

**ANALYTICAL REPORT ON 2019 EXTRAORDINARY
PRESIDENTIAL ELECTIONS IN THE REPUBLIC OF
KAZAKHSTAN**

Contents

Political framework	3
Pre-election campaign	3
Activation of civic society	4
Election administration	5
Election day	6
Voting	7
Closure of polling stations and summarizing of results	9
Post-Election Courts and Proceedings	10
Conclusion	11
Recommendations	11

Political framework

On March 20, 2019 the President Nursultan Nazarbayev signed the order on resignation and on the same date, the Chair of Senate Kasym-Zhomart Tokayev became an acting President in accordance with the Republic of Kazakhstan Constitution. On April 09, an acting President appointed extraordinary elections to be held on June 09, 2019.

The 2019 extraordinary elections of the President of the Republic of Kazakhstan were held within the legal framework which does not correspond to the international standards and many times became the subject of criticism by foreign and local experts. Recommendations on improvement of electoral legislation by such high profile organizations as OSCE, were ignored by authorities of the republic once again.

Requirements to candidates on possession of five year experience as a civil servant and residence in Kazakhstan within last fifteen years did not allow equal opportunities for participation of alternative candidates in elections and did not constitute any positive international practice. Imperfection of electoral legislation and political agenda for the transfer of power reflected on the nature of holding elections itself.

It should also be noted that extraordinary elections were held in an absence of political pluralism environment with domination of the Nur Otan governing party. Absence of freedom of assembly and freedom of speech did not provide any possibility to hold elections in a democratic spirit and resulted in a quite critical assessment by the OSCE/ODIHR international election observation mission. This fact does not provide Kazakhstan any chance to further improve external political image.

Considering the fact that elections were marked by massive violations noted by observers in the course of voting and vote counting procedures, it was acknowledged that it did not correspond to the international standards of free and fair elections¹.

On the date of elections, following were among the main violations which could mostly have influence on voters' will: mass ballot stuffing, "family voting", limitation of observers' rights, questionable vote counting procedures, limitation of freedom voters' choice.

A significant number of voters who turned out at the polling stations took selfies on their mobile phones to note the fact that they took part in elections and publicly informed observers that they had to report to employers. This is a violation of the law "On elections" in the category of restriction of citizens' free will.

Pre-election campaign

The period of candidate registration lasted till May 11, 2019. By the end of the registration period nine candidates were nominated and seven candidates registered from different political

¹Paragraph 7 of the Copenhagen Document of 1990 states that in order for peoples' will to serve as a basis of the governmental authority, the member countries shall:

7.4 - provide for fair counting of votes;

7.6. - ensure that authorities respect the right of citizens to create political parties, in conditions of equal political competition, and provide legal guarantees for this;

7.7. ensure that laws allow for free political campaigns free of any administrative resources, nor does it prevent voters from getting acquainted with them and discussing them or voting freely without fear of punishment;

parties and public associations. The election campaign started on May 12, 2019. Seemingly, the campaign went inertly and was not marked by great activity of the candidates. Electoral campaigns of candidates did not attract wide interest among voters. Materials about candidates were placed on static information boards (stands) and in some places billboards with portraits of candidates appeared by the roadside.

Few of the candidates utilized direct contact with voters, except for so-called public meetings with candidates. One of the main inconveniences of such public meetings of candidates with voters was the procedure for premise reservation. In accordance with the Law of the Republic of Kazakhstan "On elections", the decision on provision of the premises was passed by local authorities (maslikhats (local councils) and local self-government bodies), and candidates should have been placing the request with local executive bodies ten days prior the event. In such a short period of campaign, one month long, this rule provided some inconveniences to candidates. At the very end of election campaign, the Central Electoral Commission along with Khabar TV-channel controlled by authorities, organized TV debates. The candidate from ruling party did not participate in the main TV debates of the country.

