

Elections of Deputies to Mazhilis of the Parliament and maslikhats of the Republic of Kazakhstan - 2016

Report on Assessment of the Electoral Process

The non-governmental organization "Echo" is a non-profit, non-party organization. The organization aims to increase the activity of the citizens of Kazakhstan in the sphere of administration of state affairs. Since 1999, the Organization has been participating in monitoring of elections at all levels in Kazakhstan.

"Echo" members assume that free and fair elections are an important component of democracy and a means of increasing the confidence of civil society in the political system. Therefore, the resurgence of civil society and improvement of the electoral system are the main objectives of the Organization.

The Organization is open for cooperation with national and international agencies. The activities of Organization are based on the principles of impartiality, transparency and professionalism.

Supervision of the election of deputies to Mazhilis of the Parliament and Maslikhats of the Republic of Kazakhstan was held in all 14 oblasts of Kazakhstan, both in towns and villages, and in the cities of Almaty and Astana. The monitoring was conducted from the day the elections were declared. Twenty-six organizations were involved in arranging and conducting the supervision. On the day of the vote there worked 84 mobile observers in the regional centers, Astana, Almaty and 10 small towns. Observers visited more than 800 voting stations.

The main goal of monitoring was to provide an independent assessment of electoral process, and, as a result, offer sound recommendations for changes to the electoral legislation of the Republic of Kazakhstan.

Monitoring was carried out with the support of the European Foundation for Democracy.

The review of collected materials enables one to make the following conclusions.

Preamble

President of the Republic, Nursultan Nazarbayev appointed the elections of deputies to Majilis of the Parliament of the Republic of Kazakhstan for March 20, 2016 after Kazakhstan Majilismen, on January 13, 2016, unanimously approved and submitted to the President an appeal for early dissolution of Majilis and appointment of special elections.

The Head of the state, Nursultan Nazarbayev signed the Decree on the dissolution of Mazhilis of the Parliament of the Republic of Kazakhstan of the fifth convocation and appointment of early elections of deputies to Mazhilis of the Parliament of the Republic of Kazakhstan on January 20. At the same time, the Central Election Commission of the Republic of Kazakhstan appointed regular elections of Maslikhat deputies.

Holding of early elections has been traditionally practiced in Kazakhstan: from the moment of gaining independence in 1991, only one convocation of deputies has worked for a term prescribed by the Constitution of Parliament. However, the Constitution provided for the right of the President to dissolve Majilis of the Parliament¹, cases of early termination of powers of individual deputies², appointment and dates for early elections³, but did not provide for the cases in which Majilis shall be dissolved ahead of schedule.

Deputies have stated three reasons why the elections of 2016 should be moved to an earlier date:

1. The current Majilis has fulfilled its historical mission, created the legislative framework in the implementation of the Plan of the nation...therefore, it is essential that the parties receive a new mandate for voter confidence.
2. Wide public consolidation was necessary for effective implementation of anti-crisis measures.
3. To synchronize actions on the implementation of reforms at all levels, parliamentary elections should be combined with local Maslikhats elections.

According to the deputies, the combination of elections to the Parliament and local Maslikhats "will make it possible under crisis conditions not to delay for a long period the electoral cycle and significantly reduce the budget for the organization and holding of elections⁴.

The Chairman of the Senate of Kazakhstan Kassym-Zhomart Tokayev announced that the decision to hold early elections was influenced by "a very difficult and even unpredictable situation in the global economy and politics⁵.

Contrary to the statements of official structures about full support and approval of such a decision by the population of the Republic, observers have not reported readiness of voters and

¹ Article 63 Para.1 of the Constitution of the RK: "President of the Republic after consultations with Chairmen of the Chambers of the Parliament and Prime-Minister may dissolve the Parliament or Majilis of the Parliament".

² Article 52, Para. 5 of the Constitution of RK

³ Art. 51, Para. 3 of the Constitution of the RK: "Early elections of the deputies of Parliament to Majilis of the Parliament shall be held within 2 months from the day of pre-schedule termination of powers of respectively the Parliament and Majilis of the Parliament".

⁴ The Appeal of deputies of Majilis of the Parliament with an initiative to hold early elections of deputies to Majilis of the Parliament and Maslikhats of all levels: <http://www.parlam.kz/ru/mazhilis/news-details/id25118/1/1>

⁵ Pavel Dulman. Chairman of the Senate of Kazakhstan Kassym-Zhomart Tokayev is convinced: Kazakhstan awaits renewal of power: <http://rg.ru/2016/03/15/predsedatel-senata-kazahstana-respubliku-zhdet-obnovlenie-vlasti.html>

other participants in the electoral process for the early elections. On the contrary, according to observers, the polls showed that the majority of citizens manifested their attitude towards the upcoming elections as complete indifference and bewilderment or outright annoyance. The official media placed numerous materials on their pages about the approval of early elections by residents of the country, though there had been no official announcement of the idea of holding early elections by groups of voters⁶.

There has also increased a number of publications, the idea of which is to clarify the purposes of early elections and the long-term prospects for the adoption of this decision. In particular, the involved experts, participants of the round table organized on the initiative of the political North-South Centre, consider early elections as "a good recipe for counteraction to "color revolutions "and a "crisis management " tool (Director of MGIMO Analytical Centre, Andrei Kazantsev)," a serious step in the process of forming a Kazakhstan political nation (member of the Public Chamber of the Russian Federation, Josef Diskin). J. Diskin also calls the decision about early elections correct because "in the conditions of the most complicated financial situation, it is necessary to strengthen the legitimization of the authorities (cited from: News-Kazakhstan: newskaz.ru/comment/20160315/11326977.html). VGTRK columnist, Kirill Privalov notes that early elections in European countries are generally normal. This is a normal logical process "(ibid.).

The Senate Speaker Kassym-Zhomart Tokayev states that the year 2016 elections to Mazhilis of the Parliament and Maslikhats in Kazakhstan "are historical because they take place in very turbulent times. In fact, there is no stability throughout the world. However, as to Kazakhstan, thanks to the deliberate policy of our President, we have all the stability and confidence in the future" (cited from: <http://newskaz.ru/politics/20160320/11375318.html>).

From the point of view of observers, a positive assessment of the idea of holding early elections by the authorities and associate experts amid the lack of criticism speaks about bringing additional resources to strengthen and legitimize the current regime that could be construed as a form of manipulation of public opinion.

In the background of early elections to the Parliament of the Republic, almost unnoticed was the fact that the elections to local representative bodies (Maslikhats) were held with obvious deviations from the current legislation.

According to article 86 of the Constitution of the Republic of Kazakhstan, the people shall elect Maslikhats for a term of five years. Article 101 of the constitutional law "On Elections in the Republic of Kazakhstan" stipulates that the basis for the appointment of regular elections is the end of the constitutional powers of Maslikhat. According to the Constitution, President of the

⁶ Elections-2016: IN THE INTERESTS OF THE COUNTRY AND THE PEOPLE: <http://www.kazpravda.kz/articles/view/vibori-2016-v-interesah-strani-i-naroda/>

Republic may terminate the powers of Maslikhat or decision on self-dissolution taken by Maslikhat ahead of schedule.

Previous elections of Maslikhat deputies were held on January 15, 2012; the first sessions took place in different Maslikhats in late January-early February 2012. Accordingly, the terms of office of Maslikhats elected in 2012 should expire legally only in late January 2017 onwards. Thus, the nonofficial early 2016 elections of deputies of local representative bodies reduced the terms of office of existing Maslikhats by approximately ten months. The deputies of Maslikhats did not take a decision on self-dissolution, nor any decision to dissolve Maslikhats was taken by Head of the Republic. Nevertheless, on January 20, 2016, the Central Election Commission of Kazakhstan issued the Decision "On the Appointment of Regular Elections of Maslikhat Deputies of the Republic of Kazakhstan".

This decision of CEC is motivated by the fact that, according to Paragraph 2 of Article 101 of the Constitutional Law "On Elections in the Republic of Kazakhstan" regular elections of deputies to Maslikhat shall be appointed by the Central Election Commission not less than three months before the expiration of the term of office of Maslikhats and should be conducted not less than one month prior to the expiration of the constitutional term of office of deputies. The constitutional law on elections does not stipulate the starting dates of holding the elections of deputies to Maslikhats. Thus, regular elections of deputies to Maslikhats can be appointed any time no later than October 20, 2016 and held no later than December 2016.

Such a reading of the law allows one to reduce easily the term of office of Maslikhats, without any possibility of challenging the decisions adopted by the CEC.

Political Landscape.

To understand better and evaluate the progress and results of the elections, it would be useful to point out the changes in the political landscape of Kazakhstan, which took place in the period between the elections of 2012 and 2016; these changes have greatly changed the electoral picture.

System Changes.

It should be recognized that the main event in the 2012-2016 inter-electoral period was the creation of the Eurasian Union in 2014, which has grown from the Customs Union of 2010. The creation of EAU has changed, among other things, the rhetoric of political forces in Kazakhstan. Political parties are trying to develop their position on many issues that arise in connection with the creation and performance of EAU. These processes are not immediately noticeable, but they exist. Since the establishment of EAU was incredibly fast (less than 5 years), many issues were left out of the agreement; an apparently weak position of Kazakhstani negotiators in respect of export quotas for agricultural products and customs duties and tariffs has created a negative attitude towards EAU in a certain part of society. The situation being what it is, there occurred

strengthening of the so-called national-patriotic forces of usually more or less anti-Russian orientation. However, this process has not yet led to emergence of new political forces. It has only slightly raised the degree of “protest” to the acting power. However, this process continues and must be taken into account in the evaluation of electoral campaigns of both 2016 and subsequent years.

Political parties and NGOs.

In 2012, the non-registered opposition Alga party was declared extremist and liquidated. The liquidation of party as a movement began immediately after 2012 election. January 15 was the day of vote. A week later, on January 23, the leader of Alga party, Kozlov was arrested and in September of the same year sentenced to 7.5 years of a colony on charges of incitement to social hatred and participating in a criminal group. In December 2012, by decision of the Court, the party was recognized as extremist and liquidated. It should be noted that Alga Party did not have State registration, and could not participate in the election. However, the party had a very broad support among the electorate and affected radically and drastically the political situation in the country. In the campaign of 2012, Alga party carried on counteraction to election, urging people not to go to the polls (active boycott).

In 2013, the combined NSDP Azat opposition party split. It consisted in that a member of Azat Party, the most militant part of the party, had been expelled from the governing bodies of NSDP Azat party. The party leadership decided to eliminate the word Azat from its name and left only the word NSDP as a name. Politicians such as A. Kosanov (former Secretary General of NSDP Azat), B. Abilov (former co-Chair) and a number of radical right wing political figures appeared “overboard” the party.

This had averted a substantial part of protest electorate from the party. The party lost support and more moderate-minded oppositionists since immediately after the split it sharply limited its activity in the information realm and reduced significantly the activities of its branches. Since the split, NSDP Party has never made any fundamental statements having turned from radical to moderate opposition. In 2012 campaign, the party did not nominate party lists and, together with Alga party urged people not to go to the polls.

In 2015, the country's oldest opposition party, Communist’s Party of Kazakhstan (CPK) was liquidated. In 2012, communists did not participate in the campaign as the party activity was suspended by court decision. However, a core group of the party participated in the "active boycott" campaign held by Alga! and NSDP Azat opposition parties. In 2013, after the liquidation of Alga! party and split of NSDP Azat, CPK was an only legal political party in the country, which could unite under its authority radical opposition members. However, due to different primarily ideological reasons, it did not happen. In August, 2015, the party was finally liquidated.

During the period from 2013 to 2015, the activity of many NGOs and civil society groups had a slowdown. Protests of any orientation, from purely environmental actions of Kok Zhailau

defenders to political and economic actions of the movement of participants in shared and mortgage housing construction, were severely stopped by the authorities. Organizers of actions received administrative punishment as fines or administrative arrests. The funding of NGOs dealing with political and human rights activities and the programs of support for democracy among western donors was significantly reduced and no local funding of human rights activities is available.

Thus, one can conclude that in the period from 2012 to 2015, in Kazakhstan, there was implemented “mopping up” of political field from radical political parties and opposition groups of civil society activists.

Media, development of social networks and change of information space.

In 2012, by court decision, more than 40 radical opposition media, combined in the so-called united media Respublika were liquidated. In their coverage of 2012 campaign, these media supported opposition parties in their campaign on the "active boycott" of the election. The media actively disseminated information about repressions against opposition parties, widely covered the Zhanaozen events and their consequences, urged citizens to take part in protest rallies. After liquidation of the so-called "united media Respublika", the coverage of opposition activities in Kazakhstan almost completely stopped. In 2015, the opposition edition "Adam Bol" was finally liquidated. This media actively covered the most sensitive moments in the public life of the country, the economic crisis, corruption manifestations and devaluation, and gave them a very harsh assessment. In addition, the publication took a sharply anti-Russian position towards the Ukrainian crisis. In February 2015, the edition was liquidated by court decision.

Permanent pressure was exerted on the publications, "Tribuna", "On the Eve" and other opposition media. Thus, the Chief Editor of the online newspaper "On the Eve", Baidalinova was arrested in December 2015, on charges of disseminating false news and is under arrest so far.

In the period since 2010, Kazakhstan showed rapid growth in the number of users of social networks. Social networks formed groups to discuss important policy issues, and the number of bloggers writing on political topics was growing. The campaign of 2016, unlike the 2012 campaign was widely discussed and covered in the social networks partly replacing the liquidated traditional opposition media. It should be noted that the “Single Republic Medea” liquidated back in 2012, "has its own pages in social networks and despite blocking of the official site of Respublika continues communication activities on the Internet. In general, the development of social networks has questioned the effectiveness of bans of official sites of the media. Thus, for almost half a year in 2015-2016, the official website of the newspaper “Ratel” was blocked, however, its pages in social networks continued to work. The rapid development and expansion of new information space in social networks, development of instant messaging services, total interactivity and possibility to discuss actively the news in social networks have created creating new opportunities for people also in the discussion of progress and results of electoral

campaigns. This possibility must be assessed and taken into account by all actors in the electoral process.

Thus, one can conclude that in the period from 2012 to 2016, Kazakhstan conducted “mopping up” of information space from the radical opposition media. However, at the same time, the availability of the Internet has increased and the social networking sector develops rapidly. As a result, the campaign of 2016 was actively discussed in social networks

Change in the Law and Related Litigation.

