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LAW OF THE REPUBLIC OF TAJIKISTAN

"ABOUT CHANGES TO THE CONSTITUTION (THE MAIN LAW)
OF THE REPUBLIC OF TAJIKISTAN"

The Supreme Council of the Republic of Tajikistan regulates:

I. To make the following changes to the Constitution (The Main Law) of the Republic of Tajikistan:

1. Provision 11 of the second part of Article 99 should be read in the following edit:

"11) election of the Supreme Council of the Republic of Tajikistan, juries of regional courts and Dushanbe city court, juries of district and city courts of republican subordination, of the High Arbitrage Court of the Republic of Tajikistan, juries of regional arbitrage courts and military courts, nomination of the Chairman of the National Bank of the Republic of Tajikistan, the Head of the State Taxation Department of the Republic of Tajikistan and editors-in-chief of press organs of the Supreme Council of the Republic of Tajikistan.

2. The first part of Article 103 to add in words "The Constitutional Laws of the Republic of Tajikistan are the component part of the Constitution and are admitted not less then 2/3 of votes from the total number of people deputies of the Republic of Tajikistan"

3. In part I of Article 118 after words "Chairman of the Council of the Ministries of the Republic of Tajikistan" make addition in the following words "first deputy and"

II. The Current Law comes into force from the date of adoption.

Chairman of the Supreme Council
Republic of Tajikistan

E. Rakhmonov

c. Dushanbe; July 20, 1994

THE LAW ON REFERENDA

CHAPTER 1. GENERAL PROVISIONS

Article 1. Understanding the Referendum in the Republic of Tajikistan.

The Referendum in the Republic of Tajikistan is national voting on the most important issues of governmental and community life of the republic. The decisions reached through a Referendum have the highest juridical force, and need no confirmation [validation] of any kind and are mandatory application on the territory of the Republic of Tajikistan.

Article 2. Issues put to a Referendum in the Republic of Tajikistan.

To a Referendum in the Republic of Tajikistan are brought proposals on those issues that are placed in the purview of the Republic of Tajikistan by the Union Agreement [the USSR agreement?], the Constitution of the USSR and the Constitution of the Republic of Tajikistan.

The following may be a subject of a Referendum:

- 1) Adoption of new law of the Republic of Tajikistan;
- 2) Modification or repeal of a law of the Republic of Tajikistan or of that law's individual provisions;
- 3) Adoption of a resolution [gibberish];
- 4) the expression of public opinion on other issues of primary importance that are within the purview of the Republic of Tajikistan.

A Referendum in the Republic of Tajikistan is conducted on the entire territory of the Republic of Tajikistan.

If necessary, a Referendum in the Republic of Tajikistan may be conducted on a particular part of the Republic[^s territory]. Local Referenda address those issues that the legislation of the Republic of Tajikistan has placed in the purview of the local self-government of the corresponding administrative-territorial units, and also deal with issues regarding the termination of the powers of the corresponding [local] Soviet of People's Deputies prior to the end of its term.

The following may not be subject to a Referendum in the Republic of Tajikistan: the borders of the Republic of Tajikistan; changing the status and territorial integrity of an autonomous oblast; the adoption of extraordinary and emergency measures to guard social order, and protect the health and the safety of citizens; issues connected to the appointment and the dismissal of officials who are answerable to the Supreme Soviet of the Republic of Tajikistan, and also issues on the fulfillment of obligations arising out of international agreements of the Republic of Tajikistan.

The following issues may not be raised in a local Referendum: the repeal of legally adopted resolutions of the highest organs of governmental power and self-government; issues dealing with the actions of the judiciary and the procuracy; issues dealing with the election, appointment and dismissal of officials, answerable to the local Soviet of People's Deputies and its executive and administrative organs.

Article 3. The Right of Citizens of the Republic of Tajikistan to Participate in a Referendum.

A citizen of the Republic of Tajikistan, who has reached the age of 18 and has the right to vote under the legislation of the Republic of Tajikistan, has the right to participate in a Referendum.

The following persons may not participate in a Referendum: mentally ill citizens who have been found incompetent by a court, persons being held by a court order in a place of deprivation of liberty [incarceration], and those persons who were placed, in a manner established by the criminal and the procedural legislation, under an order of preventive detention, and are held under guard.

The citizens of the Republic of Tajikistan participate in a Referendum regardless of their origin, social and material standing, race and nationality, sex, education, language, attitude toward religion, political and other views, length of residence in a given area, and type of occupation.

Any, direct or indirect curtailment of the right of citizens of the Republic of Tajikistan to participate in a Referendum is impermissible and is punishable by law.

Article 4. Common Principles for Conducting a Referendum.

Citizens participate in a Referendum personally and directly. Participation in a Referendum is of one's free will.

Voting in a Referendum is secret: control over the citizens' expression of their desires is not permitted.

Citizens of the Republic of Tajikistan participate in a Referendum on an equal basis by their place of permanent or temporary residence. Every citizen has one vote.

