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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW ON
INTRODUCTION OF AMENDMENTS AND SUPPLEMENTS TO THE
LEGAL ACTS OF THE REPUBLIC OF UZBEKISTAN “ON ELECTIONS
OF THE OLIY MAJLIS OF THE REPUBLIC OF UZBEKISTAN” AND “ON
ELECTIONS TO THE REGIONAL, DISTRICT AND CITY COUNCILS
(KENGASH) OF PEOPLE’S DEPUTIES”**

LAW
of the Republic of Uzbekistan

On the introduction of amendments and supplements to the legal acts of Uzbekistan “On elections to the Oliy Majlis of the Republic of Uzbekistan” and “On elections to the regional, district and city Councils (Kengash) of People’s Deputies” in connection with the further provision of freedom of elections and improvement of electoral elections.

Article 1. Introduce to the law of Uzbekistan № 990-XII of 28 December, 1993 “On elections to the Oliy Majlis of the Republic of Uzbekistan” (in wording of the law of Uzbekistan №518-II of August 29, 2003) (Bulletins of the Oliy Majlis of Uzbekistan № 9-10, art. 132 of 2003; № 9, art. 171 of 2004; №1, art. 18 of 2005; Bulletins of the chambers of the Oliy Majlis of the Republic of Uzbekistan, № 12, art. 637 of 2008) the following amendments and supplements:

1) to the **part seven of article 6**:

supplement the **third paragraph** with the following content:

“to be present at the Conference of the Ecologic movement of Uzbekistan on the promotion of candidates for deputy of the Legislative chamber from the Ecologic movement of Uzbekistan and their election”;

the third - the sixth paragraphs must be considered as the **fourth - the seventh paragraphs** respectively;

2) **second part of art. 8** must be supplemented with the words “at the penitentiary facilities” after the words “in remote and nook districts”;

3) **article 27** should be expressed by the following words:

“Article 27. Election campaign

Election campaign is an activity, committed during the election campaign, which is aimed at encouraging voters to vote for candidate for deputy or political party.

Election campaign starts from the day of registration of the candidates for deputies at the Central election committee. Election campaign is not allowed on the day of elections and the day before it.

The conduct of election campaign, which is followed by granting goods or services (except informative) for free or with some privileges, as well as by payment of monetary funds, is prohibited”.

4) Supplement **articles 27¹ – 27⁴** with the following content:

“Article 27¹. Types, forms and methods of conducting election campaign

Election campaign is conducted in the following way:

spreading information about the program and (or) election platform of political party with a call to vote for its candidates for deputy;

spreading information about the candidate for deputy with a call to vote for him.

Election campaign through television, radio and periodicals must be conducted in the following forms: public debates, discussions, press-conferences, interviews, presentations, meetings with electorate, distribution of short video about the candidate for deputy, political party.

Election campaign is conducted:
through mass media, as well as television, information-telecommunication network (including Internet);
through production and distribution of printed, graphical, audiovisual and other agitation materials;
through conducting meetings with electorate.
Candidates for deputy, political parties may also use other types, forms, methods of conducting election campaign, not prohibited by law.

Article 27². Conducting election campaign through mass media

While conducting election campaign, candidates for deputy, political parties are provided with equal access to state mass media which includes the provision of equal time for broadcasting and publishing for free.

State mass media provides candidates for deputy, political parties with time for broadcasting or publishing for free or for charge.

Non-governmental mass media may provide candidates for deputy, political parties with time for paid broadcasting or publishing.

Payment conditions for broadcasting, publishing, set by mass media, participating in election campaign, and other requirements must be equal and the same for all candidates for deputy, political parties.

Information, spread in mass media, must correspond to the facts, without violation of the rights and legal interests of the candidates for deputy, political parties. Spreading inadequate data as well as information, smearing the honor and dignity of the candidates for deputy is prohibited.

Order, volume and time for using mass media for election campaign purposes are set by the Central election committee with political parties' consent.

Article 27³. Conducting election campaign through production and distribution of printed, visual, audio-visual and other campaign materials

Political parties have equal conditions for free production and distribution of printed, visual, audio-visual materials, phonograms, electronic versions of printed materials and other campaign materials. Campaign materials must be produced on the territory of the Republic of Uzbekistan.

