

Date Printed: 02/05/2009

JTS Box Number: IFES_49
Tab Number: 41
Document Title: LAW OF THE REPUBLIC OF TAJIKISTAN ON
ELECTIONS TO THE PRESIDENCY OF THE
Document Date: 1994
Document Country: TAJ
Document Language: ENG
IFES ID: EL00719



Year?

note: this version replaces both electoral list and election bulletin with "ballot"

Law of the Republic of Tajikistan on Elections to the Presidency of the Republic of Tajikistan

I. GENERAL PROVISIONS

Article 1. Election of the President of the Republic of Tajikistan

The president of the Republic of Tajikistan is elected by the citizens of the Republic of Tajikistan through the exercise of universal, equal, and direct electoral rights, by secret ballot.

Any citizen of the Republic of Tajikistan, between 35 and 65 years of age, with a command of the state language, who has lived in Tajikistan for at least 10 years and has the right to vote, may be elected president.

The president is elected to a 5 year term.

The same citizen may not be elected president of the Republic of Tajikistan for more than two consecutive terms.

Rep. of Tajikistan
Law on Election of the President

JL

Violation of the requirements of this Article renders [carries with it the recognition that] the presidential election is null and void.

Article 2. Citizens' voting rights.

Citizens of the Republic of Tajikistan who have reached the age of 18 may participate in voting for the president of the Republic of Tajikistan.

The following persons may not participate in voting for the president of the Republic of Tajikistan: persons who have been found mentally incompetent by a court, and those who have been deprived of their liberty by a court conviction, as well as those persons against whom a lawfully issued order of detention under guard is in effect.¹

Any curtailment of the electoral rights of the citizens of the Republic of Tajikistan is forbidden, except to the extent provided

¹. Two unclear points in this paragraph.

A. It is unclear whether "loss of liberty" refers to court convictions that post-date the Communist regime or refers to all conviction. Further, it is unclear whether this paragraph refers to individuals currently interned or who had been in jail.

B. It is unclear what is meant by an "order of detention", i.e. is it executive or administrative detention, or is it intended to signify a criminal conviction.

Republic of Tajikistan
Law on Election of the President²

for in this law.

Article 3. Principles for conducting elections for the
President of the Republic of Tajikistan

Citizens of the Republic of Tajikistan participate in preelection campaigning² and in the voting in the election for the president of the Republic of Tajikistan on a voluntary and equal basis.

Voting in elections for the president of the Republic of Tajikistan is by secret ballot and is done by the citizens directly. Every citizen has one vote.

Control over the citizens' expression of electoral preference [choice] is not allowed.

Article 4. Publicity regarding preparation for and the conduct
of the election for the President of the Republic
of Tajikistan.

Governmental and community bodies³ involved in organizing and running the presidential election, conduct their activity openly and publicly.

². In this translation, the Russian, "agitation" is translated as "campaigning" in re political activity.

³. In this translation, Russian: "organs" is translated as "bodies" in re gov'tal and community groupings.

The Republic of Tajikistan guarantees the right of political parties, labor unions, other community associations and mass [popular] movements, labor collectives, and citizens of the Republic of Tajikistan to campaign "for" or "against" any candidate for the post of president of the Republic of Tajikistan.

Campaigning on the day of the vote is prohibited.

All the decisions reached by the responsible bodies dealing with the preparation for and the conduct of the election for the president are subject to publication and radio and television broadcast within seven days of their adoption.

The electoral commissions must, in a timely manner, inform the population of the commissions' membership, location, and operating hours of polling places and of the voter lists.

At the meetings of the electoral commissions, and at the time of the vote⁴, and when counting votes from a polling place, and also when determining the election results, one representative from the following has a right to be present: the political parties, representative governmental bodies, the Assembly of Representatives

⁴ Unclear, whether text should be read to mean that observers are to be permitted at

- A. commission meetings at the time of the vote OR
- B. commission meetings AND during voting.

Republic of Tajikistan
Law on Election of the President⁴

of Deputies of the Soviets of Peoples' Deputies from the rayons and towns subject to the Republic who have nominated candidates for the post of the president, representatives of bodies of mass information, and, if necessary, observers from other nations or international organizations. Representatives must have credentials from the organization that sent them, indicating their authority; the format of these credentials is determined by the Central Electoral Commission on Election of the President.

*credentials
for candidates
to president*

The political parties, representative governmental bodies, the Assembly of Representatives of Deputies of the Soviets of Peoples' Deputies from the rayons and towns subject to the Republic who have nominated candidates for the presidency, must inform the Circuit Electoral Commissions of their representatives no later than ten days prior to the election.

Direct or indirect interference by the indicated representatives and observers in the activity of the electoral commissions is prohibited.

*interference
prohibited*

Article 5. Material Provisions for the Election of the President of the Republic of Tajikistan.

Expenditures connected with the preparation for and conduct of presidential elections are paid for from the government's Republic of Tajikistan Law on Election of the President 5

*Campaign Administration
regulated by CEC &
publicly distributed
to candidates*

resources. Voluntary donations for this purpose from enterprises, institutions, organizations, community groups, and individual citizens of the Republic of Tajikistan are accepted by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan and are equally distributed between the various candidates for the post of president.

State organs, enterprises, institutions and organizations will make available to the electoral commissions the facilities and equipment necessary to conduct elections free of charge. The facilities and equipment of non-governmental enterprises and organizations are used for the work of the electoral commissions, on a rental basis to be paid for from the republican budget.