In 2015, a new Criminal Code (CC) was adopted. In the new CC, in the Article on the incitement of social hatred, there were added paragraphs, imposing responsibility of leaders of public associations for inciting such hatred. In addition, penalties for defamation and spreading false information were strengthened. These articles included also responsibility of leaders of public associations. The CC also contains an article banning the activities of unregistered public associations in accordance with the established procedure and strengthens the responsibility for participation in unsanctioned public events (rallies, pickets, demonstrations, etc.).

In 2016, a new Labor Code was adopted. It significantly extends the rights of employers in respect of changes in wages and dismissal of employees and restricts the right to strike.

In 2015, a new law on NGOS was adopted. It intensifies the supervision over NGOs. In fact, the Law restricts the activities of NGOs to only social programs and cuts off the possibility to work in the sphere of protection of the rights of citizens and promote civil initiatives in the area of democratization, etc. In conformity with this Law, all NGOs in the country are obliged to submit reports to the Ministry of Culture, detailing the project and financial activities of NGOs, including all sources of funding.

If the effects of introduction of new Labor Code and the Law on NGOs has not yet impacted significantly the electoral campaign, the consequences of adoption of the new Criminal Code are already being felt. This has manifested itself in a number of trials held in 2015 and 2016 and caused a wide public resonance.

The case of Shevtsova-Valova on charges of inciting ethnic hatred, March-April, 2015. The Shevtsova-Valova case was resonant for Kazakhstan, as for the first time the accusation was based on the posts in the social network. Eleven members of the Alliance of Bloggers of Kazakhstan requested to bring Shevtsova-Valova to justice for incitement to ethnic hatred because her posts contained calls for separatism. Shevtsova-Valova was convicted under the Article “Incitement to Ethnic Hatred” and sentenced to 4 years imprisonment conditionally with a trial period of 3 years.

The case of Saken Baikenov on charges of inciting ethnic hatred, April 2015. The charges were based on the posts in social networks. On March 7, 2015, S. Baikenov was arrested and a trial was held in April. By Court decision, S. Baikenov was sentenced to 2 years of restriction of liberty.

The case of Mambetalin and Y. Narymbaev charged with inciting social and inter-ethnic strife, 2015-2016. For the first time, the charges were based not on the posts in social networks but on repost of the post by others; in January 2016, the Court of first instance sentenced Mambetalin to 2-year standard colony and Narymbaev to 3 years. In addition, both were prohibited to be engaged in political and social activities for 5 years after the completion of sentence. Herewith, Mambetalin positioned himself as a nationalist and Narymbaev - as a Socialist. The Court of second instance commuted both to conditional dates, however, the ban on public political activity for both remained in effect.

A month before the election day, on February 22, 2016, in Almaty, the Chairman of the Union of Journalists of Kazakhstan and head of the National Press Club, S. Matayev was detained. Matayev was accused of corruption crime; however, the detention of prominent journalist a month before he polling day caused a great public resonance. Currently, S. Matai is under house arrest, and the investigation of the case proceeds.

Thus, it has been clearly signaled to the society that the State is ready and will mercilessly punish any manifestations of ethnic differences. And because a dominant role in the formation of public authorities belongs to President who is a Chairman of Nur Otan party, in electoral terms, this means that Nur Otan party is ready to take on the role of guarantor of stability of interethnic relations. Thus, the fear of some part of the electorate about ethnic conflicts plays into the hands of the party in power.

Electoral Legislation of the Republic

The main legal acts regulating the electoral process in Kazakhstan are the Constitution of the Republic of Kazakhstan (hereinafter referred to as the Constitution) and the Constitutional Law of the Republic of Kazakhstan On Elections in the Republic of Kazakhstan (hereinafter referred to as the Law on Elections).

The legislation has not virtually undergone changes since the previous elections to the Majilis and Maslikhats,

Adopted:

The Constitutional Law of the Republic of Kazakhstan dated October 3, 2013, No. 133-V "On amendments and additions to some constitutional laws of the Republic of Kazakhstan on the issues of calculation of constitutional deadlines". It supplements the Law on Elections by defining the beginning of the period during which early elections of deputies should be held.

The Constitutional Law of the Republic of Kazakhstan of July 4, 2014, No. 232-V "On amendments to some constitutional laws of the Republic of Kazakhstan on improvement of the criminal procedure law". According to it, in Paragraph 3 of Article 47 of the Law on Elections, the words "candidates may not be arrested, subject to detention" have been replaced by "candidates may not be arrested, subject to retention in custody, house arrest".

The Constitutional Law of the Republic of Kazakhstan of July 31, 2015, No. 340-V "On amendments and additions to some constitutional laws of the Republic of Kazakhstan on the improvement of civil procedural law" also making minor amendments to the existing legislation.

The constitutional Law of the Republic of Kazakhstan of November 18, 2015, No. 413-V "On introduction of amendments and additions to the Constitutional Law of the Republic of Kazakhstan on elections in the Republic of Kazakhstan" regulating the provision by candidates and their spouses of declarations of assets and liabilities, not entered into force.

The adopted laws regulate specific issues relating to the conduct of elections, however, the law does not regulate the matters already traditionally evoking criticism by observers and experts. In particular,

1. There is no list of cases of premature dissolution of Parliament;
2. The threshold for political parties not lowered;
3. The principles for the formation of election commissions not taking into account the number of registered parties preserved;
4. Members of some political parties may still represent other parties in the commissions;
5. Does not provide for cases in which candidates may make corrections in their tax declaration when found;
6. Does not provide rules that allow to take a decision on the cancellation of registration of candidate or party list by only a court order;
7. Preserves a rule that a person convicted, which at the time of registration has not been cancelled or withdrawn in accordance with the procedure established by law (Para. 4, Art. 4 of the Constitutional Law on Elections in the Republic of Kazakhstan), is not eligible to registration as a candidate. This creates conditions for manipulating the flow of candidates by the authorities
8. No right to nominate candidates to deputies of Mazhilis of the Parliament for non-party citizens;
9. The Law on Elections still does not regulate the actions of election commissions in case of excess in the number of ballots retrieved from ballot boxes over the number of ballots issued to voters based on the voter's lists and statements on voting outside voting premises (Art. 43 of the Constitutional Law on Elections in the Republic of Kazakhstan). Under the current law, in this case it is necessary to find out the number of ballots issued

by each member of the Election Commission with a view to establishing a member responsible for the infringement. However, further actions of the Commission to cancel or partially cancel the results of voting are not defined.

10. The actions of superior election commissions in identifying errors and inconsistencies in the records of precinct election commissions are still not regulated: the Commission is entitled to adopt a decision on repeated counting of votes, but an instruction what the Commission should undertake if the recount shows a fraud, is absent.

Observers believe that the electoral law experiences a stagnant period in its development that may negatively affect the overall development of electoral processes.

Subjects of Electoral Process

Candidates.

Nomination and Registration of Candidates to Deputies of Mazhilis.

The election of 98 deputies of Majilis shall be based on universal, equal and direct suffrage. The Assembly of the People of Kazakhstan shall elect nine deputies for Majilis.

The right of nomination of candidates to deputies of Mazhilis to be elected based on party lists, belongs to political parties registered in the prescribed manner and, in the case of candidates to deputies of Mazhilis to be elected by the Assembly of People of Kazakhstan, to the Council of the Assembly. The Law on Elections forbids to parties to establish electoral blocks, despite the fact that such a right that the Law of RK "On Political Parties" provides such right.⁷

Parties have the right to include only party members in their party lists. Possibility of self-promotion to deputies of Mazhilis is missing. Thus, non-party voters whom in Kazakhstan are more than 80% are deprived of possibility to participate in the election of deputies to Majilis as candidates despite the constitutional right of every person to be elected.

High threshold for parties in the Parliament (7%) and the required unreasonably high number of members in the party (40 000)⁸ have resulted in that the representation of small groups in the Parliament becomes impossible, and this function is undertaken by major parties trying to represent the interests of virtually all segments of the population neglecting the ideological component.

⁷ Law of PK On Political Parties, Article 15, Para. 1, Subpara. 2: «Political party ... has the right: ... to unite on a voluntary basis in associations (unions), electoral blocks»

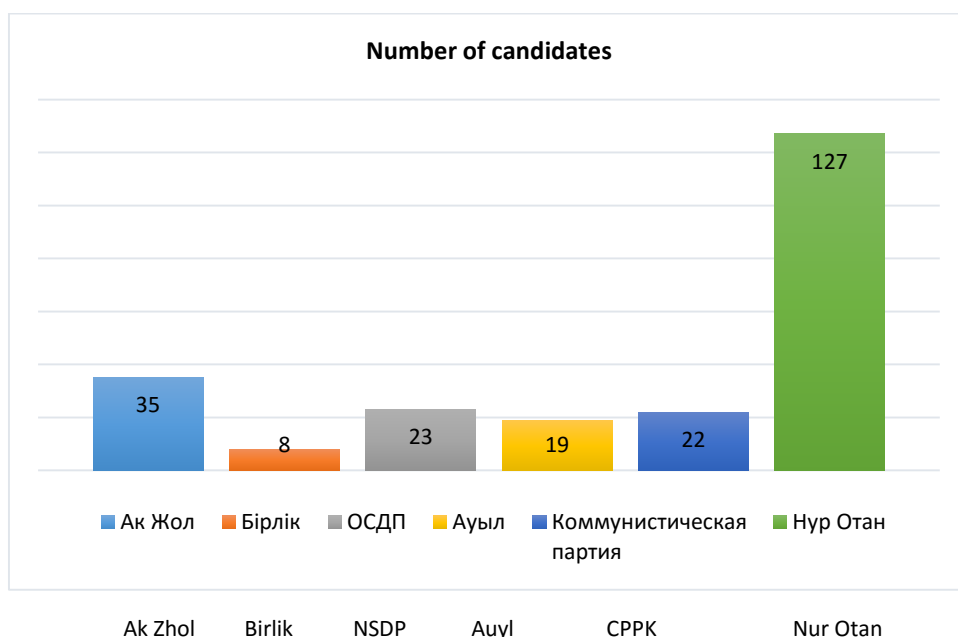
⁸ The law "On Political Parties", Article 10, Para 6: "For the State registration of a political party, the party must have at least forty thousand party members representing subdivisions (branches and representative offices) of the party in all oblasts, city of Republican significance and the capital of no less than 600 party members in each of them."

At the time of appointment of elections, In Kazakhstan, there were seven registered political parties. In August, by court decision, the Communist Party of Kazakhstan was eliminated "for violation of the law requirements". Two political parties were founded by merging other parties: the party of "Birlik" by merging "Adilet" and "Rukhaniyat" parties and the People's Democratic Patriotic Party "Auyl"- by merger of the Party of Patriots and "Auyl" party.

The Central Election Commission of RK registered lists of six political parties, which included 234 candidates to the deputies of Mazhilis of the Parliament of the Republic of Kazakhstan. Among them, there were the ruling Nur Otan party, the Democratic Party "Ak Zhol", Auyl, the Communist People's Party of Kazakhstan (CPPK), National Social Democratic Party (NSDP) and Birlik party.

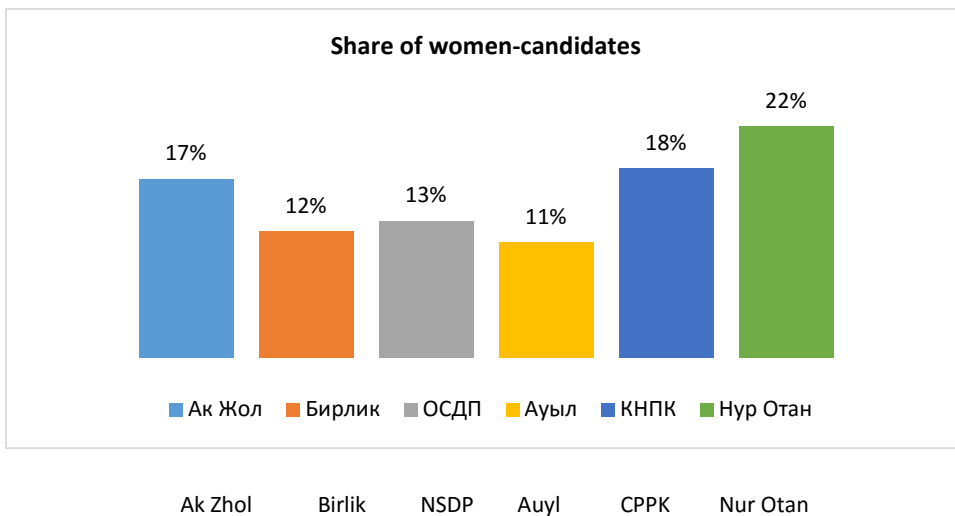
The opposition party Azat refused to participate in the elections to Mazhilis of the Parliament stating that "these elections of political parties will take place according to a set scenario and, of course, it is simply unrealistic to expect that representatives of social forces opposing the authorities can pass (to Majilis) (Cited from: https://tengrinews.kz/kazakhstan_news/partiya-azat-budet-uchastvovat-vyiborah-majilis-parlamenta-287683/).

The graphical analysis of the structure of candidates included by political parties in their lists is as follows.

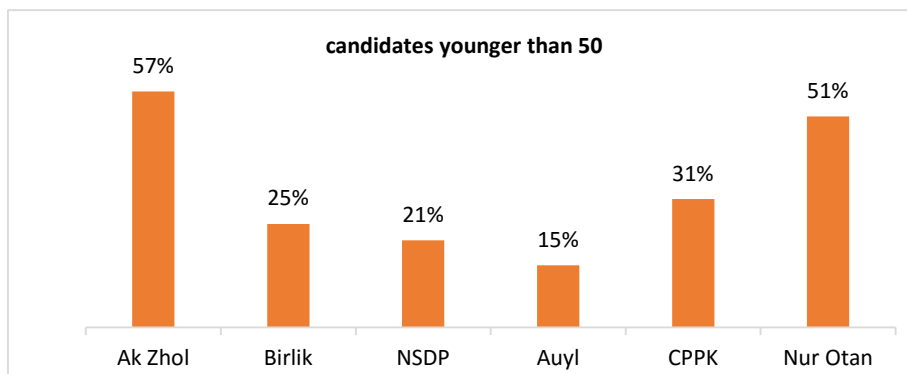
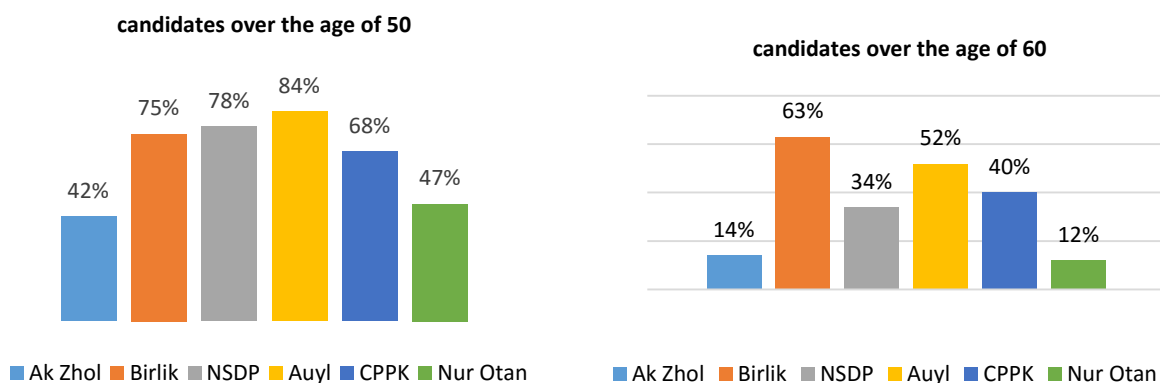


A political party is required to pay an election fee for each candidate on the list at 342 thousand tenge (about 937 US dollars). However, the parties that overcame 7 percent election barrier during last elections shall be exempt from paying the election fee. Thus, Nur Otan, Ak Zhol and CPPK did not pay the election fee. This requirement of the Law creates unequal financial conditions for political parties.