Article 5. Legislation on the Referendum in the Republic of Tajikistan and Supervision over the Observance [enforcement] of this Legislation.

The law on referenda in the Republic of Tajikistan consists of the Constitution of the Republic of Tajikistan, this law, and the law of the Republic of Tajikistan "On the elections of People's Deputies of the Republic of Tajikistan", to the extent that the law does not contradict this law [the law on Referenda] and other laws of the Republic of Tajikistan.

Supervision over the observance of the law on referenda is exercised by those governmental organs and organizations on whom this responsibility has been placed by the Constitution of the Republic of Tajikistan, this law, and other legislative acts. The following have the right to participate in exercising the supervision over the observance of the law on referenda: representatives of labor collectives, the means of public information, political parties, labor unions, and other communal organizations and mass movements.

Article 6. Campaigning [agitation] Regarding the Referendum.

The Republic of Tajikistan guarantees to political parties, labor unions, other communal organizations and mass movements, labor collectives, and citizens of the Republic of Tajikistan the right to freely campaign "for" or "against" the proposal to declare a Referendum, and "for" or "against" the proposed law or

resolution raised in the Referendum.

To conduct their campaign, the enumerated persons and organizations may use their own means.

Campaigning is prohibited on the day of the vote.

Article 7. Publicity during the Preparation for and Conduct of the Referendum.

The activity of governmental and communal organs, participating in organizing and conducting the Referendum, is conducted openly and publicly.

All decisions related to the Referendum, as well as the proposed laws or issues to be put to a Referendum, are subject to publication by the means of mass information, within seven days from the moment of their adoption by the appropriate organs.

The means of mass media, publicize the process [manner] of preparation for and the conduct of the Referendum; their [media's] representatives are guaranteed unhindered access to all assemblies [conventions] and meetings connected with the Referendum, and to corresponding information.

The Commissions on the Referendum in a timely manner, inform the public on their membership, their location, and hours of operations, and about forming polling places for voting and compiling the voter lists of citizens who have the right to participate in the Referendum.

The following have the right to have a representative present at the meetings of the Commissions on the Referendum, and at the time of the voting, and

at the tallying of the votes for the polling places, and at determining the results of the Referendum: political and other communal organizations and mass movements, labor collectives, citizens' associations, and also the means of mass information. Representatives of the above, present at the meetings of the Commissions or at the polling place, must have a certified excerpt from the record of the meeting of the organization that had sent them or another document verifying their authority [to act as a representative]. Preliminary notice to the Commissions on the Referendum regarding the planned presence of representatives of the enumerated groups is not required.

Article 8. The Language of the Referendum in the Republic of Tajikistan.

All decisions of governmental organs, relating to the conduct of the Referendum in the Republic of Tajikistan, the text of the proposed law or other resolution brought to a Referendum, the ballots, records, and information on the results of the Referendum, and also the decision that was reached, based on the Referendum, are published in the Tajik language, and in the language of the majority of the local population, and also in the language of international communication - Russian.

Article 9. Material Provisions for the Referendum.

Expenditures connected to the preparation for and the conduct of the Referendum, from the moment when the decision to hold a referendum is made, are at the expense of the Governmental budget of the Republic of Tajikistan.

Enterprises, institutions and organizations, governmental and communal organs provide for the Commissions' on the Referendum use, the buildings and

equipment necessary for the [preparation and conduct of the] Referendum. The rent for the buildings and equipment is paid by the Commissions on the Referendum.

CHAPTER II. DECLARING A REFERENDUM IN THE REPUBLIC OF TAJIKISTAN.

Article 10. The right to declare a Referendum in the Republic of Tajikistan.

The right to declare a Referendum in the Republic of Tajikistan belongs to the Supreme Soviet of the Republic of Tajikistan. The right to declare a local Referendum belongs to the corresponding Soviet of People's Deputies.

The decision to conduct a Referendum in the Republic of Tajikistan is reached by the Supreme Soviet of the Republic of Tajikistan, the decision to conduct a local Referendum is reached by the corresponding Soviet of People's Deputies on their own initiative, and also at the demand of persons, enumerated in Article 11 of this law.

Article 11. Mandatory Declaration of a Referendum in the Republic of Tajikistan.

The Supreme Soviet of the Republic of Tajikistan must declare a Referendum in the Republic of Tajikistan upon the demand of:

no fewer than fifty thousand citizens of the Republic of Tajikistan, who have the right to participate in the Referendum;

no fewer than one third of the total number of People's Deputies of the Republic of Tajikistan;

the President of the Republic of Tajikistan.

Upon a demand of Deputies consisting of no fewer than half of the total number of the corresponding Soviet of People's Deputies, or upon a demand, signed by one tenth of the total citizenry of the Republic of Tajikistan, permanently residing on the territory of the corresponding administrative-territorial unit and having the right to participate in the Referendum.