*if campaign administration
is regulated by CEC
no restriction*

Any direct or indirect participation of foreign organizations or persons in financing or providing any other material support of the electoral campaigns of candidates for the presidency is prohibited.

*different law
Article 40 KAZ*

II. ORGANIZATION AND MANNER OF CONDUCTING ELECTIONS OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 6. Declaration of the Presidential Election in the

5. There is no indication as to who decides what is "necessary".

Republic of Tajikistan
Law on Election of the President 6

Republic of Tajikistan.

The elections of the president of the Republic of Tajikistan is declared by the Supreme Soviet of the Republic of Tajikistan no later than two months prior to the end of the term of the serving president of the Republic of Tajikistan.

In the event of a premature termination of the term of the president of the Republic of Tajikistan, the election for the position of president of the Republic of Tajikistan will be conducted within 3 months [from termination].

Announcements regarding presidential elections will be published in the press.

Article 7. Organization of Election of the President of the Republic of Tajikistan.

The organization of the election of the president of the Republic of Tajikistan is the responsibility of the electoral commissions. The electoral commissions operate collegially. Preparation for and conduct of elections by electoral commissions is conducted openly and publicly.

Article 8. Organization of Electoral Circuits.

The electoral ^{circuits} for the election of the president of the Republic of Tajikistan are formed by the Central Electoral

Republic of Tajikistan
Law on Election of the President 7

Handwritten note:
Approved for President
Recommended by
CCC

Commission for the Election of the President of the Republic of Tajikistan.

The lists of electoral circuits indicating their borders and the number of voters in them are published by the Central Electoral Commission no later than 50 days prior to the election.

64
63 Rayon +
Dushanbe

Article 9. Organization of Polling Place.

~~The polling places are formed no later than 40 days prior to~~ the election by the decisions of the executive committees of the Soviets of People's Deputies of rayons, towns, and rayons in towns, and include 20 to 3000 voters per polling place by agreement with neighboring electoral commissions.

Polling places are formed with regard for the borders of rayons, towns, and rayons in towns, with the overall goal of facilitating the maximum convenience for voters. Polling places are also formed in military areas and are part of the electoral circuit corresponding to their location. The borders of polling places must not cross the borders of electoral circuits.

Polling places can be formed in sanatoriums, rest homes, hospitals and other stationary medical institutions, and in areas where citizens living in far away and inaccessible rayons can be found. These polling places are part of the electoral circuit

corresponding to their location.

Appropriate executive committees of the Soviets of People's Deputies inform the voters of the borders of each polling place, and of the location of the Polling Place Electoral Commission, and of the location of the voting places.

The polling places for citizens of the Republic of Tajikistan who are located beyond the borders of the Republic of Tajikistan are the representative offices of the Republic of Tajikistan in that country; if representative offices are not present in that territory, polling places will be formed by the Central Electoral Commission on the Election of the President upon application by the Ministry of Foreign Affairs of the Republic of Tajikistan.

The issue of assigning polling places located beyond the borders of the Republic of Tajikistan to electoral circuits is decided by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

III. ELECTORAL COMMISSIONS ON THE ELECTION OF THE PRESIDENT

Article 10. The System of Electoral Commissions

In order to organize and conduct the election of the president of the Republic of Tajikistan [the following commissions] are

Republic of Tajikistan
Law on Election of the President⁹

formed:

The Central Electoral Commission on the Election of the President of the Republic of Tajikistan;

Circuit Electoral Commissions on the Election of the President of the Republic of Tajikistan; and

Polling Place Electoral Commissions on the Election of the President of the Republic of Tajikistan.

Article 11. The Method of Forming the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

The Central Electoral Commission on the Election of the President of the Republic of Tajikistan is formed within 3 days after the declaration of elections for the office of the president of the Republic of Tajikistan, and consists of a chairman and 8 members.

The Chairman and members of The Central Electoral Commission on the Election of the President of the Republic of Tajikistan are chosen by the Supreme Soviet of the Republic of Tajikistan on the recommendation of the Chairman of the Supreme Soviet of the

Republic of Tajikistan
Law on Election of the President 10

*CEL
chosen by
SS based on
recommendation
of Chairman of SS*

Republic of Tajikistan.⁶

The Deputy Chairman and the Secretary of the Commission are elected from the membership of the Commission at the first meeting of the Commission. The Central Electoral Commission publishes information regarding its membership, addresses, and telephone numbers in the official printed media of the Republic of Tajikistan.

The expenses of maintaining the Central Electoral Commission on the Election of the President of the Republic of Tajikistan are paid from the republican budget.

Article 12. Powers of the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

The Central Electoral Commission on the Election of the President of the Republic of Tajikistan:

1) exercises control, within the entire territory of the Republic, over the application of this law, and ensures that it is

⁶: Not entirely clear, whether

A. Chairman of the Soviet recommends that the Commission be elected OR

B. Chairman puts up the nominations for member of the Commission which are ratified by the Soviet

Republic of Tajikistan
Law on Election of the President¹¹

applied uniformly, and, within the limits of its powers, issues instructions and clarification on issues relating to the organization of the elections;

2) forms electoral circuits, assigns them names and numbers;

3) forms the Circuit Electoral Commissions and publishes announcements regarding their location;

4) supervises the work of the electoral commissions, determines the procedure for making changes in the staff of the electoral commissions; repeals the decisions of the Circuit Electoral Commissions on the election of the president of the Republic of Tajikistan in cases where these decisions contradict this law;

5) decides the questions of assigning polling places formed beyond the borders of the Republic of Tajikistan to electoral circuits;

6) ensures uniform conditions for participation in the election campaign for the candidates for the office of the president of the Republic of Tajikistan;