The campaign messages of candidates were focused on personal qualities of candidates and less on a concrete solution to local problems. The candidate from incumbent authority had an advantage in conducting his election campaign, judging by the number of his remarks in the media, which significantly exceeded the availability of information about other candidates. The first president, Nursultan Nazarbayev, openly expressed support to the candidate Kasym-Zhomart Tokayev.

An alternative candidate from public, Amirzhan Kosanov, widely used social networks. The opposition camp was divided during the election campaign. Radical opposition, following the appeals of its leader, Mukhtar Ablyazov, decided to boycott elections. Nevertheless, among those boycotting elections, opinions differed, some of them called for implementation, as they called an active boycott, which meant coming to the polling stations and spoiling ballot papers, while some called for rallies to be held on elections day and ignore voting completely.

Activation of the civic society

For the first time after a long period of political calm in the country, guided by the appeals of Amirzhan Kosanov's campaign office and other non-governmental organizations, there appeared a lot of observers who actively applied to various registered non-governmental organizations in order to obtain assignment letters to polling stations on the day of elections. Through social networks observers achieved a free exchange of experience and information related to observation. As a result, on the day of elections, representatives of civic sector actively turned out at the polling stations. Many of them argued that they were not in favor of an alternative candidate, but were involved in monitoring in order to prevent mass falsifications. Civic organizations and activists managed to prevent a lot of violations, although, it was not enough to collapse the administrative scheme. There also were representatives of so-called GONGOs (pro-government NGOs) at the polling stations, for example, "Amanat" network of observers. The goal of such observers was to legitimize electoral process. In every possible way they tried to provide assistance in election commissions' work, and it was sometimes unclear whether they represented civil society in general and whether they knew that meaning of observation involves impartial attitude towards electoral process, and steady pursuit of independence and legality criteria.

Election administration

There is the three-layer system of election administration in Kazakhstan. The Central Electoral Commission is responsible for the formation of territorial electoral commissions, which in turn are responsible for the formation of precinct electoral commissions. The composition of commissions is agreed upon by local councils (maslikhats). In many polling stations, commissions were formed from 100% of employees of one organization, contrary to the law of compliance with the proportion of no more than 50% of workers from one organization. Some observers found that the ruling party dominated in the electoral commission of the lower level. Actually, the very mechanism for formation of electoral commissions of the second and the third levels does not provide for a wide political pluralism.

In general, organization of preparation for elections, printing of ballots and provision of precinct electoral commissions with the materials necessary for conduct of elections, went smoothly, in accordance with electoral legislation and the calendar plan of elections. Although in several cases election commissions were not fully equipped².

The main complaint against activity of the Central Electoral Commission was regarding pressures exerted on the commissions of lower level, in order for the latter to engage in illegal activity, and their weak trainings for the elections. During elections, observers had to confront several times with the precinct electoral commissions, which demonstrated their clear misunderstanding of electoral legislation. This fact affected the level of professionalism in holding the elections. In future, the Central Electoral Commission is encouraged to conduct trainings with representatives of the electoral commissions of lower levels well in advance of elections.

The pressure on electoral commissions was noticed by observers when they approached vote counting stage. After the first copies of protocols were issued to the observers, most precinct electoral commissions, as the observers noticed, received calls from upper level commissions. After calls from above, the precinct electoral commissions, majorly stopped issuing copies of the protocols to observers and tried to limit observation of counting procedure in every possible way. For example, many such cases were registered by observers in Aktobe. In Nur-Sultan, at one of the stations, observers were even locked in one of the premises during the counting of votes.

Voter registration, voter lists and absentee certificates

In accordance with the electoral legislation, voters should be registered in the voter lists which is based on their registration at the place of residence. Akimats are responsible for compiling voter lists. Information for voter lists is extracted from the state database of citizens. Akimats, in turn, submit the data on voters to the territorial electoral commissions. Territorial electoral commissions verify the data from the lists with the database of the Central Electoral Commission, which maintains a single electronic registry of voters, if inaccuracies are found, they are sent for clarification to Akimats. In accordance with the law "On elections", the Akimats sent extracts from voter lists to polling stations on May 20, and voters could check themselves in

²For example, the number of ballots in the polling station No. 360 in Almaty was 1% less than the voters in the list (2374 voters in the list, and 2202 ballots received). At the polling station No.312 in Aktobe Region, Kandyagash, the ballot booths did not provide a secret ballot, since there was access from one booth to another.

the lists from the May 25 and till election day. As of May 20, 11,947,995 voters were included into the voter lists.

