



Extraordinary Presidential Elections of the Republic of Kazakhstan - 2019

Election Assessment Report

The public association "Echo" is a non-profit non-partisan organization. The organization's activities are aimed at increasing the activity of citizens of Kazakhstan in the field of state affairs management. Since 1999, the organization has been participating in the observation of elections at all levels in Kazakhstan.

Echo participants proceed from the fact that free and fair elections are an essential component of building democracy and serve as a means of enhancing the trust of civil society in the political system. Therefore, the revitalization of civil society, as well as improving the electoral system are the main goals of the organization.

The organization is open for cooperation with national and international organizations. The organization's activities are based on the principles of impartiality, transparency and professionalism.

Observation of the extraordinary Presidential elections of the Republic of Kazakhstan was carried out in all 14 regions of Kazakhstan, both in cities and villages, two cities of republican significance and in the capital.

The observation consisted of two main stages: long-term observation from the moment the elections were announced until the voting day and short-term observation on the voting day by stationary observers and mobile groups.

The long-term observation involved 62 long-term observers. During the long-term observation monitoring was carried out of the activities of candidate headquarters for campaigning, the composition and activities of territorial and precinct election commissions. In addition, the assessment of effectiveness of candidates and election commissions was assessed through interviews with voters.

On the day of voting, 170 stationary observers worked, they were at the polling stations from the moment of opening until the completion of the vote count. 62 people worked as mobile groups, who during the voting day moved from precinct to precinct, acting both as observers and as consultants for stationary observers. Observation covered about 500 precincts in all regions of the country, in urban and rural areas.

The main purpose of the observation is to give an independent assessment of the electoral process and based on its results, provide reasonable recommendations for improving the electoral process of the Republic of Kazakhstan.

The observation was carried out with the support of the foundation European Endowment for Democracy.

Prior situation

- **The resignation of Elbasy**
- **Redistribution of authorities**
- **First elections without Nazarbayev's participation**

The previous Presidential election was held in Kazakhstan in April 2015. According to the Constitution, the President is elected for a 5-year term. A practice has developed in the country when early elections are called a year before the expiration of their powers. In the fall of 2018, opinions appeared about the possibility of holding early elections.¹

On February 5, 2019, President Nazarbayev appealed to the Constitutional Council (hereinafter - CC) to clarify the provisions of the law on the termination of powers of the head of state. The CC gave clarification in which it recognized the right of the President's independent decision to resign. The appeal caused a surge of interest in the transit of power, but later the President announced that he was not going to resign.

A week after the clarification of CC, Nazarbayev fiercely criticized the Government. 10 days before the resignation of the government, by a separate decree, the President dismissed Interior Minister Kasymov to appoint him his deputy in the Security Council.

In July 2018, a law was passed that foreshadowed President Nazarbayev for the post of head of the Security Council of Kazakhstan (hereinafter - SC), which completed the reform of this body. SC has existed since the 1990s, but its powers were "consultative-advisory." According to the adopted law, the Security Council has become a "coordinating constitutional body." The powers of the Security Council are to determine the main directions of state policy in the field of national security, the country's defense, as well as coordination of the activities of state bodies and arrangement in these areas.

On March 19, 2019, President Nazarbayev announced his resignation from the post of President of Kazakhstan in a live broadcast in an appeal to the people of Kazakhstan. At the same time, Nazarbayev recalled that he retained the post of head of the Nur Otan party and the post of head of the Security Council: "I remain the chairman of the Security Council, who is vested with serious powers by law: determining the country's domestic and foreign policy."²

In accordance with the Constitution of the Republic of Kazakhstan, the powers of the President were transferred to the Speaker of the Senate of the Parliament of the Republic of

¹ "Talks about the next extraordinary elections inevitably approaching in Kazakhstan, either parliamentary, or Presidential, or with the next re-election of the current President, or, finally, with the appointment of a successor-successor, have recently acquired a degree of almost complete predetermination." <https://zonakz.net/2018/11/16/k-vosshestviyu-darigi/>

² <https://youtu.be/j7wihtQxMqk>

Kazakhstan³ K. Tokayev, as Nazarbayev said in his address: “The issue of continuity of power in Kazakhstan has been resolved constitutionally. In case of early termination of the powers of the incumbent President, his powers shall be transferred to the chairman of the Senate before the end of the election term. Then the election of the new President will take place”⁴

The next day, March 20, K. Tokayev took the oath and took office as President of the Republic of Kazakhstan. On April 9, Tokayev ordered the snap election of the President.

Legislation

- **Additional restrictions on passive suffrage**
- **Lack of widespread discussion of amendments with the public**

The legislation of Kazakhstan does not contain a list of cases in which early elections are called. According to the Constitution of the Republic of Kazakhstan, Tokayev’s powers as President were legitimate until the end of the term for the election of a resigned President. However, legislation allows the President to call early elections at any time, regardless of the circumstances.

In 2017, the Constitution was changed in an article establishing requirements for the President of the Republic.

A new requirement was the presence of a higher education candidate. In addition, the Constitution made it possible to establish additional requirements for Presidential candidates in the Constitutional Law. This norm was put into practice in the same year when the Constitutional Law “On Elections in the Republic of Kazakhstan” (hereinafter referred to as Election Law) introduced an additional requirement for candidates in the form of a 5-year experience in public service or public elected posts.⁵

At the same time, the concept appeared in the election law “diseases that impede the fulfillment of the duties of the President of the Republic” and a requirement for candidates to undergo a medical examination for the absence of such diseases.⁶ The list of diseases includes a number of mental illnesses and conditions. Previously, a health restriction was solely a requirement of legal capacity.

A major change restricting the exercise of the right to be elected President was the exclusion from the law of the possibility of self-nomination. Now only republican public associations have the right to nominate, one of the forms of which are political parties.

Thus, the right to run for President was seriously limited by additional requirements.

The above changes were not submitted for discussion on the "Open RLA" portal, which is intended for posting drafts of regulatory legal acts for public discussion by citizens of the Republic of Kazakhstan.

The rest of the Election Law has undergone minor changes that have practically no effect on the Presidential election process.

³ Article 48 Constitution RK, <http://adilet.zan.kz/rus/docs/K950001000>

⁴ http://www.akorda.kz/ru/speeches/internal_political_affairs/in_speeches_and_addresses/obrashchenie-glavy-gosudarstva-nursultana-nazarbaeva-k-narodu-kazahstana

⁵ Clause 1 of Article 54 of the Constitutional Law “On Elections in the Republic of Kazakhstan”

⁶ Clause 2 of Article 59 of the Constitutional Law “On Elections in the Republic of Kazakhstan”

Election Commissions

- Most of the commission members are state employees
- Approval of the composition of commissions by members of Nur Otan
- Low qualification of members of election commissions

In total, 10203 election commissions were involved in the organization and conduct of the elections, including the Central Election Commission, 232 territorial election commissions (TECs), 9970 precinct election commissions (PECs).

The Central Election Commission of the Republic of Kazakhstan (CEC) heads the system of election commissions of the republic. CEC is composed of seven people: the chairman, deputy chairman, secretary and four members. The President of the Republic of Kazakhstan appoints a chairman and two members of the CEC for a five-year term, and each of the chambers of the parliament appoints two more members of the commission for five-year terms. The President appointed the chairman and two members in 2016, the Senate appointed two members in 2015, the Majilis two members in 2017 and 2018. According to various sources, four members of CEC either have or had a party affiliation with the Nur Otan party in power: Imashev⁷, Baimoldina⁸, Suleimen⁹, Ikhdanov¹⁰

During long-term observation, observers visited 86 territorial and 372 precinct election commissions in 14 regions, 2 cities of republican significance and the capital of the Republic of Kazakhstan.

Composition of commissions

In accordance with the Law on Elections, the composition of election commissions, with the exception of the Central Election Commission, is formed by the relevant maslikhats based on proposals from political parties. Each political party has the right to submit one candidate to the corresponding election commission. A political party has the right to represent candidates who are not members of this political party to the election commission. In the absence of proposals of political parties within the time established by the maslikhat, maslikhats shall choose an election commission at the proposal of other public associations and higher election commissions.

In accordance with the Law on Elections, the composition of the commissions is published in the media on the laid terms. Unfortunately, only names and positions in the commission are published in the media.¹¹ It is impossible to find out either the party representation or the place of work of the commission members from these publications.

When observers visited election commissions, there were cases when the commission refused to give information about the party composition. An additional complication in relation to the territorial commissions was their location, as they are usually located in the premises of akimats, are guarded by the police, and carry any means of fixation -

⁷ https://online.zakon.kz/m/document/?doc_id=30100401

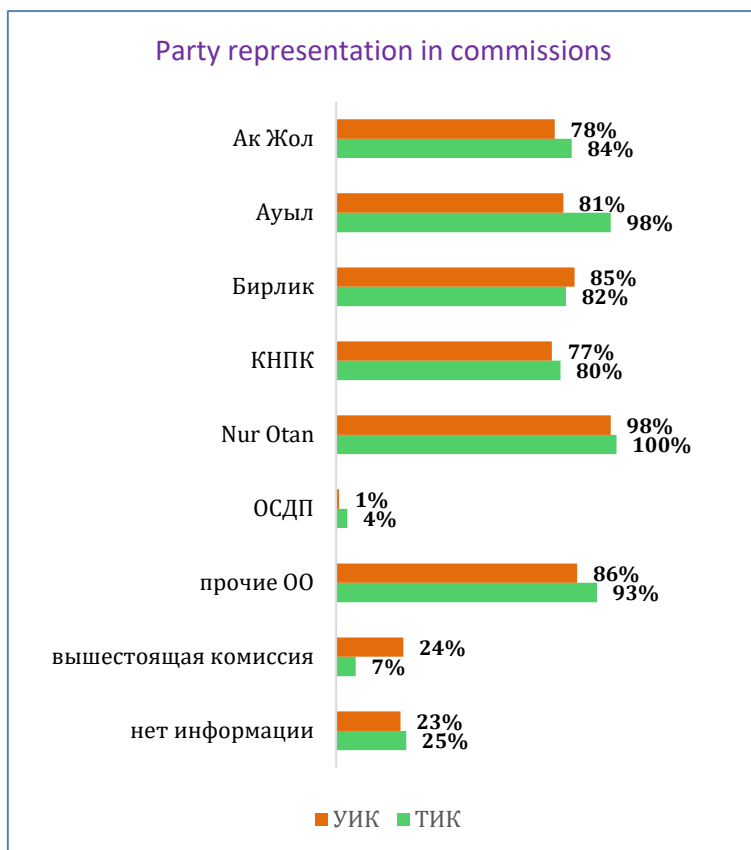
⁸ https://online.zakon.kz/document/?doc_id=31138071

⁹ <https://rus.azattyq.org/a/27573284.html>

¹⁰ <http://www.election.gov.kz/rus/o-tsik-rk/chlen-tsentralnoy-izbiratelnoy-komissii-respubliki-kazakhstan-ikhdanov-akylbek-zhamelovich.php>

¹¹ <http://vecher.kz/incity/soobshchenie-territorialnoj-izbiratelnoj-komissii-goroda-almaty-o-sostavakh-gorodskoj-rajonnykh-territorialnykh-i-uchastkovykh-izbiratelnykh-komissij-granitsakh-izbiratelnykh-uchastkov>

smartphones, cameras, etc. - difficult or prohibited. Thus, the observers could not fix the composition of the commission in the photo. In 25% of TECs, observers were refused to provide information on party representation; observers received the same refusal in 23% of PECs.



According to the information received, the party Nur Otan has the maximum representation in the TECs, its representatives are in all the commissions that provided information on the composition. The second most representative party in the commissions is Auyl, its representatives are members of 98% of the commissions, and third place are representatives of other public associations, which are part of 93% of the commissions. The minimum representation (4.4%) of the parties in the TECs has National Social Democratic Party of Kazakhstan (NSDP), and the representation of the NSDP is recorded by observers at visiting commissions in Mangystau region only. Parties in the graphic are listed in the following order: Ak

Zhol, Auyl, Birlik, KPPK, Nur Otan, NSDP, other PA, higher commissions, no information.

In PECs, the situation with representation is slightly different. According to the received information, the party Nur Otan has the maximum representation in PECs, its representatives are present in 98% of the commissions that provided information on the composition. In second place are representatives of other public associations, which are part of 86% of the commissions. The third most representative party in the commissions is Birlik, its representatives are part of 85% of the commissions. The minimum representation, about 1%, in the PECs has an NSDP, and the representation of the NSDP is recorded only in the Mangystau region. 24% of the representatives were included in the PECs on the proposal of higher commissions.

