint campaign for objective reasons they may, together with other candidates or political parties who had not participated in joint campaign, request free air time.

4. TV and radio companies that fall under item 18 of Article 22 of this constitutional law depending on the level of elections must book paid air time for campaign of candidates or political parties. The mentioned air time should be provided to a candidate or political party on a contract basis for requested payment. The total volume of the booked air time should not be less than the total volume of free air time as well as payment amount should be the same for all candidates and political parties. Also, each candidate and political party can, out of the total booked air time, get the share of time received as a result of dividing that volume by the total number of candidates or political parties.
5. It is forbidden to interrupt speeches of candidates, representatives of political parties as well as commenting them.
6. The Kyrgyz legislation shall regulate the procedure of provision of air time to candidates a political parties on the channels of TV and radio companies that fall under item 19 of article 22 of this constitutional law.
7. TV and radio companies regardless of the form of ownership who have provided air time to candidates or political parties must provide air time to other candidates or political parties on the same conditions (fee, time of radio, TV programs, time amount and other terms).
8. Election commissions shall establish order, volume and time of TV and radio programs for campaign purposes in consultation with management of TV and radio companies and distribute it between candidates and political parties on an equal basis.

### **Article 25. Campaigning via printed mass media**

1. Periodical printed mass media that fall under item 18 of article 22 of this Constitutional Law, disseminated in the territory of elections, except for newspapers founded by government and local self governance bodies only for publication of official information and materials, normative and other legal acts, must allocate to candidates and political parties free space no less than one page A 4 format in printed mass media. As for specialized printed media (for kids, technical, scientific and other) they may refuse to publish any campaigning materials provided they are fully out of any form of campaigning.
2. Printed media regardless of the form of ownership, who provided candidates or political parties with spaces in printed media must provide other candidates or political parties with space on the same conditions (same fee, size and other terms).

### **Article 26. Campaigning via popular activities**

1. Government, self governance bodies must assist candidates and political parties in organizing assemblies and meetings with citizens, public debates and discussions, meetings, demonstrations and processions, and also provide for security.
2. Applications of candidates or political parties for getting premises owned by state or municipality for the purposes of meeting with voters should be reviewed by government and local self governance on the day of submission.

In case of refusal of candidate's, political party's application for premises to meet with voters, government, and self governance bodies must issue written explanation of their refusal.

If the premises had been allocated to one of the candidates or political parties for popular activities refusal of other candidates or political parties shall not be admissible.

3. Based on requests of election commissions, premises appropriate for popular activities owned by the state or municipality that are on the balance sheet of state enterprises, institutions and organizations shall be provided for the meeting of candidates, representatives of political parties, their agents, authorized representatives with voters for the period determined by election commission. Election commissions must ensure that candidates and political parties have equal opportunities during popular activities.

### **Article 27. Issuance and dissemination of printed, audiovisual and other campaigning materials**

1. Candidates and political parties can issue and disseminate printed, audiovisual and other campaigning materials in the order determined by the KR legislation. It is prohibited to prepare campaigning materials outside the Kyrgyz Republic. Copies of printed and other campaigning materials should be submitted to the Central Election Commission.
2. All the printed and other campaigning materials should contain the names and addresses of organizations (last name, first name, patronymic and residence address of persons) who prepared campaigning materials; last name, first name, patronymic and



residence address of organizations who ordered those campaigning materials, data on circulation, date of issue as well as last name, first name, patronymic of candidate, authorized representative of political party who funded the order.

3. Local self governance bodies must within 10 calendar days from the day of calling election provide special places at every precinct for posting campaigning materials. Candidates and political parties must be provided with equal conditions for posting their materials.
4. It is prohibited to post abovementioned materials on monuments, obelisks and buildings that have historical, cultural and architectural value as well as within the premises of election commission, at the entrances and voting rooms.
5. Local self governance bodies must within 10 days after the publication of election results ensure the cleaning of election district of campaigning materials at the expense of the special fund of the Central election commission.
6. Election commission informed about dissemination of forged campaigning materials or materials containing information mentioned in item 2 of this Article shall take measures to prevent such activity and demand that relevant law enforcement bodies and other bodies stop the lawless campaigning activity and take out illegal campaigning materials.
7. Candidates and political parties can use printed, audiovisual and other campaigning materials that had been made before calling election in line with requirements of this Article and within authorized expenses of candidates', political parties' election fund.

#### **Article 28. Inadmissibility of abuse of the election campaign right**

1. Election commission shall control compliance with the established campaigning procedure.
2. During election campaign abuse of free mass media is inadmissible: it is forbidden to instigate national, ethnic, racial, religious hatred, gender and other social superiority, hostility or take-over of power, forcible change of constitutional system and offense against integrity of the country, war propaganda, use of photo and video materials with images of politicians and statesmen of other countries and other forms of abuse of mass media are prohibited by laws of the Kyrgyz Republic.
3. From the moment of calling elections it is prohibited to bribe voters; pay money to voters; give gifts and other material values to voters; sales at cheap price, free distribution of goods, except for campaigning materials, badges and other symbols; provide free services or on easy terms. Payment from election fund for completed works under labor contracts between candidate or political parties and contractor shall not be regarded as bribery.
4. Candidates, their close friends, representatives of candidates or political parties, from the moment of calling elections and before publication of election results, cannot undertake charity activities, including outside election district that has nominated a candidate.

5. Candidates, their representatives, representatives of political parties, mass media, other individuals when participating in campaigns cannot allow publications based on knowingly false information that asperse honor, dignity or business reputation of candidates or political parties. Mass media that allowed such publications must on demand of candidate or political party give disclaimer or explanations of unfaithful article or speech. Disclaimer and explanations should be published in a separate column or on the same page and with the same front as the information in question; in periodicals it should be done in the next issues; disclaimer or explanations of TV or radio appearances should be done the following day of disclaimer or explanation received.
6. If till the end of campaigning period candidate and political party are not provided with an opportunity to give disclaimer or other explanations in order to protect their reputation in mass media that had published information that could affect adversely reputation of candidate or political parties it can lay the basis for judicial responsibility of those mass media.
7. In the event of abuse of Articles 2, 3, and 5 by candidate or political parties, as well as their representatives, mass media, election commissions, voters, , can apply to law enforcement bodies and court to demand that relevant law enforcement bodies and other bodies stop lawless campaigning activity and bring the offender to liability in accordance with this Constitutional Law and existing legislation. Law enforcement bodies must take immediate actions to stop lawless campaigning and immediately inform corresponding election commission on facts and actions taken.
8. Law enforcement bodies must assist election commissions towards preventing making up of forged and illegal pre-election printed, audiovisual and other campaigning materials and taking them out as well as assist in identifying producers of the mentioned materials and source of funding.
9. In the event of breach by candidate or political party of the requirements specified in Articles 22 – 28 of this Constitutional Law, corresponding election commission can issue written notice to a candidate or political party. In case of repeated violations by candidate or political party of the abovementioned requirements, the Central election commission on the recommendation of the corresponding election commission or on its own initiative can make a decision on revocation of candidate or list of candidates' registration.

## **Chapter VI. Organization of voting and procedure for voting**

### **Article 29. Premises for voting**

1. Premises for voting shall be provided free of charge for use by a precinct election commission, governmental agencies and by local governments.
2. Specially equipped voting booths, equipped with a lighting system and equipped with writing materials (a pen), except for pencils, and boxes for voting shall be placed in the premise for voting.

The lighting system should have an alternative source of power (lanterns and candles). When electricity supply gets cut off voting shall be suspended until the renewal of electricity supply (due to main (central) or alternate power source). In this case, in order

to effectively monitor the work of a precinct election commission, observers, representatives candidates, political parties, groups of voters shall have the right to be at such a distance from voting boxes, voting booths, which provides for full viewing/coverage of procedures of the election commission, (and) performance of their functions.

3. The Election Commission shall equip a stand in the premise for voting on which informational materials about all candidates, political parties, groups of voters, who/which have registered lists of candidates shall be placed. The specified materials shall not have campaigning appeals. Samples of filled in ballots, which should not contain families of the candidates, registered in this elections district, the names of political parties и groups of voters, who have registered Candidates' List shall be placed on the stand.
4. Premises for voting shall be equipped in such a way, that the place where voting ballot papers, voting booths and voting boxes were fully viewed at the same time by members of the election commission, by the representatives of candidates, political parties, (and) observers.

### **Article 30. Voting (ballot) paper**

1. In order to participate in voting a voter receives a ballot, which is a strict accountability document, the degree of protection of which is determined by the Central Election Commission. The number of ballots cannot exceed the number of registered voters by more than 0.1 percent.

Special paper (paper with water marks or colored paper) or special dye shall be used for manufacturing of ballots for elections of the President and Jogorktu Kenesh of the Kyrgyz Republic. Ballot must be stitched with a thread in piles consisting maximum of 100 pieces, each ballot should have a numbered counterfoil, which remains in the election commission while the detachable part is issued to voters.

2. The text of the ballot is subject for approval by the respective territorial election commission not later than 20 calendar days prior to voting. The text of the ballot should be placed only on one side of the ballot.
3. In elections of the President of the Kyrgyz Republic a ballot contains the name, family and patronymic name of candidates, year of birth in sequence established by casting of lots.
4. In elections of deputies of Jogorktu Kenesh of the KR KP a ballot contains names of political parties in a sequence established by casting of lots.
5. Names of political parties shall be filled out in the empty square field to the rights from those indicated in items 3,4 of this article details of candidates, name of political parties. At the end of the candidates' list should be printed a line "against all candidates" ("Against all lists of candidates") with the empty square field located to the right from it.
6. Ballots shall be printed in the state and the official languages not later than 10 calendar days prior to the voting. Every ballot should contain an explanation of the procedure of its filling out and information on the manufacturer of the ballot form and the circulation.
7. After discarding (defective ballots) the printing house transfers the ballots based on the

act of transfer to members of the Central Election Commission. After the transfer of the ballots, in the presence of at least 3 members of the Central Election Commission, with invitation of representatives of the printing house, mass media and law enforcement representatives the discarded and surplus ballots are destroyed, and an act about it must be drawn up, which must be signed by all parties present (at the procedure).

8. The Central Election Commission transfers the ballots to the territorial election commissions based on the act (and) in the presence of at least half the members of the territorial election commission, representatives of candidates, political parties, groups of voters, non-profit organizations and mass media.

Territorial Election Commission transfers the ballots to the Election precinct commissions under the act, in the presence of at least half the members of a precinct election commission, representatives of candidates, political parties, non-profit organizations and mass media.

Responsibility for proper transfer of the ballots shall be placed on chairperson of the relevant election commissions.

9. Transferring of ballots to a relevant territorial Election Commission shall be performed within 10 calendar days prior to the voting day, in case of repeated voting – within 5 calendar days prior to the voting, and the precinct Election Commission - 1.2 per days prior to the voting day. The number of transferred to a precinct election commission may not exceed the number of voters, included in the lists of voters for the voting [http://www.multitran.ru/c/m.exe?a=110&t=3745125\\_2\\_1&sc=105](http://www.multitran.ru/c/m.exe?a=110&t=3745125_2_1&sc=105) precinct by more than 0.1 percent.
10. In case of withdrawal of candidates, the lists of candidates after manufacturing the ballots the precinct Election Commission shall cross out in the ballots the data on of relevant candidates from the list of candidates. Crossing out shall be done with a straight line along the line (field) with all data about the candidate, political party, groups of voters, with a ball point pen only. In this case, the crossing out line should be covering the empty square (field) in the side opposite to the line with data about a candidate (and) a political party.
11. The premises in which there is a special safe-deposit (locker), where the election documents, a seal of the respective election commission are stored shall be sealed and shall be handed over for guarding to the (security) of bodies of internal affairs. The safe-deposit (locker) must be inside polling station.
12. It shall be prohibited to take out from the premises of printing houses, election commissions, as well as to make copies and distribute ballots in violation of the requirements of this constitutional Law.