The initiative to conduct a Referendum can originate from governmental and communal organs, collective enterprises, institutions and organizations, and also individual citizens of the Republic of Tajikistan. In that event, it may be initiated through the organs which have the right to declare (a Referendum), and persons who have the right to demand a Referendum.

Article 12. The Exercise of the Right to Demand a Referendum by the People's Deputies in the Republic of Tajikistan.

The decision to conduct a Referendum on the demand of no fewer than one third of the total number of People's Deputies of the Republic of Tajikistan can be reached by a vote by name at a session of the Supreme Soviet of the Republic of Tajikistan or through the means of collecting signatures of the People's Deputies of the Republic of Tajikistan. The signatures of the People's Deputies of the Republic of Tajikistan on a demand to conduct a Referendum are certified by the Presidium of the Supreme Soviet of the Republic of Tajikistan.

The decision to conduct a Referendum on the demand of no fewer than half of the total number of Deputies of the corresponding Soviet of People's Deputies is reached through the collection of signatures of the Deputies of the local Soviet or through a vote at a session of the corresponding Soviet. The

signatures of deputies of local Soviets are certified by the Chairman of the corresponding local Soviet of People's Deputies.

Article 13. The Exercise of the Right to Demand a Referendum by the Citizens of the Republic of Tajikistan.

The right to initiate the collection of signatures for the demand to conduct a Referendum belongs to every citizen of the Republic of Tajikistan or group of citizens having the right to participate in a Referendum. The citizens of the Republic of Tajikistan exercise their right to collect signatures [to support a demand for a Referendum] of their own free will and volition.

The collection of signatures is organized and conducted by initiating groups for the Referendum, which are formed by the citizens of the Republic of Tajikistan in accordance with the provisions of this law.

Article 14. Forming the Initiating Groups for the Referendum.

Assemblies of citizens of the Republic of Tajikistan are held with the goal of deciding on the issue of the necessity of conducting a Referendum on the initiative of citizens.

The group initiating the Assembly must inform the Soviet of People's Deputies no later than ten days prior to the Assembly of the place and time of the Assembly.

The Assembly is authorized to decide on the issue of [demanding] the Referendum, if there are present no fewer than 200 citizens of the Republic of Tajikistan; when the issue being decided is whether to conduct a local Referendum, then no fewer than 50 citizens of the Republic of Tajikistan who have

the right to participate in the Referendum must be present.

Prior to the Assembly, a registration of its participants takes place: the Assembly elects the Presidium of the Assembly, discusses the need for a Referendum, and also the text of the proposed resolution to be put to a Referendum.

If making a decision on the necessity of conducting a Referendum, or ratifying the text to be put up for a Referendum, the Assembly by secret or open vote elects the initiating group for the Referendum, having no fewer than 10 members and delegates it to the collection of signatures [the initiating group organizes the collection of signatures].

Article 15. Registration of an Initiating Group for the Referendum.

Upon providing the complete record of the Assembly together with the registration list of its participants and the list of the members of the elected initiating group to the executive committee of the rayon or town Soviet of People's Deputies for the place where the Assembly was held, to the record is attached a text of the proposed resolution that is offered brought for the Referendum, and the written commitment of the members of the initiating group to abide by the legislation on the Referendum and to take the responsibility for the observance of the legal proprieties in the collection of signatures.

A decision on registration must be made no later than two weeks from the moment of receipt of the record of the Assembly together with the appropriate attachments thereto.

The initiating groups for the Referendum in the Republic of Tajikistan are

registered with the Central Commission on Conducting the Referendum upon the presentation of the local Soviet of People's Deputies for the place where the Assembly was conducted.

The initiating group for a local Referendum registers with [?illegible] the Chairman of the local Soviet of People's Deputies, within the limits of the territory where the group plans to conduct the Referendum:

The refusal to register the initiating group is not permitted, if the Assembly was conducted in observance of the requirements of this law.

After it is verified that the Assembly was properly conducted, the representatives of the initiating group are issued certification that the group is registered, and appropriate credentials are issued to its members. The certificates and the credentials are issued by the organ registering the group, within three days of making the decision whether to register the initiating group.

The refusal of registration to conduct a Referendum in the Republic of Tajikistan, can be appealed by the initiating group to the Supreme Court of the Republic of Tajikistan, the refusal of registration to conduct a local Referendum can be appealed to the rayon (town) People's Court for the place of the local Soviet of People's Deputies that had refused the registration.

Upon registration of the initiating group, they must be given identifying numbers and names, that correspond to the names of the executive Committees for the place of formation of the initiating group. This information must be

included on every petition meant for the collection of signatures regarding the Referendum, and also on other documents [originating] from the initiating group on the Referendum.

The information regarding registered initiating groups is transmitted to the Presidium of the Supreme Soviet of the Republic of Tajikistan by the executive committees of the Soviet of People's Deputies for the place where the initiating group was formed.

Article 16. The procedure for and term for the collection of signatures by the initiating groups on the Referendum.