There are no restrictions in the legislation of the country for delegation of representatives from other political parties to members of election commissions by other parties. As a result, observers often encounter several members of the Nur Otan party who represent other parties or public associations in the commission. There were also cases where members of the commission who represented one party in the previous election represented another.

Observers did not receive any complaints from political parties that their representatives were not included in the commissions.

It should be noted that maslikhats, whose powers include approving the composition of election commissions, are 86% composed of representatives of the Nur Otan party. The Senate and the Majilis, which appoint 4 members of the CEC, are also dominated by members of Nur Otan. The President, who has appointed 3 members of the CEC, is the chairman of the Nur Otan party.

According to the CEC, the total number of members of election commissions is 69,509, including 43,945 or 63% - employees of budgetary organizations (teachers, doctors, library staff, etc.), 2,413 pensioners, 2,401 self-employed, 103 students, etc.¹²

Observers asked the members of the commission, who invited them to become a member of the commission. Answers were representatives of parties, higher commissions and public associations, or commissions were formed at meetings of maslikhats. However, there were cases when members of the commission replied that they were asked or sent by representatives of the akimat, the administration of the budget organization in which the member of the commission works.

Such situations, while not formally violating the electoral law, reduce the confidence of voters and candidates in the actions of election commissions.

Meetings of EC

In accordance with the law on elections, the activities of election commissions are carried out publicly and openly, candidates, confidants, observers, and media representatives may present at meetings of the commissions. Interested parties should be notified in advance of upcoming meetings of election commissions.

However, only half of the TECs and a third of PECs visited by observers had a meeting schedule. In other cases, according to the members of the commissions, the meetings were held "as necessary", and the information about the meeting was distributed by messengers to the members of the commission. Representatives of candidate headquarters and observers were not notified of the time and date of the meeting. In 3% of TECs and 7% of PECs, commission members refused to provide information on the meeting schedule.

The location of TECs also complicates access for observers, since in most cases TECs were located in government buildings with access systems. That is observers could not attend the meetings without the invitation of the election commissions.

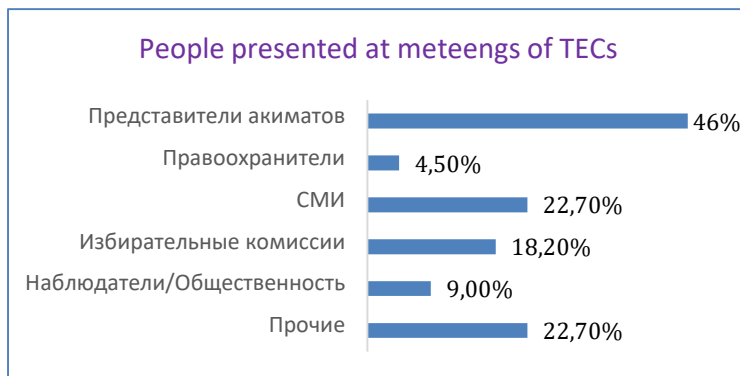
Repeatedly, members of the commission notified the higher commission and / or management of the organization in whose premises the commission is located, including akimats, about the visit of observers, asked permission to provide information.

In two cases, in the Aktobe and Karaganda oblasts, observers were denied access to commission meetings.

Members of 41% of the TECs indicated that non-members were at the meetings of the commissions. In TECs, in half the cases, these were representatives of the akimats; in every fifth case, representatives of the media and other election commissions attended the meetings. Observers were in only one out of ten cases. Among other members of the

¹² <http://www.election.gov.kz/rus/news/releases/index.php?ID=4636>

commissions, they called representatives of public service centers, Kazakhtelecom, as well as



various contracting organizations - transport companies, etc.

In 23% of PECs meetings were attended by representatives of akimats and law enforcement agencies.

People presented at meetings of TECs in the graphic are listed in the following order:

representatives of akimats, law

enforcement bodies, media, election commissions, observers/civic society, other

Thus, during the long-term observation, numerous facts were revealed of the presence at the TEC meetings of persons not related to the electoral process - representatives of akimats, law enforcement agencies and state companies, which formally violates article 20 of the election law. At the same time, a number of organizational issues were resolved at the meetings with representatives of state and contracting organizations. On this basis, it seems necessary to differentiate legally the powers of the commissions - what should be decided at the meetings and requires a collegial decision and what can be decided in the working order without convening a meeting of the EC.

In accordance with paragraph 6 of Article 20 of the Constitutional Law "On Elections in the Republic of Kazakhstan", election commissions create conditions for the free familiarization of all persons with their decisions. However, in half of the cases, observers were denied access to the protocols. And only in 27% of TECs and 18% of PECs, protocols were published or posted on stands at the commission premises. The absence in the law of the right of observers to familiarize themselves with the documents of election commissions often becomes a reason why the commission refuses to provide information and it reduces the transparency of the election process.

Training of members of election commissions

According to the CEC, a cascading method of training members of election commissions was used.¹³ According to the method, at the first stage, the chairpersons and secretaries of regional ECs, as well as ECs of the cities of Shymkent, Almaty, Nur-Sultan are trained, who further train the chairmen and secretaries of city and district TECs. They, in turn, train the chairpersons and secretaries of PECs. All trained chairpersons and secretaries of the commissions train the other members of their commissions.

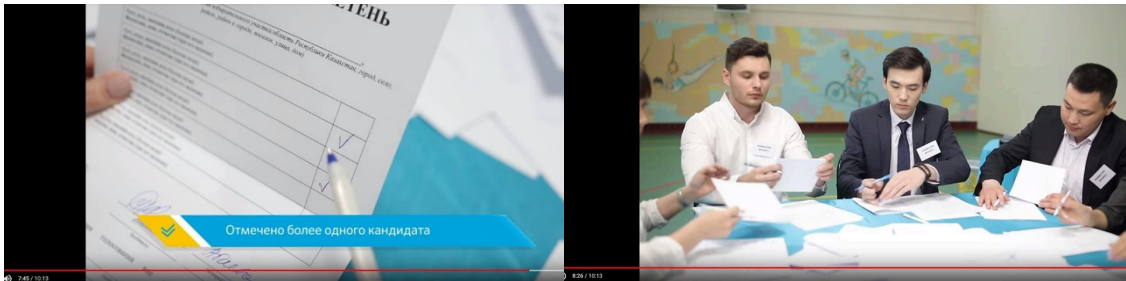
Monitoring the work of election commissions allows us to talk about the problems associated with professional literacy and training of commission members. Observers recorded cases when the chairmen or secretaries of the commission did not know the rules of the election law and were waiting for other members of the commission or they called someone to consult.

¹³ <http://www.election.gov.kz/rus/news/releases/index.php?ID=4646> и <http://www.election.gov.kz/rus/informatsionnaya-byulleten/>



The cascade method, on the one hand, makes it possible to cover as many members of election commissions as possible with the shortest possible time and budget, on the other hand, this method promotes the development of hierarchical relations when commission members who receive knowledge from higher commissions manage the actions

of the commission. Especially if they are simultaneously representatives of the leadership in the organizations, in which the precinct is located.



The training materials for commissions contain extracts from normative legal acts, but do not contain information explaining the objectives of certain norms, in particular, what the procedures are aimed on the day of voting and when counting votes, why transparency of the election process should be ensured. The mere citation of the law in the materials did not provide an explanation of actions in controversial situations and understanding by the members of the commissions of the significance of the procedures. The training video published by the CEC¹⁴ also does not allow interpreting procedures as aimed at ensuring transparency and credibility. In the video, observers are located quite far from the commission tables, including when counting votes, at a distance that does not allow watching clearly all the actions of the commission members. During the demonstration vote count, all the members of the commission at the same time sort the ballots, hold pens in their hands in close proximity to the ballots, which may contribute to the unintentional or intentional damage to the ballots.

According to the answers of the members of the election commissions, parties and public associations did not conduct training for their representatives in the commissions.

The legal ignorance of many members of election commissions and their lack of preparation for the organization of elections resulted in violations of the rights of observers. Common shortcomings in the activities of the commissions were the lack of understanding by the members of the commissions of the norms of the electoral legislation, and as a result, failure to perform or incomplete procedures related to the issuance of absentee ballots, voting and vote counting, drafting, signing and transmitting the necessary documentation.

The existing practice of training election commissions leads to the fact that members of commissions neglect the procedures laid down in laws and do not realize their importance, poorly understand their necessity.

¹⁴ <http://www.election.gov.kz/rus/pilotnyy-proekt-po-elektoralnomu-obucheniyu/video-elek-obuchenie.php>

The issues of the formation of election commissions and the training of their members should be resolved with the close cooperation of authorities and civil society institutions. In addition, we recommend inviting representatives of independent organizations involved in election observation to training events to exchange experiences and improve the quality of training.

Nomination and registration of candidates

- **A small initial number of applicants**
- **Small dropout**
- **Opacity of procedures.**

Due to the fact that the Presidential election were extraordinary, they were held in a 2-month period, while regular election are held in a period of at least 12 weeks. In accordance with Section 66-1 of the Election Law, the Central Election Commission determined the timing of the election events.

18 days were allocated for the nomination of candidates for the campaign, from April 10 to April 28, 2019. Political parties and public associations had to hold congresses where candidates were nominated on an emergency basis because of changes in the election legislation, citizens lost the right to self-nominate in the Presidential election, and the elections themselves were suddenly appointed.

Of the seven registered political parties, five announced congresses to nominate candidates. The Birlik party refused to participate in the Presidential election due to insufficient time to prepare for a full-fledged party congress.

On April 23, N. Nazarbayev at the congress of the Nur Otan party nominated incumbent President K. Tokayev as an election candidate. There were no discussions of other candidates at the congress.

26 апреля 2019 на съезде КНПК был выдвинут кандидатом в президенты Ж. Ахметбеков.

On the same day, at the congress of the party “Ak Zhol” out of 6 possible candidates, the candidacy of D. Espaeva was approved.

On April 25, the Auyl party at its congress nominated T. Rakhimbekov as a Presidential candidate.

On the same day, the NSDP at its congress decided not to nominate a candidate proposed by the party presidium, and refused to take part in the elections.

On April 26, 2019, at the congress of Communist People's Party of Kazakhstan (CPPK), Zh. Akhmetbekov was nominated as a Presidential candidate.

Seventh party, Democratic Party of Kazakhstan (DPK) Azat did not show any activity in the election campaign¹⁵.

T. Eraliev was one of the possible candidates from the Ak Zhol party and at party voting gained 31% votes, losing to D. Espaeva. On April 26, he was nominated as a Presidential candidate from the Union of Builders of Kazakhstan. Three days later, he withdrew his candidature.

Republican public associations not registered as political parties also nominated candidates.

¹⁵ <https://informburo.kz/novosti/partiya-azat-ne-primet-uchastie-v-vyborah-prezidenta-10-y-god-ona-prohodit-proceduru-likvidacii.html>

On April 17, the Republican Public Association “Uly Dala Kyrandary” nominated S. Tugel as a Presidential candidate.

On April 24, the Federation of Trade Unions of Kazakhstan nominated A. Taspikhov, chairman of the territorial association as a Presidential candidate. It should be noted that Taspikhov in 2016 was elected as a deputy of the Maslikhat of the West Kazakhstan region from the party "Nur Otan".¹⁶ No statement was received from the party regarding the alternative nomination of a party member.

On April 26, the United National Patriotic Movement “Ult Tagdyry” nominated A. Kosanov as a Presidential candidate.

On April 28, the Public Association “Khalyk Demographics” nominated Zh. Aliyev as a Presidential candidate.

Verification of candidates for compliance

In accordance with the election legislation, the CEC, within five days after receiving the protocol of the meeting on the nomination of a candidate, is obliged to check its compliance with the requirements of the Constitution and the Law on Elections.