The analysis of gender and age structure of the candidates has been also carried out. The percentage of women's participation in politics remains low. However, the parties which had seats in Mazhilis included in their lists more women than others.



Despite the fact that the lists of Nur Otan and Ak Zhol included many deputies of the previous convocation, however, these parties presented the youngest candidate structure.



The CEC registered all the candidates included in the party lists. There were no complaints from the Parties concerning any problems with the nomination and registration.

Nomination of candidates for deputies to Mazhilis to be elected by the Assembly of People of Kazakhstan

According to the Law on Elections, the APK Council shall nominate candidates to be elected by the Assembly of the People of Kazakhstan (APK). The APK was founded in 1995 by presidential decree and had the status of an advisory and consultative body to the President. The Assembly is an institution established by the President of the Republic of Kazakhstan contributing to the development and implementation of State policy in the sphere of social harmony and national unity⁹. In 2007, the APK received an exclusive right to elect 9 deputies to Mazhilis of the Parliament. The elections of 2016 are the third when the APK exercises this right. The elections were held on a non-alternative basis: all three times the Assembly Council nominated nine candidates for nine seats. In 2016, among 9 candidates there were only 2 women and only one candidate younger than 50, and 5 candidates were older than 60.

President of PK¹⁰ who is also a Chairman of the Assembly shall improve the composition of Council. The official APK website information on the composition of the Assembly itself and its Council is missing. Member of the CEC, T. Okhlopkova reports that the APK Council includes 67 members.¹¹

In this case, the Assembly elects deputies at its current session. The APK, according to CEC, includes 446 members¹². A list of voters – members of the Assembly was published by the CEC only once, in 2007. The election of deputies was attended by 372 voters¹³, or 83%.

It should be noted that the composition of Assembly is completely under control of the Chairman of the ANC, President of the Republic of Kazakhstan¹⁴.

Each of the candidates has won from 91 to 94% of the votes.

The approval of the nomination body and electors of deputies to be elected by the APK by President of the RK in combination with the lack of candidate options makes the electoral process of such deputies little different from the direct appointment.

⁹ The Law of RK “On the Assembly of the People of Kazakhstan”, Article 1, Para. 1.

¹⁰ The Law of RK “On the Assembly Of People of Kazakhstan”, Article 10, Para. 1.

¹¹ CEC press-release of 17.20.2016., <http://www.election.kz/rus/news/releases/index.php?ID=2968>

¹² Ibid.

¹³ CEC press-release of 21.03.2016 r., <http://www.election.kz/rus/news/releases/index.php?ID=3289>

¹⁴ Law of the RK “On the Assembly of the People of Kazakhstan”, Article. 15, Para.3. “All candidates recommended for members of the Assembly shall be considered at the meeting of the Assembly Council and submitted by vice-chairmen of the Assembly for approval to President of the Republic of Kazakhstan.

President of the Republic of Kazakhstan shall have the right to reject the proposed candidates and enter into the composition of the Assembly, at its discretion, other persons”.

Nomination and Registration of Candidates for Maslikhats

The nomination to deputies of Maslikhats is made by political parties and non-governmental organizations and by citizens of Kazakhstan through self-nomination.

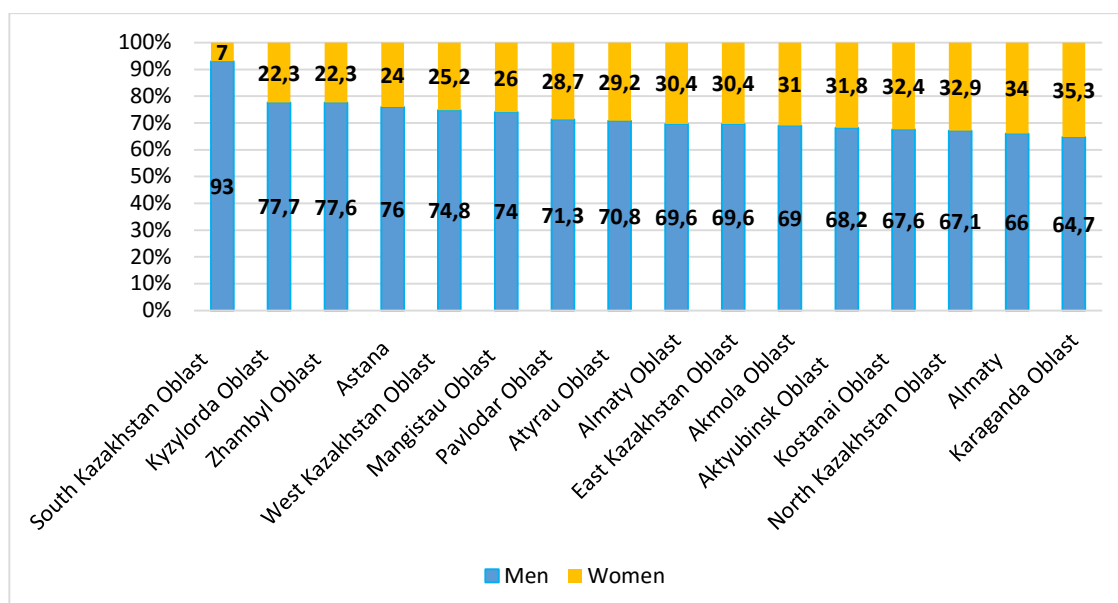
Despite the early appointment of elections to Maslikhats (10 months earlier than previously planned), according to the CEC, on February 19, 2016, i.e. four days before the end of registration, in total 11 133 Kazakhstan citizens volunteered to become deputies of Maslikhats. By the time of the elections, the number of applicants decreased and amounted to 10 825 candidates. More than 70% of them are self-nominated candidates, others represent political parties and non-governmental organizations. On average, by the time of elections, three candidates applied for each of 3228 deputy seats. The highest competition for the parliamentary mandate was recorded in SKO and Astana where five or more candidates applied for one mandate in the district Maslikhat.

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According to the CEC, the ruling Nur Otan party has nominated 1886 persons for the deputies to Maslikhats, Auyl party – 42 , Ak Zhol – 40, Birlik – 6, The Communist People's Party of Kazakhstan – 20 and the National Social Democratic Party – 1. Non-governmental organizations nominated 12 persons constituting 0.2% of the total number of candidates for the deputies to Maslikhats.

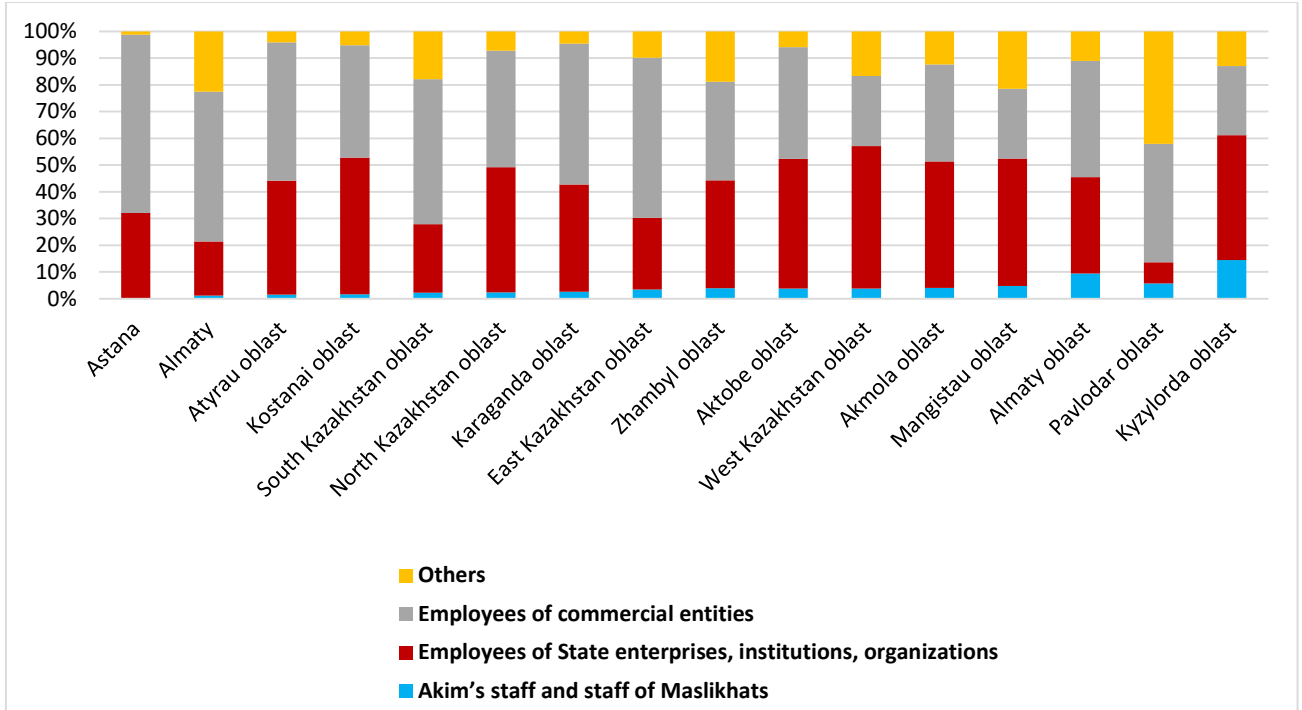
Thus, some qualitative data on the composition of candidates for Maslikhats in Kazakhstan oblasts and the cities of Almaty and Astana look as follows.

Qualitative composition of candidates to deputies of Maslikhats by sex



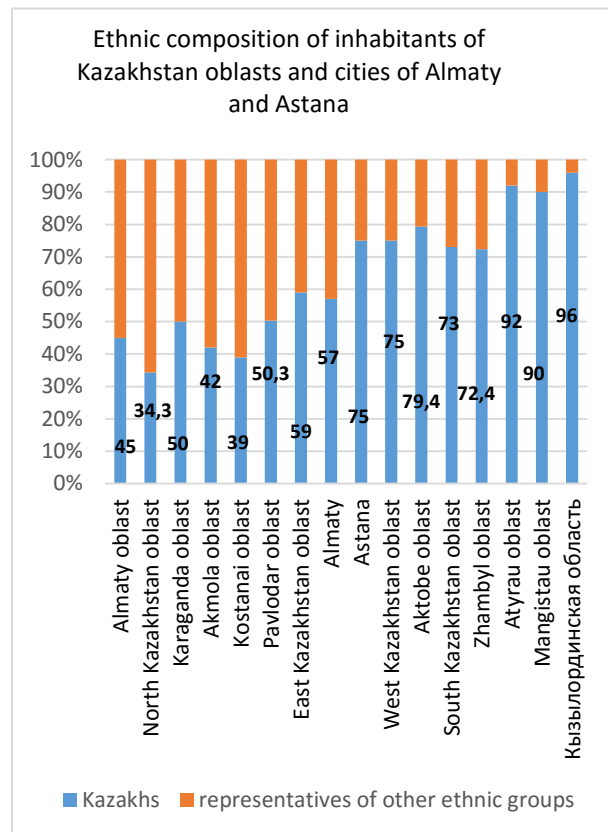
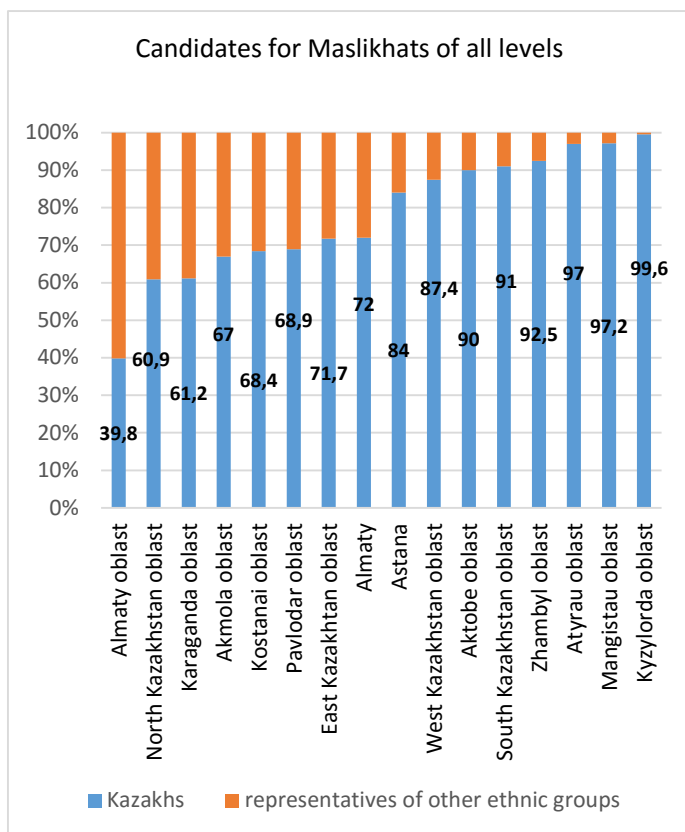
Total in Kazakhstan, 71.4 per cent of candidates for Maslikhat are men and 28.6% are women. A significant distortion is seen in the southern areas, particularly in the South-Kazakhstan oblast where out of 1200 registered candidates only 82 are women.

Qualitative composition of candidates for deputies to Maslikhats by employment



Among the candidates for Maslikhates of all levels there prevail employees of state enterprises, institutions and organizations and representatives of business. In Kyzylorda Oblast, among the candidates for Maslikhat an important proportion is made by workers of Akim's staff and Maslikhats.