From the moment of receiving its certificate of registration, the initiating group on the Referendum has the right to organize and engage in an unhindered collection of signatures on petitions [signature lists], demanding that a Referendum be conducted.

The overall term for the collection of signatures on the issue of conducting a Referendum in the Republic of Tajikistan must not exceed three months; or for a local Referendum -- one month from the receipt of certificate of registration by the first initiating group formed regarding that Referendum.

In the event that during this term, a sufficient number of signatures of

citizens of the Republic of Tajikistan were not collected, further collection of signatures regarding this Referendum ceases. The demand for a Referendum on this issue can be renewed after the expiration of one year.

A new Referendum in the Republic of Tajikistan on the issues, raised in an earlier Referendum, can be conducted no earlier than after 5 years, and a local Referendum - no earlier than after 1 year from the day of the earlier Referendum on these issues.

Article 17. Petitions on the Referendum.

Petitions for the collection of signatures of the citizens of the Republic of Tajikistan, demanding that a Referendum be conducted (signature lists) must contain the formulation of the questions proposed for Referendum, or a discussion of the substance of the proposed draft law or other resolution (under the condition, that the public will be guaranteed the opportunity to become acquainted with the full text of the proposed law or other resolution, and that the initiating group is fully identified. [Note, the ")" is missing in original text.]

The citizen of the Republic of Tajikistan, who supports the demand on the conduct of the Referendum, signs the petition, indicating his full name, date of birth, place of residence, number and series of his passport or alternative

document verifying his identity, and the date of signing.

Filled out petitions, must be certified by the Chairman and one of the members of the initiating group.

On every petition, next to the certifying signatures of the Chairman and one of the members of the initiating group on the Referendum, there must be a notation of the total number of certified signatures. Certifying signatures of members of initiating group are verified by the seal of the local Soviet of People's Deputies or its executive committee for the place of registration of that initiating group.

Article 18. Processing [Procedure for administrative handling] of the right to demand a Referendum.

Upon the completion of collecting signatures, the initiating group compiles a final [summary] record, in which it indicates the date of registration of the initiating group, the date of the completion of the collection of signatures, the number of collected signatures and the names of the Soviets of People's Deputies to which petitions had been entrusted for safekeeping. The final record together with the demand to conduct a Referendum is sent to the Presidium of the Supreme Soviet of the Republic of Tajikistan.

Petitions on the Referendum in the Republic of Tajikistan, by the law ["act", which act?], must be given for safekeeping to the Chairman of Soviet of People's Deputies on the territory where the signatures were gathered, and petitions on local Referendum must be given to the Chairman of the local Soviet of People's Deputies in the territory where it is proposed to be held, and is kept for period of two months after the Referendum.

In the law [act???] is indicated the overall number of petitions and signatures of citizens. The act in 3 copies is signed by no fewer than 3 members of the initiating group and the Chairman of the corresponding Soviet of People's Deputies or his Deputy.

Group on the Referendum in the Republic of Tajikistan within a week after the signing of the act gives the final record and act with the requirement for the conduct of the Referendum to the Central Commission on the Referendum in the Republic of Tajikistan, which a record is created. The record and the demand to conduct a Referendum within 3 days are transmitted by the Central Commission on the Referendum to the Supreme Soviet of the Republic of Tajikistan and must contain the reasons why the Referendum is necessary, a precise formulation of the question or proposed law or other resolution, proposed for the Referendum.

The Presidium of the Supreme Soviet of the Republic of Tajikistan ensures the registration of the received materials and the [obobshenie] of the testimony therein.

When necessary, the Presidium of Supreme Soviet or the Republic of Tajikistan may entrust the selective or Commissionplete check of the validity of the received documents to the corresponding Soviet of People's Deputies. This check must be Commissionpleted within 2 weeks. During the check, the interrogation [vizov] of persons who had signed the demand to conduct the Referendum, is not permitted. The results of the check, processed in the proper manners, within 3 days, are transmitted to the Presidium of the Supreme Soviet of the Republic of Tajikistan.

Upon discovering more than one signature of the same citizen in the petitions, his signatures will not count.

The Presidium of the Supreme Soviet of the Republic of Tajikistan may forward the materials that appear to the question on conducting the Referendum for conclusion by the permanent committees and Commission of Supreme Soviet of the Republic of Tajikistan.

The conclusions of the Commissions or committees are forwarded to the Presidium of the Supreme Soviet of the Republic of Tajikistan which ensures the inclusion of the question on calling a Referendum on the agenda for the current or the nearest session of the Supreme Soviet of the Republic of Tajikistan. Certified copies of resolution and also information regarding the time of review by the Supreme Soviet of the Republic of Tajikistan are immediately

forwarded to the initiating group on the Referendum.

Article 19. The adoption of a decision on the demand to conduct a Referendum.

The Supreme Soviet of the Republic of Tajikistan on conducting a Referendum of the Republic of Tajikistan, and local Soviet of People's Deputies on conducting local Referendums have the right to reach one of the following decisions:

a) on calling a Referendum, the date of conducting the Referendum and the measures to provide for it;

b) on denying the demand on calling the Referendum in the event of violations of this law by the initiators of that Referendum.