In order for voters to vote, they are obliged to confirm residence in the territory of the relevant polling station, even if they are not registered there, in which case they may be included in additional voter lists, although this provision is not clearly regulated in election law. On elections day, so-called mini Citizen Service Centers (CSC) were formed next to polling stations. These CSCs issue address information certificates (adresnaya spravka), using which voters are included in voter lists and issued a ballot.

One of the big problems is the inability to check whether the voters already voted on the main list. For example, in polling station number 425 in Moscow (Russia) there was no control system for repeated voting. Besides the main list in which voters from the consular register and those who submitted applications in advance were included, all who wanted to vote could be included in the additional list. It was not checked whether voters already voted on the main list or not.

For voters who believe that they will be in a different location on elections day, they can apply for a temporary change of registration within 30 days prior to the elections day, or apply for an absentee certificate (voucher) which will give them the right to vote at any polling station outside their permanent place of registration. But as a rule, during the election often there were situations when the voters were not in the place of permanent registration on elections day, but nevertheless did not take or failed to take absentee certificates. In Atyrau, complaints were received from oil workers working on duty that they have difficulty voting because they lack an absentee certificate. Nevertheless, later they were provided with opportunity to exercise their right to vote.

In fact, the quality of voter lists remains a big concern. Even if authorities provided voters with possibility to check electronically in the voter lists, many voters simply did not find themselves in the lists and did not know where to go for adjustments.

It cannot be said that the citizens showed keen activity in refining themselves in the voter lists. Nevertheless, using the access to the voter database through the Akimat's web-sites, a certain percentage of voters took advantage of the proposed function. A certain part of voters used opportunity to request for absentee ballots. There were some minor mistakes, sometimes absentee ballots were issued earlier than a regulated term.

Election day

The elections were held in a rather tense atmosphere, restrictions on personal freedoms and the right to freedom of assembly. The elections day was marked by mass detentions during peaceful demonstrations in major cities in Nur-Sultan and Almaty. The main message of strikers was aimed at the credibility gap in the issue of election conduct, although the acting president and the presidential candidate Kasym-Zhomart Tokayev promised that the elections would be maximally fair. As a result of the rally, hundreds of civil activists were arrested, who later appeared before closed courts directly in the territory of investigative isolators.

Opening

Mainly, observers were allowed in at all polling stations at the time of opening, except for

isolated cases. There were cases of non-admission of observers to polling stations located in the territory of regime facilities³.

At the polling station No. 124 in Almaty, voting at a closed polling station began at 5:45 before it was officially opened.

In general, observers were provided with opportunity to conduct unhindered observation of the opening procedure of polling stations. Electoral commissions followed the procedure, except for some isolated cases, for example members of the precinct commission forgot to sign the minutes of the polling station opening.

Voting

Violations of observers' rights

Throughout elections day, observers questioned transparency of the election process. At an overwhelming number of polling stations, observers were not given an opportunity to adequately monitor all stages of the election process. In many cases, observers were not allowed to check the voter lists. The members of the precinct electoral commissions ordered the observers to stay at a long distance from the place of carrying out the election procedures and vote counting⁴. Restriction of observers' rights is one of the serious violations not only of the law "On elections" but also of international norms emphasizing the importance of the role of observers, as indicated in the Copenhagen Document of 1990⁵.

Presence of unauthorized persons on a station

On many polling stations, especially at the time of the influx of certain categories of voters such as students or military, it was difficult to establish who was an unauthorized person and who was not. Such stations did not receive a positive assessment from observers, precisely in the organization of the order on the polling station by members of the commission. At a certain number of polling stations, the observers registered the cases of presence of unauthorized persons⁶.