Printed, visual, audio-visual and other campaign materials should contain:
name, postal address and other details of the legal entity (first name, second name and middle name of the person) that produced campaign materials;
name of the legal entity (first name, second name and middle name of the person) that ordered campaign materials;
information on circulation of campaign materials and date of release.

The day before the election, state authorities must eliminate all campaign materials (posters, flyers and other materials), previously placed on buildings, objects and other public places.

Article 27⁴. Conducting election campaign through meetings with electorate

Political parties, candidates have equal conditions for election campaign through meetings with electorate.

Political parties, candidates hold meetings with electorate themselves. As a rule, local election commissions coordinate venues and time of the meetings and inform voters about it.

State and commercial authorities, local authorities, NGOs, and self-government bodies must provide special premises for meetings; assist in setting up meetings with electorate and obtaining necessary reference and information materials for candidates, political parties free of charge.

A candidate for deputy or his authorized representatives have the right to meet with electorate or take part in meetings of voters organized by other political parties together with other candidates or their representatives.

5) To complete **part six of Article 32** with the words "in imprisonment places" after the words "other medical establishments".

6) To complete the **first part of Article 33** with the words "in imprisonment places" after the words "in the remote and inaccessible areas";

7) To complete **Article 38** with the words "in imprisonment places" after the words "in remote and inaccessible areas";

8) To replace the fifth part of **Article 41** with the fifth - the tenth parts and complete with the following:

"A voter who is unable to be on election day at his place of residence, has the right to vote earlier.

Early voting begins ten days before the election and ends one day before the election. District election commission determinates the time of the early voting and brings it to voters, observers, representatives of mass media.

A voter obtains ballot paper from precinct election commission in virtue of the application indicating the reasons for the absence on election day (holidays, business trip, travelling abroad, etc.) to realize early voting. In the presence of at least two members of the precinct election commission a voter signs the receipt of a ballot paper in the list of voters.

A voter should fill ballot paper in a specially equipped room for secret ballot.

The voter makes a decision and leaves the completed ballot paper in a stamped envelope in the precinct election commission. Two members of the precinct election commission sign on the place of bonding envelope that is then confirmed by the Commission stamp and signature of the voter.

The form and procedure of production of the electoral list and terms of delivering of ballot papers to polling stations shall be established by the Central Election Commission";

The **sixth part** must be considered as the eleventh one;

9) To complete **Article 65** with the second part as follows:

"Within three days prior to the voting and on election day, the results of opinion polls, forecasts of election results, and other researches related to the

ongoing elections must not be published (announced), including the publication in the information telecommunications networks (including the Internet)."

Article 2. Introduce to the law of Uzbekistan № 1050-XII of 5th May 1994 "On elections to regional, district and city Councils (Kengash) of People's Deputies" (Bulletins of the Supreme Soviet (Council) of the Republic of Uzbekistan, № 5, art. 125 of 1994; Bulletins of the Oliy Majlis of the Republic of Uzbekistan, №3, art. 38 of 1998; № 1, art. 20, № 9, art. 206 of 1999; №5-6, art. 153 of 2000; №9-10, art. 134 of 2003; №9, art. 171 of 2004; №1, art. 18 of 2005; Bulletins of the chambers of the Oliy Majlis of the Republic of Uzbekistan, № 12, art. 637 of 2008) the following amendments and supplements:

1) **part two of Article 8** must be supplemented with the words "at the penitentiary facilities" after the words "in remote and nook regions";

2) **Article 25** must be expressed by the following words: "**Article 25. Election campaign**

Election campaign is an activity, committed during the election campaign, which is aimed at encouraging voters to vote for candidate for deputy or political party.

Election campaign starts from the day of registration of the candidates for deputies at the Central election committee. Election campaign is not allowed on the day of elections and the day before it.

The conduct of election campaign, which is followed by granting goods or services (except informative) for free or with some privileges, as well as by payment of monetary funds, is prohibited".

3) Supplement **articles 24¹ – 25¹** with the following content:

Article 25¹. Types, forms and methods of conducting election campaign

Election campaign is conducted in the following way:

spreading information about the program and (or) election platform of political party with a call to vote for its candidates for deputy;

spreading information about the candidate for deputy with a call to vote for him.