7. Unclear, whether this refers to a uniform application of this law or if it is intended to indicate that the Central Commission intends to ensure that no candidate has an advantage in

Republic of Tajikistan
Law on Election of the President¹²

7) determines the manner of participation in the electoral campaign of the sources of mass information and their utilization in accordance with this law;⁸

8) distributes funds to electoral commissions, controls the provision of electoral commissions with housing, transport, and means of communication, and examines other issues regarding material-technical support for the elections;

9) establishes the format for the following: electoral bulletins for the elections of the president of the Republic of Tajikistan, voter lists, ballots⁹, record of the meetings of the electoral commissions, other electoral documents, exemplars of ballot boxes and seals of electoral commissions, and method for safekeeping of electoral documents;

10) hears communications from the heads of ministries, government committees, and other governmental departments [vedomstva] of the Republic of Tajikistan, from local bodies of governmental power, and from other government bodies and organs of community associations on issues linked to the preparation for and

re \$ or equipment.

*. Censorship?

9. Russ: "Electoral Lists" translated as Ballots

Republic of Tajikistan
Law on Election of the President¹³

conduct of elections;

11) registers candidates for the office of the president of the Republic of Tajikistan, calculates the election results for the entire republic, and publishes in the press announcements of the election results;

12) examines and makes decisions on statements and appeals regarding the decisions and actions of the electoral commissions;

13) forwards to the prosecutorial bodies [organs of the procuracy] materials regarding those violations of the law "On Elections to the Presidency of the Republic of Tajikistan" that carry criminal penalties;

14) ensures the transmittal of documents relating to the preparation for and the conduct of the elections to the archives;

15) organizes a secondary round of voting, organizes a second election, and

16) exercises other powers in accordance with this law and other lawmaking acts of the Republic of Tajikistan.

Meetings of the Central Electoral Commission can exercise power if a quorum of no fewer than two thirds of the actual membership of the Commission as of the day of the meeting is

Republic of Tajikistan
Law on Election of the President

present.¹⁰

Article 13. Formation of the Circuit Electoral Commissions on the Election of the President of the Republic of Tajikistan.

The Circuit Electoral Commissions on the Election of the President of the Republic of Tajikistan are formed by the Central Electoral Commission no later than 45 days prior to the elections and consist of a Chairman, Deputy Chairman, Secretary, and no fewer than 4 other members of the Commission.

Article 14. Powers of the Circuit Electoral Commissions on the Election of the President of the Republic of Tajikistan.

A Circuit Electoral Commission on the election of the President of the Republic of Tajikistan:

1) exercises control over the application of this law, and ensures that it is applied uniformly;

2) supervises the work of the Polling Place Electoral Commissions;

¹⁰ Reduction in membership could dramatically reduce actual quorum requirement.

3) distributes resources between the Polling Place Electoral Commissions, controls the provision of offices, transportation, and means of communication to the Polling Place Electoral Commissions, and examines other issues regarding material-technical support for the elections in their electoral circuit;

4) ensures uniform conditions for participation in the election campaign for the candidates for the office of the president of the Republic of Tajikistan;

5) hears communications from representatives of local governmental and administrative bodies, heads of community associations, enterprises, institutions, and organizations on issues linked to the preparation for and the conduct of the elections;

6) monitors the preparation of voter lists and presents them for public information;

7) calculates the election results in its circuit and relays them to the Central Electoral Commission on the Election of the President of the Republic of Tajikistan;

8) examines and makes decisions on the statements and appeals regarding the decisions and actions of the Polling Place Electoral Commissions; and

Republic of Tajikistan
Law on Election of the President 16

9) exercises other powers in compliance with this law and other lawmaking acts of the Republic of Tajikistan.

Article 15. Organization of the Polling Place Electoral Commissions on the election of the President of the Republic of Tajikistan.

The Polling Place Electoral Commissions on the Election of the President of the Republic of Tajikistan are formed by the Circuit Electoral Commissions. Polling Place Electoral Commissions are formed no later than 35 days prior to election with 5 to 19 members, including a Chairman, Deputy Chairman and Secretary. If the commission is formed with a staff of up to 7 members, then a Chairman and Secretary are elected.

When necessary, the size of the staff of the Polling Place Electoral Commissions can be increased or decreased.

Article 16. The powers of the Polling Place Electoral Commissions on the Election of the President of the Republic of Tajikistan.

A Polling Place Electoral Commission on the election of the

11. unclear whether elect if ≤ 7 members then what if > 7 members? [check]

Republic of Tajikistan
Law on Election of the President 17

President of the Republic of Tajikistan: :

- 1) compiles district voter lists;
- 2) familiarizes voters with the voter list, receives and evaluates statements regarding errors and omissions [imprecisions] in the list and decides whether to make appropriate changes to the voter list;
- 3) accepts absentee ballots¹² from voters who do not have the ability to be present in person at their place of residence and to participate in the election;
- 4) informs the people of the date of the election and the voting site;
- 5) ensures the preparation of facilities for voting, and of ballot boxes, and of other electoral equipment;
- 6) organizes the voting in the polling place on election day;
- 7) conducts the count of the votes cast in the polling place;
- 8) examines statements and complaints regarding the preparation for and the conduct of the elections, and makes appropriate decisions; and

¹². russ: voter [electoral] envelopes translated in this text as absentee ballots.

9) exercises other powers in accordance with this law and other lawmaking acts of the Republic of Tajikistan.

Article 17. Membership in the Electoral Commissions.

A member of a Commission can be relieved of his duties by personal request or if he is relieved of his duties.