### **Article 31. Voting Procedure**

1. Voting on the elections day shall be held from 8 to 19 o'clock. The precinct Election Commission is obliged to inform voters about the time and place of voting not later than 10 calendar days prior to the voting through the mass media or otherwise, and in the course of early and re-voting - no later than 7 calendar days prior to the voting day.

On the day of elections at 7 am local election commission at its meeting in the premise

for voting members based on the draw shall determine the commission members, who will:

- perform registration of citizens in the List of voters;
- Mark voters with a special ink and hand out ballots;
- carry out control over the passage of voters in the voting booths for secret voting, and over putting the ballots in a folded form into boxes for voting;
- Organize voting outside the premises for voting (with (by)) at least two members of a precinct election commission).
- Chairperson and Secretary of a precinct election commission shall not participate in the draw.

Chairperson of a precinct election commission in the presence of members of the precinct election commission, representatives of candidates, political parties and observers shall open a sealed safe, which contains the list of voters of this precinct, ballots and a seal of the precinct election commission; shall pull list of voters out of the safe, read out the number voters included in the list of voters, allows the attending parties visually see the list of voters and then distribute it to members of the precinct election commission, who are responsible for registration of voters and filling out the list of voters as at the day of voting.

Chairperson of the precinct election commission shall demonstrate empty boxes which are sealed with a seal of the precinct election commission for voting for inspection by the members of the precinct election commission, as well as the observers, representative candidates, political parties, mass media. Then the chairperson of the precinct election commission shall put control lists in the sealed boxes for voting, in which the name of the district, the number of the polling station, the time of putting the control lists into boxes for voting, the names of a chairperson, secretary and other members of the precinct election commission with the right of deciding vote, the attending candidates, their representatives and observers, representatives of political parties shall be indicated. Control lists shall be signed by the above mentioned persons and certified with the stamp of the precinct election commission.

Chairperson of the precinct election commission shall announce the number of ballots received from the higher election commission. Members of the precinct election commission with the right of deciding vote in the presence of representatives of the candidates, political parties and observers shall calculate and announce the number of ballots, then the chairperson of the precinct election commission shall demonstrate them to visually familiarize the persons present and record the number of ballots, received by the precinct election commission from the higher election commission, in line 2 of the Protocol of the outcome of voting in its enlarged form.

After calculation of the ballots the chairperson of the precinct election commission shall hand over ballots in batched of 50-100 ballots based on the calculation list (statements) to the members of the precinct election commission, who sign the receipt thereof and shall be responsible for handing out ballots.

2. At the entrance of the premises for voting a member of the precinct election commission identified by draw shall check marking of voters. A voter who does not have marking

shall be eligible to vote. In case marking is available the voter is not allowed to vote.

3. When issuing the ballot one member of a precinct election commission carries out registration of voters: checks documents of voters, enters their requisites in the list of (voters), where voters put their signatures (sign) for receipt of ballots, while the other is marking voters with visible ink and hands out a ballot.
4. Each voter must vote in person, voting for other voters shall not be allowed.
5. Ballots shall be handed out to voters included in the list of voters, upon presentation of a passport or identity document of the voter.
6. Serial number of the passport or identity document of the voter shall be entered upon receipt of the ballot for voting. Serial number of the passport or identity document of the voter shall be entered in a list of voters upon receipt of the ballot for voting.
7. At the election precincts established in settlements with a population of less than 500 voters, a voter shall have the right to vote in the absence of a passport or identity document, if he/she (his/her name) is in the list of voters and confirmation of the fact of his residence in the territory of the polling station by at least two members of the precinct election commission and permission of the Chairperson of the precinct election commission.

In the case of voting without documents corresponding record shall be made in the list of voters, which shall be certified by signatures of the chairperson of the precinct election commission and by the members of the precinct election commission, who confirmed the residence of the voter in the territory of the precinct.

8. Ballot(s) shall be filled in by the voter in a specially equipped booth or other specially equipped place where no intrusion of others shall be allowed. A specially equipped booth or a specially equipped place must be established or manufactured to ensure the secrecy of the vote of the voter during filling in the ballot and control by the members of the election commission and observers over the actions of the voter.
9. The voter puts a corresponding mark in the ballot in the box relating to the political party, group of voters, in whose favor the selection was made, or in the position (field) "against all".
10. In case the voter thinks that during filling in the ballot he/she made a mistake, he/she should apply to a member of a precinct election commission, which issued the ballot with a request to give him/her a new ballot instead of the defective (wasted) one. A member of a precinct election commission with the right of deciding vote shall hand out a new ballot, while making an appropriate record in the list of voters against the name of the voter. The defective (wasted) ballot shall be cancelled and an act about this cancellation shall be drawn up.
11. A voter who has no possibility to sign the receipt of a ballot, fill out a ballot, shall have the right to use for this purpose help of another voter who is not a member of the election commission, a candidate, a representative of a candidate, a political party, an observer. In this case, the voter shall orally notify the precinct election commission of his/her intention to take the help of another person.
12. The filled in and folded ballots shall be put by voters in a sealed (cored) boxes for

voting. It is forbidden to take ballot from the premises for voting.

13. A chairperson of a precinct election commission shall watch for public order in the premises for voting. In cases of violation of public order in the voting premises the chairperson of the precinct election commission shall have the right to seek help applying to officers of law enforcement agencies to ensure public order in the voting premise, who, after restoration of public order shall leave premise for voting. Instructions of the Chair of the precinct election commission, issued within his/her job description, do not violate the rights of the election process, mandatory for everyone in the premises for voting. In the absence of a Chairperson of a precinct election commission his/her powers shall be performed by a Secretary of the precinct election commission or a member of the Commission, authorized by the Election Commission.
14. A member of a precinct election commission shall be immediately suspended from participation in its work, and the observer and other persons shall be removed from the premise for voting, if they try to obstruct the work of the election commission or the exercise of their election rights by citizens of the Kyrgyz Republic, and violate the secrecy of voting. A decision on it shall be taken by the precinct election commission in writing. In doing so, the commission shall have the right to contact the appropriate authorities with the idea of bringing these persons to liability under legislation of the Kyrgyz Republic.
15. State bodies, local governments, governmental and municipal institutions and enterprises, as well as their officials are obliged to ensure public safety, smooth operation of public transport, communications, lighting and heating of premises for voting on the voting day.

### **Article 32. Early voting procedure**

1. A voter who does not have an opportunity to attend on the voting day to the elections precinct in which he/she is included in the list of voters, shall have the right to vote early on the basis of a written statement of his absence from the territory of the corresponding administrative-territorial unit, in which the elections are held, or the country due to a trip abroad, and upon presentation of relevant documents (copies of travel documents, an air ticket, a visa a in the passport) - by filling in the ballot inside the corresponding territorial election commission 9 -1 days prior to the voting day. The Election Commission is obliged to ensure the secrecy of voting, to exclude the possibility of distortion of the will of voters, safeguard of the ballot, record of a vote in determining results of voting and determining the results of the elections. A voter who does not have an opportunity to attend on the voting day to the elections precinct in which he/she is included in the list of voters, shall have the right to vote early on the basis of a written statement of his absence from the territory of the corresponding administrative-territorial unit, in which the elections are held, or the country due to a trip abroad, and upon presentation of relevant documents (copies of travel documents, an air ticket, a visa a in the passport) - by filling out the ballot inside the corresponding territorial election commission 9 -1 days prior to the voting day. The Election Commission is obliged to ensure the secrecy of voting, to exclude the possibility of distortion of the will of voters, safeguard of the ballot, record of a vote in determining results of voting and determining the results of the elections.
2. In the list of early voted voters, which should be drawn up/prepared by the relevant election commission the information about the voter who is going to vote early shall be included. The voter checks the correctness of the record, signs it and gets a ballot for

- voting and a blank (clean) envelope in the presence of at least two members of the election commission who have the right of deciding vote.
3. Ballot shall be filled in by a voter in a specially constructed booth or a special place, where presence of other persons shall not be allowed.
  4. The ballot filled out by the early voted voter shall be put in an envelope and glued (sealed). Signatures of two members of the election commission, who certify with the stamp of the election commission, as well as the signature of the voter, who voted early shall be put on the site of gluing (sealing) on the envelope.
  5. Sealed envelopes with ballots and the list of voters, who voted early, shall be stored by the secretary of the relevant election commission in the premises of the election commission until the transfer of all ballots to the precinct election commission.
  6. On the day of voting the chairperson of a precinct election commission in the presence of members of the precinct election commission, observers, other persons prior to beginning of voting shall report on the number of voters, who voted early, demonstrate the sealed envelopes with the ballots the list of voters, who voted early certified by the signature of the Secretary and the stamp of the respective higher election commission for a visual review. After that, he opens one by one each of the envelopes, observing the secret will of the voter puts the ballots in a stationary box for voting. The number of voters, who voted early shall be entered prior to the beginning of voting is made in the Protocol of the results of voting in its enlarged form, while in the list of voters, who voted early, a mark "Voted early" shall be made.

### **Article 33. Procedure for voting outside the premises for voting**

1. Voters who are included in the lists of voters, but for health reasons or disability cannot attend the voting precinct, voters who are on the voting day in hospitals, detention centers and detention centers, voters who temporarily reside in locations in remote and inaccessible districts on pastures for cattle grazing, and in exceptional cases, by decision of the relevant election commission, if they reside on the territory of the electoral district, which includes by the area of their dislocation or the places of their temporary residence shall vote at their place of stay. Precinct Election commission shall be obliged to ensure an opportunity to vote outside the premises for voting.
2. Voting outside the premises for voting shall be done only on the day of elections, and only on the basis of written statements or oral request of the voter (including the one transferred through assistance of other persons) regarding providing him/her with an opportunity to vote outside the premises for voting. A statement (an application) of the voter may be made at any time after the establishing of a precinct election commission, but no later than one day before voting. Precinct election commission shall register all the submitted applications (statements) in a special registry. The reason due to which the voter cannot arrive to the premises for voting, as well as the data of the voter shall be indicated in the statement (the application) to grant an opportunity to vote outside the premises for voting. When registering a request the time of its receipt and the signature of a member of the commission having the right of deciding vote, who had made the decision shall be indicated.
3. Precinct Election Commission should have the necessary quantity, but not more than three portable boxes for voting. Voting outdoors shall be arranged/conducted by members of the precinct election commission, which receives the necessary number of



ballots under their signature on receipt, as well as pre-sealed (cored), portable boxes. Voting outside the voting premises shall be held in the presence of representatives of candidates, political parties, groups of voters, observers, (and) mass media.