Qualitative composition of candidates for deputies to Maslikhats by ethnicity



The left chart shows the composition of deputies belonging to the titular ethnic group, and the right one – the general statistics on the ethnic groups living on the territory of the Republic. As we see, the ethnic composition of candidates for deputies to Maslikhats does not reflect the overall picture of residing of nationalities of Kazakhstan on various territories. The difference is especially noticeable in the northern and eastern parts of the Republic. For example, in Kostanai oblast with the total share of Kazakh population not exceeding 40%, the proportion of Kazakhs among the candidates is 68.4%. Given that 80% of the candidates for Maslikhats are self-nominated persons, the prevalence of Kazakhs among the candidates can be regarded as a refusal of other ethnic groups to participate in the elections and withdrawal of representatives of non-titular nationalities from trying to influence the decisions at the local level.

Among other qualitative characteristics of the candidates, we can mention the average age of the candidates - 43 years and the proportion of those with higher education - 72.3%.

The recorded high activity and competitiveness of elections to local representative bodies, however, has not excluded a number of complaints from the participants of electoral process. Many citizens refused to participate in the elections due to their suddenness; a major obstacle was the lack of time to mobilize the required financial and human resources

The main claims of observers were against the practice of refusal or cancellation of registration of candidates based on the checks by tax authorities of data in the declarations on income and property filed by the candidate or his or her spouse.

According to the data collected by observers in all areas of Kazakhstan, more than 350 candidates had been withdrawn from the pre-election race under such pretext. Despite the fact that the number of withdrawn candidates is somewhat less than in 2012 (575 people, or 5.7%), the reports on that candidates lost registration in case of insignificant differences in the submitted documents, aroused great interest.

One of the complaints of candidates was that tax declaration forms did not have margins to specify fractional parts of numbers. The rules of drawing up declarations on the individual income and property tax do not explain the situation¹⁵. In some cases, there was noted free interpretation of the possibility of rounding numbers by candidates, resulting in the fact that a difference in a few tiyn (1 tenge = 100 tiyns) determined the fate of the candidate.

During long-term monitoring, observers held 82 interviews with candidates for Maslikhats at all levels in 16 regions of the Republic of Kazakhstan. Nine candidates of those interviewed, were withdrawn.

Based on the results of appeals of candidates to courts to challenge the decisions of election commissions on deregistration in 7 cases, none of the candidates interviewed by observers was restored.

Difficulties were noted regarding the provision of places for the canvassing and arrangement of meetings of 27 candidates out of 82 interviewed; those were the candidates from Mangistau, Atyrau, Karaganda oblasts and NKO.

There were difficulties with opening accounts of 29 candidates out of 82 interviewed. Nine of them were subsequently withdrawn from the registration.

The reason for deregistration of candidates for Maslikhates interviewed by observers was the mismatch of data in the tax returns; no other reasons for withdrawing the candidates have not been noted by observers.

Examples:

North-Kazakhstan oblast, candidate for deputy to oblast Maslikhat, Nistoly Marina, self-nominated, not registered by decision of District Election Commission due to existence of several accounts in two banks, which were not listed in her income tax return. The Commission did not take into consideration the provided bank letters about the absence of

¹⁵ Rules for Tax Reporting (Declaration) on individual income tax and property tax (Form 230.00), <http://adilet.zan.kz/rus/docs/V14E0010156#z439>

accounts (it was a question of existence of balances on child benefits accounts totaling 83 tenge, or approximately 0.22 US dollar). She did not also indicate the percentage of authorized capital in the public association a head of which she was. The candidate's arguments that the form of legal entity "public association" does not provide a financial contribution, i.e. the founders have no stake; did not persuade the members of the Commission. The Court did not take into account the candidate's arguments and upheld the decision of the Election Commission.

East-Kazakhstan Oblast, candidate to deputies of Semei city Maslikhat, Yersyn Kidiyarov, self-nominated, withdrawn by the decision of District Election Commission because of inconsistencies in the tax declaration for the sum of 500 tenge (approximately 1.3 United States dollar). The candidate explained that he had paid these 500 tenge to the Bank for opening the account on which he was going to receive the assistance for the organization of election campaign, and the payment was made after the deadline at which the declaration was filed. The Commission did not take into account the arguments of the applicant. The trial did not take place because the candidate did not have money to pay for the trial.

Almaty, a candidate for deputy to the city Maslikhat, Tulesova Asya, self-nominated, withdrawn by decision of the District Election Commission because of inconsistencies in the tax declaration. Pointed out the discrepancy in the dollar account for 18.73 dollars. The discrepancy in the tenge account is 0.78 (78 tiyn, approximately 0.002 US dollars). The Commission took into account the arguments about the fallacy of discrepancies in the dollar account, however, acknowledged the discrepancy in the tenge account caused by rounding, and the registration was cancelled. The Court did not take into account the candidate's arguments and upheld the decision of Election Commission.

The candidates who have been denied registration also point to the low professional qualifications of officers of the bodies issuing letters of verification, with the result that the information in such letters has doubtful character. In particular, to confirm their income, candidates took statements on the pension savings from the Public Service Centers. However, the issued statements did not consider the investment income on savings.

The Kazakhstan CEC gives its vision of the fact that the reason for withdrawal of candidatures for Maslikhats were the inconsistencies in tax declaration data: "For our part, we interpret the legislator's position on this issue as follows. When a candidate submits a tax return indicating his income tax and the tax office then declares that it does not correspond to the actual state of things, here the legislator thinks: if the candidate could not deal with his financial part, would he be able to correlate his actions in relation to the financial flow of the state ", Marat Sarsenbaev, Member of the CEC explained (cited from: <http://informburo.kz/novosti/v-centrizbirkome-obyasnili-pochemu-snimayut-samovydvizhencev-s-vyborov.html>). It should be noted that before the amendments made in 2007, the Law on Elections in its requirement to submit declarations

by candidates referred to the requirement to fill in declaration stipulated in the Law on the Fight against Corruption¹⁶. Now this norm is provided in the Law on Combating Corruption.





According to the results of appeals of candidates to courts to challenge the decisions of election commissions on the withdrawal of registration in seven cases, none of the candidates interviewed by observers has been restored.

Observers are concerned about the ease of the mechanism of withdrawal of candidates from the election race and insist on the cancellation of registration by only court order. Moreover, while the percentage of the number of candidates does not exceed 3.5%, in some districts such failures have reduced competition by 25-30%.

Observers point out that in the circumstances where there is no practice of general and regular filling of tax returns¹⁷ and no appropriate training, there should be defined framework within which the discrepancies found on checking cannot become a reason for the cancellation of registration of candidate. Candidates must also be given an opportunity to correct the data.

Electoral Programs and Campaigning.

Observers have noted a virtual absence of political struggle in the elections to Mazhilis. This primarily concerns the low activity to attract supporters confirmed by the review of communicative practices used by parties to build dialogue with their audience. Here is how the summary data on the Internet representation of Kazakh parties look.

					Official website of Party
Ak Zhol	12 subscribers	A page is available in the format of personal account of user, which has 1340 users in "friends"	No	No	The official site provides links to the pages of the Party in social networks "VC", Facebook, Twitter. Working is the only one that leads to a page group "VK" of 12 people. Links to Facebook and Twitter are out-of-date.
Nur Otan	The party has no page, however, the youth wing of the party "Zhas Otan" unites 649 subscribers	3782 users subscribe to the page	18700 readers	No	All relevant news, links to social networks operate, over 500 people subscribe to the Party's Youtube page channel party signed, the "Instagramm"-13 thousand subscribers.

¹⁶ In 2015, the Law on the Fight against Corruption became ineffective and instead, the Law On Counteraction to Corruption was adopted where the requirement of filling in declarations by a candidate and his or her spouse remained. .

¹⁷ The general declaration of incomes by the population to be introduced from 2017.

Birlik	No	No	No	No	Official site created just for the elections of the year 2016. Activity at the site began with the announcement of elections. The campaign news are published as reprints from the MEDIA news
Auyl	No	The page does not work	4 readers, no news.	No	The site is available, references to social networks do not work
NSDP	1250 subscribers	Reference from the site leads to off-site resource, the indicating the number of followers as 5800 that does not correspond to reality.	No	No	The site gives three inadequate references to social networks, and the only relevant page in the "VK" is not specified
CPPK	The party has no official representation in "VK" but practically every branch has its own page. For example, the EKO office of the party has 174 Subscribers. Other pages of regional branches have 5-50 subscribers	1202 people subscribed.	54 readers	719 followers but information is available only to subscribers.	Reference to a page in VK is a personal web-page of the Secretary of the Central Committee of the party.

As one can see, not all parties use the available communication tools to build a dialogue with their target audiences. In-depth study of existing pages also shows that the work of parties to attract the electorate in social networks during inter-election period is almost non-existent. The low number of supporters and subscribers evidences the same. The Nur Otan party regularly publishing news about their activities in social networks without being bound to the current elections shows more or less meaningful indicators. However, many comments on the publications of the party are artificial and raise doubts that the party manages to build an open dialogue with their electorate.

Electoral Programs.

All parties participating in the elections position themselves as a party of social justice, however, their target audiences are qualified as weak or not qualified at all. Nur Otan, Birlik, Auyl and NSDP parties declare their commitment to the ideals of social democracy, the Communist People's Party of Kazakhstan intends to focus on advancing the Communist principles of the party, the Democratic Party of Kazakhstan Ak Zhol positions itself as a party of constructive opposition, liberal intellectuals and business

The electoral programs of candidates to Mazhilis of the Republic still show a narrow socialized approach, populism and weak political component, and in some cases - apologetics of the ruling regime.

Thus, the program of Auyl party refers the reader to the "Mangilik Yel" and "Five Institutional Reforms" programs proclaimed by President Nazarbayev.

The Program of Ak Zhol Party four times reports on the support of incumbent President and assures the voter that the party "will provide full support to the head of State on the part of those people who have made themselves, who love their country and appreciate its President".

In the preamble of the election program of CPPK, party one can read "CPPK acts as a reliable partner of the State in initiating a single impulse to the implementation of the political course of the country's leadership".

The Electoral program of political party Birlik assures its audience that "its provisions correspond to the main task set by President of the Republic of Kazakhstan, N.A. Nazarbayev". It specifies that "the State implements a set of measures and projects to which the political party Birlik is ready to provide all possible practical support. Again, it describes its position in relation to the authorities in power: We support the 5 institutional reforms put forward by the head of the State, creating conditions for strengthening Kazakhstan statehood and becoming one of the 30 most developed countries in the world".

Against this background, the program of NSDP party stands out. It contains not only criticism of the existing regime but also a list of actions to address the situation. However, the fact that NSDP has nominated only 1 (one) candidate to Maslikhats suggests that the political ambitions of the party do not go beyond the program.

Election Campaigning

According to the Law on Elections, the election campaign is an activity with the aim of inducing voters to vote for or against a particular candidate, political party. The pre-election campaign begins since the end of the term of registration of candidates and ends at zero o'clock of local time on the day preceding the day of the vote.

Campaigning for the election of deputies to Mazhilis began on February 20, 2016 and ended on March 18, 2016 at 24:00 local time. Campaigning for the election of deputies to Maslikhats began four days later, on February 24. Such a difference in doing canvassing provided an advantage for the candidates for deputies to Maslikhats nominated by the party because the party began canvassing activities five days earlier.

The election campaign was carried out through the mass media, by distribution of printed, audiovisual and other materials, conducting public pre-election events, personal meetings of candidates and their agents with the voters.

Observers believe that the election campaign was not active enough. Nur Otan, CPPK and Ak Zhol parties carried out relatively meaningful campaigning. Other parties did not almost conduct

campaigning having limited to several meetings with the voters, small events and distribution of printed materials.

Observers believe that the low activity is due to also the political apathy and even nominal participation in the election of parties - candidates for Majilis.

According to the CEC, political parties of the Republic of Kazakhstan spent more than 827 million tenge for their campaigning. "Pursuant to Paragraph 4 of Article 34 of the Constitutional Law of the Republic of Kazakhstan On Elections in the Republic of Kazakhstan", the Central Election Commission shall provide information on the total amount of money received in the election funds of political parties and the expenditure of these funds.

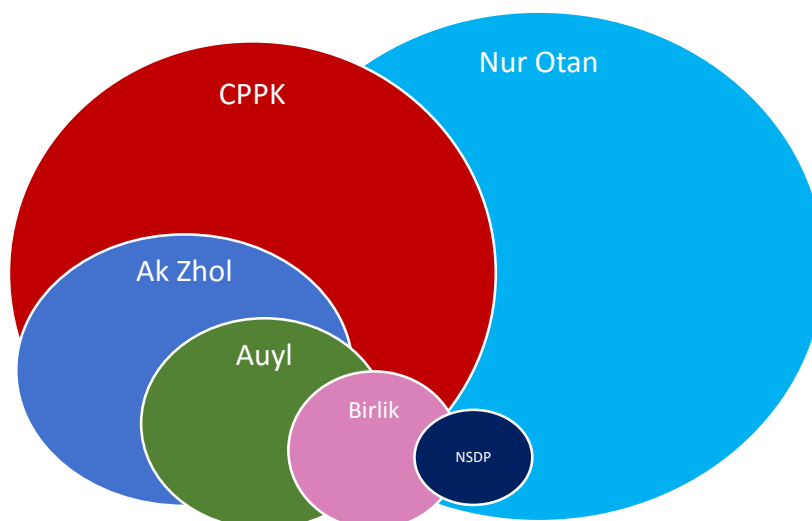
Thus, the total costs for canvassing activities amounted to 827 032 690 tenge (Cited from: <http://election.kz/rus/news/releases/index.php?ID=3319>).

Newspaper Kazakhstanskaya Pravda also gives a detailed account of the receipt and expenditure of funds for canvassing activities:

N	Political party	Receipt sources			Cost of canvassing activities	Fund balance
		Total:	Party's own funds	Voluntary donations		
1	Nur Otan	342 885 000.00	114 295 000.00	228 590 000.00	341 892 047.00	KZT 992 953? of which KZT 661 969 (2/3) transferred to the Republican budget and KZT 330 984 (1/3) returned to the political party.
2	CPPK	274 832 000.00	55 600 000.00	219 232 000.00	274 832 000.00	0.00
3	Ak Zhol	105 702 210.00	28 800 000.00	76 902 210.00	105 702 210.00	0.00
4	Auyl	62 845 000.00	19 300 000.00	43 545 000.00	62 845 000.00	0.00
5	Birlik	30 153 420.00	18 000 000.00	12 153 420.00	30 153 420.00	0.00
6	NSDP	11 623 000.00		11 623 000.00	11 608 013.00	KZT 14 987. Of which KZT 8 491 (2/3) transferred to the Republican budget and KZT 3 496 (1/3) returned to the political party. Bank services – KZT 3 000.
TOTAL		828 040 630.00	235 995 000.00	592 045 630.00	827 032 690.00	

Graphically, these data are as follows:

The ratio of the cost of canvassing activities of parties-participants of elections to Mazhilis of the Republic of Kazakhstan and Maslikhats of the Republic of Kazakhstan in 2016



Even more notable are the costs of the parties for holding canvassing activities in terms of conventional units: one conventional polling station, one voter, one vote received.