The right to relieve a member of a Commission of his duties belongs to the body that formed that Commission; a member can be relieved of his duties upon violation of the requirements of this law or if he systematically ignores his duties.¹³

When necessary, a new member of an Electoral Commission is appointed in the manner established by this law.

Candidates for the post of the president of the Republic of Tajikistan may not be members of an Electoral Commission.

A person can be a member of only one Electoral Commission.

Article 18. The Structure of the Work and the Term of the Electoral Commissions.

Meetings of the Electoral Commission can exercise authority only if they are participated in by no fewer than two thirds of the actual members of that Electoral Commission as of the day of the meeting. The decisions of a Commission are reached by open voice

¹³. Extremely vague.

balloting of the majority of the Commission members present at the meeting. Members of a Commission who dissent from its decision have the right to express their opinion, which will be attached to the record in written form. In the event of a tie, the Chairman casts the deciding vote.¹⁴

A decision of an Electoral Commission that was properly reached within the limits of that Commission's authority must be carried out by the lower Electoral Commissions and also by all governmental bodies, community associations, labor collectives, and military departments, and by the managers of enterprises, institutions and organizations.

Government bodies and the organs of community associations, enterprises, institutions, organizations, and responsible officials must aid the Electoral Commissions in fulfilling their mandate, and provide information necessary for the Commissions' work.

Governmental bodies, enterprises, institutions, and organizations (free of charge) provide the Electoral Commissions with the materials and facilities necessary to prepare for and conduct the elections.

¹⁴. Not entirely certain, but it appears that the Chairman also participates in the regular vote.

An Electoral Commission has the right to apply to the governmental bodies and the organs of community association, to institutions, and to the responsible officials on issues connected to the preparation for and the conduct of the elections, who must consider the issues presented, and provide an answer to the Electoral Commission within 3 days.

A member of an Electoral Commission, by a decision of the Commission, can be excused from performing his vocational or service duties during the preparation for and the conduct of the elections while continuing to receive his average salary from the funds set aside for the conduct of elections.

The powers of the Central Electoral Commission, the Circuit and the Polling Place Electoral Commissions, ~~cease after the~~ president of the Republic of Tajikistan assumes the duties of his office.

Article 19. Review of Complaints Concerning Decisions of the Electoral Commissions.

Decisions of electoral commissions can be appealed to a higher electoral commission or to a court within ten days after the decision has been reached. The decisions of the Central Electoral Commission on the election of the president of the Republic of

Tajikistan can be appealed to the Supreme Court of the Republic of Tajikistan ~~within ten days after the decision~~ has been reached. The complaint must be reviewed ~~within three days after its~~ submission, and reviewed immediately ~~if less than six days remain~~ before the election.

IV. VOTER LISTS

Article 20. Voter lists and the Method for their Compilation.

Voter lists are compiled by the Polling Place Electoral Commission for each polling place and are signed by the Chairman and the Secretary of the Polling Place Electoral Commission.

Voter lists by place of residence are prepared based on the information about voters that is presented by the local executive organs.

Voter lists - (for) those in active military service, or located in military districts, and also members of their families and other voters located in military areas, are compiled based on affidavits presented by commanders of military districts. Those in active military service who live outside the military districts are

included in the voter lists for their place of residence¹⁵ on a general basis.

Voter lists for polling places organized in sanatoriums, preventive clinics, rest homes, hospitals and other stationary medical-prophylactic institutions, as well as in the representative offices of the Republic of Tajikistan in foreign countries, are prepared based on information presented by the managers of the (above) named institutions.

Voter lists will be prepared in a format that is convenient for organizing the election.

Article 21. Citizens' Inclusion in Voter Lists.

Citizens of the Republic of Tajikistan who have the right to vote are included in voter lists.

Voter lists by place of residence include citizens who either permanently or temporarily reside there at the time of preparation of the voter lists.

Voter lists for polling places organized in sanatoriums, preventive clinics, rest homes, hospitals, and other stationary

¹⁵. Not clear whether by peacetime place of residence or actual residence. I think actual residence.

medical-prophylactic institutions, include all the citizens who on the day of the elections will be located in the above named rayons and institutions.

A citizen of the Republic of Tajikistan may be included in only one voter list.

Citizens who arrive at a polling place after the promulgation of the voter lists, are included in the supplemental list.

Article 22. Informing the Public of the Voter Lists.

The voter lists prepared for a polling place on the basis of the citizens' place of residence are promulgated 15 days prior to the elections, and 2 days prior to the vote in other polling places.

Citizens will be given the opportunity, in the offices of the corresponding Polling Place Electoral Commission, to familiarize themselves with the voter lists and also to check the accuracy of the voter information contained therein.

Every citizen has the right to appeal his noninclusion, inaccurate inclusion in or exclusion from a voter list, and also the inclusion of imprecise personal data on a voter list. Petitions for a correction of a voter list are reviewed by the Polling Place Electoral Commission within 3 days and immediately if

the petition is made on the day before the election. If the appeal is denied, the appropriate Polling Place Electoral Commission will, without delay, provide a copy of its reasoned decision for the refusal of the appeal. The decision may be appealed to a higher Electoral Commission or to a rayon (district) court, which must review this appeal within 3 days or immediately if the appeal is made on the day before the election, and then make a final decision without delay. After an appeal is approved, the appropriate Polling Place Electoral Commission immediately makes a correction to the voter list.

Article 23. Certification of the Right to Vote.