Mobilization or delivery of voters

One of the fundamental rules of a free election is the free expression of voters' will. On

³Investigative isolator, polling station No.216 in Nur-Sultan, Investigative isolator of the National Security Committee, polling station No.239 in Akmola Region. At the polling station No.239 in Karazhal members of the electoral commission had cavils to the orthography in the referral to observation.

⁴Thus, at polling station No. 88 in Nur Sultan, the movement of observers throughout the polling station was restricted. At polling station No.312 in Aktobe Region, Kandygash, the ballot booth was located in such a way that if the voters crowd at the ballot booths, the ballot box falls out of sight of the observers. Observers were forbidden to move throughout the station at polling station No.310 in Aktobe Region, Kandygash. At polling station No.529 in Aktobe, observers were sat at a distance from which it was not possible to observe, at the observer's comment, the police officer was called and the statement was drawn up for the observer that he had crossed the line, which the movement of observers was limited by. At polling station No. 51 in Aktobe, the ballot box was at a distance, making it difficult to follow the observation. At polling station No. 62 in Aktobe, observers were prohibited from filming. At polling station No. 252 in Atyrau, the chairman of the polling station did not allow the attorney of the candidate Amirzhan Kosanov to observation. At Polling station No. 124 in Almaty, the observer was prohibited from filming, referring to the fact that the station is located in the territory of the regime facility.

⁵Pargaph 8. The participating states believe that the presence of observers, both foreign and national, may increase the credibility of the electoral process for the states in which elections are held.

⁶Workers of the organization on whose territory station No. 368 is located, constantly entered to the election station.

elections day, many stations saw mobilization of a large number of voters.

Observers registered a great influx of voters during the first hours of voting. Thus, at some polling stations, the number of voters before 7:30 already reached about 100 persons⁷.

The control of the appearance and violation of the rights of the free will of voters was recorded on many occasions on elections day. At many polling stations, representatives of budget structures, they tried to take pictures either with a ballot or against the background of an election station, according to their own words, they did this for a report to the employer⁸.

Manipulations with temporary residence

As it was mentioned above, on elections day, so-called mini-CSCs were formed at the polling stations, which immediately issued address certificates to voters. With these certificates voters were included into the voter lists and issued ballots, although they had registration in other districts. In all these mentioned cases, the voter lists did not indicate addresses of voters. Such practice opens an opportunity to exercise double voting at the place of a permanent and at the place of a temporary residence or to mobilize a necessary number of votes at a certain locality⁹. But there were also noted some instances of different interpretation of legislation when voters were provided with the right to vote. At some polling stations, the majority of voters were given a right to vote upon presentation of address certificate of temporary registration, at other polling stations such a right was denied to voters, although they already had a temporary registration before elections¹⁰. On elections day, members of precinct electoral commissions turned a blind eye to the absence / presence of a certificate and / or an absentee certificate¹¹.

Family voting

There appeared a large number of photographs in social networks, which show that people enter and exit two from the voting booths. At election station No. 203 in Almaty, the observers recorded the repeated facts of the presence of more than one person in the booth for secret voting at 17:10.

⁷In Almaty, at polling station No. 203 students voted in the number of 90-100 persons. In the morning a large crowd of voters came to the polling station No. 126 in Esik who were not on the lists. A group of people was brought by bus to the polling station No. 447 in Almaty for voting in the city, voters were actually registered in the region. At the polling station No. 55 in Almaty, crowds of students came to only one electoral commission. In Nur Sultan, voters living at the intersection of Pushkina and Kenesary Streets were taken to the polling station No. 92 although these streets do not belong to it.

⁸As it was at the polling station No.374 in Almaty, at the polling station No.379, a man came and declared that he was obliged to control how students voted. At the polling station in the KazNU in Almaty, students who came to vote were asked from which faculties they were and it was noted in the tables of the members of the commission.