One of the general requirements is the requirement for a candidate to reside permanently in Kazakhstan for the past 15 years. However, candidate K. Tokayev, who assumed the presidency, from 2011 to 2013 worked as the UN Under-Secretary-General, head of the UN European Office in Geneva. In this regard, on April 23, K. Tokayev submitted a request to the Constitutional Council on the interpretation of articles of the Constitution regarding the requirements for a Presidential candidate. The Constitutional Council in Decree No. 4 dated 04/25/2019 established that "The periods of residence of personnel of the diplomatic service of the Republic of Kazakhstan and equivalent persons appointed (elected) to positions at international organizations of which Kazakhstan is a member may be included in the established fifteen-year period." At the same time, in substantiating this decision, it is indicated "there is a state interest in the activities of some other categories of citizens of the Republic who hold senior positions in international organizations on a different basis. Taking into account the previous experience of the state and diplomatic service of the Republic of Kazakhstan that preceded their international mission, their high professional qualities and services to the state, these officials are equated with the personnel of the country's foreign agencies, and the period of work in international organizations is counted in the terms of employees' stay in diplomatic ranks and the length of public service".¹⁷ Such an interpretation, in which experience and merit can replace clear criteria, violates the principle of equal conditions for candidates, and gives a certain candidate an advantage.

Another of the requirements for candidates is knowledge of the state (Kazakh) language. The procedure for establishing free possession of the state language by a candidate for the President of the Republic of Kazakhstan is established by the Resolution of the CEC.¹⁸

¹⁶ Communication of the West Kazakhstan Regional Election Commission on the results of the election of deputies of the regional maslikhat, www.zhaikpress.kz, No. 33 dated March 22, 2016.

¹⁷ http://ksrk.gov.kz/solutions/np-ks-rk-ot-25-aprelya-2019-goda-no-4-ob-oficialnom-tolkovanii-punkta-2-stati-41?fbclid=IwAR00I_3BmBBOsp_6xW1nfQ7pX-9ThRh-2EkYcaE4TjXajM92r8ROO_2bCqM

¹⁸ <http://adilet.zan.kz/rus/docs/V050003820>

A language proficiency test was conducted to determine the candidate's compliance with this requirement. The organization and conduct of this exam is carried out by the linguistic commission, the composition of which is also approved by the decision of the CEC.¹⁹

The Constitutional Council in its resolution of 9.10.1998 No. 9/2 determined that the norm of paragraph 2 of Article 41 of the Constitution of the Republic of Kazakhstan in terms of the words "fluent in the state language" should be understood as the ability to read correctly, write easily, without difficulty, express your thoughts and speak publicly in the Kazakh language. The linguistic commission carries out the assessment of these skills.²⁰ At the same time, the criteria for assessing a candidate's state language proficiency remain unknown.

Only one member of the CEC can be an observer at a language exam. Other observers are not allowed. The work of the linguistic commission is not transparent to confidants, nor to observers from parties and non-profit organizations, nor to the media. There are no mechanisms to ensure the transparency and impartiality of the commission. Thus, the chairman of the commission showed a somewhat biased attitude towards one of the candidates when, in an interview with the media, he called the candidate from the ruling party "the most important contender".²¹

The linguistic commission recognized one candidate, Zh. Aliyev, nominated by the Public Association "Khalyk Demographics" as not fluent in the state language. He did not appeal the decision of the commission.

Collection of signatures in support of candidates.

After establishing the compliance of candidates with the requirements of the Constitution and the Law on Elections, candidates receive subscription lists. Considering that the 2019 campaign was time-bound, the CEC reduced the time for issuing subscription lists to candidates from 5 to 2 days, and the procedure for verifying signatures from 10 to 5 days. Candidates receive subscription lists after the CEC has established their compliance with legal requirements. For example, the incumbent President received subscription lists on April 25, candidate Kosanov only on April 30, the deadline for submitting subscription lists was May 5. Thus, the deadlines for collecting signatures can vary significantly, and the law gives an advantage to those candidates who have been nominated earlier, that is, those candidates whose associations have more resources for organizing congresses.

Candidates had 5 to 10 days to collect 118140 signatures of voters in their support, equally representing at least two-thirds of oblasts, cities of republican significance and the capital of the Republic.

The law does not prohibit voters from signing in support of more than one candidate, however, in Kazakhstan, the CEC has never focused on informing voters about this fact. At the same time, such an explanation on behalf of the NGO Echo aroused great interest among voters and was distributed by users on social networks.

All candidates managed to collect signatures on time. At the same time, observers received a large number of messages from citizens that students and employees of budgetary

¹⁹ <http://www.election.gov.kz/rus/news/acts/index.php?ID=4669>

²⁰ http://adilet.zan.kz/rus/docs/S980000009_#z0

²¹ https://forbes.kz/process/tokaev_sdal_ekzamen_na_znanie_gosudarstvennogo_vazyika/

organizations - medical and educational institutions - were forced to sign subscription lists. Most often, these were improperly executed subscription lists - without indicating for which candidate, with an unfilled upper part.

Big questions arise about the procedure for checking subscription lists. The law does not give observers the right to present at the signature verification procedure.

Subscription sheets are handed to regional and cities of republican significance and the capital TECs, which verify the authenticity of signatures with the involvement of passport service employees. 10 days are given for verification, which is clearly not enough with such a volume of signatures.

In addition, subscription sheets are provided in non-machine-readable, paper form, and data verification is carried out only manually.

The CEC adopted a resolution²² listing the grounds for invalidating voters' signatures during verification of subscription sheets. Among them, are those performed on behalf of the voter by other persons and performed by one person for several persons. It is doubtful that during the verification is possible to determine such characteristics, at the same time, the inspector based on such characteristics can make a biased decision on the unreliability of signatures.

During the previous Presidential campaign in 2015, 4 out of 7 candidates who received subscription lists were unable to collect the required number of signatures.

However, in the current election, not a single candidate was removed from the election due to inaccuracy or lack of signatures.

In total, 7 candidates were registered as candidates: Akhmetbekov, Espaeva, Kosanov, Rakhimbekov, Taspilov, Tokayev, Tugel.

At the same time, after only the republican public associations have the right to nominate candidates, which, according to the legislation, already have representative offices in more than half of the regions, collecting signatures becomes an unnecessary additional requirement to confirm the candidate's support.

In general, legislative changes that deprived voters of the right to self-nominate, and supplemented the requirements for candidates with a five-year experience in public service, higher education, and passing an additional medical examination are filters that help to cut off any candidates that are objectionable to the authorities from participation in elections.

Such requirements, with the exception of higher education, are not demanded from the chairman of the Senate, who becomes President if the President resigns. Which also confirms the assumption that the requirements can be used to filter candidates.

Agitation

- **The tight deadlines prevented voters from familiarizing with the candidates.**
- **Tight media regulation lowered awareness**
- **Instead of a fair of political ideas, Kazakhstanis observed a formal imitation of agitation**

Visual agitation

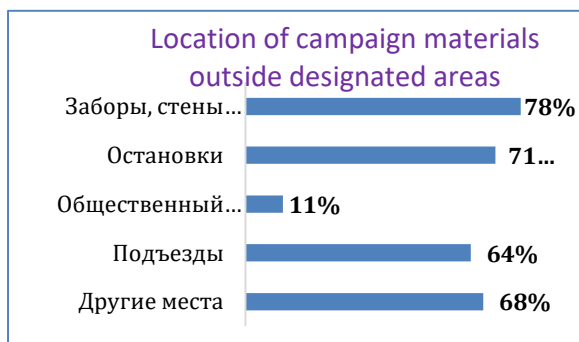
²² Decision of the CEC "On the approval of recommendations on the grounds for invalidating voters' signatures during verification of signature sheets in the snap elections of the President of the Republic of Kazakhstan scheduled for June 9, 2019",

According to the calendar plan, approved by the Decree of the CEC of the Republic of Kazakhstan, election campaigning begins from the moment the deadlines for registration of candidates expire and lasts until zero o'clock on the day preceding the voting day. In fact, the campaign began at 18:00 on May 11, and ended at 00:00 on June 8, that is less than one calendar month.

All candidates, except for those who did not pass the exam, were registered 4 days before the deadline for registration. Despite the fact that there was an opportunity to decide on the early start of campaigning, the CEC did not take advantage of it, and a 4-day period of silence was established.

As part of a long-term observation, observers monitored field activities of candidates' campaigns - leaflet campaigns, mass events, etc. In general, the campaign was conducted rather sluggishly and did not reach many voters. One of the reasons was the short duration of the campaign and the lack of resources. In general, the current practice of calling special elections at various levels prevents the mobilization of resources of all independent candidates, and creates an advantage for the candidate representing the current Government, especially in a situation where the incumbent President chooses the date of the special election at his discretion.

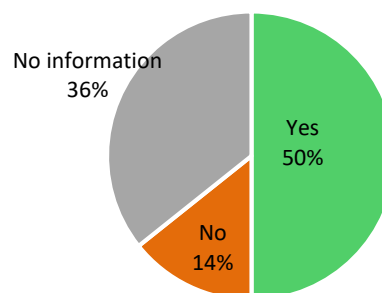
In accordance with paragraph 4 of Article 28 of the Election Law, the local executive bodies together with the relevant election commissions determine the places for posting campaign printed materials for all candidates and equip them with stands, billboards, curbstones.



Agitational printed materials are placed on conditions ensuring equal rights for all candidates. Candidates are entitled to post printed campaign materials in other places with the permission of the owner of the corresponding object. Prohibited posting campaign materials on monuments, obelisks, buildings and is constructions having historical or cultural architectural value.

In 62% of cases, campaign materials of candidates, in addition to special places, were placed in other places. Only in 50% of cases is confirmed that the owners of estate or other objects gave permission to place campaign materials on their property. List of places in the graphic are in the following order: fences, walls, bus stops, public places, porches, other.

Does the owner have permission to place campaign materials

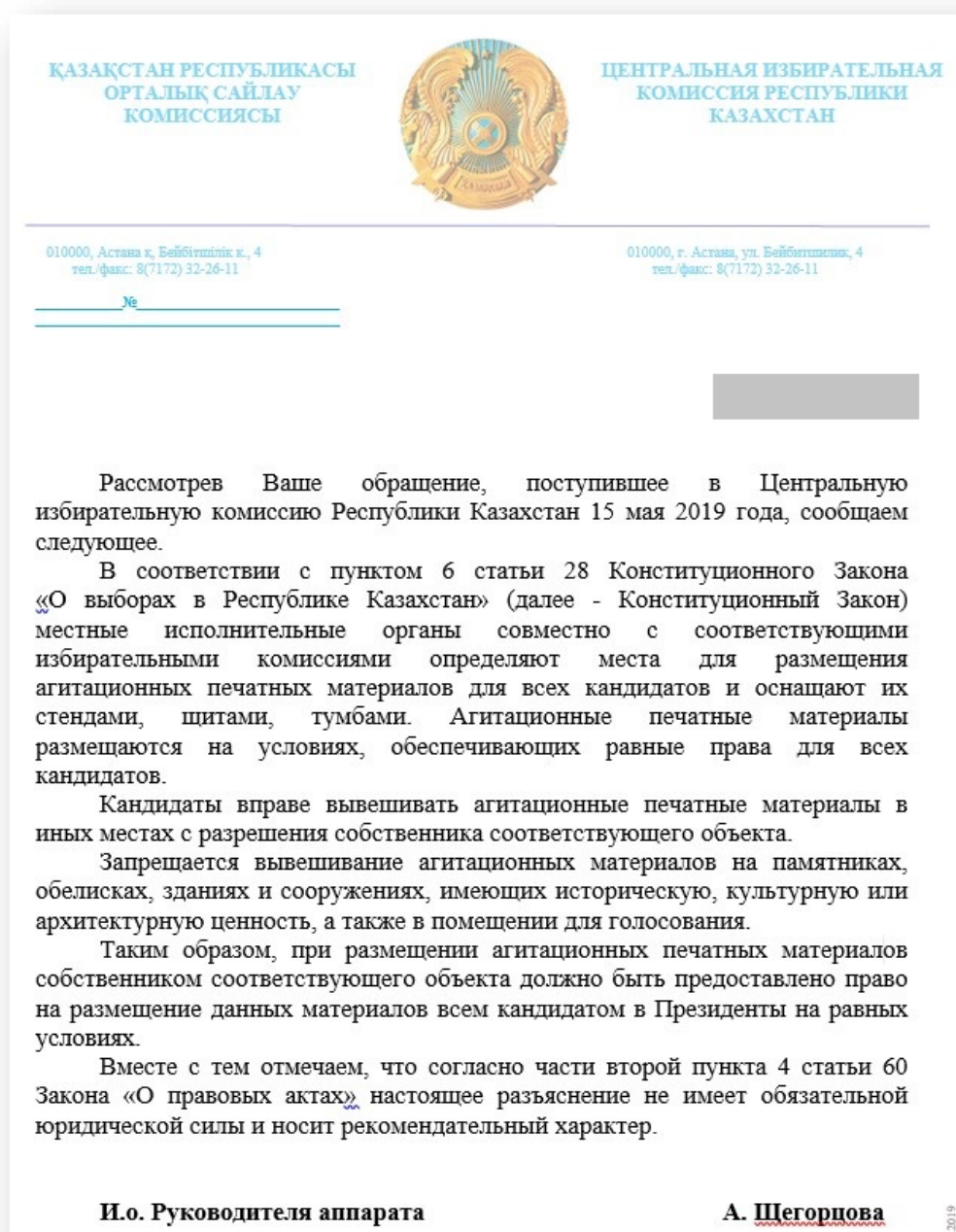


Most of observers noticed campaign materials on fences and pillars, also on public transport stops.

