

**ANALYTICAL REPORT ON THE SPECIAL PRESIDENTIAL  
ELECTION IN THE REPUBLIC OF  
KAZAKHSTAN IN 2019**

## Contents

Political framework	3
Pre-election campaign	4
Activation of the civic society	4
Election administration	5
Election day	6
Voting	7
Closure of polling stations and summarizing	10
Post-Election Courts and Proceedings	11
Conclusion	12
Recommendations	12

## Political framework

The President Nursultan Nazarbayev signed the order on resignation on March 20, 2019 and on the same date, the President of the Senate Kasym-Zhomart Tokayev became an acting President in accordance with the Constitution of the Republic of Kazakhstan. On April 09, an acting president announced about the special election on June 09, 2019.

The special election of the President of the Republic of Kazakhstan 2019 were held under the electoral laws which do not correspond to the international standards and many times became the subject matter of the target for criticism of foreign and local experts. Recommendations on improvement of electoral laws of status organizations such as OSCE, were ignored by the authorities of the republic time and again.

Requirements to the candidates on existence of 5 year experience as a civil servant and residing in Kazakhstan within last fifteen years did not allow equal opportunities for participation in the election for alternative candidates and do not constitute any positive international practice. Imperfection of the laws and political signal for the transfer of power reflected on the nature of holding of the election itself.

It also should be noted that the special election was held in the circumstances of absence of political pluralism while domination of the Nur Otan governing party. Absence of the freedom of assembly and the freedom of speech did not provide any possibility to hold the elections with the democratic spirit and influenced on the quite critical assessment of the international election observation mission of the OSCE/ODIHR. This fact does not provide Kazakhstan with the improvement of the external political image.

Considering the fact that the election was marked by mass violations fixed by the observers in the course of the procedure for voting and vote counting, it was recognized that it did not correspond to the international standards of a free and fair election<sup>1</sup>.

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

A significant number of voters who came to the stations fixed the fact that they took part in the 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 free will of citizens.

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<sup>1</sup> Paragraph 7 of the Copenhagen Document of 1990 states that in order that the people will served as a basis of the governmental authority, the member countries shall:

7.4 - provide for fair count of votes;

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

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

## Pre-election campaign

The period of candidate registration lasted to May 11, 2019. By the end of the registration period nine candidates were nominated and seven candidates registered from different political 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. Voting campaigns of the candidates did not attract wide interest among the voters. The materials about the candidates were placed on static information boards (stands) and somewhere there appeared roadside billboards with portraits of candidates.

Few of the candidates resorted to 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 question about provision of the premises was resolved by local authorities (maslikhats and local self-government authorities), and the candidates should have place the request within ten days before the event at the local executive bodies. In a short-term campaign, one month long, this rule provided some inconvenience to candidates. At the last moment of the election campaign, the Central Electoral Commission together with the Khabar TV-channel controllable by the authorities, organized the TV debates. The candidate from the ruling party did not participate in the main TV debates of the country.

The election messages of candidates were focused on the personal qualities of candidates and less on a concrete solution to local problems. The candidate from the ruling government 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 for the candidate Kasym-Zhomart Tokayev.

An alternative candidate from the 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 the election. Nevertheless, among the boycotting, opinions differed, some of them called for implementation, as they called an active boycott, which meant coming to the stations and spoiling the ballot papers, while some called for rallies to be held on election day and ignore the ballot completely.

## Activation of the civic society

For the first time in a long period after a political calm in the country, to the appeals of the office of Amirzhan Kosanov and other non-governmental organizations, there appeared a lot of observers who actively applied to various registered non-governmental organization in order to obtain referrals to election stations on the date of election. Through social networks, observers made an arbitrary exchange of experience and observational information. As a result, on the election day, representatives of the civilian sector actively appeared at the election 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, unfortunately, it was not enough to break the administrative scheme. At the election stations there also were representatives of so-called GONGO (pro-government NGOs), for example, the network of observers "Amanat". The task of such

observers was to legitimize the electoral process. They tried in every possible way to facilitate the work of election commissions, and it was sometimes unclear whether they represented civil society in general and whether they knew that the meaning of observation was an impartial attitude to the electoral process, a steady pursuit of the criteria of independence and legality.