⁹In Nur Sultan at the polling stations No. 118 and No. 119, voters were temporarily registered in the mini CSC and the right to vote was obtained by them. Moreover, when they voted the member of the commission did not write down their address, that is why they can go to any other station, obtain the certificate and vote. At 8:00 there were 35 such persons at the polling station No.118.

¹⁰In Almaty, at the polling station No. 248, voters were not allowed to vote with a normal temporary residence permit, they demanded an absentee certificate, and the district electoral commission confirmed the position of the chairman of the precinct electoral commission.

¹¹For example, at the polling station No. 88 in Nur Sultan, voters were introduced without an address certificate. At the polling station No. 169 in Zachagansk Uralsk, ballots were issued to voters without a residence permit; a large crowd of people who arrived at the polling stations were allowed to vote without a certificate of registration. At the polling station No. 21 in Nur Sultan, a voter was registered without the residence registration and the ballot was issued to him

Procedure for ballot issue

Electoral commission often did not follow the legal procedures for issuing of ballots. In some cases, members of electoral commissions did not sign the ballots issued to voters. The main violation recorded by observers when issuing ballots was the issuance of more than one ballot to a person¹².

Popular violation of a kind was allowing voters to vote without proper identity documents. According to reports by some observer co-ordination offices, the scale totaled to (3 percent).

Ballot box stuffing

A large number of ballot box stuffing and attempts to make a stuffing were recorded by observers and were widely distributed in social networks¹³. At some polling stations, there were pre-marked ballots found ready for stuffing¹⁴. Observers provided a lot of pictures, which show folded together stacks of several ballots in transparent ballot boxes¹⁵.

One of the innovations in the falsification of the presidential election was the fact that there were pens with disappearing ink in the polling stations. Moreover, the fact of presence of such pens was officially confirmed by the Central Electoral Commission¹⁶.

Closure of polling stations and summarizing of results

Vote counting

If during the opening and voting, observers still had some limited opportunity to observe, during the counting of votes in many polling stations, these rights of observers, guaranteed by the law "On elections" in Article 20-1, were grossly violated by members of electoral commissions. There were delays in counting, i.e. precinct election commissions ran out of the clock and took observers by wearing them off¹⁷. Members of precinct electoral commissions told observers to be at such a distance that it was not possible to observe¹⁸.

The gross violation was that observers in many polling stations were not allowed to observe the counting of votes in general, and at some polling stations they were removed from the polling

¹² At the polling station No.200 in Nur Sultan, the second ballot was given to vote under the power of attorney. In Kyzylorda, at station No. 90 more than one ballot was issued to a person. At station No.862 in Kyzyl Kayrat, two ballots were issued to a person. Station No. 524, Almaty, Aktobe Region, the chairman of the commission issued 4 ballots to the voter.

¹³ At the polling station No. 862, stuffing. At the polling station No. 184 the stuffing was prevented from. At the polling station No.40 in Astana, the packs of ballots were found marked for Tokayev. At the polling station No. 90 in Kumshagal, Zhambyl Region

¹⁴ At the polling station No.51 in Nur Sultan. On the polling station No. 155 in Besagash, before the opening of the ballot box, the members of the electoral commission stocked up with ballots that were thrown at the time of opening the ballot box.

¹⁵ At the polling station No. 541, Almaty, in a transparent ballot box there are visible folded bulletins bent together. At the polling station No. 152, Shymkent, the ballots bent together are seen inside the transparent box.

¹⁶At the polling station No. 200 in Kaynazar, Almaty Region

¹⁷At the polling station No. 368, the commission did not immediately begin to fill out the protocol. They issued a not certified a copy of the protocol.

¹⁸At the polling station No. 155, in Besagash, Zhambyl Region, observers were put at a distance from which they could not see the marks on the ballots.

station leaving the act, even at election stations abroad¹⁹.