According to the CEC of the Republic of Kazakhstan, in the country there have been registered 9 741 polling station and 790 000 voters. 7 500 000 citizens of Kazakhstan came to the polling stations. According to the voting results, Nur Otan party received 82.15% votes, the Democratic Party of Kazakhstan Ak Zhol - 7.18%, the Communist People's Party of Kazakhstan - 7.14%; the People's Democratic Patriotic Party "Auyl" - 2% of votes, the National Social Democratic Party (NSDP) - 1.18%, and Birlık party - 0.29%.

Thus, to identify the effectiveness of conducted campaigning events, the costs of parties can be presented as follows:

No	Party	Total costs for campaigning (tenge)	On average one conditional polling station cost (тенге)	On average one voter cost (tenge)	Received votes total (of the total number of voters)	On average, one received voice cost (tenge)
1	Public Association Nur Otan Party	341 892 047.00	35 098.25	34.90	82,15 %	37.45
2	Public Association Communist Democratic Party of Kazakhstan	274 832 000.00	28 214.00	28.00	7,14 %	513.20
3	Public Association Democratic Party of Kazakhstan	105 702 210.00	10 851.25	10.80	7,18 %	196,30

4	Public Association People's Democratic Patriotic Part Auyl	62 845 000.00	6 451.60	6.40	2%	196,20
5	Public Association Political Party Birlik	30 153 420.00	3 095.5	3.08	0,29%	1386.40
6	Public Association People's Social- Democratic Party	11 608 013.00	1 191.70	1.18	1,18%	131.20

According to the legislation, local executive bodies and local self-government bodies shall provide to candidates, on a contractual basis, premises for meetings with voters. Conditions for the provision of premises should be uniform and equal for all candidates. Electoral commissions together with the local executive bodies and local self-government bodies make up the schedule of meetings of candidates with voters in a allocated room and publish it in the media.

However, in some cases, candidates for the deputies to Maslikhats reported that it was quite difficult to agree about the place and time. Self-nominated candidates complained that their rivals from the ruling party met no refusal in the facilities, while for self-nominated candidates it was often difficult to enforce legislation. In particular, the self-nominated candidate for Maslikhat of Semei city, for the electoral district No 21, Yerzat Zhetibayev was denied the possibility of holding meetings with voters in the premises provided by Election Commissions for these purposes (Conference Hall of School No. 47). According to the candidate, that was because he was perceived as an oppositionist.

In Uralsk, representatives of CPPK stated that for their meetings with voters they were provided with the places "where the residents of Uralsk won't go. They were not allowed to hold meetings in schools and enterprises, that is, there were no opportunities to work with the target audience" (from the Report of observer).

Deliberate defacing of campaign materials is also a violation, such cases, however, were recorded almost throughout the entire Republic.

Reports that owners of outlets placed some campaign materials of candidates in their facilities and prevented placing there other materials cannot be regarded as violation because the electoral law allows placing printed campaign materials in places not provided for campaigning only with the consent of owner of a relevant facility. In this case, the law does not require compliance with the equal conditions for candidates.

Local executive bodies together with the relevant election commissions shall define places for placing printed campaign materials of all candidates and equip them with stands. Total in Kazakhstan there was originally allocated 7 622 such places. It is worth noting that the number

of polling stations in the country was 9 840.¹⁸ NSDP addressed the CEC with a complaint about the lack of places for posting canvassing materials. CEC sent letters to the relevant administrations requesting to increase the number of places. As a result, additional 220 places were provided and their total number in the country amounted to 7 842.

CEC considers this number of places sufficient to brief all voters. Observers note the instances when such places were located in schools and other institutions in the premises of which polling stations were also located. Thus during election campaign, schools were seldom visited by voters, and on weekends the territory of school was closed.

In addition, the allocated stands for placing of campaign materials were similar for the candidates to deputies of Mazhilis and Maslikhats. This created confusion for the voters who were poorly aware of difference between the elections to Majilis and s to Maslikhats.

Difficulties are noted regarding the provision of places for campaigning and arrangement of meetings of 27 candidates out of 82 interviewed; these were the candidates from Mangistau, Atyrau, and Karaganda and North-Kazakhstan oblasts.

Difficulties are noted regarding the opening of accounts for 29 candidates out of 82 interviewed. Nine of these were subsequently withdrawn from registration.

Candidates often complained that they were denied placing campaign materials due to discrepancy in the format of the materials. In particular, in Uralsk, candidates reported that they were denied placing their campaign materials on the grounds that they "do not suit the size" - some stands were fit for A4 size materials and the materials of candidate were A3 size. Observers believe that equal access to outdoor advertising should not only be provided by law but also thoroughly executed. The procedure for prior notification to all candidates on the terms of placing campaign materials, similar to ad media, would ensure the access of candidates under equal conditions and transparency of this procedure.

Campaigning in Mass Media.

According to the Law on Elections, the media have an obligation to provide unbiased interpretation of election campaigns of candidates and political parties. They must refrain from publishing promotional materials and other information deliberately discrediting honor, dignity and business reputation of a candidate or a political party; give possibility to these persons for free publication of refutation in protection of honor, dignity and business reputation in the next issue of the print edition, on the same page, in the same volume and in the same font; radiocast or telecast it at the same time within twenty-four hours after the receipt of appeal.

¹⁸ CEC Report of 29.02.2016, http://election.kz/rus/news/slider/index.php?ID=3052&sphrase_id=6870

The media have an obligation to disseminate information on the activities to promote all candidates and party lists, registration of them by election commissions in equal volumes of printed area or broadcast time.

The CEC stated that during the period of campaign of political parties, the campaign materials on the activities of political party Nur Otan in Republican publications occupied 20% of the total area of materials on the activities of all parties participating in the elections. Materials on the activities of CPPK occupied 19%, DPK Ak Zhol - 15%, PP Birlık - 14%, NSDP - 18%, and NDPP Auyl - 14%.¹⁹

At the same time, observers note a significant bias in the coverage of electoral activities of political parties by the State media. Thus, the State News Agency KAZINFORM dedicated 28 materials to the activities of Birlik party, 29 to Auyl, 20 to CPPK and 15 to Ak Zhol. Against this background, NSDP and Nur Otan parties stand out.

Only five published materials covered the activities of NSDP including the submission of party list to the CEC and registration of this list. The pre-election Party Congress has not been covered at all. More than 70 materials were dedicated to Nur Otan party, with detailed presentation of the Party Congress, comments of different persons regarding the composition of candidates of the party, covering the establishment of campaign headquarters and holding primaries for candidates for deputies to Maslikhats.

Representatives of NSDP reported that the State Agency Khabar refused the party in placing its visual due to the alleged discrepancies in the Russian grammar of the text. The party appealed to the Central Election Commission, after which the infringement was eliminated.

On March 16, 2016, the political debates of the parties participating in the elections of deputies to Mazhilis of the Parliament were held. The teledebates broadcast by the Republican television channel Khabar were participated by representatives of all six political parties, the party lists of which were registered by the CEC of the Republic of Kazakhstan. During the televised political debates, representatives of the parties presented their election platforms and appealed to the voters to participate in the elections of March 20, 2016. As traditionally, the debates were broadcast in a record that significantly reduced the interest of voters.

With all the bountifulness and positive spirit, the election campaign of candidates to Majilis and Maslikhats, on the whole, has left an impression that the elections are insignificant for the population and testifies more likely to the stagnation of political processes rather than to their stability.

¹⁹ CEC Press Release of 16.03.2016, http://election.kz/rus/news/releases/index.php?ID=3194&sphrase_id=6873

Voters.

According to the data of February 1, 2016, the total population of Kazakhstan is 17.7 million. The CEC announces that the number of electors on the lists is 9 791 165.

According to the electoral law, a voter may be a citizen of the Republic who has reached the age of 18, regardless of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances. Citizens judged incapable by a court as well as those held in places of deprivation of liberty by a court sentence shall not be allowed to participate in elections.

On the day of vote, the Chairman of the Central Electoral Commission, Kuandyk Turgankulov said that the final voter turnout, according to preliminary data, was 77.1%.

The Oblast turnout looks as follows²⁰:

- Akmola Oblast – 79.68%,
- Aktyubinsk Oblast – 80.26%,
- Almaty Oblast – 94.06%,
- Atyrau Oblast - 85.37%,
- East Kazakhstan Oblast – 82,44%,
- Zhambyl Oblast - 82.66%
- West-Kazakhstan Oblast – 73.68%,
- Karaganda Oblast – 78.83%,
- Kostanai Oblast – 84.85%,
- Kyzylorda Oblast – 81.75%,
- Mangistau Oblast – 75.91%,
- Pavlodar Oblast – 72.85%,
- North Kazakhstan Oblast – 81.57%,
- South Kazakhstan Oblast – 85.06%,
- Astana City – 74.65%,
- Almaty City – 34.1%.

Total in Kazakhstan the turnout exceeded similar results of last parliamentary campaigns: the final turnout in the elections to the Mazhilis in 2012 totaled 75.45% and in the elections of 2007—64.56%. These data allowed the official structures to talk about an increase in the level of political participation of the population.

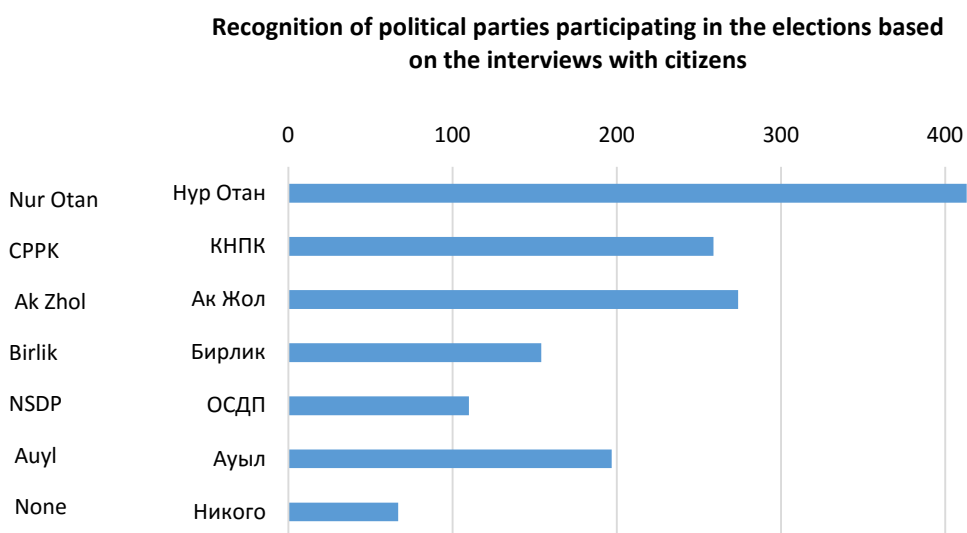
However, observers point out that high turnout is not an evidence of political activity of the population and emphasize a low level of political awareness in the rural areas that traditionally provided record data on the percentage of voters participating in voting. Observers explain the low turnout in Almaty by a large number of voters who are financially independent from the State and quasi-State structures and, consequently, considerably fewer cases of coercion to vote.

During long-term monitoring in the period from 10 to 20 March (for 10 days before the day of voting) observers undertook a survey of voters to find out how they perceive the campaigning activities of candidates and parties. The review of data obtained from the survey of voters (480 voters from 16 regions of Kazakhstan representing different social groups - budget workers, students, pensioners, villagers and self-employed) shows the following. For the most part, the

²⁰ Source: <http://24.kz/ru/news/top-news/item/111673-rezultaty>

voters poorly orient in the political situation, not familiar with the programs of candidates and political parties, do not attend meetings with the candidates and most often cannot list all the parties running in the elections. So all respondents (100%) knew about the date and place of vote, however, the number of those who could name the political parties participating in the elections is: Nur Otan – 413 people out of 480, or 86% of the respondents;

- a. CPPK – 259 out of 480, or 54% of the respondents;
- b. Ak Zhol – 274 out of 480, or 57% of the respondents;
- c. Birlik – 154 out of 480, or 32% of the respondents;
- d. NSDP – 110 out of 480, or 23% of the respondents;
- e. Auyl – 197 out of 480, or 41% of the respondents;
- f. 67 out of 480, or 14% of the respondents could not name any party.

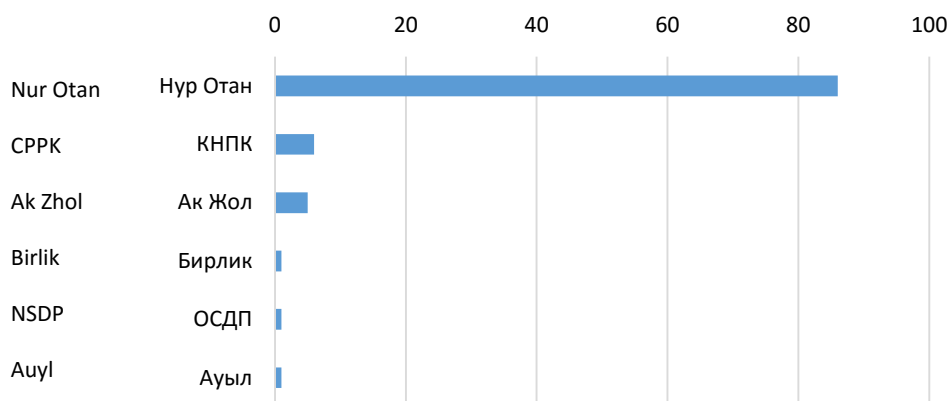


More than 100 interviewed (more than 20%) indicated, in addition to the existing, the already liquidated political parties - the Communist Party, the Party of Patriots, Rukhaniyat and Adilet.