When a voter changes his place of residence after the promulgation of voter lists for public review and prior to election day, the Polling Place Electoral Commission, at the voter's request and upon the presentation of documents proving his identity, [shall] issue to the voter a certification of his right to vote. An appropriate comment is entered on the voter list.

Upon the presentation of the certification of the right to vote on election day, the Polling Place Electoral Commission includes the voter on the supplemental voter list for the polling place where the voter is located.

V. NOMINATION AND REGISTRATION OF CANDIDATES

FOR THE POST OF PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 24. Nomination of Candidates for the Post of President of the Republic of Tajikistan.

Candidates for the post of president of the Republic of Tajikistan are nominated by republican political parties, which are registered in the manner established by law during their convention or conference in accordance with their rules and with the laws of the Republic of Tajikistan. [The following organizations can also nominate candidates for president:]¹⁶ the Soviet of People's Deputies of the Gorno-Badakhshanski Autonomous Oblast, Oblast Soviets of People's Deputies, Dushanbe Town Soviet of People's Deputies, and also the Convention of Representatives of Deputies of the Soviets of People's Deputies of rayons and towns subject to the Republic. The manner of representation and the method of organizing and conducting the Convention of Representatives of Deputies of the Soviets of People's Deputies of rayons and towns subject to the Republic is determined by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

¹⁶. Unclear punctuation makes meaning not entirely clear.

Article 25. Registration of Candidates for the Position of President of the Republic of Tajikistan and the Persons Authorized to Act on the Candidates' Behalf.

Registration of candidates nominated for the post of president of the Republic of Tajikistan and the persons authorized to act on the candidates' behalf is done by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan within three days from the submission of the necessary documents, but no later than 25 days prior to the elections.

The decision on registering the candidates for the post of president of the Republic of Tajikistan are made upon the submission of the following documents:

Records of the highest sitting body (Convention, Conference) of the political party, the session of the Soviet of People's Deputies of Gorno-Badakhshanski autonomous oblast, the oblast Soviets of People's Deputies, the town of Dushanbe Soviet of People's Deputies, the convention of representative deputies of the Soviets of People's Deputies of rayons and towns subject to the Republic;

candidate?

Republic of Tajikistan
Law on Election of the President 30

The collection of citizens' signatures in support of the nomination is conducted in the manner and during the time period established by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

A nomination of a candidate for the position of president of the Republic of Tajikistan that violates this law is void.

The nomination of candidates for the position of president is conducted 50 days prior to and ends no later than 30 days prior to the elections.

The overall number of candidates for the presidency is unlimited.

The decision to nominate a candidate for the post of president of the Republic of Tajikistan is forwarded to the Central Electoral Commission no later than 3 days after it is reached. A candidate must be informed of the nominating decision within 2 days after it is reached.

The political parties, representative bodies of government, the Convention of Representatives of the Deputies of the Soviets of People's Deputies of rayons and towns subject to the Republic who have nominated a candidate for the presidency can at any time prior to elections cancel their nominating decision. Such a decision

*CEC
Central Electoral
Commission
of the
Republic of
Tajikistan*

*One of few of
nomination by nominators*

*Candidates
withdrawing*

*17. Candidates
Proposed
nominated by
SS*

must be made in the manner anticipated for the nomination of candidates.

The candidates for the position of the president of the Republic of Tajikistan can at any time withdraw their candidacy, by giving notice to the Central Electoral Commission.

The following persons may not be nominated for the position of the president of the Republic of Tajikistan: citizens who have a criminal record¹⁷ that has been neither extinguished nor removed in the manner established by law, and citizens who are by profession servants of religious organizations or associations.

In the event that no candidate is nominated for the position of the president of the Republic of Tajikistan or all the nominated candidates withdraw their candidacies, candidates for the presidency of the Republic of Tajikistan are nominated by the Supreme Soviet of the Republic of Tajikistan. Candidates are thus nominated, if they receive by secret ballot, the support of no fewer than one third of all the People's Deputies of the Republic of Tajikistan.¹⁸

¹⁷. Unclear if "criminal record" includes politically motivated convictions from the Soviet era.

¹⁸. Unclear, if that puts a cap of 3 possible candidates, i.e. 1/3 and 1/3 and 1/3 or can one deputy support more than one

Republic of Tajikistan
Law on Election of the President²⁹

Every political party, the Soviet of People's Deputies of the Gorno-Badahshanski autonomous oblast, the oblast Soviets of People's Deputies, the Dushanbe Town Soviet of People's Deputies, and the Convention of Representatives of Deputies of the Soviets of People's Deputies of rayons and towns subject to the Republic may each nominate only one candidate for the Presidency.

The decision to nominate a candidate for the office of president of the Republic of Tajikistan is reached by a majority of the votes of the overall number of delegates to the convention or conference; a majority of the votes of the overall number of the People's Deputies of the Soviet of People's Deputies of the Gorno-Badahshanski autonomous oblast, the oblast Soviets of People's Deputies, the Dushanbe Town Soviet of People's Deputies, and also the majority of the votes of the overall number of the Representatives of the Deputies at the Convention of the Representatives of the Deputies of the Soviets of People's Deputies of the rayons and towns subject to the Republic. A record is kept of the nomination of a candidate.

A nominated candidate for the post of president must be supported by 5% of the citizens of the Republic of Tajikistan who are eligible to vote.