During the very counting, members of electoral commissions did not show observers ballots²⁰. At individual polling stations, members of electoral commissions shifted ballots from one handful to another. And at those election stations where the observers did insist on recalculation, in piles of ballots with votes casted for Kassym-Zhomart Tokayev, there were ballots with votes for other candidates²¹.

When members of electoral commissions finished counting votes, observers were denied to issue copies of protocols at many polling stations²². And at some stations they were not hanged out on the wall at all²³.

Many observer offices directed their activists to collect protocols and then, having received them, put them in a single table to compare with official data. Thus, in Almaty, out of more than 40% of the observers' protocols received, the difference between official data and observers' data was 20,000 votes. In Uralsk, as of June 12, from the data of the protocols with the results of voting from 65% election stations, Kasym-Zhomart Tokayev, who was officially declared the winner of the election, received 40.4% of the votes. Amirzhan Kosanov had an advantage of 49.9% of the votes.

Post-Election Courts and Proceedings

Based on the mass violations recorded, several observer offices filed lawsuits and complaints to various levels of courts and electoral commissions. Unfortunately, most of them were left without consideration or returned to the plaintiff, often with the proviso that a violation of the law was not revealed or the violation was not confirmed. In some cases, the plaintiffs filed a lawsuit with the Supreme Court of the Republic of Kazakhstan against the Central Electoral Commission of the Republic of Kazakhstan to declare invalid the decision to approve Kassym-Zhomart Tokayev in the position of President of the Republic of Kazakhstan, to which the Supreme Court of the Republic of Kazakhstan issued a ruling that the statement of claim does not comply with the prescribed format²⁴.

On June 19, the Prosecutor General's Office in its press release spread the information that many of the violations for which complaints by observers were filed were simply not confirmed. According to the Prosecutor General's Office, 36 cases were initiated during the electoral

¹⁹At the polling station No. 23 in the Turkestan Region, Arys District, Akdala, a member of the electoral commission stated that he would not allow an observer to attend counting the votes. International observers were removed from the counting in Moscow at PEC 265 by Vladimir Egorov and Sergey Smirnov. At the polling station No. 535 in Aktobe, it was not possible to observe the vote counting, since the members of the commission did not show the ballots to the observers. At the polling station No. 155, in Besagash, Zhambyl Region, observers were put at a distance from which they could not see the marks on the ballots.

²⁰At the polling station No. 535 in Aktobe, it was not possible to observe the vote counting, since the members of the commission did not show the bulletins to the observers.

²¹At the polling station No. 58, Taraz, in the counting of votes, the chairman of the commission took all the ballots in an armful and announced them to vote for Tokayev. When re-counting the votes for Tokayev, many ballots were revealed for Kosanov and other candidates. At the polling station No. 535 of Aktobe, a member of the commission shifted the ballots from the handful for Kosanov, to the handful for Tokayev.

²²At the polling station No. 529 in Aktobe, observers were denied to issue a copy of the protocol. At the polling station No. 197 in Astana, observers were denied to issue a protocol.

²³No voting results were posted at the polling station No. 510 in Almaty

²⁴The statement of claim of Kh.S. Khismetov on invalidation of the resolution of the CEC of RK No. 42/277 dated June 10, 2019

period, of which 30 were examined.

To be precise, there were precedents when the chairmen of the precinct electoral commissions were punished by the courts for infringing on the rights of observers, but there were only few such. For example, in Aktobe, the chairman of election station No. 99 was fined for harming the health of an observer. For the issuance of several ballots to a person, in order to vote for others, 11 members of precinct electoral commissions were also fined. 9 members of electoral commissions were fined for issuing ballots to voters to vote for family members in Nur-Sultan, Almaty, Almaty Region, East Kazakhstan and Turkestan Regions.

Conclusion

The extraordinary presidential elections were conducted under circumstances of absence of any political competitiveness which unconditionally granted more preferences to the ruling party candidate. This report did not cover in depth period of the election campaign, but use of administrative resources was quite visible to observers, especially during mobilization of young people and state employees to meet with the candidate.