The overwhelming majority of respondents note that there was party campaigning; the percentage witnessing is as follows:

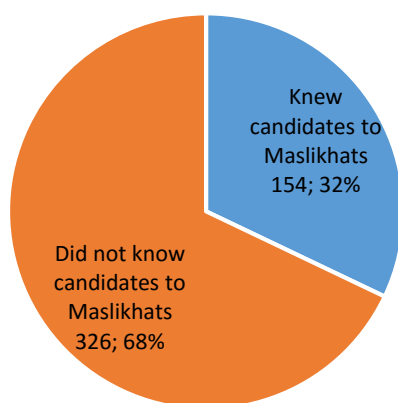
- Nur Otan - 86% of the respondents;
- CPPK – 6% of the respondents;
- Ak Zhol – 5% of the respondents;
- Birlik – 1% of the respondents;
- NSDP – 1% out of the respondents;
- Auyl – 1% out of the respondents.

Percentage of respondents noting availability of campaigning materials of political parties



68% of respondents (326 out of 480) did not know the candidates to their Maslikhats, did not see their campaign materials and were not present at meetings with the candidates.

Recognition of candidates to Maslikhats

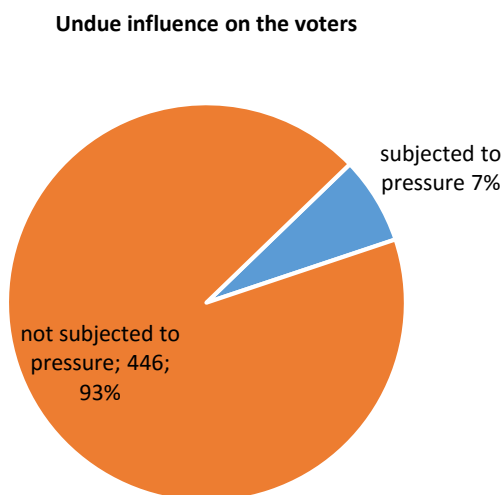


From conversations with the voted electors, it follows that their choices were more often driven by personal sympathies or, conversely, situations when a person gave his voice to whom he saw less of a threat or to whom he felt less antipathy. In doing so, no respondent could state clear criteria of such threats. The respondents referred to the following reasons of spontaneous voting for unfamiliar candidates:

- Maybe something will change;
- Fed up already (with the ruling party);
- At least it is clear for whom they are (concerning the Auyl) party;
- Because he (she) is a doctor (teacher, a woman, a man, so on);
- Nobody will vote for them; let them have at least my vote.

Many made the choice already at the polling station. None of the respondents (480 people) were familiar with the program of candidates, and this applies to both the political parties and the candidates to Maslikhats.

Close attention of observers was paid to the voters whose participation in the elections was due to pressure. A survey of voters showed that many voters (34 out of 480 interviewees), mostly public-sector workers and students had direct instructions from their superiors on compulsory participation in the elections and the time and way they had to report on their participation in the elections. In particular, such cases were noted in Petropavlovsk: public sector workers were requested to vote under threat that the fact of their participation would be checked through voter lists. All respondents were confident that their participation could be checked. However, there is no information on cases of sanctions against those who disobeyed. There were recorded cases of publication of bulletin photos showing marks together with the documents containing personal data of the voter.



Indirect confirmation of coercion to vote was, in particular, the press service of the MOD of the RK. It reported that as of 9.30 on March 20, 2016, 100% of the armed forces of the Republic of Kazakhstan completed voting, noting that at 20 polling stations set up in the territories of military units and institutions, the voting ended at 7.30 (<http://www.mod.gov.kz/rus/press-centr/novosti/?cid=0&rid=2598>).

Most voters are aware of the unfairness of compelling them to participate in elections and vote for a particular candidate, but none of those interviewed have not expressed willingness to defend their rights in court.

In general, voters do not regard elections as the implementation of their right to manage state affairs and do not correlate their actions with the possibility of any change. The observers remind that the awareness of voters of their rights and their willingness to defend them can eliminate abuse from persons and entities in this or that form possessing power.

Election Commissions

In total, 13 399 electoral commissions were involved in the arrangement and holding of elections. Among them: 9840 precinct election commissions, 171 district, 37 urban, 16 oblast election commissions, territorial election commissions of Astana and Almaty Cities and 2160 precinct election commissions for the election to regional maslikhats, 625 precinct election commissions for the election to city maslikhats and 550 precinct election commissions for the election to oblast maslikhats. Altogether, they had more than 93 thousand members.

The Central Election Commission of the Republic of Kazakhstan is a permanent State body in charge of the unified system of election commissions of the Republic of Kazakhstan. Seven members form the CEC: Chairman, Vice-Chairman, Secretary and 4 members. Out of them, President of the Republic of Kazakhstan appoints for a five-year term Chairman and two members of the CEC, and each Parliament Chamber appoints, for five years, additional two members of the Commission. The current composition of CEC was formed in 2015 to include six people. Since October 30, 2012, the CEC has been performing its functions with six people when the CEC member, U. Zhetenov was released from office due to his transfer to another job. In 2015, President of the Republic of Kazakhstan for some unknown reason appointed only Chairman and one member of the CEC. The CEC members are not required to represent any party. Only one member of the CEC is a member of political party "Nur Otan", others are non-partisan.²¹

According to the electoral law, Election Commissions, except the Central one, shall be elected by the corresponding maslikhats based on the proposals from political parties. Each political party is entitled to nominate one candidate for the composition of corresponding Election Commission. Other candidates for the commission shall not be members of this political party. If proposals from the political parties are absent, Maslikhats shall elect the members of Election Commission at the suggestion of other public associations and higher election commissions.

If a member of Election Commission, for any reason, has left its composition, a higher Election Commission independently appoints member of inferior commission instead of the one who has gone, for a term until the election of a member of Election Commission by maslikhat.

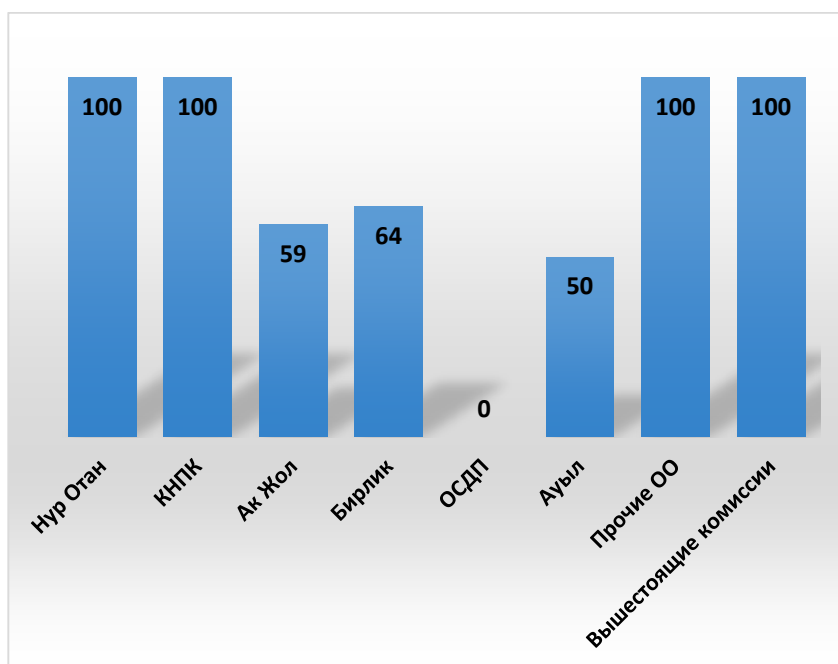
Composition of Commissions.

During long-term monitoring, observers interviewed 272 Commissions (territorial, precinct and divisional) in 16 regions of the Republic of Kazakhstan. The representation of parties in the commissions (percentage of presence of parties in the commissions, according to observers) is as follows:

- Nur Otan – in 100% commissions;
- CPPKK – in 100% commissions;

²¹CEC response to "Radio Azattyk", <http://rus.azattyq.org/a/27573284.html>

- Ak Zhol – in 59% commissions;
- Birlik – in 64% commissions;
- NSDP – in 0% commissions;
- Auyl – in 50% commissions;
- Members of commissions appointed by higher commissions – in 100% commissions; and
- Members of commissions from other public associations – in 100% commissions.

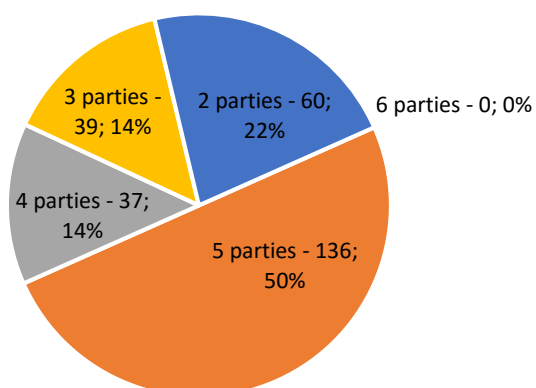


In one case a member of Commission represented the now non-existent party “Rukhaniyat” (PEC, No. 23, Karasu, SKO). In 1 case a member of Commission represented the now non-existent party Adilet (DEC No 25, Karasu, SKO), and in 2 cases members of Commission represented the now non-existent Party of Patriots of Kazakhstan (DEC No 11 and 145, SKO, Shymkent). In any region except SKO, such cases have not been recorded any more.

Of 272 commissions surveyed, 60 commissions had representatives of two parties, 39 - three parties, 37 – 4 parties, 136 commissions - five parties, and none of them had representatives of all six parties. Other members of commissions (from 2 members in 50% of cases and up to 5 members in 22% of cases) were nominated by higher election commissions or were members of other public associations.

This is how these data look on the graphs:

Number and percentage of participation of political parties in election commissions



According to the CEC, of 93 149 members of election commissions, 85.2% are representatives of political parties, 13.4% - other public associations and 1.4% have been temporarily nominated by higher election commissions.

The provision of the Law on Elections governing the election of members of commissions by maslikhats, have not changed since 2007. In 2011, The CEC insisted that pursuant to the requirements of electoral legislation, priority should be given to the proposals of political parties²². In its comments on the Final Report of OSCE/ODIHR Mission to monitor the early presidential elections in the Republic of Kazakhstan scheduled for April 26, 2015 (<http://www.election.kz/rus/news/news/index.php?ID=2769>), the CEC insists that the representation of Nur Otan, KSDP Auyl, DPK Ak Zhol, Birlik, CPPK and Patriots of Kazakhstan parties in the electoral commissions is approximately equal (12-13%). It accounts for the fact that the representation of CPC and NSDP in the commissions is lower: because "they put forward a small number of representatives and not in all regions", and DPK Azat has not put forward its representatives. However, in spring 2015, in Almaty, maslikhat of the city conducted the election of members of 43 newly formed commissions. There were elected representatives of six political parties: Birlik, Ak zhol, Auyl, Nur Otan, Party of Patriots and CPPK. NSDP suggested 23 representative of the party for these commissions; their names were included on the ballot, but none of the candidates were accepted.

Representatives of public associations that are not political parties were elected as the seventh members of commissions. The CEC does not consider this fact to be a violation of electoral legislation.

²² "We once again emphasize and reiterate that, pursuant to the requirements of electoral legislation, priority was given to the proposals of political parties." Comment by the Central Election Commission of the Republic of Kazakhstan to the Interim Report No. 2 of OSCE/ODIHR Mission to monitor early presidential elections in 2011 in the Republic of Kazakhstan for the period from March 15 to 21, 2011, <http://www.election.kz/rus/news/messages/index.php?ID=2204>

There are no restrictions in the country's legislation to delegate representatives of other political parties by some Parties for members of election commissions due to lack of members of one or other of the parties in different regions of the country. As a result, observers face everywhere the fact that the commissions are staffed by mainly members of Nur Otan party that, while being not formally a violation of electoral legislation, reduces the confidence of voters and candidates in the actions of election commissions.

Deputies of maslikhats are overwhelmingly members of Nur Otan party. On this basis, observers believe that in the current political situation the election of members of election commissions by maslikhats does not ensure equal conditions for all political parties

Observers point out a formal enough attitude toward party representation in the commissions and to the requirement of the legislation that the Commission should not consist of employees of the same organization. Cases when six of seven members of the Commission are employees of the same organization are numerous. This applies, first, to the precinct commissions located in schools, universities and hospitals. The seventh Commission member in the workplace also more often belongs to the same system of education or health care. In such cases, Chairman is often a person holding a senior position in this Organization, and rigid hierarchical relationships inherent in the basic place of work of Commission men are transferred from the work of the Organization to the work of election commissions.

By law, the functions of Chairman are as follows. He represents the interests of Commission in the courts, convenes meetings of Commission, registers observers and regulates the amount of voters at the polling station during the vote. He is responsible for order, checks and seals ballot boxes before voting, determines the members of Commission, which shall issue a ballot paper, and makes a mark in the list for the ballot at home. During counting, he shows to those present each ballot paper and reads the will of voter, announces the end of voting, reports the results of counting and puts them into the Protocol and signs the Protocol to deliver the copies of Protocol to observers. That is, Chairman of Election Commission should play a role of moderator of processes at the polling station but not of head of the Commission.

Nevertheless, Commission members have a poor idea about the joint decision-making process. Quite often, when asked by observers, they report, "chairman decides everything". In one case, Chairman refused to vote on the issues on which his views were at odds with the opinion of other members of commissions (South Kazakhstan oblast). When communicating with observers, the members of Commissions are afraid to take responsibility for providing any information without prior approval of Chairman of the Commission. This is primarily due to the extremely low professionalism of Election Commission members, and secondly, as already mentioned, carrying over rigid hierarchical relationships from the place of common work.

Low activity of political parties concerning the nomination of members of election commissions has affected the apparent deficit of Commission members. In the already mentioned comments

of the CEC it is said, for example, that "when forming 43 election commissions of Nauryzbai district of Almaty, political parties presented 281 candidates instead of the required 301 (<http://www.election.kz/rus/news/news/index.php? ID = 2769>). Heads of State-financed organizations often resort to forced measures for the formation of election commissions. In particular, such complaints were received from southern regions of the country and from East Kazakhstan where teachers were actually appointed to work for the election commissions to the detriment of their primary activity. On the question, who invited them to become a member of Commission, the answers were: representatives of parties, higher commissions and public associations, or the commissions were formed at the meetings of maslikhats. In Mangistau oblast (Aktau) a frequent answer was: sent by the Akimat. In Astana and NKO (Petropavlovsk) the basic answer was: requested by management of the establishment where the commission resided (school, hospital, etc.).

According to the CEC, all Commission members had been given appropriate preparation and training. During the period of electoral campaign, territorial election commissions held about 900 seminars, meetings, trainings and other events on the legal training of election organizers. Monitoring the work of election commissions allows to speak about the issues related to the professional literacy and training of members of the commissions. Training materials for the commissions contain extracts from normative-legal acts but lack information explaining the purpose of those or other provisions, in particular, the aim of procedures on the polling day and during counting of votes, and the reason why it is necessary to ensure the transparency of electoral process.