The Supreme Soviet of the Republic of Tajikistan, aside from the above listed decisions, has the right to decide whether to adopt a law or another resolution, that is proposed in the demand for a Referendum of the Republic of Tajikistan, without holding a subsequent Referendum.

The Supreme Soviet of the Republic of Tajikistan on conducting a Referendum of the Republic of Tajikistan, and local Soviet of People's Deputies on conducting a local Referendum examine the presented materials and reach a

decision on them during the next session.

Article 20. The term for conducting a Referendum.

The Referendum may not be conducted earlier than one month and later than four months from the day of adoption of the declaration on conducting it.

This term may be extended by the organ announcing [call]ing] the Referendum, if during the next two months is anticipated the conduct of another Referendum or the elections of the People's Deputies of the Republic of Tajikistan.

III. PREPARATION FOR THE Referendum.

Article 21. Commission on conducting the Referendum in the Republic of Tajikistan.

To prepare and conduct the Referendum in the Republic of Tajikistan are formed the following Commissions:

- a) the Central Commission on the Referendum in the Republic of Tajikistan;
- b) the Circuit Commissions on the Referendum in the Republic of Tajikistan;

c) the Polling Place Commissions on the Referendum in the Republic of Tajikistan:

The powers of the Commissions on the Referendum are in force from the moment that the Commissions are organized and expire at the end of one month from the publication of the results of the Referendum.

Article 22. The formation of the Commissions on the Referendum.

cec is formed by the Supreme Soviet of the Republic of Tajikistan at the simultaneously with the adoption of a decision to call a Referendum. During this process, the suggestions of oblast, Dushanbe Town Soviet of People's Deputies, republican organs, communal organizations, and also initiating groups on the Referendum are considered.

The Circuit Commissions on the Referendum are formed by the oblast, Dushanbe town Soviet of People's Deputies, and in the towns and rayons subject to the Republic - by the corresponding Soviet of People's Deputies or their executive committees, upon the presentation of the communal organization, labor collectives and initiating groups on the Referendum that are present in the circuit. the Circuit Commission on the Referendum must be organized within a week from the day of publication of the declaration on calling the Referendum, and must include a Chairman, Secretary and 13 members.

prc are formed by the rayon, town, rayon in town Soviet of People's Deputies or their executive committees within 3 weeks from the day of publication of the declaration on calling the Referendum, with regard for the suggestions of the following who are located in their territory: communal organizations, labor collectives, initiating group on the Referendum, and also the Assemblies of citizens that number no fewer than 150 persons. the Polling Place Commission on the Referendum staff includes a Chairman, Secretary and 7 members.

The Central and Circuit Commissions on the Referendum ensure that the population is informed in a timely manner through the means of mass media and other means regarding the membership of the Commissions on the Referendum, place and tie of their work, telephone numbers, locations of the polling place for voting and other information having significance to the proper preparation for and the conduct of the Referendum.

Article 23. the powers of the Central Commission on the Referendum.

cec:

registers initiating groups on the Referendum in the Republic of Tajikistan;

ensures in all the territory of the Republic of Tajikistan strict

compliance with this law, applies to the Supreme Soviet of the Republic of Tajikistan for necessary interpretations of the same [???]:

organizes the activities of the Circuit Commission on the Referendum:

decides issues regarding the assignment of Referendum participants residing beyond the limits of the Republic of Tajikistan to a circuit for a Referendum on the territory of the Republic of Tajikistan:

distributes funds to the Circuit Commission on the Referendum:

controls the provision of Commissions on the Referendum with buildings, transport, communication and examines other questions of material-technical supply for the Referendum:

establishes the format of the ballots for the Referendum, the list of the participants in the Referendum, record of the meetings of the Commissions on the Referendum, and other documents relating to the Referendum, samples ballot boxes and seals of the Commissions on the Referendum, the manner of safekeeping of documents relating to the Referendum:

hears communications [announcements] from the ministries and administrative organs of the Republic of Tajikistan, and other governmental and communal organs on the issues relating to preparation for and the conduct of the Referendum:

prepares the total results for the Referendum in all of the Republic of Tajikistan:

establishes [settles] the results of the Referendum, publicizes them in print, on the television, radio and other means, informs about its work and the results of the Referendum:

examines the declarations and the complaints on the decisions of the Commissions on the Referendum:

exercises other powers, provided for in this law and other laws of the Republic of Tajikistan.

Article 24. The powers of the Circuit Commission on the Referendum in the Republic of Tajikistan.

cry in the Republic of Tajikistan:

organizes the activities of the Polling Place Commission on the Referendum:

hears the communications of the executive and administrative organs of the local Soviet of People's Deputies, heads of enterprises, institutions and organizations on the issues of preparation for and the conduct of the Referendum:

controls the timeliness and the propriety of the issue [publication] of the materials regarding the Referendum;

determines the results of the Referendum in the circuit, transmits them to the Central Commission on the Referendum, publishes the results of the Referendum in print;

examines the declarations and Commission complaints regarding the decisions of the Polling Place Commission on the Referendum and reaches appropriate decisions;

ensures strict Commission compliance with this law on the territory of the circuit;

exercises other powers in accordance with this law.