About 10% of observers noticed campaign materials in public transport. More than half of the observers reported the placement of campaign materials at SME facilities: shops, cafes, hairdressers, etc. In private conversations with the owners, it turned out that not all of them know that such materials should be posted

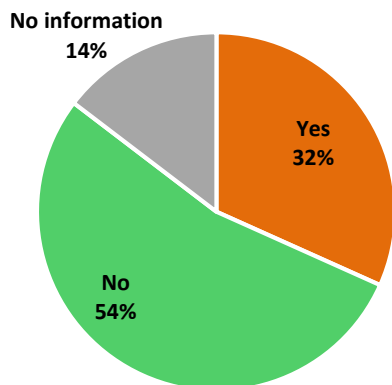
with their consent. Moreover, according to the law, individuals and legal entities providing services to a candidate related to the conduct of election campaigns must have written consent from them to accept the service, which owners of private facilities also did not know about.

According to the CEC's response to the request, the owner, with the consent to post campaign materials, should provide equal opportunities to the candidates. The owners of the facilities were also not informed about this.



As for the places for printed agitation of candidates provided by local executive bodies, observers note cases when the billboards were located in uncomfortable places. For example, the installed shields were facing the roadway, not the sidewalk, away from public transport stops, in the fenced areas of schools

Participation of civil servants in agitation



A third of observers noted the facts of participation of civil servants in the campaign. Despite the direct prohibition in paragraph 4 of the article on the election law, civil servants led propaganda work in favor of candidate Tokayev at public events.

In general, it is rather difficult to track whether the agitator for the candidate is a civil servant during the performance of his official duties; in 14% of cases agitators refused to report such information to observers.

The regional branches of Nur Otan are headed by oblast akims. According to observers, akimat workers often participated in the preparation of meetings with voters. At the same time, it is

difficult to divide their work as civil servants and as members of Nur Otan. For example, party congresses, the reception of citizens by civil servants on behalf of Nur Otan are held during working hours of state bodies.

In addition to public servants, people holding leadership positions in budgetary organizations also participated in the campaign, which formally is not a violation of the electoral law.

Media coverage of elections

NGO Echo monitored the coverage of elections on the Internet versions of state-run media. the Kazakh-language version of “Egemen Kazakstan” and the Russian-language versions of the portals Kazinform, Kazakhstanskaya Pravda and BNews.kz were selected for monitoring. According to article 27 of the election law, the media are required to provide objective coverage of the election campaign of candidates, political parties; the media are also obliged to disseminate information on the activities for the nomination of all, their registration by election commissions in equal volumes of print space, airtime.

The monitoring results were published on the Echo page on Facebook²³ and on the organization’s website²⁴.

²³ <https://www.facebook.com/echo.kz/>

²⁴ <http://www.echo.kz/>

Освещение выборов в государственных СМИ				
Теги новостей	#выборы2019	#выборы #кандидат	#выборы президента	#сайлау
АХМЕТБЕКОВ <i>КНПК</i>	1			1
ЕСПАЕВА <i>Ак жол</i>	1			
КОСАНОВ <i>Ұлт тағдыры</i>	1		1	
РАХИМБЕКОВ <i>Ауыл</i>	1			
ТАСПИХОВ <i>Федерация профсоюзов</i>	1			1
ТОҚАЕВ <i>Nur Otan</i>	10	2	4	6
ТҮГЕЛ <i>Ұлы дала қырандары</i>	1			1

Рис.1. Monitoring 1-9 May

Monitoring over the first week covered the pre-election period and revealed a serious imbalance in the mention of candidates in favor of the incumbent President by state media on their websites. In order to exclude coverage of the activities of candidate Tokayev as President, the monitoring took into account only those articles to which the editorial offices assigned tags related to the elections (see Fig. 1). Further, the monitoring took into account the number of words in publications devoted to one or another candidate, since often one article was published on the election campaigns of different candidates.





Освещение выборов в государственных СМИ								
Теги новостей	#выборы2019		#выборы #кандидат		#выборы президента		#сайлау	
	Кол. Публикаций	Количество слов	Кол. Пуб.	Количество слов	Кол. Пуб.	Количество слов	Кол. Публикаций	Количество слов
АХМЕТБЕКОВ <i>КНПК</i>	4	407/8.4%					3	579/7.4%
ЕСПАЕВА <i>Ак жол</i>	7	911/18.9%					3	497/6.4%
КОСАНОВ <i>Ұлт тағдыры</i>	6	330/6.8%					3	554/7%
РАХИМБЕКОВ <i>Ауыл</i>	4	662/13.7%					3	630/8%
ТАСПИХОВ <i>Федерация профсоюзов</i>	6	436/9%					3	537/7%
ТОҚАЕВ <i>Nur Otan</i>	9	1698/35%	3	1524/100%	3	572/100%	10	4419/57%
ТҮГЕЛ <i>Ұлы дала қырандары</i>	5	303/6.3%					3	520/6.7%

Рис 2. Monitoring 10-17 May

Освещение выборов в государственных СМИ	kazinform		Казахстанская ПРАВДА		B N E W S K Z		Egemen.kz	
	Кол. Публикаций	слов	Кол. Публ.	слов	Кол. Публ.	слов	Кол. Публ.	слов
АХМЕТБЕКОВ <i>КНПК</i>	4	5.3% 311 слов	1	2.4% 153 слова	2	13,4% 85 слов	3	8.5% 562 слова
ЕСПАЕВА <i>Ак Жол</i>	4	8.6% 508 слов	1	2.9% 185 слов	2	5.3% 97 слов	3	8.2% 544 слова
КОСАНОВ <i>Ұлт тағдыры</i>	6	7.4% 434 слова	1	2.9% 184 слова	2	13.9% 88 слов	3	8.1% 537 слов
РАХИМБЕКОВ <i>Ауыл</i>	5	5.1% 303 слова	0	0	2	12,8% 81 слово	3	8.9% 588 слов
ТАСПИХОВ <i>Федерация профсоюзов</i>	4	12.5% 733 слова	1	2.6% 164 слова	2	12% 76 слов	3	7.6% 502 слова
ТОҚАЕВ <i>Nur Otan</i>	12	37.6% 2206 слов	21	86% 5345 слов	2	18% 115 слов	9	50.4% 3313 слов
ТҮГЕЛ <i>Ұлы дала қырандары</i>	6	13.2% 778 слов	1	2.8% 176 слов	2	14,4% 91 слово	3	7.9% 525 слов

Рис 3. Monitoring 18-24 May

Освещение выборов в государственных СМИ	kazinform		Казахстанская ПРАВДА		B N E W S K Z		Egemen.kz	
	Кол. Публикаций	слов	Кол. Публ.	слов	Кол. Публ.	слов	Кол. Публ.	слов
АХМЕТБЕКОВ <i>КНПК</i>	5	8.8% 286 слов	-		-		5	12.8% 887 слов
ЕСПАЕВА <i>Ак Жол</i>	6	16.9% 552 слова	-		-		5	14.3% 544 слова
КОСАНОВ <i>Ұлт тағдыры</i>	5	13% 428 слов	-		-		5	12.7% 988 слов
РАХИМБЕКОВ <i>Ауыл</i>	6	11.8% 385 слов	-		-		5	14% 974 слова
ТАСПИХОВ <i>Федерация профсоюзов</i>	5	17% 554 слова	-		-		5	12.8% 884 слова
ТОҚАЕВ <i>Nur Otan</i>	8	15.9% 518 слов	2	100% 191 слово	-		6	19.2% 1321 слово
ТҮГЕЛ <i>Ұлы дала қырандары</i>	6	16.4% 536 слов	-		-		5	13.8% 951 слов

Рис 4. Monitoring 25-30 May

Освещение выборов в государственных СМИ	kazinform		B NEWS K Z		Казахстанская ПРАВДА		Egemen.kz	
	Кол. Публикаций	слов	Кол. Публ.	слов	Кол. Публ.	слов	Кол. Публ.	слов
АХМЕТБЕКОВ <i>КНПК</i>	7	8% 426 слов	2	98 слов	-		4	9.4% 758 слов
ЕСПАЕВА <i>Ак Жол</i>	7	15.5% 825 слова	2	100 слов	-		4	9.5% 765 слова
КОСАНОВ <i>Ұлт тағдыры</i>	7	13% 426 слов	2	103 слова	1	12% 147	4	9.7% 782 слов
РАХИМБЕКОВ <i>Ауыл</i>	8	25% 1325 слов	2	95 слов	-		4	10% 802 слова
ТАСПИХОВ <i>Федерация профсоюзов</i>	7	12.8% 682 слова	2	90 слов	-		4	9.3% 749 слова
ТОҚАЕВ <i>Нұр Отан</i>	12	19% 1015 слов	2	85 слов	7	88% 1030 слов	9	42.2% 3382 слово
ТҮГЕЛ <i>Ұлы дала қырандары</i>	7	11.4% 609 слов	2	95 слов	-		4	10% 811 слов

Fig.5. Monitoring 1-7 June

Pictures 2-5 show that the imbalance in the quantitative coverage of the events persisted throughout the campaign and “Kazhakhstanskaya Pravda” 3 weeks out of 4 covered the campaign of only one candidate - the current President.

Regarding the media in general, the CEC explained that “The election legislation of the Republic does not classify the media as independent subjects of election campaigning. This means that the media, except the party media, is not entitled to declare their support for a particular candidate.”

Debates

In 2018, the Central Election Commission amended the election law to provide for the organization of debates among Presidential candidates. The CEC adopted a resolution approving the rules of procedure for such debates²⁵. According to the regulations, candidates and their confidants can participate in debates. The debate took place on May 29 and consisted of three rounds: the presentation of their economic development program, questions and answers and an appeal to voters. The Questions & Answers round consisted of two rounds, one participant could ask a question to the other participant only in one round, while each of the participants answered only two questions. Debates were held simultaneously for all participants. Instead of Tokayev, his representative participated in the debate - a confidant. As Presidential Advisor E. Karin explained, Tokayev as President was busy at events during the meeting of leaders of the EAEU countries²⁶. Candidate Espaeva was not able to participate in the debate because it was announced too late when she had already scheduled meetings with voters. Indeed, the CEC decided to hold debates only on May 24, two weeks after the start of the campaign.