4. Upon arrival of the commission members of the voter an oral request shall be confirmed by a written application of the voter. In the written application the voter shall mark the series and number of his/her passport or identity document and with his/her signature he/she shall certify the receipt of the ballot. Members of the commission by their signatures are certifying the fact of handing out of the ballot.
5. A ballot shall be filled in by a vote in a special place where presence of other individuals shall not be allowed. A special place must be selected to ensure the secrecy of vote when filling out the ballot by a vote and control on behalf of the members of the election commission and observers over the actions of the voter.
6. In a voter from whom the application (request) was received on providing him/her an opportunity to vote outside the voting premise arrived in the premise of a precinct election commission for voting after members of the precinct election commission were sent to him/her for conducting voting outside the voting premise for voting, a respective member of the precinct election commission shall have no right to give him/her a ballot in the voting premise until the members of the precinct election commission, organizing the voting outside the voting premises return, and until it is established that the above indicated voter had not voted outside the voting premises.
7. Series and number of a passport or identity document number (of the voter, who voted outside the premises for voting, shall be entered in the list of voters, while in the corresponding column of the voters' list a record shall be made "Voted outside the premises for voting".

## **Chapter VII. Establishment of the results of elections**

### **Article 34. Protocol on the results of voting**

1. A precinct election commission shall draw up a Protocol of the result of voting in the corresponding elections precinct.
2. Protocol of the result of voting is a document of strict accountability, the level of protection, and shape of which is determined by the Central Election Commission.
3. Procedure for filling in of the Protocol of election commissions shall be established by the Central Election Commission.

### **Article 35. Procedure for establishment of the results of voting by precinct elections commissions**

1. Upon expiration of voting time a chairperson of a precinct election commission shall announce that only voters who are in the voting premise will get ballots and vote.

2. Counting of voters' votes shall be carried out openly and publicly exclusively by members of a precinct election commission at its meeting with the announcement and relevant registration in the Protocol in its enlarged form of the outcome of voting (which is posted at the place designated by the election commission) consistently all the results of actions performed on counting of ballots, counterfoils of ballots and votes of voters.

During the process of the counting of votes and establishment of the voting results representatives of candidates, political parties, observers, mass media representatives can make pictures, filming and video recording.

3. Counting of votes of voters begins immediately after the voting and is done without interruption until the establishment of the voting outcomes in the same premises where voting of voters was held. Place where directly the counting of votes is done must be equipped in such a way to ensure for access of all members of the precinct election commission. At the same time full visibility of actions of the precinct election commission members shall be provided for all persons present during the counting.

In case of combining elections of various levels in the first turn counting of votes relating to elections of a President, deputies and than of the Jogorku Kenesh, then - deputies of local keneshes, heads of executive bodies of local governments shall be performed.

Members of the precinct election commission, except for the Chairperson and Secretary of a precinct election commission, during counting of votes shall be prohibited to use [http://www.multitrans.ru/c/m.exe?t=4349892\\_2\\_1writing\\_implements](http://www.multitrans.ru/c/m.exe?t=4349892_2_1writing_implements).

4. Members of a precinct election commission, responsible for handing out ballots, shall calculate the remaining unused ballots, cancel them by cutting lower right-hand corner (at that no damage to the fields (squares) located to the right from the personal data of the registered candidates, lists of candidates) shall be allowed) and hand them in based on the work sheet to the Chairperson of the precinct election commission, about which an act shall be drawn up. All canceled ballots shall be counted and packed into a package which then shall be sealed with a stamp of the precinct election commission and the signatures of its members. All canceled ballots shall be counted and packed into a package which then shall be sealed with a stamp of the precinct election commission and the signatures of its members. A sign in writing "Canceled ballots" shall be made on the package indicating their number and the number of the polling station.

The number of all of canceled ballots, which is defined as the sum of the number of unused ballots and ballots, which were returned by voters due to errors/mistakes made during filling them out (damaged) shall be announced and recorded in the Protocol of the outcome of voting in its enlarged form.

5. Prior to direct counting of votes members a precinct election commission, responsible for registration of voters, must make entries of the respective aggregate (summed-up) data into every page of voters' list.

After making the total data, each page of the voters' list shall be signed by a member of a precinct election commission, which then adds them and sends to the chairperson of

the precinct election commission. On the last page of the Voters' list Chairperson and Secretary of a precinct election commission shall write down the outcome data, defined as the amount of data on all the pages of the list of voters, certifying them with his signature and a stamp of the precinct election commission. After conducting work with the list of voters a chairperson of a precinct election commission shall offers the audience to see them. After this the list of voters shall be put in the safe.

6. A precinct election commission starts counting the ballots contained in portable voting boxes. Members of the precinct election commission, who conducted the voting outside the voting premises shall demonstrate the integrity of seals and stamps, open the portable voting boxes one by one, then take out the ballots and control lists with signatures of members of the precinct election commission, the persons who were present in the morning when the sealing of election boxes took place. The Chairperson of the precinct election commission shall demonstrate the control lists.

Opening of each portable voting box shall be preceded by the announcement of a number of voters, who voted with the use of this portable voting box. Counting of ballots in each portable box for voting is done separately.

If it is determined that the portable ballot box for voting the number of ballots is bigger than the number of applications of voters, containing a mark of the number of the received ballots, all ballots available in the portable ballot box for the voting shall be recognized invalid by a decision of a precinct election commission and cancelled by cutting the lower right-hand corner, about which an act shall be drawn up, which is attached to the Protocol of the outcome of voting in which the surnames and initials of the members of the precinct election commission, arranging the conducting of voting outside the voting premises shall be indicated. These invalid ballots shall be packed and sealed separately, while the number of the polling stations and the inscription "Invalid ballots taken from the portable box for voting", box number and the number of ballots shall be written on the package.

7. Ballots of a non established form shall be not taken into account in counting of votes. Non established form ballots are acknowledged ballots the content and (or) form of which does not correspond to the established by the Central Election Commission ballot form.
8. Chairperson of a precinct election commission announces the start of counting ballots contained in a stationary box for voting. Chairperson of the precinct election commission demonstrates the integrity of the stamps (seals) and opens a box for voting. Members a precinct election commission shall take out ballots and take out control lists with signatures of members of the precinct election commission, other persons who were present in the morning when the voting boxes were sealed. Chairperson of the precinct election commission shall demonstrate the control list.
9. Members of the precinct election commission shall sort out ballots from portable and stationary boxes for voting, by votes cast for each of the candidates, lists of candidates, «Against all candidates» («Against all lists of candidates»), and at the same time put aside separately ballots of an unknown form and invalid ballots. When sorting ballot members of the precinct election commission announce the marks of voters contained in the ballots and provide the ballots for visual inspection to all those present at the counting process.

10. Representatives of candidates, political parties, groups of voters, observers shall have the right to get familiarized with the sorted out ballots under the control of members of the precinct election commission.
11. Then, the counting of votes based on the ballots of the established form shall be done separately for each candidate, the list of candidates and positions "against all". Counting of the sorted out ballots shall be performed aloud by shifting them one by one from one packet to another so that the persons present during the counting could hear or see the mark of a voter in a ballot. Simultaneous counting of ballots from different batches is not allowed.

The obtained data which are determined based in the voters' marks (votes) in ballots cast for each candidate, list of candidates and the position "Against all" and entered into the protocol on the results of voting and its enlarged form.

12. Invalid ballots shall be counted and summed up separately. The ballots on which it is impossible to determine the will of the voter, as well as invalid ballots from a portable box for voting (if there was a fact of taking out of a number of ballots from a portable box exceeding the number of applications of voters, containing a mark regarding the number of received ballots) shall be considered invalid. Ballots that do not bear the protection symbol established by the Central election commission and which are not stamped by the stamp of the precinct election commission, and containing no other established marks shall be attributed to those invalid ones. Ballots in which the number of marks in favor of candidates exceeds the number of mandates for the elections district, and in case of elections under the proportional system - the number of marks in favor of the lists of candidates is more than one position shall be considered invalid.

In case of doubt, in recognition of a ballot as an invalid one the local election commission shall decide the issue by voting, at the same the reasons for its invalidity and the record confirmed by the signatures of the chairperson and the secretary of the precinct election commission shall be put on the reverse side of the ballot and certified with stamp of the commission. The total number of invalid ballots shall be entered into the protocol on the results of voting and its enlarged form.

13. Members of a precinct elections commission count, announce and enter into the protocol on the results of voting and its enlarged form the number of valid ballots which is determined based on voters' marks, where voters' will expressing of is possible to determine.
14. Chairperson of a precinct election commission shall invite all those present at the counting of votes to get visually familiarized with the ballots under the control of members of the precinct election commission. At the request of a representative of a candidate, political party or observers to recalculate votes the ballots shall be recalculated with the direct participation of a representative of a candidate, political party or observers and with allowing for visual control by them. Recount of ballots shall be performed aloud.
15. After that check of controlled relationships of the data entered in the Protocol of the outcome of voting is performed. If the controlled figures do not match, the precinct election commission makes a decision on re-counting in all or some data in the presence of representatives of candidates, political parties and observers.

If as a result of re-counting there is a necessity to make changes into the protocol on the results of voting certain changes are made in a new protocol form and its enlarged form. And a mark "Incorrect" is made in an old form.

16. After the counting of votes a precinct election commission holds a mandatory final meeting, which examines complaints (statements) received about violations of the voting and counting of votes, decisions are made per each claim (a statement), after which members of the precinct election commission and the complainants who agree with decisions made by the local election commission decisions on complaints (statement) filed shall sign the Minutes (Protocol?) of the final meeting of the precinct election commission. In signing the protocol of the final meeting of the precinct election commission members of the precinct election commission who disagree with the content of the Minutes (Protocol?), may attach their particular view to it and a corresponding record about it shall be made in the Minutes (Protocol).

After drawing up a Protocol on the voting results the sorted ballots, (and) voter lists shall be packaged in individual packets, which indication of the number of the polling station and the number of ballots, the name of the voter lists. Packages are sealed and signed by members of the precinct election commission and added in a separate bag or box. The number of polling station and a list of documents contained inside are indicated on the bag or box. A bag or a box shall be sealed with putting signatures of the precinct election commission members. Packaging of ballots, voter lists, as well as folding them and adding into a bag or box shall be made in the presence of representatives of candidates, political parties, groups of voters, observers, who also provided an opportunity to put their signatures on the bag or box. A package, bag or box can be opened only based on a decision of the higher election commission or court.

17. The protocol on the results of voting shall be filled in two copies and signed by all the present precinct election commission members specifying the date and time (hour, minutes) of its signing. The protocol is valid if it is signed by the majority of precinct election commission members. In signing the protocol precinct election commission members who disagree with the content of the protocol; can enclose their special opinion to the protocol and an appropriate record is made on it in the protocol.
18. After signing the Protocol on the voting outcomes the precinct election commission shall immediately announce the voting outcomes (results) in front of all the members of the Precinct Electoral Commission, representatives of candidates, political parties, observers, media representatives and others.
19. The first copy of the Protocol on the voting results after its signing alongside with the election documents, including ballots, voter lists, the complaints (applications), decisions taken and acts, drawn up by the precinct election commission shall be brought promptly to the higher election commission by a chairperson of the precinct election commission or by one of the members of the precinct election commission, accompanied by representatives of candidates, political parties who were present at the counting.
20. The second copy of the Protocol, as well as the stamp of the precinct election commission kept by the Secretary of the precinct election commission, who is responsible under the law for their reliability and safekeeping until the end of work of the commission.

21. The enlarged form of the Protocol on the voting outcomes (results) shall be posted for public inspection in the place designated by the precinct election commission, and stored until the end of operation of the precinct election commission.
22. The secretary of a precinct election commission shall without any delay issue a stamped copy (photocopy) of the Protocol on the voting results to each person present at the counting of votes.