Article 25. The powers of the Polling Place Commission on the Referendum in the Republic of Tajikistan.

prc:

compiles the voter lists for the Referendum for the polling place;

conducts the familiarization of the citizens with of the polling place the

voter lists and examines the declarations regarding the inaccuracies in the voter lists and decides on the issue of whether to make appropriate changes:

informs the population of the day when the Referendum will be conducted;
ensures the readiness of buildings for voting and that they are appropriately equipped;

organizes the voting in the polling place on the day of the Referendum;

conducts the count of votes and determines the results of the voting;

examines the declarations and the statements on the issues of preparation for and the conduct of the Referendum and reaches appropriate decisions;

ensures the familiarization of the citizens with this law and the issue brought to the Referendum, during the period of preparation for conducting of the Referendum and on the day of the voting, and exercises other powers provided for in this law.

Article 26. Circuit and polling place for the Referendum in the Republic of Tajikistan.

The territory of every oblast, the town of Dushanbe, the towns and rayons

to the Referendum.

Informing the citizens about the borders of every polling place together with the indication of the location of the Polling Place Commission on the Referendum and the place for voting is done by the corresponding Soviet of People's Deputies or its Chairman.

Every polling place for the Referendum must have a building, able to easily accommodate members of the polling place Commission, representatives of political and other communal organizations and mass movements, labor collectives, Assemblies of citizens, and also of the means of mass media at the time of sealing the ballot boxes, opening ballot boxes and counting the votes. The building must be equipped with a safe for safekeeping of documentation, furniture, displays for lists of voters voting in this polling place, and other information on the Referendum, booth and boxes for secret voting. Every polling place can have only one portable ballot box [probably for those who are not physically able to vote at the polling place].

Entry into and exit from the building for voting must be separate and set up so that every voter passes only through the booth for secret voting.

The booths for secret voting are equipped with tables, and sheets of the text of the proposed resolution, brought to a Referendum and also with automatic

pens [ball points?]. The use of pencils is not allowed.

Article 27. Organization of the work of the Commissions on the Referendum.

The Commissions on the Referendum in the Republic of Tajikistan must conduct their first meetings no later than within three days from the moment of their formation. The meetings of the Commissions on the Referendum have authority to act if, no fewer than two thirds of the members participate in that meeting. The decisions of the Commissions are reached by open vote, by the majority of the members of the total number of members of that Commission. Those members of the Commission who do not agree with its decision, have the right to express their dissent [own opinion] in written form, which will be attached to the record of the meeting of the Commission. Properly certified copies of the indicated documents are issued upon the first demand from interested persons.

Article 28. The lists of citizens who have the right to participate in the Referendum.

The lists of citizens with the right to participate in the Referendum, is Commissionpiled for every Referendum polling place by the Polling Place Commission on the Referendum and is signed by its Chairman and Secretary.

The lists are Commissionpiled on the basis of the data, presented by the

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The lists are Commissionpiled on the basis of the data, presented by the

a decision must be reached on the appeal within a week from the moment that the appeal is filed.

A member of a Commission on the Referendum, including the Chairman, Deputy Chairman, Secretary by his decision can be released during the period of preparation for and the conduct of the Referendum from fulfilling his enterprise or service obligations, preserving [continuing to receive] their average salary from the funds set aside to conduct the Referendum.

Governmental and communal organs and organizations, officials must cooperate with the Commissions on the Referendum and provide the information and materials needed by the Commissions to fulfill their mandate. The Commissions on the Referendum have the right to apply on issues tied to the preparation for and the conduct of the Referendum to the governmental and communal organs and organization, and to responsible officials who must examine the presented issue and give an answer to the Commission no later than within 3 days.

The Chairman, Deputy Chairman, Secretary or member of a Commission on the Referendum, may be released from his duties on the Commission, by the organ that had organized that Commission, either through a personal request or upon a statement by a communal organization, labor collective, initiating group on the Referendum, organ of communal self-activity [NGO?], an association of citizens by their place of residence and for those serving in the military by their

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military district. The removal and confirmation of a new Chairman and Commission membership are conducted in the manner established by this law.

Lists are put out [hanged in a public place] for public familiarization in the building of the Polling Place Commission on the Referendum no later than one month prior to the Referendum, and are also brought to the citizens' awareness through other means.