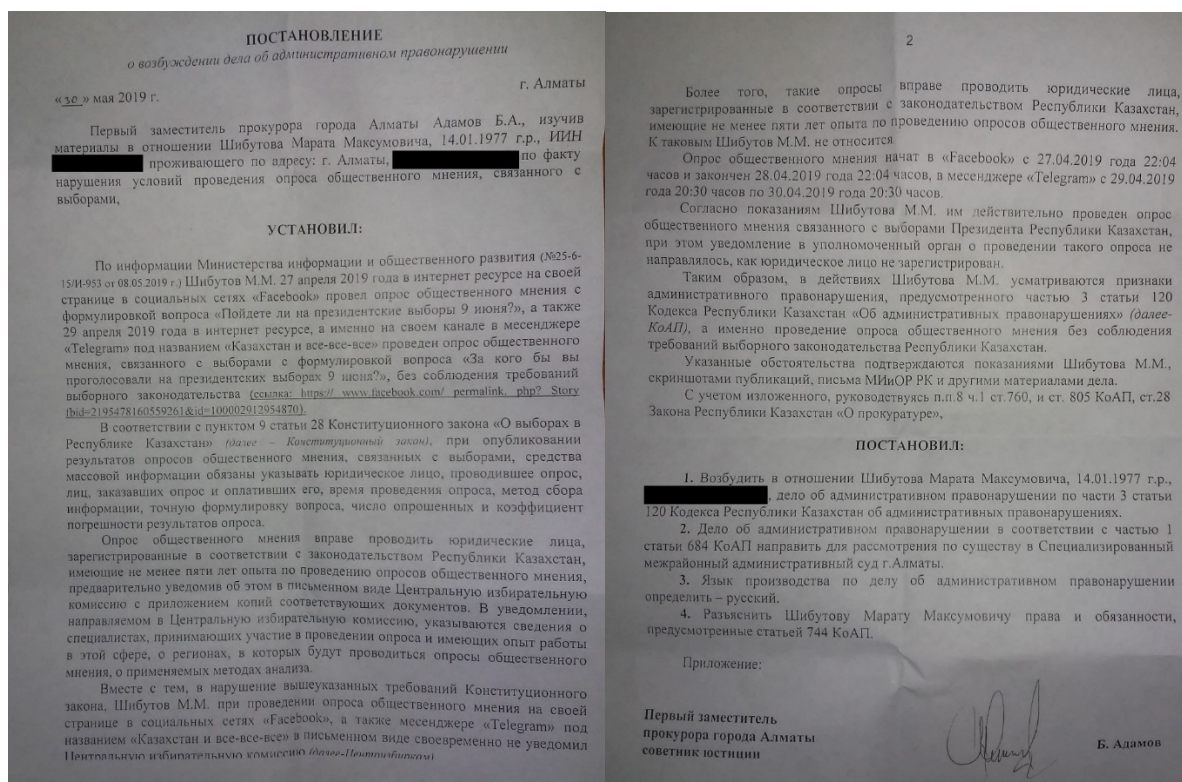
²⁵ http://www.election.gov.kz/rus/news/acts/index.php?ID=5042&sphrase_id=21177

²⁶ https://forbes.kz/process/nachalis_teledebatyi_s_uchastiem_kandidatov_v_prezidentyi_rk/

Public opinion polls

In 2018, an amendment was made to the election law, according to which a public opinion poll is only entitled to legal entities with at least five years of experience in conducting public opinion polls. In addition, such an organization must notify the CEC in advance of this. The notice should include information about the experience of the specialists conducting the polls, about the regions covered by public opinion polls, and about the methods of analysis. Previously, any person could conduct a poll without prior notice.

The prosecutor's office equated the opinion poll of any, even the most limited and unrepresentative group of people with the opinion poll. As a result, fines were imposed on 3 citizens and 4 legal entities²⁷. Conducting polls in such social networks as Facebook, Vkontakte, Telegram were equated as violations. The prosecutor's office, referring to paragraph 4 of Article 1 of the Law "On Mass Media", according to which "the mass media is a periodical print publication, television, radio channel, film documentary, audio-visual recording and other forms of periodic or continuous public dissemination of mass media, including the Internet -resources, equated the personal pages of users on social networks to the media, which are required to publish a number of information related to the survey when publishing the results of the polls. At the same time, the opportunity to observe the election as journalists is not provided to users of social networks.



Screenshots of the resolution published by M. Shibutov in his Telegram channel

²⁷ <https://kursiv.kz/news/vybory/2019-06/za-oprosy-v-socsetyakh-o-vyborakh-v-kazakhstan-oshtrafovali-trekh-chelovek>
The website of the Prosecutor General's office at the time of writing the report was not working.

As a result, there were no measurements of public opinion in these elections. Regarding the results of exit polls, none of the observers recorded exit polls on voting day at the visited polling stations, which reduces the credibility of the published results of exit polls.

In general, the campaign did not arouse wide public interest. Strict regulation of campaign coverage, weak candidate campaigns, and the absence of a struggle between candidates for votes did not contribute to increasing interest of voters in candidates and in elections in general.

Pressure on voters

The observers, in conversations with voters, were interested in whether the voters knew the names of the candidates, whether the voters saw the candidates' campaign materials, whether the voters were forced to go to the polling station and vote for someone.

All voters knew about the elections, almost every voter was able to give the name of Tokayev, every second name of Kosanov. Less often, voters called Espaeva and Akhmetbekov. Voters recalled the names of the remaining candidates in single cases. Voters who did not see the campaign materials were mainly people living in rural areas.

Observers were also interested in whether voters were under forced to vote or forced to vote for a particular candidate. In almost every region, with the exception of Akmola, East Kazakhstan and North Kazakhstan regions, one of the voters reported cases of such pressure. None of them applied the police, as some voters were afraid of losing their jobs, studying, or thought they could not prove the fact of pressure.

Students from several universities reported that this year the session was extended, with the session ending after the election²⁸. On the day of voting in Almaty and Nur Sultan, observers noted the appearance of organized groups of students at the polling stations, and also that many voters took selfies against the background of ballot boxes and said that they should report on their participation in voting to the authorities.

Complaints of violations during the campaign

Representatives of candidate headquarters had no complaints against the election commissions, nor against the executive branch, nor against other candidates. Voters as well as media and observers more paid attention to violations such as the fact that campaign materials were glued at public transport stops, at the entrances to the house. Echo's observer noted that Tokayev's headquarters as part of a campaign provides services to voters in the form of legal advice and assistance in filling out documents.

²⁸ https://rus.azattyq.org/a/kazakhstan-students-election-and-holidays/29925566.html?fbclid=IwAR1XWtJafW6cbPFh79i0mL2bCdkyZYzM_CBXgzszT8aHtaS4lwjOsbAcEMw



В первый день приема по личным вопросам обратились восемь граждан.

13.05.2019

Казахстанцев от имени кандидата, в качестве доверенного лица, принимал член штаба К. Токаева заведующий кафедрой Ассамблеи народа Казахстана ЕНУ им. Л.Н. Гумилева Анатолий Башмаков.

В обращениях люди просят оказать содействия в выделении жилья и земельного участка, материальную и социальную помощь, решить спор раздела имущества по наследству. Обратившиеся в общественную приемную выразили поддержку предвыборной платформе кандидата от партии «Nur Otan».

Выяснив проблематику обращений граждан, по каждому случаю даны исчерпывающие разъяснения и консультации. Если обращение входило в компетенцию государственных органов, то по ним были заполнены соответствующие документы для дальнейшей передачи их уполномоченным структурам.

Приемная кандидата К. Токаева будет работать до 7 июня 2019 года. График приема доверенными лицами кандидата опубликован на сайте <http://toqayev2019.kz>.



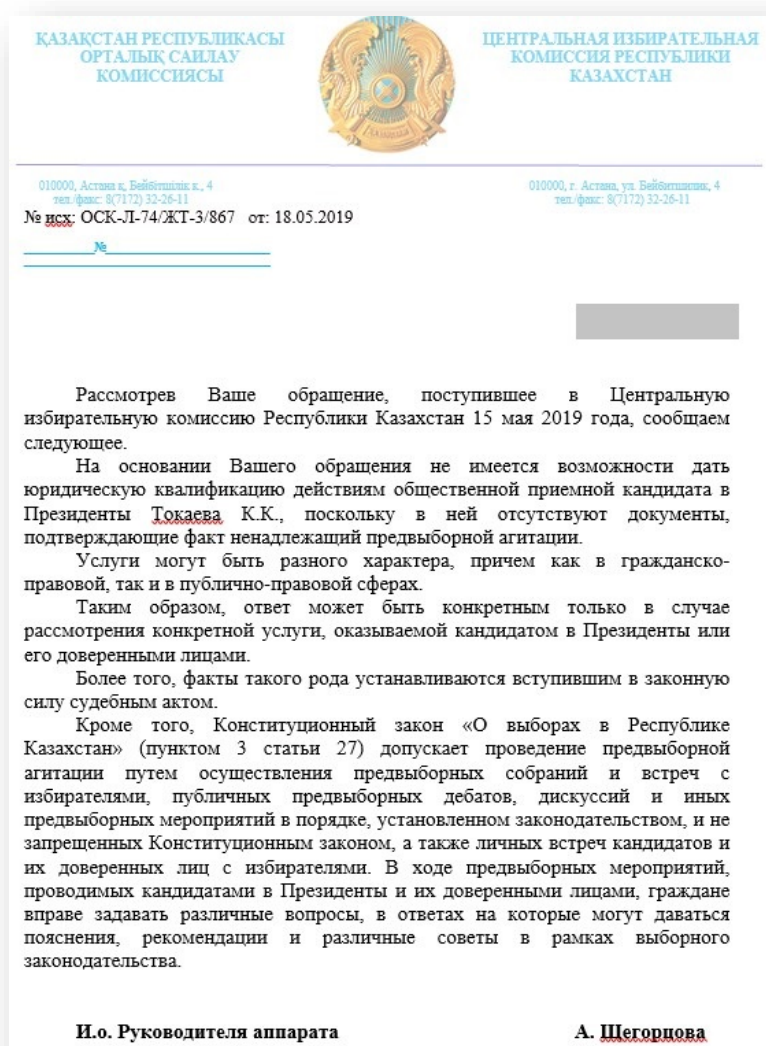
Screenshot of the web page of the election headquarters of candidate Tokayev.

The media published this information, after which the headquarters deleted information on assistance in filling out documents from the news.

The CEC clarified the term “service” to KazTAG, but did not respond if there were any violations by the headquarters of Presidential candidate Kasym-Zhomart Tokayev: “In accordance with paragraph 9 of Article 27 of the Law “On Elections”, the conduct of election campaign, accompanied by the provision of services to voters free of charge or on preferential terms, is an improper election campaign. (...) We believe that any clarification and consultation of voters with a candidate, his confidants, cannot be considered a service. Citizens have the right to address to candidates and their confidants during the election campaign questions on a wide range of constitutional and legal structures of the state, the functioning of its branches and institutions of power, individual state bodies, including on the issues of their election platform.” “If they (clarifications, consultations and the like) for the voter have one or another value (need, demand) or if the voter is obliged to render them (give a vote for the candidate), then in this case the question may be posed violation of election law. Signs of an administrative offense under Article cover such violations. 122 of the Code of Administrative Offenses of the Republic of Kazakhstan, “the CEC noted, adding that“ if the court considers the value (need) of such services to the voter or the retribution of its provision (if, as a result of their commission, the voter is obliged to cast his vote for the candidate), then such services may be recognized as improper election campaigning.”²⁹

²⁹ https://kaztag.kz/ru/news/tsik-razyasnil-termin-usluga-no-ne-smog-otvetit-byli-li-narusheniya-so-storony-shtaba-tokaeva?sphrase_id=4524456

In response to the observer, the CEC said that the facts of inappropriate campaigning are established by a judicial act that has entered into legal force.



Candidates competing with Tokayev were not interested in this issue.

Also, observers noted that at the beginning of the campaign, only agitation of one candidate, the incumbent President, was stationed at public transport stops. In response to a request for equal opportunities for candidates, the CEC replied that the owner of the stop facilities should provide equal conditions for placement of agitation materials to all candidates. At the headquarters of the candidates, Espaeva and Kosanov explained that they only post their campaign posters in specially designated places, they did not contact the owners of the bus stops.³⁰

³⁰ <https://informburo.kz/novosti/agitacionnye-plakaty-tokaeva-na-ostanovkah-almaty-raskleeny-zakonno.html>

In general, the campaign left the impression that the candidates did not lead a real fight for the votes. The main campaign took place between active groups of voters who campaigned for or against a particular candidate, or for participating in a vote or boycott.

Strict legislative regulation of campaigning and passivity of candidates have caused low interest of the majority of the population in candidates and their campaigns.

Lists of voters

- **Temporary registration as an obstacle to inclusion in the lists**
- **Weak electoral information campaign on including to the voters lists**

Most voters said they were informed about the date, time and place of voting. However, on the eve of the elections NGO Echo and partner organizations received questions from voters about how to find their polling stations.

Since January 2017, the amendments to the Laws of the Republic of Kazakhstan “On Migration of the Population” and “On Housing Relations” have entered into force, which stipulate the obligation of citizens to register at the place of temporary residence if they stay in this place for more than one month. In fact, this norm touched a huge number of citizens renting housing. According to the Ministry of Internal Affairs, as of April 15, almost 325 thousand citizens of the country had two registrations: temporary and permanent. In addition, there are citizens who have only temporary registration, as well as citizens without registration. Temporary registration allows citizens to use social services (health, education, etc.) at the place of actual residence.

According to the election law, temporarily registered citizens are included in the voter lists on the basis of an application submitted by them to the local executive body with exclusion from the list at the place of permanent registration (Clause 1, Article 25). Terms of inclusion are not specified by law.