## **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 election 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, the organization of preparation for the elections, the printing of ballots and the provision of precinct electoral commissions with the materials necessary for the conduct of election, went smoothly, in accordance with the electoral law and the calendar plan of elections. Although, in several cases, the equipment of election commissions was not fully implemented<sup>2</sup>.

The main complaint against the activity of the Central Electoral Commission consisted in the pressure on the commission of the lower level, for implementation of illegal actions, and a weak methodical preparation for the election. During the election, observers had to confront several times with the precinct electoral commissions, which demonstrated a clear misunderstanding of election legislation. This fact has affected the professionalism of holding the elections. In the future, the Central Electoral Commission is encouraged to conduct trainings with representatives of the electoral commissions of lower levels in advance.

The pressure on the electoral commissions was noticed by observers when they came to the vote count. After the first copies of protocols were issued to the observers, the most precinct electoral commissions, as the observers notices, received the calls from the upper commissions. After the calls from above, the precinct electoral commissions, as under one order, stopped issuing copies of the protocols to observers and tried to limit the observation of the 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 ballots**

In accordance with the election laws, the voters should be registered in the voter lists based on their registration at the place of residence. Akimats are responsible for compiling voter lists, information for the lists is taken from the state database of individuals. Akimats, in turn, submit

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<sup>2</sup> For example, the number of ballots in the election 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 election station No.312 in Aktobe Region, Kandygash, the ballot booths did not provide a secret ballot, since there was access from one booth to another.

the data 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 register of voters, if inaccuracies are found, they are sent for clarification to the Akimats. In accordance with the law "On elections", the Akimats sent excerpts from the voter list to the stations on May 20, and voters could check themselves in the lists from the May 25 the election day. As of May 20, 11,947,995 voters were included into the lists.

In order for voters to vote, they were obliged to confirm residence in the territory of the relevant election 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 stated in the law. On the election stations on the election day, so-called mini PSC are formed, which issue address information, through which voters are included in voter lists and issue ballots.

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

For voters who believe that they will be in a different location on the election day, they can apply for a temporary change of registration within 30 days prior to the election day, or apply for an absentee ballot (voucher) which will give them the right to vote at any election 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 the election day, but nevertheless did not take or failed to take absentee ballots. In Atyrau, complaints were received from oil workers working on duty that they have difficulty voting because of the absence of an absentee certificate. Later, they were although provided with the right to implement their right to vote.

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

It can not 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 web-sites, a certain percentage of voters, nevertheless, took advantage of the proposed function. The part of voters used the request for absentee ballots. Not without mistakes, sometimes absentee ballots were issued earlier than a regulated term.

## **Election day**

The election was held in a rather tense atmosphere, restrictions on personal freedoms and the right to freedom of assembly. The election 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 the election holding, although the acting president and the presidential candidate Kasym-Zhomart Tokayev promised that the election 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 at all election stations at the time of opening, except for isolated cases. There were cases of non-admission of observers to stations located in the territory of regime facilities<sup>3</sup>.

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

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

## Voting

### Violations of the rights of observers

Throughout the election day, observers questioned the transparency of the election process. At an overwhelming number of election stations, observers were not given the opportunity to adequately monitor all stages of the election process. In many cases, observers were not allowed to check the lists of voters. The members of the precinct electoral commissions in the form of order asked the observers to stay at a long distance from the place of carrying out the election procedures and vote counting<sup>4</sup>. 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 1990<sup>5</sup>.

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

<sup>4</sup> Thus, at election station No. 88 in Nur Sultan, the movement of observers throughout the station was restricted. At election station No.312 in Aktobe Region, Kandyagash, the ballot booth was located in such a way that if the voters crowd at the ballot booths, the urn falls out of sight of the observers. Observers were forbidden to move throughout the station at election station No.310 in Aktobe Region, Kandyagash. At election 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 election station No. 51 in Aktobe, the urn was at a distance, making it difficult to follow the observation. At election station No. 62 in Aktobe, observers were prohibited from filming. At election station No. 252 in Atyrau, the chairman of the election station did not allow the attorney of the candidate Kosanov to observation. At election 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.