Every citizen has the right to appeal his noninclusion or inaccurate inclusion on a list or exclusion from a list, and also errors allowed in the lists. The statements regarding errors in list are reviewed by the Polling Place Commission on the Referendum, which must, no later than within two days, and on the day prior to or on the day of the Referendum, immediately, review the statement, and make the necessary correction or give the person making the appeal a copy of its reasoned decision to deny his statement. This decision can be appealed to the rayon (town) People's Court, no later than five days prior to the Referendum, which must examine the appeal within 3 days. The decision of the rayon (town) People's court is final. The corrections in the list in accordance with the court's decision is done by the Polling Place Commission on the Referendum immediately.

Article 29. Ballots [voting bulletins].

In the ballot is reproduced the text of question or the proposed resolution brought to the Referendum, and the two options available to the voter, "for" and "against".

In the event that several alternative proposed resolutions are brought to a Referendum, they are all placed on the same ballot, consecutively numbered and divided by horizontal lines and are voted on separately.

In the event that a Referendum is conducted on the drafts of different resolution and also in the event of conducting a Referendum of the Republic of Tajikistan on the same day as a local Referendum, all the draft resolution on the Referendum are typed on different color ballots, and are voted on independently of each other.

The format and text of the ballots are confirmed by the Central Commission on the Referendum no later than 30 days prior to the day of the Referendum.

The Circuit Commission on the Referendum provide the Polling Place Commission on the Referendum with ballot no later than 15 days prior to the Referendum.

IV. CONDUCTING THE Referendum

Article 30. The time of conducting the Referendum.

In all polling place for voting, and also in institutions beyond the borders of the Republic of Tajikistan the voting is conducted from 7 am to 10 pm, by local time. the Polling Place Commission on the Referendum informs the voters of the time and place of voting no later than 15 days prior to the Referendum.

Voting may be concluded earlier than 10 pm in polling place, located in hospitals, when all the voters on the voter list have voted.

Article 31. Early [pre-term] voting.

In the event, if less than 15 days prior to the Referendum, a citizen, included on the voter list, finds [out] that he will be unable to participate in the Referendum due to being beyond the borders of the Republic of Tajikistan, he has the right to receive in the Polling Place Commission on the Referendum a ballot. Upon receiving a ballot, the citizen signs in the voter list.

After filling out the ballot, the citizen puts it in an envelope, which is sealed and stamped with the seal of the Commission in order to preserve the secrecy of the voting. This envelope is kept unopened until the day of the Referendum.

Article 32. Certificate of release from initial polling place.

In the event that, less than 30 days prior, a citizen included on the voter lists, finds, that he will be unable to be in the building that is set aside for voting in the polling place on whose voter list he is placed, he has the right to receive for the Polling Place Commission on the Referendum a certificate of release, the voter list for the polling place is marked accordingly. The receipt of a certificate of release is verified by the citizen's signature.

cit the Republic of Tajikistan upon the presenting a certificate of release from his initial polling place must be added to the supplemental voter list of any polling place on the territory of the Republic of Tajikistan.

Article 33. Voting on the day of the Referendum.

On the day of conducting the Referendum, the Chairman of the Polling Place Commission on the Referendum, a half hour prior to the start of the voting, in the presence of the members of the Commission, and representatives of political and other communal organs and mass movements, labor collectives, Assemblies of citizens, and also the means of mass information checks whether the ballot boxes are free from any insertions, and then seals the ballot boxes.

The ballots for voting are issued to voters by the voter list upon the

presentation of a passport or another document, verifying the identity of the citizen.

In those events, when citizens, having the right to participate in the Referendum, are unable for a good reason be present in the polling place for voting, the Polling Place Commission on the Referendum, providing it has a written statement from these citizens, delegates two members of the Commission to organize voting, in the presence of communal observers, for the place where these citizens are located.

Citizens independently fill out ballots in the booth for secret voting. A citizen who is unable to do himself, has the right to invite into the booth another person who is not a member of the Polling Place Commission on the Referendum or a communal observer. Ballots, filled out by voters who had voted prior to the day of the elections [pre-term voting], are placed in the ballot box on the day of voting on the Referendum, by the Chairman of the Polling Place Commission on the Referendum in the presence of the other Commission members and communal observers, prior to the beginning of common voting. At that time, the integrity [lack of tampering] of the envelope, and the presence of the seal of the Commission and that the number of envelopes corresponds to the number of the appropriate entries on the voter lists.

A participant in the Referendum [voter] expresses his desire regarding the

issue placed on the Referendum, crosses out one of the responses on the ballot, "for" or "against".

If at the same time several Referendum are conducted, the voter fills out a ballot for each of them

Article 34. Counting the votes.

After the Chairman announces that voting is concluded, the Polling Place Commission on the Referendum opens the ballot boxes. Prior to opening the ballot boxes, the Polling Place Commission on the Referendum counts and voids all unused ballots and a record is made of that.