At a meeting of the CEC on April 22, it was announced that citizens with temporary registration must determine for themselves where they will vote and submit an application no later than 30 days before the day of voting. Although the media published this information, these terms were not displayed on the CEC website itself. Later, when the CEC information campaign addressed to voters covered the issue of checking personal data on lists and obtaining absentee ballots, temporary registration was not mentioned.

As a result, on voting day, there were cases when voters with a temporary residence registration could not vote. According to polls of such voters, they were sure that temporary registration gives the right, along with access to social services, automatically gives the right to vote at the place of actual residence. In addition, on the eve of voting day, observers asked the election commissions if voters would be able to vote on their precincts upon presentation of a certificate of temporary registration. Different commissions answered differently.

Also, the issue of including citizens without registration in the voter list remains unresolved: citizens who do not have permanent registration and do not have temporary registration by the deadlines for compiling voter lists. According to the law, voters are included in the list only on the basis of registration or on the basis of their stay on the territory of special sites (hospitals, etc.).

According to the law, the voter has two options to vote at the place of actual stay on the day of voting (outside the community where the voter is registered):

1. Not later than 30 days before the day of voting, contact the local executive body with a statement on including it in the list at the place of stay on the day of voting.
2. Not earlier than 15 days before the day of voting, receive an absentee certificate.

Thus, there is a time lag when the voter cannot change the place of voting; in the event that the voter has learned that he will be in another locality less than 30 days before the voting day, and he leaves his locality earlier than 15 days before the voting day, the voter will not be able to vote.

Commissions at the request of citizens issue absentee certificate, according to the law. The extradition procedure is described in detail in the law. However, it is not rare for commissions to issue absentee ballots without following all procedures. In order to prevent such cases, it is necessary to strengthen the training of members of the commission on working with changes of lists of voters and the issuance of absentee certificate. Citizens come for absentee ballots at any time and only one member of the commission can be in the premises of the commission - the duty officer. Neither citizens nor members of the commission should have problems receiving and issuing absentee certificate in compliance with all legal procedures.

In fact, now the commission on voting day has three parts of the list: the main voter list, an additional voter list formed of citizens who have provided address reference and a list of absentee certificate. No matching lists exist. The commission issuing absentee certificates often fills them carelessly, incorrectly indicating the number and five-digit serial number, or these numbers are different on different sides of the certificate - one in Kazakh, another in Russian. In this situation, it seems necessary to maintain a public unified database with access to entering information into it for all commissions. If any PEC makes a change to the list by issuing an absentee certificate, the number of this certificate and the commission that issued it must immediately go to a special section of the database; upon receipt of the absentee certificate, the PEC must verify its number with the base, and allow the citizen to vote only if the presence of this absentee certificate in the database is confirmed.

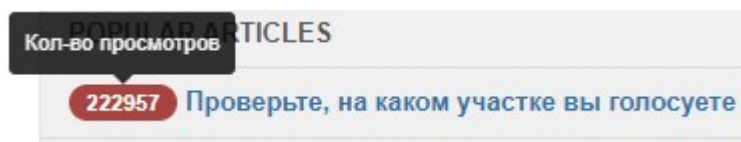
During the campaign, it turned out that foreign precincts established in the Embassies and Representative Offices of the Republic of Kazakhstan abroad could not provide voting for everyone, due to the lack of ballots. It is proposed to revise the picking of foreign precincts with ballots to prevent such situations. It is necessary to make separate article in the law for foreign precincts, which will regulate the special procedure for completing such precincts with ballots in an amount greater than the list plus one percent.

The procedure for inclusion in voter lists is traditionally given little attention. Most voters are automatically included in the lists, so people are dismissive of the opportunity to check themselves on the voters' lists. Since homeowners have been able to write out (de-register) tenants / former tenants, as well as with the introduction of a temporary residence registration, the issue of inclusion in voter lists has become relevant and requires an additional wide information campaign.

Some regional akimats and akimats of the cities of Almaty, Nur-Sultan and Shymkent made it possible for voters to check online where they vote. Unfortunately, such information could not be verified neither on the CEC website, nor on the electronic government portal, nor in

the citizen's personal account on the electronic government portal, although voter lists are compiled based on the state database of individuals.

NGO Echo on its website aggregated official information on all regions of Kazakhstan, how online or by phone to find out where the voter votes.



This publication gained more than 200 thousand views, the peak of views fell three days before the day of voting and at the day of voting (150 thousand views).

All of the above together indicates the serious shortcomings of the official information campaign on inclusion in the voter lists.

Day of voting

- **Violations on election day remain the same as in all past elections**
- **The vote count caused the most complaints**

On the voting day 170 stationary observers of NGO Echo network went to polling stations, observed the moment of opening and the completion of the vote count. 62 mobile observers worked, moving from polling station to polling station, monitoring the situation around polling stations and providing consulting support to stationary observers.

Observers were admitted to all polling stations in the morning. The problem arose only in one polling station, where the observer was not registered until they checked the registration of the sending organization through the database of the Ministry of Justice, although the election law does not require such verification from the commission members. It is enough to have a direction certified by the organization's seal and the identity document of the observer. In another polling station, a problem arose when an observer who was also a voter in that polling station did not fill out the ballot in the voting booth, but on the table provided to the observers. After that, members of the commission demanded that the observer must leave the polling station, since, in their opinion, he had violated the law. The commission did not draw up an act.

92% of polling stations opened on time. Before the voting began, strangers presented at 16% of the polling stations, in most cases they were police officers, security guards of the buildings in which the polling station is located, employees of public service centers, in some cases there were representatives of akimats and administration of organizations in which the polling station was located.

In 18% of the polling stations observers recorded a lack of access for people with limited mobility.

When the polling stations were opened, only at 4% of polling stations observers were far from the desks of the commission members and could not see all the procedures. In 19 cases, the number of ballots in the polling stations was less than required - according to the number of voters included in the lists, plus 1% of the reserve; including in 7 cases there were even fewer ballots in the polling stations than there were voters on the list. According to the explanation of the head of the territorial city commission of Almaty, this was due to the fact that from the moment the lists were submitted to the higher commission, the lists were amended by the statements of voters who checked their personal data in the commissions. Unfortunately, according to the protocol on the results of voting, it is impossible to find out how many people were included in the voter lists on the basis of address reference or absentee certificates, since although the number of voters in the lists is entered in the protocols on the results of voting. It is not clear whether the number of voters is included in this data listed on voting day. In the vast majority of cases, the number of voters in the list indicated in the protocols on the opening of the precinct did not differ from the number of voters in the list indicated in the protocol on the result of counting of votes. To increase the transparency of the process, as well as to assess the quality of voter lists, it is necessary to keep records of the number of voters included in the lists after the lists are transferred to the precinct commissions.

Observers noted indirect signs of coercion to vote: large organized groups of students in the precincts in the early morning, many voters took

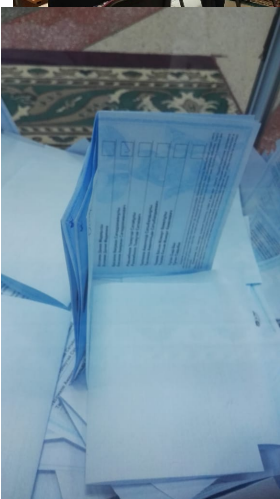


selfies and said they needed to report on voting to their superiors. Such cases were



mainly recorded in Almaty and in Nur-Sultan. In Kazakhstan as a whole, observers noted a large concentration of voters at the polling station in 37% of cases.

During the day, many observers had the opportunity to move around the polling station and observe the voting process. At the same time, due to the restriction of access to personal data, observers were not able to verify whether the voter really voted at the place of registration, whether he was on the voters list. In addition, observers were not always able to



see if all procedures were followed when issuing ballots. In cases where observers were able to move around the polling station and were in close proximity to the commission members who issued the ballots, observers noted the following violations: in 10% of cases when a ballot was issued to a voter with an absentee certificate, the voter data was not entered on the voters list, in 4% of cases, observers prevented attempts to give out ballots to voters without identification documents, in 2% of cases, observers prevented the issuance of ballots

by copy of certificates of personality also documented a few cases when members of the commission issued ballot simply by having the address reference, regardless of the place of registration. Once again, we note that these violations were recorded only in cases where observers were in close proximity to members of the commissions issuing ballots. Places provided by observers for permanent sitting, were at a distance that did not allow seeing such violations.

During the voting day, observers recorded and/or prevented several ballot papers being thrown by one voter at 22% of the polls.

Observers also faced a violation of their rights, most often, which concerned the right to take photos and videos. In most cases, after observers clarified the law to the commission members and indicated their rights, they were allowed to take pictures of the process.

Regarding the attitude of the members of the commissions and observers, the members of the commissions still perceive the observers as an inspection body and are wary of them. In 10% of cases, members of the commission refused to eliminate the violations that observers pointed out to them.

The greatest number of complaints is caused by the counting procedure.

Most polling stations closed on time. However, at 6% of the polls, the counting began with a delay. In several polling stations, members of the commission unjustifiably delayed the vote count, took breaks not prescribed by law. In some polling stations, vote counting began 4-6 hours after the end of voting. Observers reported a flagrant case where members of the commission interrupted the counting process and left the polling station, left all the electoral documents, including ballots. Application of the observers to the police did not give anything; they could not get call to the higher TEC and CEC.

In 40% of cases, outsiders (security guards, employees of the organizations where the voting was conducted) were present at the count. Often their presence was due to the lack of clear, understandable boundaries of the polling stations in the lobby of guarded buildings. Those or other procedural violations were recorded in almost every polling stations.

The observers are seriously concerned about procedural irregularities that do not allow observers to verify that the votes are correctly counted and documented. To such violations, observers include the following violations:

- A poor review of the vote counting procedures for observers was in 12.5% of polling stations;
- members of the commission, when counting, did not show ballots to observers in 33% of the polling stations;
- there was no announcement of the will on 20% of the polling stations;
- calculation was carried out simultaneously by several members of the commissions in 23% of the polling stations.

In more than 50% of the polling stations, observers were refused the provision of sealed copies of the protocols. 7 observers were removed from polling stations during the vote count.

On the day after the day of voting, in most cases, observers were not able to find copies of the protocols posted for public viewing at the premises of polling stations. The premises of

the election commissions were closed. Observers in Nur Sultan personally appealed to the CEC with a request to issue a copy of the protocol on the election results, but were refused. The CEC protocol is not published anywhere, the CEC website publishes an announcing on the election results, but it does not report all the information contained in the protocol: the number of ballots, the number of unused ballots, etc. Announcing about the results contains only percentages and figures by candidates, without official information.

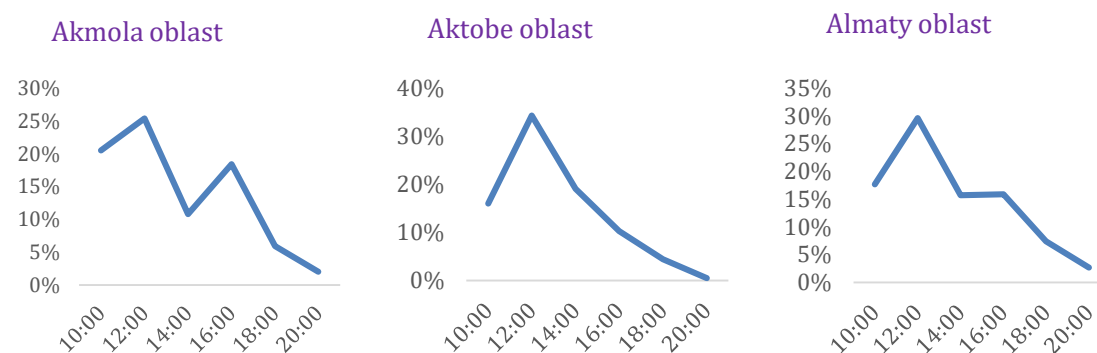
Many observers noted the poor knowledge of legislation by election commission members: procedures, participants' rights, and their own responsibility. Members of election commissions do not understand the significance of procedures aimed at transparency and as a result do not comply with them. "I got the impression that the members of the commission did not know the procedures and did not understand their significance," said the observer at one of the sites in Almaty.

Often, observers explained to members of the commission what was a violation and how to act.

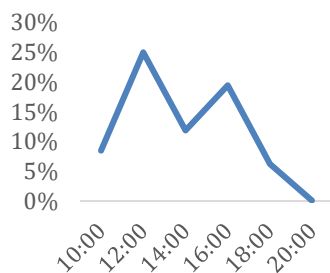
Turnout

Official turnout data was published on the CEC website and was given, on a growing result, at 10:00, 12:00, 14:00, 16:00, 18:00 and 20:00 on voting day. Official turnout data raise some doubts about their truth, if to distribute turnout data without a growing result across regions.