The inauguration of the officially winning candidate took place before all the claims and complaints of observers were considered. This issue is not clearly regulated by law, but is an unhealthy practice.

Along with the imperfect electoral system, political will of the authorities once again proved to the citizens of Kazakhstan that they were not ready for reforms and returning back to the mainstream of constitutionality, according to which citizens are the only source of power.

Having considered the aforementioned circumstances, these elections cannot be considered free and democratic. The authorities of the Republic of Kazakhstan must consider each case and, if there is a need, recognize the election for certain precincts as invalid. Of course, the international community should be the moderator of the democratic processes in the country between the government and the civic sector.

Recommendations

In order to further improve the electoral process in the Republic of Kazakhstan, it is necessary to amend the Law of RK "On elections". It is in fact a crime to begin the preparation to the forthcoming parliamentary elections in the country, without changing the Law of the Republic of Kazakhstan "On elections". The people of Kazakhstan were convinced at the last elections that the electoral legislation in the current wording does not ensure the full rigor of its application and leaves loopholes for electoral manipulation.

The law on elections in this edition does not provide political polarity for wide participation of active citizens who are ready to use their passive voting rights. The electoral system is tied to party lists, and only the ruling party dominates in this league.

That is why, for the benefit of a civil society, the changes are offered which will allow to make the law on elections fair. For this purpose, it is necessary to:

- remove from the Law of the Republic of Kazakhstan "On elections" the requirements for

the registration of presidential candidates, only if you have experience in public service and a 15-year period of residence in the country. Given the fact that in the public service we have solid corruption, what kind of experience can such candidates bring to the development of the country?

- for Kazakhstan there is no need to maintain a non-functional bicameral Parliament. The Upper Chamber is elected by maslikhats (local councils) and plays only a statistically confirmation role and by this only delays legislative process. At the moment, it would be more expedient to establish a unicameral Parliament, taking into account the level and amount of legislative work that still needs to be done in order to restore the country's political system (To amend Article 9);
- to remove from the law the right of the Assembly of the Peoples of Kazakhstan to nominate candidates for the Mazhilis (Lower Chamber of Parliament) of the Republic of Kazakhstan. This rule is discriminatory towards other candidates. It appears that the representatives of the Assembly of the Peoples of Kazakhstan have the possibility to be nominated twice from the Assembly of the Peoples of Kazakhstan and by party lists.
- make changes that involve a return to the mixed election system of the Mazhilis (Lower Chamber of Parliament). To make 50% on party lists, 50% on single-mandate districts. This will increase political activity, and, as a result, worthy professionals will be able to get into the Parliament (Amend Article 9 (1-1); the same rule applies to the maslikhat (local councils). Usually, maslikhat elections are held in parallel with Parliamentary elections. Therefore, a return to a mixed system will give a positive change at the local level as well;
- the next important point that needs to be introduced into the law "On Elections" is to introduce into the proportional system, such innovation as elections on open party lists. When voters can select their favorites inside party lists;
- it is necessary to change the mechanism for the formation of election commissions in Article 10.3 of the electoral law, it is completely incomprehensible that territorial commissions are formed by the Central Electoral Commission, and district commissions are constituted by territorial ones. At the same time, the law states that members of territorial and district electoral commissions are elected by relevant maslikhats, on the basis of proposals of political parties. But how, in Kazakhstan, where there are practically no opposition parties, is it possible to maintain a political balance in electoral commissions? It would be much better if the commissions were formed with the presentation of the most active public associations. Moreover, the selection of members should not be left in the hands of a completely ruling maslikhat at the moment;
- The composition of electoral commissions should be available at election stations. Because the law "On Elections" in Article 10.4 states that decisions on the formation of the composition of electoral commissions, their composition and location are reported in the media. But at the last election on some stations, the observers simply had no access to the information about the composition of precinct electoral commissions;
- the formation of election commissions should not be allowed only from among the employees of municipal institutions. Along with political parties, quotas for membership

in election commissions should be extended to non-governmental organizations, and not only if the parties could not nominate candidates;