On the basis of the voter lists, including the supplemental lists, and counting the submitted statements of voters regarding pre-term voting and statements regarding "at home" voting, the Commission counts the total number of received ballots. The count of ballots, in the mobile ballot box is done separately. In doing that the number of ballots is collated [compared] with the number submitted written request asking to vote at home. Based on the number of ballots in ballot boxes the Commission establishes:

the number of citizens, who had participated in the voting:

the number of votes submitted for the draft resolution that was placed on the Referendum;

the number of votes given against;

the number of ballots found to be invalid;

Those ballots are found to be invalid where one of the options ["for" or "against"] was not crossed out, or both are crossed out, and also ballots that are not of the approved format. In the event of doubt regarding the validity of a ballot, the decision is made by the Polling Place Commission on the Referendum, which notes the number of such events [decisions] in the record.

The results of the vote are counted for every polling place. If several issues were presented for a vote simultaneously or if more than one Referendum was conducted, the vote for each is conducted separately.

Article 35. The Record of calculating the final results of the voting.

the final count of the votes is verified, and discussed at a meeting of the Polling Place Commission on the Referendum and entered into the record, which is made in two copies.

The record is filled out [made/kept] in ink or in a ball point pen and is signed by all the members of the Polling Place Commission on the Referendum and verified with their seal. If several Referendums were conducted, a separate record is prepared for each one.

The first copy of the record is delivered to the Polling Place Commission on the Referendum, the second is kept for safekeeping [under guard] in the Polling Place Commission on the Referendum.

The Circuit Commission on the Referendum on the basis of the records of the Polling Place Commission on the Referendum summarize the received data, check them and after a discussion, Commissionpile and sign two copies of the record summarizing the results from the polling places, which are certified by the seal. The first copy is immediately sent or transmitted by other means to the Central Commission on the Referendum.

The Circuit and polling place Commissions on the ref after counting the votes, submit the copies of the records and ballots [in printed form?], including the ones that have been voided, to the corresponding Soviet of People's Deputies, where they are preserved for a period of two months, and are then destroyed if during that period there was no protest against the results of the Referendum.

V. ESTABLISHING THE RESULTS OF THE Referendum

Article 36. Calculating the results of the Referendum.

cec on the basis of the records of all the Circuit Commissions on the Referendum, determines:

the number of citizens, who have the right to participate in the Referendum;

the number of citizens who had received a ballot;

the number of citizens who had participated in the voting;

the number of votes cast in support of ["for"] the draft resolution put to a Referendum;

the number of votes cast "against";

the number of ballots deemed invalid.

The Referendum is declared null and void if in the voting participated fewer than half of the citizens of the Republic of Tajikistan who had the right to participate in the Referendum. In that event, a Referendum on the same issue can not be held earlier than in two years.

The decisions on issues put to a Referendum are considered to be reached, if they are voted "for" by more than half of the citizens taking part in the Referendum.

When conducting a Referendum on issues of adopting Amendments and Addenda to the Constitution of the Republic of Tajikistan the decisions are considered to be reached, if they are voted for by more than half of the citizens of the Republic of Tajikistan who are on the voter lists for the Referendum.

If on the Referendum were placed alternative versions of a resolution and no one of them received the necessary number of votes, then all versions are considered to have been refused and their reintroduction to a Referendum can occur no earlier than after a year.

The results of the Referendum may be declared invalid, if errors that violate this law which had a result on the results of the voting, had been permitted either during the conduct of the Referendum or in count of votes. In the event that such violations are found, the results of the Referendum may be appealed to the Supreme Court of the Republic of Tajikistan within a month.

Article 37. Publishing and entry into force of the decision reached through the Referendum.

The totals of the Referendum are brought to the attention of the population of the Republic of Tajikistan through the means of mass information by the Central Commission on the Referendum no later than ten days from the end of the voting.

In the event that the Referendum results for a particular polling place or circuit are declared invalid, the Central Commission on the Referendum has the right to delegate to the corresponding Commission on the Referendum to conduct a second round of voting in that polling place or circuit within two weeks. The decisions of the Central Commission on the Referendum may be appealed to the Supreme Court of the Republic of Tajikistan within a week from when the decision is made.

The decision reached on the Referendum is published no later than seven days after the last voting, and enters into force on the day of publication, if the Referendum itself does not provide for a different date of effectiveness.

Article 38. Changes or rescission of decision reached through a Referendum.

Changes or rescission of the decision reached through a Referendum, can be only through a Referendum.

VI. RESPONSIBILITY [LIABILITY] FOR VIOLATIONS OF THE LEGISLATION ON THE

Referendum IN THE REPUBLIC OF TAJIKISTAN

Article 39. Liability for violation of the legislation on the Referendum in the Republic of Tajikistan.

Persons, interfering either through force, deceit, threat, bribes or other means with the free exercise by the citizens of their rights to participate in a Referendum in the Republic of Tajikistan, and also officials of governmental or communal organs, enterprise, institutions, organizations, members of initiating groups and Commissions on the Referendum, persons collecting signatures, who falsify documents, signatures, deliberately inaccurately count of votes, violating the secrecy of the vote, are punished by a deprivation of liberty for a period of five years, or correctional labor [works, i.e. public service] for a period of two years, or a fine of five thousand rubles.