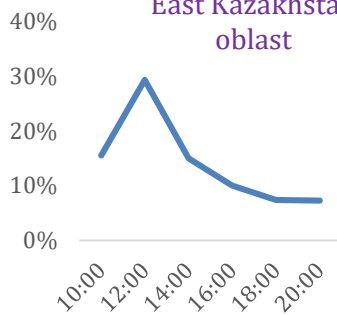
All data have pronounced turnout peaks at 12:00 local time. This correlates well with the available information, the maximum number of citizens vote between 10 a.m. and noon. However, in several regions, including the city of Almaty, the turnout peak was recorded from 12 to 14 hours. This does not coincide with the data from other areas, and is not confirmed by the data obtained by observers from the polling stations. Also, in a number of regions, two turnout peaks were recorded at 12 and at 16 or 18 hours, which is also not confirmed by reports from the poling stations. In two regions, a sudden turnout was recorded after a sharp decline by 18.00. Such data may indicate the artificial nature of the turnout due to coercion to vote or distortion of real data. Charts for official turnout without a growing result by region are presented below.



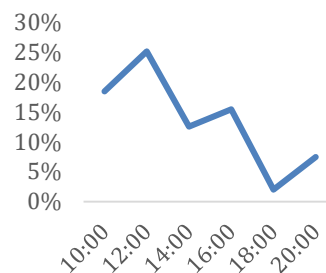
Atyrau oblast



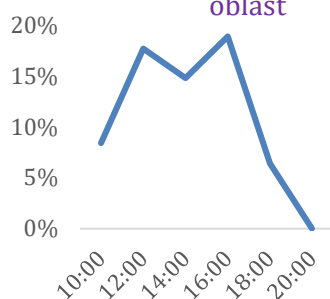
East Kazakhstan oblast



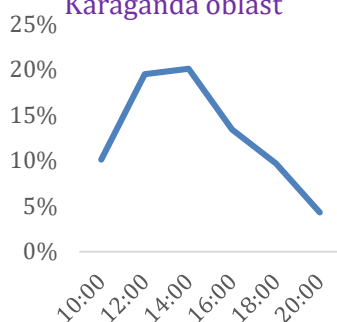
Zhambyl oblast



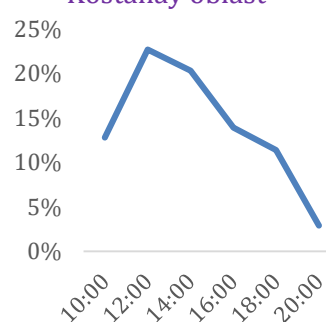
West Kazakhstn oblast



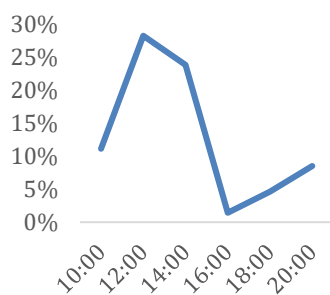
Karaganda oblast



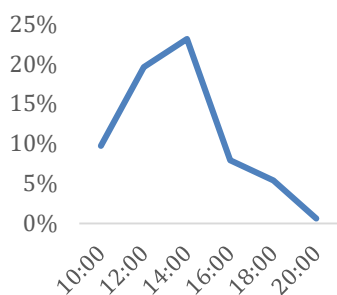
Kostanay oblast



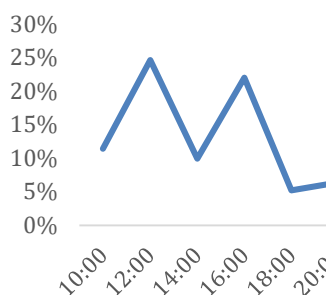
Kyzylorda oblast



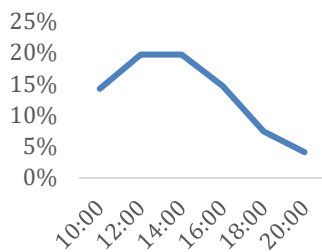
Mangystau oblast



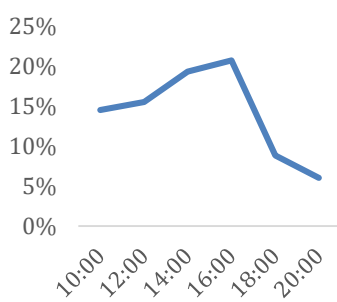
Pavlodar oblast



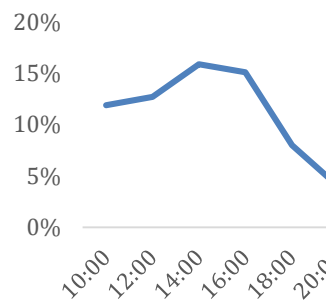
North Kazakhstan oblas

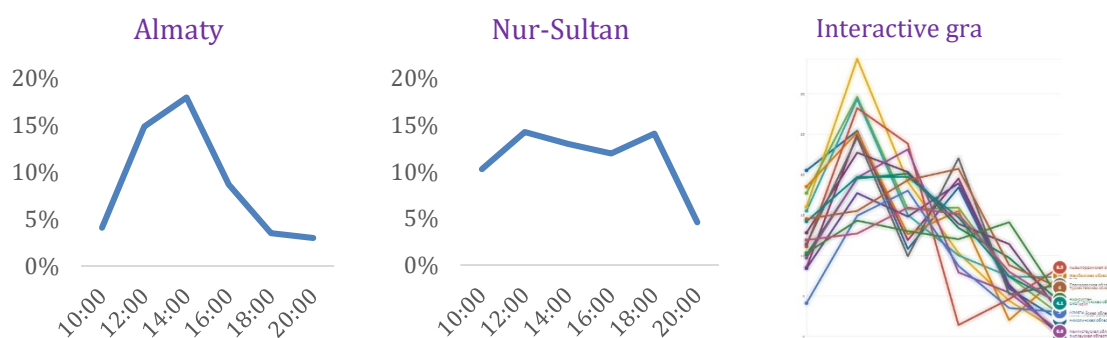


Turkestan oblast



Shymkent





An interactive turnout schedule with the ability to compare by hour and by region is published on the Echo NGO website.³¹

Observers from various organizations joined forces and collected copies of the protocols from the polling stations where they were observing. The data of the processed protocols revealed serious differences from the official data both in turnout and in the voting results. So, according to the results of processing protocols from half of the polling stations in Almaty, the results of voting for one of the candidates are several thousand votes higher than the official results for the same candidate for all polling stations in the city.³²

Lawsuits and claims

- **Lack of adequate response of state bodies to reports on violations.**
- **The complexity of the filing of claims for most citizens**

In accordance with Article 20, Clause 9 of the Law on Elections, decisions and actions (inaction) of an election commission may be appealed to a higher election commission and (or) a court within ten days from the date of the decision or an action (inaction). After the specified deadlines, the claims are not subject to consideration.

Article 49 of the election law states that courts and prosecutors are obliged to accept claims of violations of election law and examine them within five days and those received on voting day immediately. Courts and prosecutors work on voting day to ensure that claims are received and resolved.

The Code of Administrative Offenses contains 20 articles relating to violations of electoral rights. Violations related to the activities of election commissions are also subject to administrative liability - issuance of ballots by the commissions without sufficient justification, issuance of more than one ballot in one hand, etc. In addition, administrative liability is provided for violations of the rights of observers.

The Criminal Code contains two articles criminalizing falsification of election results and obstructing the activities of election commissions.

Thus, the legislative base of the Republic of Kazakhstan contains a sufficient number of legal acts to exercise the rights of citizens; however, observers state that the law enforcement practice is unsatisfactory.

³¹ <http://www.echo.kz/useful-materials-ru/research-ru/196-yavka-na-vyborakh-prezidenta-rk-2019-g.html>

³² <http://adilsailau.kz/> и <https://rus.azattyq.org/a/kazakhstan-Presidential-election-result-controversy/30001077.html>

So, according to information from independent observers, more than 160 lawsuits on violations on voting day were filed with the courts of the Republic of Kazakhstan. These lawsuits related to violations of observer rights (lack of access to polling stations, placement of observers in places that do not allow the review of voting procedures or vote counting, etc.) and direct violations by the commissions of the requirements of the election law (issuing more than one ballot, issuance of ballots without presenting documents, stuffing, violation of procedures during the vote count, etc.). Only a few complaints were considered.

The Prosecutor General's Office sent 36 administrative cases to the courts³³. 11 members of precinct election commissions were held administrative liable under Article 110 of the Code of Administrative Offenses for issuing ballots to citizens, in order to provide them with the opportunity to vote for other persons. They were fined 25 MCI. However, the prosecutor's statement said nothing about who these members of the commissions are and from which regions.

According to the prosecutor's statement, 9 voters were fined under Article 108 of the Code of Administrative Offenses for violating the requirement of equal suffrage (one voter - one vote - one ballot). These are residents of the cities of Nur-Sultan and Almaty, Almaty oblast, East Kazakhstan and Turkestan oblasts. 4 such cases are pending before the specialized administrative court of Zhambyl oblast. There are no results of the consideration of these cases in open sources.

The Prosecutor General's Office didn't react at all to the numerous facts of violations during the vote count, and casts doubt on the materials collected by observers about the violations, despite the fact that they were recorded on video. Courts in most cases refused to accept applications by observers, citing formal grounds, by the time the plaintiffs corrected the drawbacks and filed the applications again, the deadline for application expired. Representatives of the CEC were doubtful of the evidence collected by observers of violations - for example, the CEC first announced a fake and production video case with "disappearing" ink in one of the polls of the Almaty oblast. However, the CEC later admitted that the video was real, however, an investigation of this case has not yet been conducted and no one has been punished. Also, the CEC did not recognize the truth of several videos with ballot stuffing by commission members.

At the same time, the CEC is not the body that should determine whether the presented video is real or this is a fake or staged video. CEC should notify law enforcement agencies about them and initiate a fact check upon receipt of such information - about stuffing or other violations. No CEC statements to law enforcement agencies were recorded, information on such statements is not available on the CEC website. Representatives of the CEC also expressed their readiness to receive information about violations by phone and WhatsApp, but observers did not notice any reaction to such appeals.

This allows us to conclude that the CEC was unable to organize the electoral process without violations, and when these violations received a public outcry, CEC did everything to disavow the information. The courts and the prosecutor's office did not react to the revealed violations.

³³ <http://prokuror.gov.kz/rus/novosti/press-releasy/o-pravonarusheniyah-sovershennyh-v-elektoralnyy-period> and <https://rus.azattyq.org/a/30009669.html>

Observers believe that, it is necessary to simplify the process of filing complaints against the actions of election commissions and other election participants as much as possible taking into account given the high importance of elections for all citizens of the country. To consider all complaints, applications, it is necessary to conduct an informational training campaign, with the placement of application forms, complaints and application algorithms on the website of the CEC and local executive bodies. Violations recorded in a photo or video should be accepted for consideration by law enforcement agencies through social networks - similar to cases of traffic violations that were filmed and sent via social networks.

Civic engagement

- Increase of protest mood
- Tough reaction from authorities

In the year preceding the Presidential election, civil society has intensified markedly. In addition to the long-standing and actively working environmental movement “Defend Kok



Zhailau,” after the killing of Kazakhstani athlete Denis Ten, a social movement “For the reform of the Ministry of Internal Affairs” arose. After the tragedy in February 2019 in Astana, where five children died in a fire, the movement of mothers with many children arose and began to act actively.

During the Almaty marathon on April 21, 2019, two activists hung out the banner “You

Can’t Run From the Truth,” with the hashtag #Ihaveachoice. As a result of the action, activists were subjected to administrative arrest for 15 days. Three more people who took photos and videos of the action were recognized by the court as participants in the action and fined.

In the court of appeal in the activist’s case, the judge called standing with a poster at the marathon a political action. "The event (action) is not related to a sporting event and had a political motive connected with the upcoming Presidential elections in the country. By its actions, it had the intention to influence the country's political system and urge citizens to protest against the existing order," the judge said on appeal hearing.³⁴

This reaction of the authorities to the action caused an additional wave of indignation of citizens. In social networks, the slogan “You can’t run away from the truth.” #Ihaveachoice" was disseminated. As a result, increased interest in the elections among civic activists who had not previously participated and were not interested in observation.