The legal ignorance of many members of election commissions and their unpreparedness for the electoral organization has resulted in the violation of the rights of observers, constituency agents of candidates and the media. Common shortcomings in the activities of the commissions were misunderstanding of electoral legislation norms by the members of commissions, and as a result, non-execution of the voting procedures, drafting, signing and delivery of required documentation, as well as the lack of a genuinely collegial decision-making process related to the preparation and conduct of elections.

The Law prohibits interference in the work of election commissions. However, many members of commissions still consider their activities accountable to the local authorities. Members of commissions almost everywhere called third party reporting on the visits of observers.

Observers have reported the facts directly or indirectly pointing to the dependent status of many members of election commissions (usually precinct):

- Members of commissions lack information and therefore cannot communicate information about their party representation and date and time of Commission meetings without coordination of their answers with the "management" - Chairman of the Commission, Director of school, higher Commission, etc.

- Members of Commission refuse to disclose information without permission of Chairman.
- Members of Commission notify a higher Commission and/or the management of institution where the Commission is located about the visit of observers; ask permission to provide information

The existing practice of forming election commissions, fixed number of members of election commissions and the infringement of the fundamental requirement of voluntariness has resulted in the fact that members of commissions do their job formally, not realizing its importance and poorly understanding the need for transparency.

Members of the commissions are released from duties at own will, on loss of citizenship, moving beyond the territory administration unit, entry into force of a conviction, and in the event of termination of activity of the party nominating him. Thus, for example, since 2012, one political party ceased to exist and the other four were reorganized into two new parties. Therefore, their representatives had to be replaced. Based on the foregoing, observers consider the election of members of commissions for the 5-year term inefficient and impractical.

The solution of issues on forming election commissions and training their members shall be made in close cooperation of the authorities and civil society institutions, especially political parties.

Observers

The Law on Elections of the Republic of Kazakhstan does not provide equal opportunities for local and foreign observers. Whereas international observers shall be entitled to be present at all stages of electoral process and obtain information on the course of electoral campaign in election commissions, local observers have the right to attend only meetings of election commissions and monitor the procedures on the voting day.

All observers in the course of long-term monitoring visited 272 Election Commission and on the voting day, more than 420 election commissions.

Although local observers cannot monitor the current activity of commissions outside of the meetings, the law does not provide for the duty of election commissions to inform observers about the date and time of the next meeting.

As a result, observers reported problems related to long-term monitoring: the inability to track changes in the lists of voters, issue of absentee certificates, accepting documents from candidates and delivery of ballots from higher commissions.

There are reports of local observers that there are difficulties in implementing even the statutory right to attend meetings of election commissions because the commissions did not inform observers about change in the dates and time of meetings. In several cases, observers faced the

problem of access to Election Commission on the grounds that its premises were located on the territory of local executive bodies, Akimats, which had a pass entry system.

In Karaganda and West Kazakhstan oblasts, observers for a long time could not have even primary contact with election commissions because at the time of visit, all members of commissions were absent.

The Law on Elections prohibits interference in the electoral process and obstructing the work of election commissions. Many members of commissions use this provision to suppress the work of observers. According to para. 12, Article 20-1 of the Law on Elections, observers may draw attention of members of Election Commission to the infringement of provisions of the Law on Elections, deliver to them written statements and reports about infringements and receive entries on delivery. Unfortunately, sometimes these actions are considered by members of the commissions as obstructing the work of commissions or interference in the electoral process and entail conflicts up to the removal of observer from a polling station.

Virtually all observers note that the possibility of full-fledged monitoring often depends on established relationships. In most cases, observers were able to build a constructive relationship with Chairman and members of commissions. However, there are reports on a number of polling stations where mutual understanding has not been reached.

Among other restrictions of rights, observers note the refusals to show them records of meetings and Commission decisions on the delivery and receipt of ballots and absentee ballots and information about cancellation of registration of candidates

It is typical that Commissions were found to be in external dependence, demonstrated wariness and even hostility towards the actions of observers, and this attitude was spread to both the pre-election period and the polling day.

On the Election Day, observers faced cases of infringement of their rights. It concerned the location of seats for observers away from the ballot boxes and voting booths and prohibition for conducting photo and video shooting: in total, more than 300 cases (all oblasts, small towns, except to Almaty).

In addition, the following infringements of observer rights have been recorded:

- Attempt not to allow observers to monitor - 3 cases (Aktobe - Polling Station No. 58, Astana - PS No. 36, Uralsk – PS No. 473). After talks with Chairmen of commissions the infringements were eliminated.
- Allocation of seats for observers not providing a view of the polling booths and ballot boxes, and the actions of members of commissions,
- The ban on the movement of observers about the polling station - more than 300 cases (all regions, without exception). In most cases, the infringements were eliminated.

- Unfounded refusal to deliver final protocols - 14 cases (Almaty oblast, Taldy Korgan City Election Commission; Almaty, District Election Commission No. 14; Kyzylorda, DEC No. 20, etc.).

It should be noted that such infringements repeat from year to year, but the situation does not practically change. This indicates lack of proper training of members of election commissions, including that by the parties, which do not practically carry out any training of its representatives.

The level of training varies among observers: it is noted that observers from political parties and the public Commission for the supervision of elections are not enough active, do not pay attention to infringements, do not remain for the counting of votes and are often marginal participants of the process. In contrast, candidates for the deputies to maslikhats have organized quite serious monitoring. Their observers and agents actively tried to prevent infringements and documented any infringements on photos and videos.

Organization and Conduct of Elections on Polling Day

Informing Participants of Election Process.

In the period preceding the day of vote, Election Commission and local authorities organized and conducted briefing of voters on the forthcoming elections. All observers note that the access of citizens to the information on the place of voting and election date has been provided in full. The formats of presenting such information are various. Among them, in addition to the traditional invitations and information boards, there are television commercials, SMS messages, and other ways of informing aimed at broad sectors of the population.

Frequently, the informing of voters involved employees of schools where there were polling stations. In some schools, teachers addressed the parents through students or at parent meetings with a request to come to the meetings with the candidates and invited them to participate in the elections. However, there is no evidence that such invitations were accompanied by requests to vote for a particular candidate.

State-run newspapers "Kazakhstanskaya Pravda" and "Yegemen Kazakhstan" were used by the CEC for posting official information about the electoral process. In addition to this, information about the current election and normative-legal acts related to the electoral process were published on the official website of the CEC. The CEC Web site election.gov.kz was completely updated just before the appointment of early parliamentary elections. Unfortunately, after updating, the web-site lost information on the political parties of Kazakhstan. The sections concerning past election campaigns had only a message about the outcome but no information about past presidential elections and the election of akims. In addition, official decisions of the CEC have not been published. Besides, the CEC refused to provide information beyond what was stipulated in the Law on Elections. As initially, the party lists of candidates shall be published in alphabetical order, the observers addressed the CEC to publish the sequence of issue of Deputy

Mandates determined by the governing body of political party after the establishment of election results. The CEC refused saying that the Law on Election does not provide for such a publication. As a result, voters did not know who would be a deputy if powers of some deputy expired ahead of schedule.

If information concerning the conduct of elections of deputies to Mazhilis in the whole country is available on the CEC website, to obtain information on the election of deputies to maslikhat at the level of oblasts and districts one needs to resort to regional sources. Territorial and precinct election commissions have no websites. However, the oblast media and official websites of local executive bodies do not provide full information about the course of election. Therefore, the only reliable source of information are the answers of relevant territorial election commissions to the official private requests, which are usually not published in the mass media. For example, a statement to the Secretary of Almaty maslikhat was sent through the official website with the request to publish on this website the decisions regarding the election of maslikhat members. The Secretary gave the following reply: "To obtain the above decision, please, address in writing the Almaty city maslikhat".

Still topical remains the issue of obtaining election-related information from other government agencies. In particular, in police stations, regional courts and Prosecutor's offices, staff members were not able to give answers to the observer's questions concerning the schedule of work, ability to prevent infringements on the voting day and possibility of filing claims.

NGO "Echo" believes that the election is a process involving all citizens of Kazakhstan, so any information related to the election should be maximum transparent and disseminated by all possible means, especially through Web sites. In addition, a summary of all the important messages of the CEC, a target group of which being the voters and candidates, and the information where one can find a full text of message, should be broadcast on the State television.

Voter Lists.

The reason for the inclusion of citizen of the Republic of Kazakhstan in the voter list at a particular polling station is its registration at the place of residence on the territory of corresponding polling station. A corresponding local executive body, based on the information submitted by the civil registration authorities, shall make the voter list according to the place of residence. Voter Lists at the polling station shall be signed by the relevant Akim and submitted by act to the corresponding Election Commission twenty days prior to the vote.

The local election Commission finalizes the voter list at the corresponding polling station. The process of finalizing the list is not described by normative-legal acts. Most often, members of Commission, sometimes involving other employees of budgetary institutions, in which election commissions are located, commit house-to-house interviewing of residents and make corrections.

If a voter cannot arrive to the voting premises at the place of registration on the election day, no later than thirty days before the election he may apply to the Akimat at the place of his location with a written request to include him in the voter's list according to the place of his location on the voting day.

For 15 days before polling day, voters are given the opportunity to verify their data in the lists. A message with a call to verify voter data in the lists appeared regularly in the print media and on television. Many of the local executive bodies, in particular the administrations of Astana and Almaty, provided an opportunity for voters to verify his data through the official Web sites. Call center phone numbers that could be used to verify the data were distributed. In many localities, there were circulated leaflets with the addresses of polling stations and an invitation to check the data in the voter lists. However, as evidenced by the poll of voters and Commission members, a very small number of citizens uses this opportunity.

On the voting day, voters were included in the list upon submission of address reference. In order to facilitate the work of election commissions and prevent violation of the rights of voters on the polling day, the CEC provided for the possibility of operational links with the Public Service Centers. Thanks to that, it was possible to verify the fact of voter registration according to the location and include him into the list of voters directly on the polling day. This innovation of the CEC has greatly simplified the amendment of lists on the voting day and it is one of the most significant steps to facilitate the procedure and achieve convenience for voters.

It should be noted that the address reference as protection has only QR code. However, election commissions are not equipped with reader scanners, so there is a possibility of misuse of procedure of listing on the polling day for the purpose of multiple voting by one person.

The number of voters included in the lists on the polling day, at the polling stations visited by observers, is low and does not exceed 1-2% of the total number of voters.

Absentee Certificate.

According to the electoral legislation, when a voter changes his residence during the period between the submission of lists of electors for general view and the Election Day, he may address the precinct Election Commission at the place of registration with the request to issue him an absentee voting certificate.

On the voting day, upon submission of absentee certificate, a voter was included in the list according to the location.

Issuing absentee certificate took place in the period from March 4 to March 19, at 18:00. The absentee certificate is issued to an elector or his agent under a power of attorney based on his written application. Chairman or a member of local Election Commission fills in the absentee certificate in the state or Russian language for the voter – at the latter's will. At the same time,

a member of local election Commission issuing the absentee certificate, in the voter list, opposite the surname of voter, in the "Note" column, must make a record of the issue of absentee certificate, his five-digit serial number, date of issue and put his signature. The application of voter for the absentee certificate shall be attached to the voter list and be the basis for excluding him from the list of this polling station. The lost absentee certificates shall not be restored, and duplicates are not provided.

Absentee certificates were not issued to the voters who wanted to vote at another polling station within the same locality. A voter voting by absentee certificate in another electoral district was not issued a ballot card for the election of deputies to maslikhats.

In one case, there was noted the infringement of requirement to mark the issue of absentee voting certificate to a voter. During issue of absentee certificate, a member of Commission did not check the availability of voter in the list. It should be noted that for this Commission, it was the first issue of absentee certificate, and the infringement was due to lack of skill. There were no other cases of issuing absentee certificates after the repeated check on the day of voting.

In the Republic as a whole, the number of voters by absentee certificates is low and does not exceed 1-2% of the number of voters included in the lists for each individual polling station. At the same time, at some polling stations, where the voters were visiting students, the number of absentee certificates reached 70-90% of the total number of voters (Almaty, PS 253, total 2460 voters, absentee ballots issued to 1370, PS 257, total 1720 voters, absentee ballots issued to 1521). This is because many students went home to other locations for holidays.

Ballot Cards.

In accordance with Articles 12, 24 and 37 of the Constitutional law of the Republic of Kazakhstan of September 28, 1995 "On Elections in the Republic of Kazakhstan", the CEC of the Republic of Kazakhstan has established that, according to the information on the voters presented to Election Commissions as of January 1, 2016, the number of ballot cards to be manufactured and delivered to polling stations is 9 889 075 for the early election of deputies to Mazhilis of the Parliament of the Republic of Kazakhstan and 18 321 969 for the next election of deputies to maslikhats of the Republic of Kazakhstan. The ballots contain equivalent information in Kazakh and Russian languages, printed typographically with a sufficient degree of protection. Background is not dark; the font is large, easily readable.

Equipment of Polling Stations.

In general, the equipment of polling stations conformed to the requirements of the Law on Elections of the Republic of Kazakhstan. All stations visited by observers had transparent stationary and portable ballot boxes and booths for the secret ballot procedure.

In a few cases, polling stations had more than one stationary box, contrary to the instructions approved by the Central Election Commission of the Republic of Kazakhstan dated October 23,

2012, No. 21/183, according to which each polling station must be equipped with one installed and two mobile ballot boxes. In particular, two fixed boxes were set at the polling station 899 in Taldykorgan.

Information regarding the candidates placed at the polling stations had been executed in a uniform format. There was no evidence that any polling stations did not have stands with information about the candidates. In a few cases, information on candidates (to maslikhats) at polling stations was incomplete. In some cases instead of information about candidates, a polling station posted campaign materials (PS 478 Uralsk, PS 6546, Shymkent. In one case, the campaign materials were placed in a polling booth (Abai district of Kostanai oblast PS 18). There are few cases when in the premises for voting there was placed information about only one of the candidates. In all cases, after the observers pointed to the infringements, the campaign materials were removed from the polling stations. There were also cases when it was difficult for the voters to view information as it was posted in a remote location.

A few buildings where a divisional Election Commission was located, lacked polling location pointers and decals indicating the number and schedule of work of Election Commission. Instances of confusion in the pointers were recorded.

It is reported about the absence of copiers at polling sections or that it was impossible to use the apparatus (missing power cord).

In one case, observers failed to obtain a register of references of physical and legal persons.

It is known about the cases of rewriting protocols after a candidate is issued a copy. Despite an attempt of candidate to appeal the actions of election commission, the Court accepted the arguments of only the election commission.