- hire employees to administer elections on a professional basis, for example, through announcements in employment agencies;
- well in advance of the election, conduct a thorough audit of all voter lists by the method "from list to address" and vice versa, that is, it is necessary to do a better check of the voter lists individually by district, and not only limit to synchronization with the central database of citizens. The last election showed a lot of inaccuracies in the voter lists, and even if at the last election the voters were provided with the possibility to check themselves in online voters lists a lot of them did not find themselves in the database;
- think over the system of inclusion in additional lists, since the commissions do not have the opportunity to check on the central electronic database whether the voter has already voted at any other polling station. To prohibit the practice of issuing address certificates on election day through mini-PSCs, since this opens up the possibility for the voter to vote many times at different polling stations;
- to write down clearly in the law what to do with citizens who at the time of the election do not have registration at the place of residence and therefore cannot be included in the voter lists. It is necessary to facilitate this process;
- the law stated in Article 12. 6-1, that CEC organizes production, determines the procedure for issuing and recording absentee certificates for the right to vote. This is not a convenient practice. It is necessary to regulate this function and transfer it to the level of precinct electoral commissions, if the practice of absentee certificates is preserved;
- make a clause giving the opportunity to publicly check the declaration submitted by all candidates to the tax authorities (at the time of the first submission). Small inaccuracies in them should not be grounds for withdrawal from the electoral race - it can be limited to a warning or, at most, a fine;
- to create equal conditions for campaigning during the election race to all political players. Including television and introduce sanctions for violations in a similar section of the Law "On elections";
- increase responsibility primarily for stuffing ballot boxes and photographing ballots. Write the appropriate sanctions down in the Law "On elections";
- in the powers of the territorial electoral commissions, it is necessary to prescribe obligation that after they sum up protocols from polling stations, protocols must be immediately uploaded to the website of the Central Electoral Commission. The site, in turn, should have a subsection for each territorial commission;
- in addition, the CEC is recommended to publish data on the results of voting separately for each polling station, as well as to place them in real time on its website;
- expand the range of rights and powers of observers. That is, their capabilities should be

clearly stated, as well as the responsibility for limiting their rights should be stipulated. In addition, it is necessary to remove the bureaucratic requirement for the provision of a letter with a seal as a document confirming the fact of delegating an observer to a particular polling station; a letter on the letterhead of the organization is sufficient;

- to exclude from the law “On elections” articles on electronic voting. In Kazakhstan, there is no need to introduce electronic voting, since the database and electronic voting system can be hacked and the results can be changed. If the authorities are able to block social networks, it will not be difficult for them to manipulate electronic voting.

The report was prepared by Nurul Rahimbek. The author has more than 20 years experience in the development, implementation and monitoring of democratic development programs. Nurul began his democratic career since 1999 as the coordinator of the international organization National Democratic Institute of the USA. Nurul participated in the creation of the National Observer Network in Kazakhstan and is the author of the election observation methodology. Working as a senior executive of international non-governmental organizations, he promoted systemic changes in Eurasia, in transformations from authoritarian forms of governance, to transit democracies, involving various forms of civic participation, such as advocacy, youth and women’s leadership, human rights, legal reforms, elections and the development of party culture. Nurul also influenced the strengthening of the electoral institution in the countries of the former Soviet Union and participated in the creation of an international network of election observation organizations (ENEMO). He participated in more than 30 various missions on election observation abroad in Ukraine, Kosovo, Moldova, Georgia, Belarus, Armenia etc. The author provided support in bringing the electoral legislations of various countries in line with international standards. He influenced the creation of a mechanism for independent participation of citizens in the management of politics and the emergence of new leaders in young democracies. He advocated fair political competition and respect for human rights. In many projects, he acted as a political and electoral analyst, especially in countries with transit democracy. He is an author of political reports and election reports. At the extraordinary presidential elections in RK 2019, Nurul developed and distributed a guide for election observers.

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