**Article 36. Procedure for establishing of voting results by the territorial election commissions.**

1. The first copies of the Protocol of voting returns of the precinct election commissions with the election documents specified in item 19 of Article 35 of this constitutional Law, shall be handed over based on an act immediately after signing by the members of the precinct election commission to the territorial election commission, which shall sum up voting results in the respective territory.
2. Summing up the results of voting in the respective territory shall be done by the territorial election commission based on the protocols received directly from the local electoral commissions, by adding the data contained in them.

After preliminary checking the correctness of drawing up of the Protocols of the precinct election commissions on the voting results, the territorial election commission by adding data from all the district election commissions shall summarize the voting on the relevant territory and prepare a summary table in which it records summary data of the protocols of precinct election commissions.

Prior to signing the Protocol of voting in the relevant territory the Election Commission shall conduct a mandatory final meeting, which examines complaints (applications) filed with the Commission relating to the conduct of voting, vote counting and tabulation by subordinate election commissions. The Election Commission shall make decisions per each application (statement), after which members of the election commission and the applicants, who agree with the Electoral Commission decisions on complaints (statement) filed shall sign the Protocol of the final meeting of the election commission. In signing the protocol of the final meeting of the Election Committee the election commission members who disagree with the contents of the Protocol, may attach to it a particular view, (and) a corresponding entry shall be made in the Protocol about it. After that, the territorial election commission shall sign the protocol on the voting in the respective territory.

3. Protocol on voting results shall be drawn up by election commissions in duplicate and signed by all members of the electoral commission present. A summary table of voting in the relevant territory, a particular opinion of members of the commission, and received complaints (statements and the decisions taken shall be attached to the Protocol.
4. The first copy of the Protocol of the territorial election commission immediately after signing with the first copy of the summary table shall be sent (delivered) to the Central Election Commission.

5. The second copy of the Protocol together with all the election documents shall be stored by the secretary of the territorial commission in a guarded room until transferring them to the archive.
6. The enlarged protocol form on the election results shall be posted for public review in the place designated by the territorial election commission, and stored until the end of work of the election commission.
7. In case after signing of the protocol on the results of voting and (or) summary table their first copies are sent to the Central Election Commission and a territorial election commission, which sent the protocol and summary table, disclose some inaccuracies it can at its meeting consider an issue on making changes in the protocol and (or) summary table. The commission shall mandatory inform its members and other persons present at drawing up earlier approved protocol. наблюдателей и других лиц, as well as mass media representatives. In this case an election commission shall draw up a protocol with a mark "Repeat". This protocol shall be immediately sent to the Central Election Commission.
8. In case of disclosure of errors and inaccuracies in protocols and (or) summary tables on the results of voting or some doubts in correctness of drawing up protocols received from territorial election commissions the Central Election Commission can take a decision on conducting of re-counting of votes by an election commission. Re-count shall be carried out in a mandatory presence of a member (members) of the Central Election Commission. Representatives of candidates, political parties and observers can attend re-counting of votes. Based on the results a re-counting of votes an election commission draws up a protocol on the results re-counting of votes an election commission draws up a protocol on the results of voting with a mark "Re-counting of votes". The protocol shall be immediately sent to the Central Election Commission.
9. Territorial Electoral Commission shall declare the results of voting at a polling station as invalid:
  - a) If at the time of voting, counting, determination of results of voting irregularities occurred that disallowed for establishing with certainty the outcome of voting;
  - b) if at the time of voting, counting, determining the voting results irregularities occurred, which could affect the expression of will by the voters;
  - c) by decision of the Central Election Commission;
  - d) by a court decision.
10. After signing of the protocol on the results of voting the secretary of a territorial election commission shall immediately hand a certified with a stamp copy of the protocol on the results of voting.

### **Article 37. Procedure for determining the elections results**

1. The election results shall be determined by the Central Election Commission on the basis of the Protocols received directly from the territorial election commissions via summing up contained in them data.

The Central Election Commission shall hold a mandatory final meeting, which reviews all complaints (statements) received about violations in the preparation and conduct of elections and shall decide on each application (statement).

2. The Central Election Commission shall draw a protocol on election results, in which the data from the received the protocols shall be entered, on the basis of which election results are determined, the data on the number of the number of directly subordinate (district) election commissions, as well as a summary table on summary data of the protocols of the subordinate election commissions.
3. The Central Election Commission Выборы признаются Центральной из shall declare elections as not taken place:

If the number of votes cast for the candidate who obtained the biggest number of votes with regard to another candidate is less than the number of votes cast against all candidates. In this case repeat elections are conducted for which previous candidates cannot be nominated;

None of lists of candidates received the number of votes necessary to take part in distribution of mandates;

If the number of votes cast for a list of candidates which obtained the biggest number of votes with regard to other lists of candidates is less than the number of votes cast against all lists of candidates. In this case repeat elections are conducted for which previously included into the specified lists candidates cannot be nominated.

The number of voters who participate in voting is determined by the number of ballots of the established form taken out of the ballot boxes.

4. Territorial Electoral Commission shall declare the results of voting at a polling station as invalid:
  - a) If at the time of voting, counting, determination of results of voting irregularities occurred that disallowed for establishing with certainty the outcome of voting;
  - b) if at the time of voting, counting, determining the voting results irregularities occurred, which could affect the expression of will by the voters;
  - c) by decision of the superior election commission;
  - d) by a court decision.

In the event that the results of voting at a polling station are recognized invalid the election results are determined by voting results in the remaining precincts. In the event that the voting results at the election precinct(s) are recognized invalid, that affects the election results at this election precinct(s) re-voting (re-run) shall be carried out within two weeks from the date of appointment of the re-voting (re-run) by the respective election commission.



4. Violations of the provisions related to violations of the procedure of voting, counting, drawing up a report on the outcome of voting at a polling station, disallowing for reliable determining the number of votes received by each candidate or list of candidates are understood as the violations that do not allow to determine the results of voting with reliability.
5. Violations of the provisions affecting the expression of the will of voters during voting, counting and determination of results of voting at the polling station associated with the campaigning on the voting day, hindering the exercise of electoral rights of citizens, observing the voting, voting for other voters, interference in the electoral commissions, bribing of voters (vote buying) shall be attributed to (understood as) the violations that have affected the will of the voters.
6. The Central Election Commission shall recognize the election results null and void:
  - a) If voting results at a part of the polling stations, covering more than one-third of total voter turnout is declared invalid;
  - b) based on a court decision.

#### **Article 38. Repeat elections**

1. In case elections were acknowledged as not taken place, invalid a candidates, political parties upon the results of voting were not elected, repeat elections are appointed. Repeat elections are appointed by the Central Election Commission within a one month and are conducted, other activities, including the timeframes of electoral activities for elections are carried out pursuant to the procedure established by this constitutional law and acts of the Central Election Commission. The announcement on conducting of repeat elections are published in mass media within 7 calendar days after taking a decision on appointment of repeat elections.
2. In case of conducting of repeat elections candidates whose actions served as a basis for acknowledgement of elections as invalid shall not be again nominated as candidates.
3. In case decisions, actions (failure to act) of officials of state bodies, local governments, election commissions served as a basis for acknowledgement of elections as invalid repeat elections are conducted with the candidates, political parties who participated in elections and expressed their intent to take part in repeat elections.

### **Article 39. Publication of the results of voting and elections results**

1. Results of voting in each polling station, the territory covered by the activities of the election commission, election results for the electoral district in the volume of data contained in the Protocols of the relevant election commissions and directly subordinate election commissions, shall be presented to voters, candidates, candidate representatives, political parties, groups of voters, observers, international observers, representatives of the media upon request.
2. The Central Election Commission shall send general information about the election results to the media within one day after determining the election results.
3. The official publication of election results, as well as data on the number of votes received by each candidate, a list of candidates, the votes cast against all candidates, against all, the lists of candidates, including data contained in protocols of directly subordinate election commissions on the results of voting based on which the results of elections were shall be performed by the Central Electoral Commission within two weeks from the date of determining the results of elections.

## **Chapter VIII. Financing of elections**

### **Article 40. Funding of preparation and conducting of elections**

1. Election commissions expenditures for preparation and conducting of elections are covered out of funds of the republican budget and special funds of election commissions. Funding procedure is specified by the budget legislation of the Kyrgyz Republic and the Law on election commissions of the Kyrgyz Republic.
2. It is prohibited for foreign states, foreign state bodies, establishments and companies, other foreign legal entities, their branches and representation officers, foreign citizens, international organizations registered in the Kyrgyz Republic legal entities the participants of which are foreign citizens and legal entities to fund elections with an exception for funding of programs aimed for improvement of the elections legislation, informational, educational, scientific and research programs, technical preparation of elections, upgrading legal culture of voters.

### **Article 41. Election funds**

1. Citizens, from the moment of their nomination as candidates and until submitting documents for registration, establish their own election funds for funding of election campaign. Political party, which nominated a list of candidates, for funding of its election campaign establishes an elections fund within five calendar days after election commission registration of an authorized representative of a political party for financial issues pursuant to the procedure established by article \_ of this constitutional Law. In case of an official refusal to register a candidate, list of candidates the received by an elections fund, funds shall be returned to organizations and persons who provided donations and made transfers.

Candidates, political parties which nominated a list of candidates after the registration continue maintaining of open accounts of their election funds for funding of a pre-

election campaign.

Candidates, running as a part of a list of candidates, shall not create their own election funds.

2. Election fund of a candidate, political party can be established out of the following funds:

- own funds of a candidate, political party;
- voluntary donations of citizens and legal entities with an exception for persons specified in item 3 of the article.

3. It is prohibited to make voluntary donations to election funds from:

- foreign states, foreign state bodies, establishments and companies, other foreign legal entities, their branches and representation officers, foreign citizens, international organizations registered in the Kyrgyz Republic legal entities the participants of which are foreign citizens and legal entities;
- persons without citizenship;
- state bodies and local governments;
- state and municipal establishments and companies;
- legal entities having a state or municipal share in the statutory capital, as well as enjoying preferences in payment of taxes, fees and other mandatory payments;
- military units, establishments and organizations;
- law enforcement bodies, courts;
- organizations engaged in charitable activity;
- religious organizations;
- anonymous donations.

It is prohibited for legal entities, individuals carrying out entrepreneurial activity without establishing of a legal entity and being in debt before the budget or social fund of the Kyrgyz Republic to contribute funds into an election fund of a candidate, political party, and group. Candidate, political party, group of voters does not bear responsibility in case of contributing funds in their election fund by the mentioned legal entities and individuals. In case of receipt of funds from the mentioned legal entities and individuals into elections fund of a candidate, political party, groups of voters upon a written directive of an election commission banking or other institution shall transfer the funds to a special fund of the Central Election Commission.

4. Funds received by an election fund of candidates, political parties, shall be calculated based on a salary index established by the Kyrgyz Republic on the day of appointment of elections. Funds received in excess of the established amount are not subject to election fund acceptance and shall be returned to citizens and organizations. And the

expenditures related to return of the specified funds shall be covered by contributed them citizens and organizations.

In case of conducting repeat voting the total maximum amount of all expenses of a candidate out of funds of an election fund can be increased in 1.5 times.