Voting Day.

Under the current law, polling stations (PS) open at 6 a.m. The voting process begins at 7 a.m., after carrying out necessary procedures,

Presence of persons not involved in the election process is considered by observers as an infringement of the procedure. However, there were reports that at some polling stations there were people from the technical services, "volunteers", law enforcement personnel and unidentified persons, with whom PEC members periodically exchanged information on the progress of the vote.

Observers noted some violations of election procedures not affecting the outcome of the election.

In particular, there were:

- Early or late opening of polling stations
- Willful transferring of time of checking the integrity of ballot boxes and their sealing (earlier or later than established by the law)
- Substitution of DEC member by Secretary of Commission for a short time and issuing ballots on his behalf.

Voting.

The automated information system "Sailau" that was used in 2004 and 2005 respectively and caused numerous complaints by observers, was not used in the elections to Mazhilis and maslikhats of 2016.

Cases of violation of secrecy of voting were rare and most often initiated by voters.

Widespread were the facts of placing in social networks photos of ballots on which voters demonstrated their will. Photographs of voter certificates with clearly visible personal data often accompanied such pictures. Observers do not consider a free announcement of one's choice as an infringement. However, they warn that it is not admissible to require such forms of activity from voters as such acts may be regarded as a form of accountability to parent organizations, leadership or other structures capable to render any forms of pressure on the voters. In addition, the demonstration of one's choice may be regarded as a form of canvassing on the polling day.

Voting according to the place of temporary residence shall be organized if on the election day, voters are not be able to come to the polling station for health reasons, disability or because of caring for a sick family member, as well as in case of being in a remote and inaccessible place where there is no polling station. In some cases, especially in rural areas, Commissions organized exit voting for elderly voters who did not submit an application. Compared with the previous elections, the number of such cases was reduced. In other cases, the vote according to the place of residence complied with the established law.

Facts preventing to vote without statutory reasons were not found.

The procedure for issuing voting cards provides a comparative check of individual voter and his documents and voter list. Thus, when issuing a voting card, a member of Commission undersigns the ballot and the voter - the voter list, opposite his name. To ensure compliance with the procedures, observer should be directly next to the member of Commission throughout the voting day. In the vast majority of cases, it was refused to observers to be close to the members of commissions. It was therefore impossible to determine whether these procedures were observed and the compliance of voter data with the voter list data. In aggregate, such practices could lead to falsifications influencing the results of the vote.

There were more than 50 cases of the so-called "family voting" (vote by one voter for several people - members of the family) (EKO, Semey, PS No. 124; Mangystau oblast, Aktau, PS No. 4;

Almaty oblast, Taldykorgan, PS No. 899; etc.). Observers report that upon their statements about the “family vote”, members of Commission did not always take action.

Unfortunately, family voting has become a common fact in Kazakhstan. Neither the voters nor the members of commissions often understand the importance of personal commitment of each. Not only that, sometimes there are cases when members of Commission themselves suggest voters to vote for members of their family.

There is an evidence on 3 cases of mass ballot stuffing by one person (Almaty, PS No. 232; Astana, PS No. 20; Atyrau, PS No. 16), where the appeals of observers to commissions did not have the result. In one case, a member of Commission blocked the view of ballot stuffing from observer. In addition to those cases, there is a video evidence of ballot stuffing in South-Kazakhstan oblast, recorded by candidate observers.

On the polling day, the following infringements were made to prevent observation:

- Attempt to deny access of observers for monitoring, 3 cases (Aktobe, DEC No. 58, Astana DEC No. 36, Uralsk, DEC No. 473). After talks with Chairmen of commissions, the infringements were eliminated.
- Failure to provide space for supervision, which allows to see all procedures - a vast majority of polling stations, more than 300 cases (all oblasts, Astana City, small towns, except Almaty); ban on the movement of observers round the polling station in more than 300 cases (all oblasts without exception). In most cases, the infringements were eliminated.
- Ban on photo and video shooting - a few cases (Kyzylorda, Semei, and Taldykorgan).

Counting of votes.

Simultaneous holding of elections of the deputies to Mazhilis and the deputies to maslikhats has significantly complicated the counting procedure. Unfortunately, observers note massively poor knowledge of procedures for counting or disregard of them by members of commissions, lack of understanding of the objectives and significance of each stage of the procedure. In particular:

- not provided a place that would make it possible to see all procedures - Aktobe, PS 61; Kokshetau, PS 21; Kyzylorda, PS 220, PS 223;
- presence of outsiders – NKO, Petropavlovsk, PS 626, akimat personnel;
- the number of people voting by voter list not established – EKO ;
- violation of sequence of opening boxes – Atyrau, PS 68
- voting cards were not shown to those present, only the will was announced - Aktau, PS 21, 22; Aktobe, PS 61; EKO, Semei, PS 160;
- refusal to provide final protocols in 14 cases (Almaty oblast, City Election Commission of Taldykorgan; Almaty, Precinct Election Commission 14; Kyzylorda, PS 220, etc.). There

have also been cases of refusal to verify copies by seal and signatures of members of Commission

Unlike the examples available regarding the election observation in 2012, no cases of withdrawal of observers from the counting procedure have been recorded.

Observers emphasize that compliance with the voting procedures is aimed at avoidance of falsification of election results. In this regard, the neglect by members of electoral commissions of the requirements relating to the matters of procedure constitutes a serious violation of electoral legislation.

Observers note that the combination and spread of infringements of electoral procedures and the prevention of supervision are an evidence of misunderstanding of importance of the work of observers by many members of commissions and suggests a low level of electoral culture. The lack of progress from election to election is of special concern.

Conclusions and recommendations

Relative political "sterility" of process has become a feature of the elections of 2016: the political field of the country is exempt from any system or stand-alone opposition. For a number of years, to strengthen control over the activities of many non-governmental organizations, social activists and media persons disloyal to the authorities were closed, and independent websites were blocked. Finally, in 2015, by court order, the Communist Party of Kazakhstan, which could be regarded as systematic opposition to the current Government, was liquidated. Observers point out an overall low level of electoral culture. This applies to all participants in the electoral process. Poor understanding of importance of electoral institution, its principles and objectives, is reflected not only in the voter sentiment, but also in the actions of authorized persons. Hence, the extensive use of methods of intimidation, coercion to participate in elections and formalizing an approach to the formation of election commissions.

In this context, the deliberate demonstration of support for the decisions of the authorities by the population, expert community and people's choices leaves the impression of artificiality of the process when the most important tool of democracy is used to confirm the legitimacy of Government and justify the extension of mandates during the prolonged political and economic crisis.

Recommendations

Implementation of the following recommendations will help to improve significantly the electoral process in Kazakhstan:

Electoral System and Setting Elections.

Elections must take place through equal intervals. Their setting should be expected by the population and be based on the reasons clear to everyone. It is also necessary to create all conditions for the citizens to realize their voting right, both active and passive.

- Introduce the list of cases of early dissolution of Parliament into the legislation. All the conditions under which elections can be set at any level must be expressly prescribed in the electoral legislation.
- Make amendments in the law guaranteeing the nomination to deputies of Mazhilis of Kazakhstan for every citizen, regardless of membership in a political party.
- Election of all deputies to Mazhilis of the Parliament, including those from the Assembly of the People of Kazakhstan, shall be based on the universal, equal and direct suffrage.
- Make amendments in the law guaranteeing competition for the election of deputies to the Assembly of Peoples of Kazakhstan.
- Lower the threshold for political parties to Majilis to 1-3%; reduce the number of party members required for the registration to 1-10 thousand.

Candidates.

The compliance with equal conditions for the candidates is an important principle of fair election. In the election, priority should be given to the relationship between candidates and voters, and the choice should belong to voters. Election commissions should not have the right to withdraw a candidate from the election if the candidate meets the requirements of the Constitution. Only the Court has the right to cancel the registration of candidate.

- Even up the size of election fee for all political parties, regardless of the results of past elections.
- Include a norm into the law that provides equal access for candidates to voters in private institutions. This also applies to the placement of campaign materials.
- Bring in legislatively, for the campaigning period, for candidates and political parties nominating party lists, a notification procedure for holding mass events such as meetings, processions, pickets, rallies and sports events, etc.
- Exclude any requirements that are not subject to monitoring from the reasons for refusal or cancellation of registration. In particular, mistakes when filling in the declarations of candidates and their spouses should not become a reason for the cancellation of registration of candidate. Applicants must be given an opportunity to correct the data.
- The decision to cancel registration of candidate or party list should be taken only by the Court in an open competitive process; one should be able to appeal against the decision of the Court of first instance.

Election Commissions.

A truly collegial decision-making and independence from the executive authorities in the activity of election commissions is guaranteed only when the commissions really represent all political forces.

Formation of Election Commissions.

- Review the principle of formation of Central Election Commission. Give Majilis the right to form full composition for a 5-year term proposed by the political parties.
- Review the principle of formation of structure of election commissions. The number of members of commissions shall be in proportion to the number of voters at polling stations and not be less than the number of political parties that have nominated candidates for the members of commissions. In doing so, the Commission should not consist of employees of the same organization by more than 50%.
- Fix a minimum number of members of election commissions, including the CEC. Introduce the right of registered political parties to secure membership in election commissions.
- Include a norm into the law prohibiting members of political parties to represent other parties in the commissions.
- Carry out the procedure of appointment of members of commissions to replace the withdrawn ones by higher commissions publicly, taking into account the suggestions of political parties.
- Include representatives of other public associations or higher commission candidates as the members of commissions only if there are no suggestions from political parties.
- Change the term of office of election commissions at all levels, except the CEC, from the fixed 5 years to the duration of election campaign.

Activities of Election Commissions.

The activities of election commissions must be based on transparency and openness. It is, therefore, necessary to ensure transparency at all stages of work of commissions and access to any information and documentation.

- Obligate election commissions to provide observers with any information related to the elections and familiarize them with all documents related to the elections.
- Return into the Law the obligation of electoral commissions to create conditions for a free access of all persons with their decisions.
- Include the obligation of Commission of any level to issue a copy of the protocols on the results of votes' counting and election results certified by all the members of Commission and the seal of Commission to observers, representatives of candidates.

Training and Informing Participants of Electoral Process.

Low qualification of the members of commissions has led to violations of the law, which together can cast doubt on the authenticity of electoral process. In addition, the overall level of civic education in the country remains low, and the Government does not undertake efforts to improve it.

- Bring new approaches in the training of members of election commissions. Such approaches shall include, in addition to the clarification of the law, also the clarification of objectives these norms are aimed at and the roles of all participants in the election, principles of interaction with observers and other participants in the electoral process. Training should be provided for all members of election commissions. It must also be open.
- Carry out educational activities for the population to explain the procedures on appeal in the courts, completing tax returns and other election-related procedures.
- Create websites of territorial oblast election commissions, which would promptly publish all information relating to the electoral process within the oblast.
- Disseminate all information related to the elections by all possible means, especially through websites. This also applies to the information related to the accompanying election activities of other public bodies such as courts, administrations, tax departments, etc. In addition, broadcast on State television a summary of all the important messages of the CEC, the target group being the voters and candidates, accompanied by information on where one can find a full text of the message.
- Include the duty of the CEC to keep statistics and carry out the analysis of data on the number of voters included in voter lists on the election day and reasons for inclusion; on the nominated and registered candidates for the elections at every level; number of refusals and reasons for cancellation of registration by oblast and district; data on the turnout at each polling station. Publish this information.
- Publish all the protocols of the results of votes counting at the CEC website by polling stations, precincts and territories.
- Introduce video streaming of the day of voting and counting procedures from each polling station.

Observers.

The existence of independent monitoring in the country is an indicator of fair elections; the Institute of monitors has legitimized the election process. However, the rights of local observers provided by Article 20-1 of the Law "On Elections in the Republic of Kazakhstan" still do not make it possible for observers to receive full information about the electoral process, both on the day of vote and during the period preceding the Election Day.

- Empower local observers giving them the right to monitor the electoral process at all stages of the process and the right to receive information relating to the electoral process.
- Include the rights of observers to move freely around the polling station at any time on the day of voting and counting, including staying close to the members of Commission at the time of issue of voting cards to voters.

- Give observers the right to be present at any polling station, including the so-called "closed" polling stations - in military units, medical institutions etc. during voting and counting of votes in any Election Commission.

Voter Lists.

The quality of voter lists has a great influence on the quality of electoral process. Kazakhstan has made great progress in improving the quality of voter lists; however, there are problems with updating voter lists and issue of absentee voter certificates.

- Include in the Law on the Elections a clear step-by-step procedure of amending voter lists by divisional Election Commission
- Include control over the circulation of absentee certificates. Publish on the website of the CEC a list of serial numbers of absentee certificates by which the voters vote at each polling station.

Election of Deputies of Maslikhats.

The elections of deputies to maslikhat also require specific changes.

- Exclude simultaneous holding of the election of deputies to Mazhilis and to maslikhats. This will give voters an opportunity to understand fully the candidates and will greatly simplify the work of election commissions, particularly during the counting of votes.
- Determine in the legislation the range of deadlines for setting of election of deputies to maslikhat.
- Ensure to the candidates for deputies to maslikhats representation in precinct and divisional election commissions, as non-voting members. Define the scope of rights and duties of representatives of candidates in the election commissions as non-voting members and the rules for their inclusion in the Commission.

General Changes of the election legislation

In general, the election legislation requires further elaboration and clarification to exclude ambiguity and different legal precedents.

- All regulations governing any election-related procedures should be transferred from the regulations to the Law on Elections, in particular, the regulations governing the issue of absentee certificates and voting cards, regulations for voting procedures, regulations for conduct at polling stations and so on.
- List instances when the results of vote have been recognized not valid at the level of polling stations and precincts.

Glossary and list of abbreviations

Majilis is the lower Chamber of Kazakhstan's Parliament

Maslikhat is the local legislative body of representative power

Akimat is the local executive body

Akim is the Head of Akimat

EC - Election Commission

DEC – Divisional Election Commission

PEC – Precinct Election Commission

TEC – Territorial Election Commission

CEC – Central Election Commission

RK – Republic of Kazakhstan

APK – Assembly of the People of Kazakhstan

CPPK – the Communist People's Party of Kazakhstan

NSDP – National Social Democratic Party

Territorial-administrative structure of the Republic of Kazakhstan. The territory of Kazakhstan is divided into 14 oblasts. The cities of Astana and Almaty have the status of cities of regional value. Each oblast is divided into districts and cities of regional subordination. A District includes the cities of regional subordination, rural districts and villages, which are not part of the rural district. Maslikhats are organized at the level of oblasts and cities of oblast subordination and at the level of districts and cities of district subordination.