Election campaign through television, radio and periodicals must be conducted in the following forms: public debates, discussions, press-conferences, interviews, presentations, meetings with electorate, distribution of short video about the candidate for deputy, political party.

Election campaign is conducted:

through mass media, as well as television, information-telecommunication network (including Internet);

through production and distribution of printed, graphical, audiovisual and other agitation materials;

through conducting meetings with electorate.

Candidates for deputy, political parties may also use other types, forms, methods of conducting election campaign, not prohibited by law.

Article 25². Conducting election campaign through mass media

While conducting election campaign, candidates for deputy, political parties are provided with equal access to state mass media which includes the provision of

equal time for broadcasting and publishing for free.

State mass media provides candidates for deputy, political parties with time for broadcasting or publishing for free or for charge.

Non-governmental mass media may provide candidates for deputy, political parties with time for paid broadcasting or publishing.

Payment conditions for broadcasting, publishing, set by mass media, participating in election campaign, and other requirements must be equal and the same for all candidates for deputy, political parties.

Information, spread in mass media, must correspond to the facts, without violation of the rights and legal interests of the candidates for deputy, political parties. Spreading inadequate data as well as information, smearing the honor and dignity of the candidates for deputy is prohibited.

Order, volume and time for using mass media for election campaign purposes are set by the Central election committee with political parties' consent.

Article 25³. Conducting election campaign through production and distribution of printed, visual, audiovisual and other campaign materials

Political parties have equal conditions for free production and distribution of printed, visual, audio-visual materials, phonograms, electronic versions of printed materials and other campaign materials. Campaign materials must be produced on the territory of the Republic of Uzbekistan.

Printed, visual, audio-visual and other campaign materials should contain:
name, postal address and other details of the legal entity (first name, second name and middle name of the person) that produced campaign materials;
name of the legal entity (first name, second name and middle name of the person) that ordered campaign materials;
information on circulation of campaign materials and date of release.

The day before the election, state authorities must eliminate all campaign materials (posters, flyers and other materials), previously placed on buildings, objects and other public places.

Article 25⁴. Conducting election campaign through meetings with electorate

Political parties, candidates have equal conditions for election campaign through meetings with electorate.

Political parties, candidates hold meetings with electorate themselves. As a rule, local election commissions coordinate venues and time of the meetings and inform voters about it.

State and commercial authorities, local authorities, NGOs, and self-government bodies must provide special premises for meetings: assist in setting up meetings with electorate and obtaining necessary reference and information materials for candidates, political parties free of charge.

A candidate for deputy or his authorized representatives have the right to meet with electorate or take part in meetings of voters organized by other political parties together with other candidates or their representatives.

4) **part six of Article 29** after the words "other stationary medical asylums" must be added with "penitentiary facilities";

5) **part one of Article 30** after the words "in faraway and out-of-the-way places" must be added with "in penitentiary facilities";

6) **part two of Article 35** after the words "in faraway and out-of-the-way places" must be added with "in penitentiary facilities";

7) **part five of Article 38** must be replaced with **part five – ten** with the following content:

"A voter who is unable to be on election day at his place of residence, has the right to vote earlier.

Early voting begins ten days before the election and ends one day before the election. District election commission determinates the time of the early voting and brings it to voters, observers, representatives of mass media.

A voter obtains ballot paper from precinct election commission in virtue of the application indicating the reasons for the absence on election day (holidays, business trip, travelling abroad, etc.) to realize early voting. In the presence of at least two members of the precinct election commission a voter signs the receipt of a ballot paper in the list of voters.

A voter should fill ballot paper in a specially equipped room for secret ballot.

A voter makes a decision and leaves the completed ballot paper in a stamped envelope in the precinct election commission. Two members of the precinct election commission sign on the place of bonding envelope that is then confirmed by the Commission stamp and signature of the voter.

The form and procedure of production of the electoral list and terms of delivering of ballot papers to polling stations shall be established by the Central Election Commission";

Part six to be considered as **part eleven**;

8) **Article 49** to be complemented with **part two** with the following content:

"Within three days prior to the voting and on election day, the results of opinion polls, forecasts of election results, and other researches related to the ongoing elections must not be published (announced), including the publication in the information telecommunications networks (including the Internet)."

Article 3. The Present Law shall come into force from the day of its official publication.

**The President
of the Republic of Uzbekistan**