Republic of Tajikistan
Law on Election of the President 27

The nominating petitions containing citizens' signatures in support of a candidate's candidacy for the presidency, certified by the executive committees of rayon and town Soviets of People's Deputies in the manner provided by this law;

Biographical data regarding the candidate for the presidency; and

A declaration by the candidate for the presidency that he agrees to stand for election for the post of president of the Republic of Tajikistan;

A candidate for the post of president of the Republic of Tajikistan or persons authorized to act on his behalf may not be members of any of the Electoral Commissions on the Election of the President. In the event that a member of one of the Electoral Commissions is nominated for the post of president of the Republic of Tajikistan or as a person authorized to act on the behalf of a candidate, he is considered released from his duties as a member of an electoral commission as of the moment of his registration as a candidate or as a person authorized to act on the behalf of a presidential candidate.

The Central Electoral Commission on the Election of the President of the Republic of Tajikistan within two days after

Republic of Tajikistan
Law on Election of the President 31

Complete
nominating
documents

registration issues appropriate certification to the candidates for the office of the president of the Republic of Tajikistan.

The refusal of the Central Electoral Commission to register a candidate for the post of president of the Republic of Tajikistan can be appealed by the political party or the representative governmental bodies who have nominated this candidate to the Supreme Court of the Republic of Tajikistan, which reviews the appeal within a week. The decisions of the Supreme Court of the Republic of Tajikistan are final.

The Central Electoral Commission ~~within a week after~~ a candidate for the post of president of the Republic of Tajikistan will publish in the print media an announcement about the registration, indicating the candidate's full name, year and place of birth, education, position held and place of work, party membership, place of residence, family status, and the name of the organization that nominated the candidate.

Article 26. Electoral Bulletin

The form and text of the electoral bulletin on the election of the president of the Republic of Tajikistan is decided by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan. The bulletin includes: an

Republic of Tajikistan
Law on Election of the President 32

alphabetical listing of the candidates for the presidency of the Republic of Tajikistan, their full name, year of birth, position held, and place of work.

Electoral bulletins are printed in the state language, the languages of international communication, or in the language used by the residents of the area [okrug], as decided by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan and under the Central Electoral Commission's control.

Electoral bulletins are provided to the Polling Place Electoral Commission no later than two days prior to the elections.

The buildings where the electoral bulletins are located are sealed and are placed under the protection of the organs of interior affairs.

VI. PRE-ELECTION CAMPAIGNING, GUARANTEES
FOR ACTIVITY OF THE CANDIDATES

FOR THE PRESIDENCY OF THE REPUBLIC OF TAJIKISTAN.

Article 27. Guarantees for Activity of Candidates for the
Presidency of the Republic of Tajikistan.

Candidates for the presidency of the Republic of Tajikistan,
~~from the moment of their registration with the Central Electoral~~

Republic of Tajikistan
Law on Election of the President 33

Commission on the Election of the President of the Republic of Tajikistan, have a right to participate in the pre-election campaign on an equal basis, and have an equal right to use the means of mass information, including radio and television, within the territory of the Republic of Tajikistan.

All the registered candidates for the post of president of the Republic of Tajikistan are provided with equal levels of material-technical and financial support.¹⁹

A candidate for the post of president has the right to conduct meetings with voters as an assembly or in another form convenient to the candidate. The electoral commissions and local governmental bodies provide the candidates for the post of the president of the Republic of Tajikistan with buildings equipped for assemblies. The voters will be informed about the time and place of assemblies and meetings well in advance.

Governmental organs, community associations, and the managers of enterprises, institutions, and organizations must cooperate with the candidates for the post of the president of the Republic of Tajikistan in organizing meetings with voters, and in obtaining

¹⁹. There are a couple of ways to read this paragraph, and I am not sure if I got it right.

necessary reference and informational materials.²⁰

A candidate for the post of president of the Republic of Tajikistan can present a program of his future activities. The candidate's program must not contradict the Constitution of the Republic of Tajikistan.

Registered candidates for post of president of the Republic of Tajikistan, during the pre-electoral campaign, have the right to be excused from performing their entrepreneurial or service obligations while continuing to receive their average salary of their place of employment from the funds set aside to conduct the election.

Candidates for the post of president of the Republic of Tajikistan and persons authorized on their behalf may not be fired from their job or transferred to another job or position without their consent.

Candidates for the post of president of the Republic of Tajikistan have the right to travel free of charge on all types of urban passenger and inter-urban transport, (except taxis) within the limits of the territory of the Republic of Tajikistan.

²⁰. Does this mean that candidates have access to governmental information only as it relates to voter meetings or does he have general access for campaign research?

Republic of Tajikistan
Law on Election of the President 35

Candidates for the post of president of the Republic of Tajikistan may not be subjected to criminal prosecution, arrest, detention, or administrative inquiry ordered by a court without the consent of the Central Electoral Commission on the Election of the President of the Republic of Tajikistan.

Article 28. Persons Authorized to Act on Behalf of a Candidate for the Presidency of the Republic of Tajikistan.

A candidate for the presidency has the right to have up to 15 persons authorized to act on his behalf, who aid him in conducting his electoral campaign, and who represent his interests before governmental and community organs and the Electoral Commissions. A candidate for the post of president of the Republic of Tajikistan appoints persons authorized to act on his behalf as he sees fit and informs the Central Electoral Commission on the Election of the President of the Republic of Tajikistan about them; the Central Electoral Commission registers them and issues them appropriate credentials.

Persons authorized to act on the behalf of a candidate may not be members of electoral commissions.

At the candidate's request, the persons authorized to act on his behalf are relieved from performing their entrepreneurial or

Republic of Tajikistan
Law on Election of the President 36

service obligations and continue to receive their salary, from the funds set aside to conduct the election.