5. All constituting elections fund funds shall be transferred to a special account in banking or another institution. This account is opened by a candidate, political party upon a permission of the Central Election Commission. Received by an election fund funds shall be accepted only in the national currency. Earnings for those accounts will not be accrued and not paid.
6. List of banking or other establishments, procedure for opening, maintaining of the specified accounts, accounting and reporting on election fund funds shall be established by Central Election Commission upon approval of banking or other establishments.
7. Right to dispose election fund funds belongs to the established them candidate, political party, their authorized representatives
8. The funds of election funds have a targeted use. They can be used only to cover expenses connected with conducting of an election campaign.
9. The funds of election funds can be used for:
  - financial support of organizational and technical measures, including the ones transferred to collecting of signatures in support of a candidate;
  - pre-election campaign;
  - payments to citizens for provided (delivered) by them experience (services), directly connected with conducting of election campaign;
  - payment of a fee for renting of premises, transportation means, business trip expenses, stationary, communication services and payment of other, expenses, directly connected with conducting of a pre-election campaign.
10. Citizens and legal entities can provide financial (material) support to the activity promoting election of a candidate, list of candidates only through election funds. It is prohibited for legal entities, their branches, representation officers and also individuals to provide free of charge execution or execution for unjustifiably reduced fees of work, deliver services, and sell goods directly or indirectly connected with elections
11. It is prohibited for candidates, political parties to use funds for payment of work to collect voters' signatures, conducting of election campaigning, carrying out other pre-election activities to use other than received by their election fund funds.
12. Banking or other establishments shall on a weekly basis and upon a requirement of the Central Election Commission within 24 hours submit information on receipt or spending of funds on a special account of a candidate, political party.
13. In case of a candidate's withdraw, recall of a list of candidates by a political party or cancellation (annulment) of registration of a candidate, list of candidates the received by an election fund funds are subject to an immediate return to the contributed them

citizens and organizations. And the expenditures connected with return of the specified funds shall be covered out of donations made by citizens and organizations.

14. Agreements (contracts) with citizens and legal entities on execution of certain works (services delivery), connected with a candidate's election campaign shall be concluded personally with a candidate or his/her authorized representative - authorized representative of a political party. Agreements and contracts on payment out of special accounts of candidates, political parties cannot be concluded later than the day proceeding the voting day.

All financial operations, including settlements with individuals and legal entities using special accounts, shall terminate at 6 p.m. of the day proceeding the day of voting. Settlements between a candidate (political party) and individuals and legal for execution of certain work (delivery of services) shall be made only in a non-cash procedure.

15. In conducting of repeat voting financial operations using special accounts of candidates with regard to whom repeat voting is conducted shall be renewed on the day of appointment of repeat voting and terminated at 6 p.m. on the day preceding the day of repeat voting.
16. Not later than 10 calendar days after elections candidates, political parties Not later than 10 calendar days after elections candidates, political parties shall submit report on the amounts and all sources of their fund and also all expenses to the Central Election Commission. Electoral pledge is returned to candidates, political parties who received the necessary number of votes, after submitting of report on the amounts and all sources of their fund and also all expenses to Central Election Commission.
17. Remaining unspent funds of a special account are returned to a candidate, political party.
18. Election funds, voluntary donations and transfers to the specified fund and also expenditures out of the specified funds taxation procedure is established by laws of the Kyrgyz Republic.

**Article 42. Control over spending of funds, allocated for conducting of elections, funds of election funds of candidates, political parties**

1. Control over the procedure of formation and spending of funds of election funds of candidates, political parties is carried out by election commissions.
2. Audit group, consisting of not more than 7 persons is established under the Central Election Commission for control over targeted spending of funds allocated from the republican budget to election commissions for preparation and conducting of elections and also control over the sources of funding, proper accounting and use of funds of election fund of candidates, political parties, checking of financial reports of candidates, political parties. The audit group organization and activity procedure is specified by the Central Election Commission.
3. The audit group consists of the head of audit group, his/her deputy, appointed to the audit group members of election commission, invited officials of law-enforcement, financial and other state bodies, organizations and establishments. Upon a request not

later than 15 calendar days from the day of publication of a decision on appointment of elections the specified bodies, organizations and establishments shall send their officials into the disposal of the Central Election Commission.

4. During their work in an audit group invited officials are released from their work with preservation of their place of work (position), established salary and other payments at the main place of their work. The specified invited officials also can be paid reimbursement out of the funds allocated for preparation and conducting of elections.
5. Organizational, legal and logistical support of the audit group activity is provided by the Central Election Commission.
6. Upon a written directory of the Central Election Commission an audit group shall:
  - 1) check financial reports of candidates, political parties, subordinate election commissions;
  - 2) request and receive from candidates, political parties, election commissions' information about all the issues within its competence;
  - 3) control observance of the established order of funding of election campaigns, carries out other activities directly connected with conducting of election campaigns of candidates, political parties;
  - 4) apply to state bodies , organizations irrespective of a form of ownership, as well as to citizens on the issues assigned to an audit group competence, requests necessary information and materials, connected with financial support of elections. Responds to audit group requests and requested by it materials shall be provided within a three-day period, and if it is 5 or less prior to the day of voting and on the voting day – immediately;
  - 5) compile documents on financial volitions in the course of elections funding;
  - 6) ask relevant election commission questions about application of responsibility measures to candidates, political parties, groups of voters, and also citizens' legal entities for made by them violations in funding of election s of candidates, political parties;
  - 7) invite experts to make inspections, prepare conclusions and experts' assessments.

## **Chapter IX. Guarantees of freedom of elections**

### **Article 43. Activities of election commissions, state agencies towards provision of freedom of elections**

1. In preparation and conducting of elections election commissions, prosecutors, police shall ensure strict compliance with the Constitution, this constitutional Law, laws of the Kyrgyz Republic.

2. Polling day and the day preceding it is a working day for courts, prosecutors, law enforcement bodies, For banking or other institutions serving the special accounts of the election funds of candidates, political parties the day preceding voting, is a working day.
3. Law enforcement bodies are obliged to provide assistance that election commissions would require to ensure public order during voting on the territory of a precinct, as well as in the premises for voting in case of violation of public order, upon an invitation of a chairperson of the precinct election commission;
4. Decisions and (or) actions (failure to act) of state and other bodies, their officials and other participants in the electoral process, which violate the electoral rights of citizens, the requirements of this constitutional law may be appealed at the prosecutor's office, police or court in accordance with the laws of the Kyrgyz Republic.  
Law enforcement bodies shall consider applications and complaints from citizens relating to breaches of public order, as well as actions which provide for an administrative liability in accordance with the applicable law. Prosecuting authorities exercise general supervision over the observance of electoral legislation, as well as actions which provide for criminal liability in accordance with the current legislation.

Statements and complaints against decisions and (or) actions (failure to act) of state and other bodies, their officials and other electoral process participants can be made by voters, candidates, political parties, nonprofit organizations, their representatives and observers. A statement, complaint must be motivated and presented together with the evidence on which they are based.

5. Statements and complaints of voters, candidates, political parties and other participants in the electoral process, submitted during the preparation of elections are subject to review by prosecutors and law enforcement bodies within two days upon receipt of complaints, and on election day or the day before voting day - immediately. In cases where the facts contained in the statements, complaints received during the preparation of elections, require additional investigation, a decision on them shall be taken no later than within three days. A copy of the decision on the statement or complaint shall be sent by prosecutors and law enforcement bodies immediately to the appropriate election commission.
6. In case of a refusal to consider the statement or complaint prosecutors and law enforcement bodies are obliged to submit a copy of the decision during one day indicating the reasons for refusal.

**Article 44. Appeal of decisions and (or) actions (failure to act) of election commissions, which abuse the electoral rights of the electoral process subjects**

1. Decisions and (or) actions (failure to act) of election commissions and their officials, which violate electoral rights of election process subjects, can be appealed in the higher election commissions or in the court.
2. Complaints on decisions and (or) actions (failure to act) of election commissions violating electoral rights of citizens can be submitted by voters, candidates, political parties, nonprofit organizations, their representatives and observers as well as election commissions. The complaint shall be motivated and submitted with evidence on which it is based.

Complaint and/or statement on behalf of an election commission shall be submitted upon a decision of an election commission, which is subject for acceptance during the commission's meeting together with a complaint, signed by a Chairperson and duly verified by the stamp of the election commission.

3. During consideration of complaints (statements), as well as in any other cases, when issues on violation of electoral rights and electoral legislation are considered, interested parties, entities or their representatives shall be informed on the date, time and place of consideration. Indicated entities are entitled to present explanations and submit evidences on the essence of the investigated case.
4. Decisions and (or) actions (failure to act) of precinct election commissions, their officials violating electoral rights of subjects of the election process shall be appealed in a territorial election commission or in the court of the original jurisdiction.
5. Decisions and (or) actions (failure to act) of territorial election commissions, their officials violating electoral rights of subjects of the election process shall be appealed in the Central Election Commission or in the court of the original jurisdiction.
6. Decisions and (or) actions (failure to act) of the Central Election Commission shall be appealed in the court of the original jurisdiction.
7. Complaints, statements shall be submitted immediately from the moment when a subject of the election process has become aware of a violation of his/her voting rights, decision-making, an action (or failure to act), but not later than within 2 days.
8. Complaints, statements received during preparation of elections, subject for consideration by election commissions and courts, within three days from receipt of a complaint, and on the Election Day or the day before the voting day - immediately. In cases where the facts contained in the complaints, statements received during the preparation of elections require additional verification, a decision on them shall be taken no later than within five days. Decision in writing signed and stamped by the authority shall be immediately handed over to the claimant.
9. Complaints concerning the decisions taken shall be submitted within 3 - days after receiving of the decision
10. Superior election commission or a court leaves in force a decision taken by a subordinate election commission or court, or cancel and make a decision on the essence of the complaint.
11. Timeframes for submitting complaints and statements are not subject for extension or renewal. After this period complaints are not accepted.

**Article 45. Appeals against decisions of election commissions, establishment of voting and election results.**

1. Voters, candidates and political parties, non-profit organizations, their representatives and observers may apply with complaints / statements on the decisions of election commissions, establishment of voting results and election results.
2. Decisions of precinct election commissions on establishment of voting results are appealed in the territorial election commissions; territorial election commissions – in the



Central Election Commission, the Central Election Commission - in the court of the original jurisdiction; decisions of the original jurisdiction courts - in the Supreme Court of the Kyrgyz Republic.

3. Complaints, applications shall be submitted within 3 days after establishment of the results of voting or election results.
4. Complaints / statements received are subject for consideration of election commissions and courts, within three days after receipt of a complaint. In cases where the facts contained in the complaints, applications, require additional investigation, a decision on them shall be taken no later than within five days. Decision in writing, signed and stamped by the Authority which took the decision shall be immediately communication to the claimant in a written form.
5. Complaints on the decisions taken shall be submitted within 3 days after receipt of the decision.
6. In the cases established by this constitutional law and the laws of the Kyrgyz Republic, the court may cancel a decision of the Central Election Commission on establishment of election results.
7. The court decision comes into force from the date of its issuance and shall be binding to state authorities, local governments, nonprofit organizations, officials, election commissions and other participants of the election process. A court decision shall be promptly communicated to the applicant, respondent or their representatives, as well as to the Central Election Commission.

Submission of a complaint for supervisory review in the manner and terms established by this constitutional Law suspends the execution of a decision of the Central Election Commission or a court of the original jurisdiction.

8. A complaint against the court's decision may be submitted within three days after the court decision.
9. Entered into force decision of a district (city) court shall be considered pursuant to the order of supervision within five calendar days after filing a complaint. Supervising complaint is brought to the Supreme Court of the Kyrgyz Republic, which has to invite a representative of the Central Election Commission.

Supervisory complaint to the court decision shall be submitted through an appropriate court that took the decision. Filing a complaint directly to the supervisory authority is not an obstacle for consideration of the complaint.