For the first time in the history of Kazakhstan, a very large number of volunteers took part in the observation of the elections at the polling stations. This surge in civic engagement was

³⁴ <https://informburo.kz/stati/akciya-s-lozungom-ot-pravdy-ne-ubezhish-pochemu-nikto-ne-smog-opredelit-cto-eto-bylo.html>

supported by a number of NGOs that provided election observation training and legal support to activists. So, the NGO Echo held several additional trainings for civic activists in Almaty and Nur-Sultan, as well as conducted an additional webinar. The materials posted on the Echo's website related to issues connected to the electoral process gained more than 200 thousand views. The materials of the NGO Echo were widely distributed by the interested citizens themselves, who also downloaded and posted the Echo training online on YouTube.

The main motivation of citizens to participate in the observation was to protect the votes of voters from fraud. "To be involved in the social and political activities of our country. To make sure that the elections are fair and transparent. ", "Because, I doubt the fair elections and I want to make my contribution to fair elections ", " I believe that the time has come to show my civic position. And minimize the possibility of fraud at polling stations. "

Social networks were regularly blocked in the evening hours in Kazakhstan for over a year. Most people associated these blockages with appearances on social networks of the leader of the DCK (Democratic Choice of Kazakhstan) movement recognized as extremist in Kazakhstan by a court decision. In April 2019, there were practically no blocks, but in May, after the growth of citizens' indignation and the DCK's calls for mass protests, the blocks resumed. Calls for rallies and protests were spread across social networks, and a large number of citizens who did not support and did not even have a clue about the DCK movement, but were dissatisfied with the situation, went to protests on May 1 and 9. During the rally on May 9, when hundreds of people protested, the authorities took unprecedented measures to block news resources and social networks. The websites Vlast.kz, Holanews.kz, Informburo.kz, Exclusive.kz, Time.kz, the regional publications Uralskaya Nedelya, Ak Zhaiyk, and the page of the Kazakhstan Human Rights Bureau were blocked. By noon, Almaty time, access to the Informburo.kz and Time.kz sites was restored.

The editors of the blocked sites uploaded their materials on social networks, access to which was open until noon local time, but somewhat difficult (closer to 1 p.m. the social networks Facebook, Instagram, Telegram, and the YouTube platform were blocked). Dozens of protesters were detained by the police.

The DCK movement called for a boycott during the entire election campaign. Supporters of the movement did not interfere in campaigning or voting on voting day any way. On June 9, supporters of the boycott took to the streets, but the constricted police forces instantly arrested people in protest places.

None of the candidates protested the preliminary official results. However, from June 10 to 13, a number of rallies were held in the cities of the country, at which people who did not agree with the announced election results came out. The rallies were accompanied by unprecedented severity of police; according to official figures, over 4,000 people were detained in the RK over 2 days, and about 1,000 were convicted by the courts of administrative responsibility. There were no other constructive reactions from the authorities.

Conclusions and recommendations

Nomination and registration of candidates

Exclude the requirement for Presidential candidates to have experience in public service or in public elected positions. A narrow circle of candidates has the experience of civil service, and this automatically hinders the realization of passive suffrage of citizens. At the same time, the declared value of experience in public service is not supported by evidence.

Exclude the requirement for candidates to reside over the past 15 years in the territory of the Republic. The requirement to reside in the country can have a very broad interpretation (see the decision of the Constitutional Council at the request of candidate Tokayev) that its application is devoid of practical meaning. In addition, such a requirement is not demanded from the speaker of the Senate, who becomes President in the event of the resignation or death of the elected President.

Exclude the linguistic test as a method of testing candidates' knowledge of the state language. Voters should give assessment of the candidate's state language proficiency during the campaign. The candidate makes public speeches in the state language. If the level of his knowledge does not meet the needs of voters, they do not vote for him. The work of the linguistic commission is opaque and not protected from bias.

Exclude the requirement that signatures of voters must support the candidate. In accordance with amendments to the law, the right to nominate is granted only to political parties and other republican public associations, which in their structure are already associations supported by voters. Therefore, additional legitimization of candidacies is not required; the collective opinion of the party or RPA expressed at the congress can serve as a guarantee.

The procedure for checking the declaration of income and property of the candidate and his (her) spouse should be public and transparent. The publication declaration must be in a machine-readable format. The requirements for compliance with bank or personal secrets should be recognized legally void, because in this case, verification of the authenticity of the declaration reveals the suitability of a citizen to perform public state functions. The procedure for checking the declaration should be carried out before a decision is made on the registration of the candidate. Candidates should be given the opportunity to correct inaccuracies and errors below the materiality threshold. The threshold of materiality itself should be defined in law. Publication of declarations will increase confidence in the electoral process.

Make requirements for the publication of detailed information in a machine-readable format on the election funds of candidates. Show in the published information all the revenues, sources of income and expenses of the election funds during the campaign. Since anonymous donations to funds are prohibited, there are no obstacles to publishing data on who and how much money has donated to the fund of one or another candidate. Similarly to the approach to publicity, verification of the income declaration, in this case, the requirements for banking or personal secrets should be recognized legally void, since in this case the publication of the income of election funds reveals the citizen's suitability for performing public state functions. The publication of detailed information on the electoral funds of candidates will increase confidence in the electoral process.

Formation and training of election commissions

Obviously, the existing procedure for the formation of election commissions, conceived as a system of checks and balances of political parties, but it does not work in practice. This drawback is not so much the procedure itself, but the party system and party building in

Kazakhstan. Given the dominance of the Nur Otan party, other political parties often do not have the resources to represent themselves in the commissions fully. Since the law does not require a party representative in the commission to be a member of this party, in practice the commissions consist of members of the Nur Otan party, representing any other parties and public associations. As for the CEC members, they are appointed by the President and the houses of parliament, in which Nur Otan has an overwhelming majority. Such a composition of the commissions does not contribute to the impartiality and independence of the members of the commissions when making decisions.

In addition to the party, the factor of official subordination in commissions continues to exist, the law directly prohibits direct subordination, but does not prevent indirect subordination. There are cases when members of the commissions are employees of various organizations that are subordinate, for example, the chairman of the commission is an employee of the department of education, and members of the commissions are schoolteachers or college teachers. The staff turnover in the composition of election commissions is also high. This forces higher commissions to introduce members to lower commissions by their decision, bypassing the nomination and decision-making process by *maslikhats*.

It is proposed to abandon the principle of forming election commissions for a period of five years to correct the situation. Commissions should be formed immediately after the announcement of elections with the direct participation of political parties and other public associations, undergo appropriate training, conduct elections and dissolve after the announcement of the results (except for the CEC). Thus, the motivation for political parties and public associations that nominate candidates to participate in commissions will be strengthened.

It is necessary to introduce new approaches to the training of members of election commissions, including, in addition explanation the norms of legislation, also explaining the goals that these norms are aimed at, as well as the roles of all participants in the elections, principles of interaction with observers and other participants in the election process. All members of election commissions must be trained. In addition, training should be open.

Voters' lists

The procedures for the formation and use of voter lists, amendments to them, as well as procedures associated with the change of the place of voting by the voter, require serious reform, taking into account modern capabilities.

Problems associated with the lists appeared in cases of prohibition of voters to vote. The procedures for amending the lists and issuing absentee ballots do not let to reveal possible abuses.

The procedure for entering citizens who are not at the place of permanent registration on the voting day into the voting lists is not clearly defined in the law. The law indicates that the basis for making a citizen on the list is registration. The law does not stipulate the type of registration - permanent or temporary and that makes it possible to refuse to include citizens with temporary registration in the voter lists. The vagueness of the norm allows decision-makers to approach the issue selectively - adding some citizens to the lists and denying others. The law must clearly spell out the terms and grounds for amending the voter lists, depending on the type of registration in order to prevent such a situation.

The Law on Elections in the powers of the CEC enshrines the maintenance of the electronic Register of Citizens - voters of the Republic of Kazakhstan. The presence of a single database with mandatory access for commissions to make changes with the application of information on the grounds for making changes would simplify the process of making changes to lists, including on voting day.

The publication of information on the number of voters entered and excluded from each polling station will make it possible to assess the quality of compiling the initial lists and eliminate possible abuse.

Citizens according to the law can apply to a higher commission or to a court to appeal against non-inclusion in the voters list. However, non-inclusion of a citizen in the list may be interpreted as an obstruction of the exercise of his voting rights, which is a criminal offense. Therefore, we consider it necessary to include in the list of bodies where a citizen has the right to apply to appeal against non-inclusion in the list, as well as the supervisor - the prosecutor's office.

Voter education

Informing citizens should also include information about the inadmissibility of pressure from state bodies, coercion to vote, threats of sanctions against persons expressing a different from official point of view. The voter should be aware of his authority, rights and methods of opposing public or private entities seeking to turn his vote in their favor. Awareness of voters of their rights and opportunities is the result of information work that can and should be carried out by the CEC, the media and public associations.

Observer's Rights

The election legislation of the Republic of Kazakhstan does not provide equal opportunities for local and international observers. If international observers have the right to be at all stages of the election process and receive information on the course of the election campaign at election commissions, then local observers have the right to be only at meetings of election commissions and observe the procedures on voting day.

As a result, observers often faced cases of refusal to provide information from members of the commissions both in the pre-election period and on voting day.

Often and contrary to the direct requirement of the law, the rights of observers are ignored: there were refusals of commissions to issue copies of the final protocols, obstacles to video filming, and refusals to adopt acts of violations. In this regard, it is recommended that the CEC should strengthen the work on the interaction of commissions with observers, and assistance in the implementation of the rights specified in the law.

Procedures of the voting day

The election law in the procedural part has not undergone major changes for about 20 years. Unfortunately, violations of the procedural part in elections are almost identical at all levels. To prevent these violations, a serious audit of all articles of the law relating to the procedure for voting and determining the voting results is required. It is necessary to analyze violations, the norms that are violated most often should be spelled out in such a way as to exclude double interpretations and other conflicts that impede their free implementation. The most serious audit should be subject to article 43, on the counting of votes. All methodological instructions that the CEC issues to lower-level election commissions must strictly comply with

the law; if the law does not contain any norms or procedures, the CEC should promote amendments to the law, and not create many by-laws that close the “holes” in the law. Law must prescribe all procedures. Decisions of the CEC should concern only variable factors (registration of candidates, approval of the form of ballots, etc.) and not concern procedural issues (rules, etc.).

Violations recorded by observers during a vote - stuffing, family voting, etc. - must receive an immediate response both from the side of the election administration and from the side of law enforcement agencies. Each such case should be evaluated by the CEC. This practice should be enshrined in law.

The greatest number of complaints is caused by the counting procedure. In violation of the requirements of the law, some commissions did not start the counting of votes immediately, did not draw up the final protocol immediately after the calculation, and did not hang out a copy of the final protocol certified by the seal and signatures in the premises of the polling station. Such actions of precinct commissions cast doubt on the results of the vote and undermine the confidence in the elections of citizens. It necessary to tighten liability for violations during the vote count to prevent such violations. Law enforcement agencies and the electoral administration should immediately respond to signals of such violations, and themselves should be held responsible for the lack of response.

All recorded violations on voting day suffer from insufficient evidence; to solve the problem it is proposed to legislate the obligation to conduct live webcasts from sites with the requirement of mandatory video recording of the entire voting process and summing up. The presence of a constant webcast indicating the time and place (PEC number, territorial affiliation) will allow law enforcement and supervisory authorities fulfill their duties on voting day more effectively.

Modern technologies.

It should be noted that most countries of the post-Soviet space have already introduced amendments to the election legislation aimed at facilitating the work of election commissions, preventing and fixing violations and increasing confidence in elections. Such changes were the requirements for the availability of webcasts and video recording of the voting and counting process, electronic turnout counting, biometric systems for issuing ballots, the publication of all protocols of election commissions in a machine-readable format and other election documents. NGO Echo hopes that similar changes will be adopted in Kazakhstan.

It is necessary to open in the popular social networks pages of the CEC and TECs, at least regional, cities of republican significance and the capital taking into account the lack of websites of the territorial election commissions. To publish the latest information and answer questions from voters in order to improve the information, interaction of the election commissions with the population and increase the transparency of the commissions.

The process of changing legislation.

Amendments to the electoral law and other legislative acts related to the elections should be held with wide public discussion, with the participation of civil society organizations that monitor the elections, the expert community and published on existing state electronic platforms (Open LAs, CEC website etc.).