The powers of persons authorized to act on a candidate's behalf can be terminated at any time prior to the elections, either at his request or at the request of the candidate for the post of president of the Republic of Tajikistan. The Central Electoral Commission on the Election of the President of the Republic of Tajikistan must be notified.

VII. THE PROCEDURE FOR VOTING IN AND CALCULATING
THE RESULTS OF THE ELECTION TO THE PRESIDENCY
OF THE REPUBLIC OF TAJIKISTAN.

Article 29. Time and Place of Voting.

Voting takes place on the day of the election from 6 am to 8 pm local time. The Polling Place Electoral Commission informs the voters of the time and place of elections, no later than 5 days prior to the elections.

At the polling places that are located in military districts, or in places where citizens are found²¹, or in far away and

²¹ Is that a reference to polling places outside of Tajikistan?

inaccessible areas, or in sanatoriums, or in rest homes, or in hospitals or in other stationary medical institutions, the Polling Place Electoral Commission can declare the voting finished at any time, providing all the voters listed on the voter lists have voted.

Article 30. Organization of Voting.

The voting takes place in specially set aside buildings which must be equipped with a sufficient number of rooms or booths for secret voting, and have places set aside for the issue of ballots and have installed ballot boxes. Ballot boxes are installed in such a manner that voters prior to approaching them must pass through a room or booth for secret voting.

The responsibility for organizing the elections, for ensuring the secrecy of the balloting, and for equipping the buildings and maintaining the necessary order in them²² lies with the Polling Place Electoral Commission.

On the day of the elections, prior to the start of the voting, the ballot boxes are checked and are either sealed or stamped by the Chairman of the Polling Place Electoral Commission in the

²². Unclear whether "order" is in the sense of physical maintenance in the buildings or "law and Order".

presence of all the members of the Commission.

Every voter votes personally; voting for others is not permitted. Ballots are issued by the corresponding Electoral Commission on the basis of the voter list for the polling place and upon the presentation of a passport or other proof of identity. Each voter acknowledges the receipt of the ballot by signing next to his name on the voter list.

A voter who is unable to be at his place of residence on the day of the vote, can demand a ballot from the Polling Place Electoral Commission for his place of residence, reach his decision regarding his choice of candidates for the presidency, and leave a filled out ballot in a sealed envelope with the Polling Place Electoral Commission. Upon receiving the ballot, the voter signs the voter list. The Central Electoral Commission determines the format of the ballot.

In the event that individual voters, due to problems with their health or other reasons, are unable to come to the building for voting, the Polling Place Electoral Commission at the voter's request may assign no fewer than two members of the Commission to organize the voting at the place where the voters are located.

Voters who are for some reason not included on the voter list,

Republic of Tajikistan
Law on Election of the President 39

are added to the supplemental voter list on the basis of documents proving their identity and place of residence.

Article 31. Conducting the Voting.

Ballots are filled out by voters in the booth or room for secret voting. It is prohibited for anyone but the voter to be there while the ballot is being filled out. A voter who is unable to himself fill out the bulletin has the right to invite into the cabin or booth another person of his choosing, except members of the Electoral Commission.

The voter crosses out the names of the candidates against whom he votes. The voter drops the filled out ballot into the ballot box.

Article 32. Determining the Election Results for a Polling Place.

The votes for each candidate from a polling place are individually counted by the Polling Place Electoral Commission.

Ballot boxes are opened by the Polling Place Electoral Commission in the presence of all of its members after an announcement by the Chairman of the Commission that voting is concluded. Opening the ballot boxes prior to the end of balloting is prohibited. Prior to opening the ballot boxes all the unused

Republic of Tajikistan
Law on Election of the President

Electoral Commission

Inviting the

Counting the

Counting at Polling Place

ballots are counted by the Polling Place Electoral Commission and are voided.

Prior to opening the ballot boxes, the sealed envelopes with the ballots are deposited in the ballot boxes in the presence of all the members of the Polling Place Electoral Commission.

The Polling Place Electoral Commission, on the basis of the main voter list and its supplement, establishes the total number of voters in the polling place, and also the number of voters who received ballots and ballots [peculiar result of translating both electoral bulletin and electoral list as "ballot"]. On the basis of electoral bulletins [ballots] and electoral lists [ballots] located in the ballot boxes, the Commission establishes: the number of voters who had participated in the election; the number of votes cast "for" and number of votes cast "against" each candidate; the number of electoral bulletins [ballots] and electoral lists [ballots] deemed to be invalid. Votes are not counted for those citizens whose names are written on the bulletins and ballots [no vote count for write-in candidates].

The following electoral bulletins [ballots] and electoral lists [ballots] are considered invalid: electoral bulletins [ballots] and electoral lists [ballots] in an improper format, and

Republic of Tajikistan
Law on Election of the President

also electoral bulletins [ballots] and electoral lists [ballots] in which after voting remain the name of more than one candidate.²³ When doubts arise as to the validity of electoral bulletins [ballots] and electoral lists [ballots], the issue is decided by a vote of the Polling Place Electoral Commission.

The results of the vote count are examined at a meeting of the Polling Place Electoral Commission and are entered in the record.

The record is signed by the Chairman, Deputy Chairman, the Secretary, and members of the Commission, and it is sent to the appropriate Circuit Electoral Commission in the manner established by the Central Electoral Commission.

Article 33. Determining the Election Results for a Circuit.

On the basis of the records of the Polling Place Electoral Commissions, the Circuit Electoral Commission determines: the total number of voters in the circuit; the number of voters who received electoral bulletins [ballots] and electoral lists [ballots]; the number of voters who participated in the election; the number of votes cast "for" and "against" each candidate; the number of electoral bulletins [ballots] and electoral lists

²³. My impression is that it is legal to vote "against" all the candidates.