## **Presence of unauthorized persons on a station**

On many stations, especially at the time of the influx of certain categories of voters such as students or military, it was difficult to establish who is an unauthorized person and who is not. Such stations did not receive a positive assessment from observers, precisely in the organization of the order on the station by members of the commission. At a certain number of stations, the observers registered the cases of presence of unauthorized persons<sup>6</sup>.

## **Mobilization or delivery of voters**

One of the fundamental rules of a free election is the free expression of the will of voters. On the election day, many stations saw the mobilization of a large number of voters.

Observers registered a great influx of voters during the first hours of voting. Thus, at some stations, the number of voters before 7:30 already reached about 100 persons<sup>7</sup>.

The control of the appearance and violation of the rights of the free will of voters was recorded on many occasions on the election day. At many polling stations, representatives of budget structures, they tried to take pictures either with a bulletin or against the background of an election station, according to their own words, they did this for a report to the employer<sup>8</sup>.

## **Manipulations with temporary residence**

As it was mentioned above, on the election day, so-called mini-PSCs were formed at election stations, which immediately issued address references with which they included voters on voter lists and issued ballots, although they had registration in other districts. In this case, the voter list did not indicate the address of voters. Such practice opens an opportunity to implement a double voting at the place of a permanent and at the place of a temporary residence or to

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<sup>5</sup> Paragraph 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 election is held.

<sup>6</sup> Workers of the organization, on whose territory station No. 368 is located, constantly came to the election station.

<sup>7</sup> In Almaty, at station No. 203 students voted in the number of 90-100 persons. In the morning, a large crowd of voters came to station No. 126 in Esik who were not on the lists. A group of people was brought by bus to station No. 447 in Almaty who were registered in the Region for voting in the city.

At station No. 55 in Almaty, crowds of students come to only one electoral commission. In Nur Sultan, voters living at the intersection of Pushkina and Kenesary Streets were taken to station No. 92 although these streets do not belong to it.

<sup>8</sup> As it was at station No.374 in Almaty. At station No.379, a man came and declared that he was obliged to control how students voted. At the election 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.



mobilize a necessary number of votes at a certain locality<sup>9</sup>. But there were also noted some differences in the law during the granting of the right to vote to voters. At some election stations, the majority of voters were given a vote upon the presentation of an address certificate of temporary registration, at other election stations such a right was denied to voters, although they had a temporary registration before the election<sup>10</sup>. On the election day, members of precinct electorate commissions turned a blind eye to the absence / presence of a certificate and / or an absentee ballot<sup>11</sup>.

### **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.

### **Procedure for ballot issue**

Electoral commission often did not follow the lawful procedures for issue of ballots. In some cases, members of electorate 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 bulletin to a person<sup>12</sup>.

There was also a violation of a kind, such as allowing voters to vote without identity documents. According to reports by some observer offices, the scale totaled to (3 percent).

### **Stuffing**

A large number of stuffings and attempts to make a stuffing were recorded by observers and were widely distributed in social networks<sup>13</sup>. At some stations, there were pre-marked ballots

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<sup>9</sup> In Nur Sultan at election stations No. 118 and No. 119, voters were temporarily registered in the mini PSC 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 station No.118.

<sup>10</sup>

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

<sup>11</sup>

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

<sup>12</sup> 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.

found ready for stuffing<sup>14</sup>. Observers provided a lot of pictures, which show folded groups of several ballots in transparent ballot boxes<sup>15</sup>.

One of the innovations in the falsification of the presidential election was the fact that there were pens with disappearing ink in the election stations. Moreover, the fact of availability was officially confirmed by the Central Electoral Commission<sup>16</sup>.

## Closure of polling stations and summarizing

### Vote counting

If during the opening and voting, observers still had some limited opportunity to observe, during the counting of votes in many election stations, the rights of observers, guaranteed by the law On elections in Article 20-1, were grossly violated by members of electoral commissions. There was a delay in counting, i.e. precinct election commissions ran out the clock and took the observers by starvation<sup>17</sup>. Members of precinct electoral commissions told observers to be at such a distance that it was not possible to observe<sup>18</sup>.