Resolution of the supervision authority shall come into force from the date of its issuance, considered as final and not subject for appeal.

10. Timeframes for submitting complaints and statements is not subject for extension or renewal. After this period complaints are not accepted.

**Article 46. Grounds for cancellation of candidate's registration, list of candidates, cancellation and revocation of a decision of an election commission on voting and elections results**

1. Registration of a candidate is canceled by a corresponding election commission or court, in cases when allegations about candidate's concealing of information about his/her lack of passive electoral rights are confirmed, including information about his/her undropped or unredeemed in accordance with the law conviction, on entry into force of a court conviction against him, or withdrawal or loss of the Kyrgyz Republic citizenship, citizenship of another state, based on other grounds provided for in the applicable laws determining his/her lack of passive right, as well as in case of candidate's death.  
Registration of a candidate shall be canceled no later than 3 calendar days before the voting day in the following cases:
  - 1) candidate's filing of a statement on his/her candidacy withdrawal;
  - 2) political party's exclusion of some candidates from the list of elections candidates;
  - 3) if in financing of an election campaign a candidate, in addition to the election fund uses other funds which make up more than 0,5 percent of the total amount of funds transferred to the electoral fund of a candidate or if candidate exceeded expenditures from the election fund for more than 0,5 per cent of the maximum limit on all expenditures from the candidate's election fund;
  - 4) violation of registration rules specified by Articles 21, 53, 61 of this constitutional Law, if a relevant complaint was filed within five days after candidates registration;
  - 5) confirmation of facts that a candidate, representatives of a candidate abuses the advantages of his/her powers or official position to elect a candidate or in case of candidates' involvement to his/her representatives' use of advantage of powers or official position in order to elect the candidate;
  - 6) confirmation of facts on direct candidate's, representatives of candidate' involvement in violation of pre-election campaign rules;
  - 7) confirmation of facts that candidate, his representatives, as well as candidate's next of kin' bribed voters or candidate's involvement in bribing of voters.
2. Registration of a list of candidates is canceled no later than 3 calendar days prior to the voting day in the following cases:
  - 1) political party's withdrawal of a list of candidates and refusal to participate in elections;
  - 2) political party's use of other funds in addition to the election fund, which make up more than 0.5 percent of the total amount of funds transferred to the election fund of a political party, to finance its election campaign, or political party's exceeding expenses from the election fund for more than 0.5 percent of the established limit of all expenditures from the election fund of a political party;
  - 3) violation of the rules for registration of a list of candidates determined by Articles 21, 53, 61 of this constitutional Law if a relevant complaint was filed within 5 days after registration the list of candidates;
  - 4) confirmation of facts that the leadership of a political party abused the advantage of powers or an official position for the purpose of election of a list of candidates or in

case of their involvement in the use of powers by representatives of political parties of the advantage of their powers or official position in order to elect the candidates' list;

5) confirmation of facts of direct involvement of the leadership or executive body's officials, political party representatives' in violation of conducting of pre-election campaign rules;

6) confirmation of facts of involvement of leadership, officials or representatives of an executive body, political party representatives in bribing of voters or their involvement in bribing of voters.

3. If, after the Central Election Commission's determination of the results of elections of the President of the Kyrgyz Republic and prior to award of the mandate to an elected candidate, it is confirmed that a candidate does not have passive suffrage, including information that he/she has undropped unredeemed pursuant to the established by law conviction, enactment of court conviction against him/her, exit or loss of citizenship of the Kyrgyz Republic, his/her belonging to a citizenship of another state, as well as in case of a candidate's death, a decision on the result of election is canceled by the Central Election Commission or by a court.

If, after determination of the results of elections of deputies of Jogorku Kenesh, including information that he/she has undropped unredeemed pursuant to the established by law conviction, enactment of court conviction against him/her, exit or loss of citizenship of the Kyrgyz Republic, his/her belonging to a citizenship of another state, as well as in case of a candidate's death, a decision on the result of election is canceled by the Central Election Commission or by a court. In this case a mandate is transferred to the next candidate from a list of candidates of this political party with regard to the requirements of article 67 of this constitutional Law.

4. Mentioned in this article grounds for cancellation of candidate's registration, list of candidates' registration, cancellation of a decision of an election commission on the voting, election results are exhaustive.

#### **Article 47. Responsibility for abuse of citizens' electoral rights**

Criminal, administrative or other responsibility, in accordance with the laws of the Kyrgyz Republic, shall be applied to a person who:

- 1) by force, fraud, threats, or otherwise impeded the free citizen's of the Kyrgyz Republic exercise of the right to elect and be elected, or violated the secrecy of voting, or abused the rights of citizens to get familiarized with the list of voters, or forced citizens or prevented them to put signatures in support of a candidate as well as participated in forgery of signatures and data, or bribed voters;
- 2) took advantage of his or her official position in order to get elected or failed to form timely and specify details of registered voters (voters' list) prior to communicating this information to a relevant election commission, or violated elections financing rules, including persons delaying transfer of funds to election commissions, or issued ballots to citizens to enable them to vote for other persons, or carried out forgery of electoral documents, prepared and issued false documents, who intentionally miscounted the votes or purposely established incorrect voting results or election results, failed to submit or failed

to publish information on voting results, election results, despite of imposed on them duties;

- 3) spread deliberately false information about candidates, political parties or committed other actions discrediting the honor and dignity of candidates, next of kin relatives and representatives of candidates, political parties and their representatives, or violated the rights of election commissions members, observers, international observers and representatives of candidates, political parties, mass media, including the right to timely information and copies of election documents, unreasonably refused to register observers, international observers, candidates, lists of candidates, political parties, candidates' and political parties' representatives, media representatives, prevented exercise of election rights at polling stations, or violated the rules of pre-election campaigning, including campaigning on the day preceding the voting day on and the voting day, or prevented or unlawfully interfered into the work of election commissions related to their carrying out of duties, who took ballots out of premises for voting or failed to submit or failed to publish reports on spending of funds for preparation and conduct of elections, financial reports of candidates' and political parties' election funds, and financial reports on spending of allocated for elections budgetary funds, and employers who refused to provide established by the constitutional law leave to participate in elections.

## **Chapter X. Elections of the President of the Kyrgyz Republic.**

### **Article 48. Call of elections of the President of the Kyrgyz Republic**

1. The President of the Kyrgyz Republic is elected by citizens of the Kyrgyz Republic for a period of six years.
2. The same person cannot be elected as the President for more than two consecutive terms.
3. Any citizen of the Kyrgyz Republic who does not have a citizenship of a foreign state, is not younger than 35 years old and not older than 70 years old, who knows the state language and has been living in the Kyrgyz Republic in total for not less than 15 years, can be elected the President of the Kyrgyz Republic.

Persons, occupying political state positions in bodies of *executive power*, who took a decision on their nomination as candidates to a position of the President shall resign or release the occupied positions not later than within 10 days after official publication of a resolution on a day of appointment of elections.

4. Elections of the President are appointed by the Jogorku Kenesh not later than four months prior to the elections day and conducted on the first Sunday of month when the constitutional term to which the previous President was elected.
5. Early Presidential elections are appointed by the Jogorku Kenesh in cases and according to the procedure established by the Constitution of the Kyrgyz Republic and shall be conducted within a three months period starting from the day of termination of Presidential authorities. The timeframes of electoral activities established by this constitutional Law in this case are reduced by a quarter.

6. The Resolution of the Jogorku Kenesh on appointment of elections of the President shall be officially published in mass media within three calendar days after the day of its adoption.
7. In case the Jogorku Kenesh does not appoint Presidential elections within the timeframes specified in items 4, 5 of this article elections of the President shall be considered as not appointed. In this case the day of appointment of elections shall be considered the next day following the day of expiration of the timeframe for appointment of elections or early elections of the President. The Central Election Commission within 2 calendar days shall officially publish in mass media the date of conducting of Presidential elections and conduct elections within the established by this constitutional Law timeframes.

#### **Article 49. Nomination of a candidate for a position of the President of the Kyrgyz Republic**

1. The number of candidates to a position of the President is not limited. Any person who collected at least 30 thousand of voters' signatures can be registered as a candidate.
2. Nomination of candidates to a position of the President starts from the day following the day of publication of a decision on appointment of elections and ends 65 calendar days prior to the day of elections.
3. The right to nominate candidates for a position of the President belongs to political parties and citizens through self-nomination.

State body of executive power authorized to perform functions in the area of registration of political parties shall make a list of political parties registered in line with the Law on Political Parties on the day of official publication of a decision on appointment of elections and not later than three days from the day of official publication of the decision shall publish the mentioned list specifying the leader of each political party in state periodical printed publications and also within the same timeframe sends the mentioned list to the Central Election Commission.

4. Political parties have no right to nominate candidates individuals who are members of other political parties.
5. Nomination of a candidate to a position of the President shall be carried out by a political party pursuant to the procedure stipulated in its Charter and in line with the requirements of this constitutional Law.

The protocol of a political party on nomination of a candidate with attachment of an application (applications) on his/her intent to run as a candidate for a position of the President handed in a paper form to the Central Election Commission.

The Central Election Commission shall handle a written confirmation on receipt of the documents to a person who submitted the documents.

The mentioned confirmation and a certificate shall be handled immediately after documents submitting.

6. Candidates nomination to a position of the President through self-nomination can be made by filing to the Central Election Commission of an intent statement to run as a candidate to a position of the President.

#### **Article 50. Requirements set for a presidential candidate**

1. Citizen shall meet the requirements established by item 1 of article 62 of the Constitution to be elected the President.
2. Presidential candidate's compliance with the established for him/her by the Constitution requirements is determined by the Central Election Commission within five days from the moment of citizen's referral on self-nomination or political party submitting of its decision on candidate's nomination. And the fact of the total candidate's residence of not less than fifteen years in the Kyrgyz Republic is established by the Central Election Commission and the procedure for determination of the level of candidate's knowledge of the state language is determined by the Central Election Commission in line with article 51 of this constitutional Law.

#### **Article 51. Presidential candidate's proficiency of the state language**

1. Determination of the level of proficiency of the state language by a candidate running for a position of the President is determined by the Central Election Commission based on a conclusion statement made by the Language commission. From the day of official publication on appointment of elections and not later than 20 calendar days an authorized state body for the state language offers a composition of the Language commission consisting of 11 individuals, which is approved by a resolution of the Central Election Commission within a ten days period.
2. The level of proficiency of the state language by a candidate running for a position of the President of the Kyrgyz Republic is determined from the day of completion of candidates' nomination timeframes till the day of candidates' registration completion.
3. The level of proficiency of the state language by a candidate is determined based on his/her ability to read, write, express his/her thoughts in the state language.

In order to check the level of proficiency of the state language a candidate running for a position of the President shall:

- a) present his/her pre-election program in a written form in the volume not more than three pages;
  - b) make an oral presentation within not more than 15 minutes presenting main provisions of his/her pre-election program;
  - c) read a printed text in the volume of not more than three pages.
4. Each member of the Language commission shall make a conclusion on the candidate's proficiency of the state language for each item separately aloud using the following scale:
    - knows;
    - does not know.

Decisions of the Language commission are taken by the majority of votes of the present Commission members. No one of the present at the meeting Language commission members can retrain from voting. If in taking a decision by the Language commission there is an equal number of votes "for" and "against" the vote of the Commission chairperson is decisive.