[ballots] deemed invalid.

The results of the vote for the circuit are determined at a meeting of the Electoral Commission and are entered into the record. The record is signed by the Chairman, Deputy Chairman, Secretary, and the members of the Commission and is forwarded to the Central Electoral Commission in the established manner.

Article 34. Determining the Results of the Election for the Presidency of the Republic of Tajikistan.

The Central Electoral Commission on the Election of the President of the Republic of Tajikistan determines the following, based on the records of the Circuit Electoral Commissions:

The total number of voters in the Republic;

The number of voters who received electoral bulletins [ballots] and electoral lists [ballots];

The number of voters who participated in the elections;

The number of votes cast "for" and "against" each candidate;

The number of electoral bulletins [ballots] and electoral lists [ballots] deemed invalid.

The Presidential elections are deemed valid if more than half of the voters registered on the voter lists participate in them.

Republic of Tajikistan
Law on Election of the President 3

Amended

The candidate for the post of president of the Republic of Tajikistan who receives more than half of the votes cast in the election is considered to be elected.

The election can be declared invalid in its entirety or for an individual circuit or for an individual polling place due to errors permitted in the conduct of the election or in the voter count. The decision whether to declare the vote invalid is reached by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan and can be appealed to the Supreme Court of the Republic of Tajikistan within 10 days. The right to appeal the decision to declare the election invalid belongs to the candidates for the presidency of the Republic of Tajikistan.

In the event that elections for individual circuits or polling places are declared invalid by the decision of the Central Electoral Commission, the election results from that circuit or polling place are excluded from the overall election results, providing that without them the elections as a whole can be considered valid.

Announcement of the results of the elections for the presidency of the Republic of Tajikistan are published in the press

Republic of Tajikistan
Law on Election of the President 44

by the Central Electoral Commission on the Election of the President of the Republic of Tajikistan no later than ten days after the elections.

Article 35. Second Round of [Run-off] Voting.

In the event that more than two candidates run for the presidency of the Republic of Tajikistan, and no one candidate receives the required number of votes, then a second round of voting is conducted with the participation of the two candidates who received the greatest number of votes. In the event that other candidates' withdrawal only leaves one candidate, then a second round of voting is conducted on his candidacy. The Central Electoral Commission chooses the day for the second round of voting, within one month from the day of the elections, but no earlier than 15 days after the elections.

Announcements regarding the conduct of a second round of voting is published in the press.

The candidate who receives the greatest number of votes from the voters participating in the second round of voting is considered elected, providing that more than half of the voters on the voting lists had participated and that the number of votes cast "for" his candidacy exceeds the number of votes cast "against" his

candidacy.

If no candidate is elected president of the Republic of Tajikistan in the run-off, the Central Electoral Commission declares a run-off election.

Article 36. Run-off Election.

In the event that the election of the president of the Republic of Tajikistan is declared invalid or null and void, or in the event that no more than two candidates run for the presidency of the Republic of Tajikistan and neither receives the necessary number of votes, or if in the second round of voting the president of the Republic of Tajikistan is not elected, the Central Electoral Commission declares a run-off election. In doing so, it can decide that it is necessary to change the membership of the Circuit and Polling Place Electoral Commissions prior to the election. The voting is conducted in the polling places formed for and with the voter lists compiled for the first election.

The formation of Commissions, nomination and registration of candidates for the presidency of the Republic of Tajikistan, and other activities connected to the conduct of the run-off election for the presidency of the Republic of Tajikistan are conducted in the manner established by this law.

Republic of Tajikistan
Law on Election of the President 6

*Some other
text used for
report summary*

The announcement regarding the conducting of a run-off elections are published in the press. The run-off elections are not conducted earlier than two months after the main election.

Article 37. Liability for Violations of the Law of the Republic of Tajikistan "On Elections to the Presidency of the Republic of Tajikistan"

Persons, obstructing through force, lies, threats or other means the right of the citizens of the Republic of Tajikistan to elect or to be elected president of the Republic, to conduct pre-election campaigning, as well as members of the Electoral Commissions, responsible officials of government or community bodies who falsify electoral documents, or conduct an [intentionally?] inaccurate vote count, or violate the secrecy of voting or who permit other violations of this law are subject to liability under the law. The following persons are also held liable: persons publishing or otherwise deliberately^D [knowingly] disseminating untrue information that attacks the honor and dignity of a candidate for the post of president of the Republic of Tajikistan, or those persons who permit insults of the members of the Electoral Commission.

If a candidate for the post of president of the Republic of
Republic of Tajikistan
Law on Election of the President 47

Tajikistan violates this law, the Central Electoral Commission issues a warning to him; on a second violation, the Commission may rescind its decision to register this candidate for the post of president of the Republic.

Reports regarding violations of this law, received by the Electoral Commissions, government, and community bodies during the period of preparation for the elections and after the elections must be reviewed within three days; if a violation is reported on the day of the election, it must be reviewed immediately.

Article 38. The Assumption of Duties of President of the Republic of Tajikistan.

The President of the Republic of Tajikistan assumes the duties of president from the day he takes this oath before the session of the Supreme Soviet of the Republic of Tajikistan:

"I, as President, swear to defend the Constitution and the laws of the Republic, guarantee the protection of rights, freedoms, honor and dignity of its citizens; to defend the territorial integrity of, and the political, economic, and cultural independence of Tajikistan, and to faithfully serve the people".

THE END

Republic of Tajikistan
Law on Election of the President 18