The gross violation was that observers in many election stations were not allowed to observe the counting of votes in general, and at some stations they were removed from the election station leaving the act, even at election stations abroad<sup>19</sup>.

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<sup>13</sup> Section No. 862, stuffings at the station. At station No. 184 the stuffing was prevented from. At station No.40 in Astana, the packs of ballots were found marked for Tokayev. At election station No. 90 in Kumshagal, Zhambyl Region

<sup>14</sup>

at station No.51 in Nur Sultan. On 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.

<sup>15</sup> Station No. 541, Almaty, in a transparent ballot box there are visible folded bulletins bent together. Station No. 152, Shymkent, the ballots bent together are seen inside the transparent box.

<sup>16</sup> At election station No. 200 in Kaynazar, Almaty Region

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

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

<sup>19</sup> At election 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 count the votes. International observers were removed from the counting in Moscow at PEC 265 by Vladimir Egorov and Sergey Smirnov. At election 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. At election station No. 155, in Besagash, Zhambyl Region, observers were put at a distance from which they could not see the marks on the ballots.

During the very counting, members of electoral commissions did not show observers bulletins<sup>20</sup>. At individual election 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 cast for Kassym-Zhomart Tokayev, there were ballots with votes for other candidates<sup>21</sup>.

When members of electoral commissions finished counting votes, observers were denied to issue copies of protocols at many election stations<sup>22</sup>. And at some stations they were not hung out at all<sup>23</sup>.

Many observer offices oriented 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 observer protocols received, the difference between official data and observer data was 20,000 votes. In Uralsk, as of June 12, under 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 of 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 the position of President of the Republic of Kazakhstan Kassym-Zhomart Tokayev, to which the Supreme Court of the Republic of Kazakhstan issued a ruling that the statement of claim does not comply with the prescribed format<sup>24</sup>.

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.

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At election 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.

<sup>21</sup> At election 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 election station No. 535 of Aktobe, a member of the commission shifted the bulletins from the handful for Kosanov, to the handful for Tokayev.

<sup>22</sup> At election station No. 529 in Aktobe, observers were denied to issue a copy of the protocol. At election station No. 197 in Astana, observers were denied to issue a protocol.

<sup>23</sup> No voting results were posted at election station No. 510 in Almaty

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

According to the Prosecutor General's Office, 36 cases were initiated during the electoral period, of which 30 were examined.

To be true, there were precedents when the chairmen of the precinct electoral commissions punished the courts for infringing on the rights of observers, but there were only a few. 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 special election was conducted in the circumstances of absence of any political competitiveness, which, unconditionally granted more preferences to the ruling party candidate. This report did not cover the period of the election campaign itself more deeply, but it was visible to the naked eye the use of administrative resources during the mobilization of young people and public sector 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 question is not clearly regulated by law, but is an unhealthy practice.

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

Having considered the aforementioned circumstances, this election 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 civilian 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 election that the electoral legislation in the current wording does not ensure the full rigor of the application and leaves a framework 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 the party league.

That is why, for the benefit of a civil society, the changes are offered which will allow to make the law on election 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 and plays only a statistically agreement role and only delays the 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 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. To make 50% on party lists, 50% on single-mandate district. This will influence on the increase in political activity, and, as a result, worthy professionals will be able to get into the number of candidates for deputies (Amend Article 9 (1-1); the same applies to the maslikhat. Usually, maslikhat elections are held in parallel with elections in Mazhilis. 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 favorite 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 synchronized 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 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 election 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 election stations;
- to write down clearly in the law what to do to 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 the CEC organizes manufacturing, 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 electoral commissions, if the practice of absentee ballots 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 elective 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 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 the obligation that after they sum up the protocols from the election stations, the 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 election 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 special presidential elections in RK 2019, Nurul developed and distributed a guide for election observers.*

\* I am grateful to the observers, the teams of the observers who shared information on Facebook in the Monitoring of Presidential Elections 2019 group, as well as personally provided the information that formed the basis of this report. I also want to warn that this report is preliminary, therefore I invite all interested parties to provide additional information or clarifications, which will be reflected in the final report.