5. The grounds for acproficiencyment of a candidate as not adequately knowing the state language can only include:
  - candidate's non participation in his/her checking of the level of proficiency of the state language;
  - inability to read, write and express their thoughts in the state language.
6. Checking of the level of proficiency of the state language by a candidate running for a position of the President is conducted under providing equal conditions for candidates. The state television shall broadcast in life the procedure for determination of candidates' level of proficiency of the state language.

**Article 52. Collection of signatures in support of a candidate running for a position of the President of the Kyrgyz Republic**

1. Candidate running for a position of the President shall be supported by not less than 30 thousand signatures of voters.
2. Collection of signatures is carried out from the day of nomination of Presidential candidates and is organized by authorized candidates' representatives.
3. Only signatures of voters who enjoy the active electoral rights can be collected. Collection of voters' signatures is carried out by the place of work, service, study, residence at pre-election events and also in other places where campaigning and collection of signatures are not prohibited by this constitutional Law.
4. The right to collect signatures belongs to a full legal age, having legal capacity citizen of the Kyrgyz Republic.
5. Voters can put their signature in support of various candidates but only once in support of one and the same candidate.
6. Signatures collection procedure and signature form are established by the Central Election Commission.
7. Signature lists for collection signatures in support of a Presidential candidate shall be submitted by their authorized representatives not later than 50 days prior to the elections day to the Central Election Commission, which within a ten days timeframe carries out checking of authenticity of signatures with involvement of registration services officials. In accepting signature lists the Central Election Commission shall stamp each signature list with a seal and issues a written confirmation on signature lists acceptance.
8. Either all or a part of the submitted signatures selected randomly (through casting a lot) for checking are subject to checking.

All submitted for registration of signatures candidates shall be notified about each case of conducting checking. In carrying out checking of signatures, including selected randomly for checking signatures, all the submitted the established number of signatures candidates or their authorized representatives can be present.

9. Signature lists are considered invalid if the established by this article requirements are not observed.

### **Article 53. Registration of candidates for a position President of the Kyrgyz Republic**

1. In order to get registered a candidate for a position of the President or his/her authorized representative not later than 45 calendar days prior to the elections day submits the following documents to the Central Election Commission:
  - referral on self-nomination or a protocol on nomination with attachment of a referral (applications) with an intent to run as a candidate to a position of the President;
  - form with information about a candidate specifying biographic data;
  - copy of his/her passport;
  - copy of a decision on acceptance of his/her resignation or release from a political state position in executive authority;
  - certificate from a place of work or study (accordingly for individuals having the place of work and students);
  - document certifying the payment of the established by this constitutional Law electoral pledge.
2. The Central Election Commission within 10 calendar days from the day of documents acceptance check the compliance of the Presidential candidates nomination procedure with requirements of the Constitution and this constitutional Law and carries out registration of Presidential candidates or takes a justified decision to reject registration.

Moreover, if the Election Commission has found inconsistencies in of the candidate documents, which is an obstacle for registration of the candidate, within 24 hours after receiving the documents the Central Election Commission shall notify the candidate or political party on these inconsistencies. Candidate or political party may, within 48 hours from receipt of notification to make necessary changes and submit revised documents to the Central Election Commission.
3. In registration of a nominated by a political party candidate a relevant election commission decision shall specify the fact of his/her nomination by a relevant political party.
4. Prior to registration and after checking of the submitted documents a Presidential candidate out of the funds of his/her election fund contributes into a special account of the Central Election Commission an electoral pledge in a thousand amount of the established by the legislation calculated index. The contributed electoral pledge is returned to a candidate after the elections if at least 15 percent of voters who



participated in the vote voted for him/her. The remaining amount of the sums shall be credited to the budget and used by the Central Election Commission in a targeted way for the preparation and conducting of elections, elections system improvement.

5. Registration of Presidential candidates ends 35 calendar days prior to the elections day.
6. In case of taking a decision to reject candidate's registration the Central Election Commission shall within a day from the moment of its taking handle a copy of the decision to a candidate or an authorized representative of his/her political party specifying the grounds for refusal.

The grounds for refusal include:

- 1) failure to provide necessary for a candidate's registration documents required under this constitutional Law;
- 2) insufficient number of submitted authentic voters' signature in support of a candidate;
- 3) absence of candidate's passive suffrage;
- 4) candidate's failure to create his/her election fund in cases established by this constitutional Law;

If a candidate or an authorized candidate's representative have not submitted all necessary documents mentioned in this article, but presented them in addition, prior the registration period deadline, an election commission is obliged to register a candidate.

7. The grounds for refusal of registration the Central Election Commission delivers to the person rejected to register a Presidential candidate. This decision can be appealed in the court within a five day period.
8. Presidential candidate can any time but not later than three days before the polling day refuse to participate further in elections having filed a written referral on that to the Central Election Commission but not later than three days prior to the polling day. Based on the mentioned referral the Central Election Commission which registered the candidate shall take a decision on cancellation of candidate's registration.
9. The Central Election Commission no later than the fifth day after the candidates registration shall publish in the press information on candidates with the name, surname, patronymic, year of birth, position (occupation), and place of residence of each candidate and information on his/her party belonging.
10. The Central Election Commission within 2 calendar days after the registration of candidates grants them appropriate certificates.

#### **Article 54. Election fund of a candidate running for a position of the President of the Kyrgyz Republic**

1. Within five days after nomination a running for a position of the President candidate forms his/her election fund for financing of campaign in the manner established by this constitutional Law.

2. Election funds may be established through the following funds and materials of agitation and informational nature, which are counted by the Central Election Commission:
  - a) own funds of a candidate, which cannot exceed the estimated index for more than 15000 times;
  - b) allocated to a candidate funds of a political party which cannot exceed the estimated index for more than 50000 times;
  - c) voluntary donations from individuals, whose amount cannot exceed the estimated index for more than 50 times;
  - d) voluntary contributions of legal entities, whose amount cannot exceed the estimated index for more than 5000 times.

The maximum amount of candidate's expenditures using funds from the election fund cannot exceed the estimated index for more than 500000 times.

#### **Article 55. Summarizing and determination of the results of elections of the President of the Kyrgyz Republic**

1. On the basis of the Protocols received directly from precinct election commissions territorial election commissions at their meetings summarize voting results at elections of the President in their territories and immediately send the documents to the Central Election Commission.
2. Not later than within a five day period after the day of elections the Central Election Commission shall determine the results of elections of the President of the Kyrgyz Republic.

In case the voting results are appealed in line with the established by this constitutional Law procedure determination of the elections results is suspended until the final consideration.

3. The Presidential candidate is considered to be elected if in the first round of voting he/she obtained more than a half of votes of the voters participate in elections.

#### **Article 56. Repeat voting**

1. If a ballot includes more than two candidates for a position of the President and none of them was elected the Central Election Commission calls repeat voting for two candidates who obtained the biggest number of votes.
2. Repeat voting are conducted not earlier than within a two week period after the day of determination of the elections results in line with the requirements of this constitutional Law. Announcement on conducting of repeat voting is published by the Central Election Commission in mass media not later than three calendar days from the day of determination of elections results.
3. If one of the Presidential candidates dropped upon a decision of the Central Election Commission a candidate, who at general elections received the biggest number of votes after the candidates for whom the repeat voting was initially called, becomes the

second candidate. In case other candidates are not left elections are conducted for one candidate.

4. The candidate is considered to be elected if he/she obtained more than a half of votes of voters who participate in voting.

#### **Article 57. Repeat elections**

In the event the results of elections are recognized invalid and if a ballot includes more than two candidates for a position of the President and none of them was elected or in case of repeat voting none of the candidates was elected the Jogorku Kenesh within a month calls repeat Presidential elections.

Repeat elections are conducted in line with the procedure and within the timeframes established by this constitutional Law.

Announcement on conducting of repeat elections are published in mass media not later than within the three calendar days after taking of a corresponding decision.

#### **Article 58. Assumption of the President of the Kyrgyz Republic**

1. The elected President within 30 days takes an oath to the people of Kyrgyzstan in the presence of deputies of the Jogorku Kenesh in line with the constitutional Law.
2. Official publication of the results of elections of the President in mass media is carried out by the Central Election Commission within 3 days.
3. The Central Election Commission registers the elected President and in assumption handles him/her a certification on election as the President and symbols a badge and an ensign (flag) of the President with an engraved family, first and patronymic name of the President and the dates of the term of his/her authorities.
4. In the event of the elected President not taking an oath within the established timeframes the Central Election Commission organizes the procedure of Presidency assumption.

### **Chapter XI. Elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic**

#### **Article 59. Calling of elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic**

1. Any citizen of the Kyrgyz Republic who on the polling day is 21 years old and who enjoys the electoral right can be elected a deputy of the Jogorku Kenesh of the Kyrgyz Republic.
2. Deputies of the Jogorku Kenesh are elected for five years in the single district under the proportional system.
3. Regular elections to the Jogorku Kenesh are called by the President not earlier than 75 calendar days and not later than 60 calendar days from the day of elections and are

conducted on the first Sunday of the month in which the constitutional term for which the previous Jogorku Kenesh was elected expires.

4. President calls early elections of deputies of the Jogorku Kenesh in the event of self-dissolution of the Jogorku Kenesh pursuant to the established by the Constitution case, within five day period from the day of taking a decision or self-dissolution of the Jogorku Kenesh.  
And elections shall be conducted not later than 45 *calendar* days from the day of calling of early elections.

In the event of early elections the timeframes of established by this constitutional Law electoral activities are reduced by one third.

5. The Decree of the President of the Kyrgyz Republic on appointment of the day of elections of deputies to the Jogorku Kenesh shall be officially published in mass media within three calendar days from the day of signing of the Decree.
6. In the event the President appoints the elections of deputies to the Jogorku Kenesh within the timeframes specified in items 3 and 4 of this article elections of deputies to the Jogorku Kenesh, are considered as appointed. Within two calendar days the Central Election Commission officially published in mass media the date of conducting of elections of deputies to the Jogorku Kenesh and conducts elections within the timeframes established by this constitutional Law.

#### **Article 60. Procedure for the nomination of lists of candidates to deputies**

1. Nomination of the lists of candidates for Jogorku Kenesh deputies begins from the election day appointment and ends 45 calendar days prior to the day of elections.
2. The right to nominate candidates for Jogorku Kenesh deputies belongs to political parties passed the official registration in the judiciary prior to appointment of the election day. The state body of executive power authorized to perform functions in the area of political parties registration forms a list of political parties registered in line with the Law On Political Parties on the day of official publication and in not later than within three days of the official publication of this decision published the mentioned list specifying the leader of each political party in state periodical printed publications and within the same timeframe sends this list to the Central Election Commission. The decision on nomination of a list of candidates is made by a secret ballot at a political party congress. The procedure for candidates; inclusion into the list of candidates and a secret ballot procedure is established by a political party.
3. The total number of candidates nominated by a political party through a list shall not be less than 130 candidates.

Political parties have no right to nominate candidates being individuals who are members of other political parties.

In determination of a list of candidates a political party shall take into account the following representation:

- not more than seventy percent of individuals of the same gender and the difference in the sequence in the lists of candidates of men and women nominated from political parties shall not exceed two positions;

- not less than thirty percent of individuals not older than 35 years old;
  - not less than thirty percent of citizens having different ethnical belonging.
4. Within five calendar days after appointment of elections of deputies to the Jogorku Kenesh political parties which expressed an intent to participate in elections shall send a written notification to the Central Election Commission about participation in elections with the name and data of an authorized political party representative who enjoys the right to sign electoral documents required from political parties in line with this constitutional Law. The written notification with an enclosed copy the certified by a notary political party charter shall be signed by the political party leader and stamped by the political party seal.

Political party received the approval of the Central Election Commission of a short name and emblem used in electoral documents in the event they differ from the name and emblem described in its charter. Any change in the name and emblem of a political party is not allowed until the end of the election process after their submitting to the Central Election Commission.

The Central Election Commission shall immediately handle to a political party a written confirmation of the receipt of this notification and a certificate necessary for opening of a special election account for the purpose of formation of the election fund by a political party.

5. The list of nominated by political parties candidates is submitted to the Central Election Commission.
6. After submitting of a list of candidates to the Central Election Commission the sequence of candidates in it can be changed upon a decision of a political party only from the moment of determination of elections results till the day of registration of candidates as deputies with regard to requirements of item 3 of this article in the event a political party notified the Central Election Commission about a possible change of the sequence of candidates' placement in the list.

#### **Article 61.Registration of a list of candidates to deputies**

1. In order to register the list of candidates authorized representatives of political parties shall submit, not later than 40 calendar days before election day, until 6 pm local time, to the Central Election Commission:
- decision of a political party on nomination of a list of candidates certified with the signature of the political party leader and the political party seal;
  - filled in by each included into the list of candidates candidate special information form (biographical and other data), copies of their passports, certificates from the place of work or study;
  - notification about a possible or not possible change of the sequence of candidates' placement in the list with regard to requirements established by item 3 of article 60 of this constitutional Law;
  - document certifying the payment of an electoral pledge.

The Central Election Commission shall communicate to the person who submitted documents, a written acknowledgment of receipt of these documents. The mentioned confirmation and certificate are handled immediately after submitting of documents.

2. Political parties nominating candidates lists, prior to registration and after the documents verification shall, from their election fund transfer to the special fund of the Central Election Commission electoral pledge in the amount of five thousand of the established by the legislation calculated index.

The contributed electoral pledge is returned after elections to the political parties, the lists of which obtained five and more percent of votes of voters who participate in voting.

3. The Central Election Commission within 10 calendar days from the date of documents adoption, verify that procedure for of candidates' list nomination meets the requirements of this constitutional Law and shall register the list of candidates or communicate justified decision to reject registration. Moreover, if the Election Commission has found inconsistencies in of the candidate documents or candidates' list which is an obstacle for registration of the candidate or candidates list, within 24 hours after receiving the documents the election commission shall notify the political party on these inconsistencies. Political party may, within 48 hours from receipt of notification to make necessary changes and submit revised documents to the relevant election commission.
4. It is not permitted to register the same person in more than one list of candidates.
5. Registration of the candidates list ends 30 calendar days before the elections.
6. If within the periods specified in this Article, in the single district there will be no registered list of candidates, the elections will be postponed upon a decision of the Central Election Commission for 25 calendar days for additional nomination of candidates' list and the subsequent electoral activities.
7. If decision to reject registration of a candidate or list of candidates would be taken the Central Election Commission shall, within 1 day from the moment when this decision has been taken, communicate to the authorized representative of the political party a copy of the Central Election Commission decision with specified grounds for refusal.

Grounds for refusal may be:

- 1) failure to provide documents required under this constitutional Law for the registration of candidates list, as well as non-compliance with procedures for the nomination provided for in the present constitutional Law;
- 2) candidate's absence of passive suffrage;
- 3) the fact of registration of a candidate in the list of another political party in this elections;
- 4) failure to create the election fund by a political party;
- 5) candidate's belonging to citizenship of another country.

If an authorized representative of a political party did not submit all necessary documents mentioned in this article, but presented them in addition, prior the registration deadline, the Central Election Commission is obliged to register a candidate or list of candidates.

8. The grounds for refusal of registration under this Article in respect of individual candidates included into the list of candidates may serve as a basis for their exclusion from the certified list of candidates only.
9. Decision on registration refusal of the candidates' list can be appealed at the superior election commission or the court.
10. Candidate included into the list of candidates can any time but not later than three days prior to the polling day can refuse to participate further in elections having submitted a written referral about that to the Central Election Commission. Political party can any time but not later than three days prior to the polling day can recall its list of candidates and refuse to participate further in elections having submitted a written referral about that to the Central Election Commission. Based on the mentioned referrals the mentioned referrals the Central Election Commission which registered the list of candidates shall take a decision on candidate's exclusion from a relevant list of candidates.
11. The Central Election Commission no later than the fifth day after the candidates' list registration shall publish in the press information on candidates' list registration with the name of political parties, as well as name, surname, patronymic, year of birth, position (occupation), and place of residence of the candidates included into the list of candidates from political parties.
12. The Central Election Commission within 2 calendar days after the registration grants the candidates appropriate certificates of the candidate with the registration date.

#### **Article 62. Election fund of a political party which nominated a list of candidates**

1. Political parties, which nominated a list of candidates, form their election funds for financing of their campaigns in the manner established by this constitutional Law.
2. Election funds may be established through the following funds and materials of agitation and informational nature, which are counted by the Central Election Commission:
  - 1) own funds of a candidate included into the candidates list, which cannot exceed the estimated index for more than 5000 times;
  - 2) own funds of a political party, which cannot exceed the estimated index for more than 200000 times;
  - 3) donations from individuals, whose amount cannot exceed the estimated index for more than 1000 times;
  - 4) contributions of legal entities, whose amount cannot exceed the estimated index for more than 5000 times.

The maximum amount of expenditures of a political party, which nominated a candidates', list using its election fund cannot exceed the estimated index for more than

1000000 times.

### **Article 63. Summarizing voting results**

1. At their meetings on the basis of protocols of precinct election commissions territorial election commissions establish the results of voting on a corresponding territory and immediately submit them to the Central Election Commission.
2. The Central Election Commission on the basis of protocols of territorial election commissions by summing up the data they contain sets the number the number of votes cast in the single electoral district.

### **Article 64. Repeat elections**

1. In the event the Central Election Commission acknowledges that all deputies' mandates in the single electoral district remained undistributed, in the event all political parties are excluded from distribution of deputies' mandates in line with items 2 and 6 article 66 of this constitutional Law the Central Election Commission calls repeat elections in the single electoral district.
2. Repeat elections are conducted within the timeframes established by this constitutional Law. And the timeframes of electoral activities established by this Constitutional Law are reduced by one third. Announcement on conducting of repeat elections are published in mass media not later than within 2 calendar days after taking of a relevant decision by the Central Election Commission.

### **Article 65. Determination and official publication of elections results**

1. The Central Election Commission on the basis of protocols of precinct election commissions by summing up the data they contain counts of votes cast for each list of candidates in the single electoral district.
2. Political parties are excluded from distribution of deputies' mandates in the single electoral district which lists of candidates obtained:
  - less than 5 percent of votes who participate in voting in total for the republic;
  - less than 0.5 percent of votes who participate in voting in each oblast, cities of Bishkek and Osh.

Political parties, for the list of candidates of which five and more percent of votes of voters who participated in voting, was cast, obtain deputy mandates, the number of which is determined using the methodology established by item 3 of this Article.

3. The Central Election Commission counts the number of votes cast by voters in the single electoral district for the lists of candidates of political parties which obtained five and more percent of votes of voters who participated in voting. The sum of votes is divided by 120 – the number of deputies mandates distributed in the single electoral district. The obtained result is the first electoral quotient (a quota for obtaining one mandate).



Then the number of votes obtained by each list of candidates participating in distribution of deputies' mandates is divided by the first electoral quotient. The integral part of the obtained as a result of division of the number is the number of deputies' mandates which a corresponding list of candidates obtains.

After all the actions undertaken in line with the second paragraph of the item there are undistributed mandates the second division is undertaken. Undistributed mandates are transferred by one to those lists of candidates which get the biggest fractional part (remainder) of the number obtained as a result of division in line with the second paragraph of this item. In the event of equality of fractional parts the preference is given to the list of candidates for which the majority of votes was cast. In the event of equality of number of votes the preference is given to the list of candidates, which was registered earlier.

4. Distribution of deputies' mandates among the candidates of the list of candidates of political parties is carried out in line with the sequence of candidates in the list, established during registration of the list in the Central Election Commission. In the event of a preliminary notification of a political party about the flexibility of the submitted lists of candidates the sequence of placement of candidates in it can be changed upon a decision of a political party from the moment of determination of the elections results till the day of candidates' registration as candidates with regard to the requirements of item 3 article 61 of this Law.
5. The Central Election Commission draws up a protocol on distribution of deputies' mandates in the single electoral district among political parties in line with the conditions established by this article of this constitutional Law.

In addition they enter the following into the Protocol:

- names of political parties admitted to distribution of deputies' mandates;
  - family, first and patronymic names of elected deputies from each list of candidates.
6. The Central Election Commission acknowledges that all deputies' mandates in the single electoral district left undistributed if all political parties are excluded from distribution of deputies' mandates in line with item two of this article. In this case the Central Election Commission calls repeat elections for the single electoral district.
  7. Official publication of the results of elections of deputies of the Jogorku Kenesh is done by the Central Election Commission within the two week period from the day of determination of the elections results.

#### **Article 66. Registration of deputies of the Jogorku Kenesh of the Kyrgyz Republic, supersedence of a vacant mandate of a deputy**

1. After the signing of a protocol on results of the election shall notify the elected candidate. The candidate who was elected as deputy shall, within three days, submit to the appropriate territorial election commission, a copy of the statement on resignation, which is incompatible with the status of deputy of the Jogorku Kenesh.

If the deputy elected as a result of seats distribution from the candidates' list, within three days does not fulfill the requirement on resignation incompatible with the status of

deputy of the Jogorku Kenesh his/her deputy's mandate is passed to a candidate from the same list in accordance with its precedence in the list.

2. The Central Election Commission after the election results determination and the receipt from candidates, elected as deputies, of statements on resignation from the positions which are not compatible with the status of deputy of the Jogorku Kenesh shall, within three days, register the elected deputies, and give them the certificate and badge of the standard pattern.
3. In case of early retirement of a deputy elected as a result of the seats distribution among political parties based on lists of candidates, his/her mandate upon a decision of the Central Election Commission is transferred to the next candidate after the elected one from the same list.

In this article under the early retirement of deputy the following shall be understood:

- 1) submitting of a written referral on resignation;
  - 2) court verdict on his/her recognition as legally incapable;
  - 3) deputy's death;
  - 4) coming into force of a court verdict on his/her announcement as dead or missing;
  - 5) enactment of a court indictment against a deputy;
  - 6) transfer to another or not terminated by him/ job which is incompatible with execution of his/her deputy's authorities;
  - 7) departure from the territory of the Kyrgyz Republic for permanent residence;
  - 8) exit, loss of citizenship or obtaining citizenship of another state;
  - 9) absence from Jogorku Kenesh meetings without a justified reason for 30 and more working days within one session;
  - 10) recognition of elections as invalid;
  - 11) deputy's exit from the fraction from which he/she was elected in line with this constitutional Law;
  - 12) termination of a political party activity from which he/she was elected in line with this constitutional Law.
4. If there are no candidates left in the list of a political party political the mandate remains vacant until the next election to the Jogorku Kenesh.

## **Chapter XII Concluding and transitional provisions**

### **Article 67. Enactment of this constitutional law**

This law comes into force from the day of its official publication.

From the day of enactment of this constitutional law to acknowledge the following as invalid:

- Law of the Kyrgyz Republic On New Edition of the Elections Code of the Kyrgyz Republic dated October 23, 2007 N 158

**Article 68. Transitional provisions**