

The Constitutional Law of the Republic of Tajikistan
"On Elections to the Majlisi Oli of the Republic of Tajikistan"
(Adopted on December 10, 1999 and amended on June 16, 2004)

1. GENERAL PROVISIONS:

Article 1. Relations, regulated by this Law

This Law regulates the suffrage, its guaranties, and the order of preparing and conducting elections to the Majlisi oli of the Republic of Tajikistan in accordance with the Constitution of the Republic of Tajikistan.

Article 2. The structure of the Majlisi Oli of the Republic of Tajikistan

Majlisi oli of the Republic of Tajikistan consists of two chambers –Majlisi milli and Majlisi namoyandagon.

Article 3. The principles of citizens' participation in the elections

Elections of deputies to Majlisi namoyandagon are conducted on the basis of universal, equal and direct suffrage, by secret voting and by combined system of elections in which no quota is prescribed.

Participation in elections is free and voluntary.

Elections of the members of the Majlisi milli are conducted in a secret voting on the basis of indirect suffrage and the President of the Republic of Tajikistan appoints one fourth of its members.

Article 4. The universal suffrage

Citizens of the Republic of Tajikistan, who have attained the age of 18 by the time of elections, have the right to vote irrespective of their nationality, race, sex, language, religion, political belonging, social status, education and property.

In Majlisi milli and Majlisi namoyandagon are appointed and elected citizens who meet the requirements of the Constitution of the Republic of Tajikistan and the present Law and living in the territory of the republic not less than

Persons recognized incapable or kept in places of detention by decision of court do not have the right to participate in elections.

The Constitution and the present Law determine the order and conditions for not being elected and the disparity of posts occupied by citizens, with the status of member of Majlisi milli and deputy of Majlisi namoyandagon.

Article 5. Equal suffrage

Electorates participate in elections on the basis of equal right.

Article 6. Direct and indirect suffrage

People's deputies to Majlisi namoyandagon are elected directly by the citizens of the Republic of Tajikistan.

The deputies of the local representative bodies elect members of the Majlisi milli.

Article 7. Secret Voting

Voting at the elections of members of Majlisi milli and deputies of Majlisi namoyandagon is secret. Interference to the will expression of citizens is prohibited.

Article 8. Publicity while preparing and conducting elections to Majlisi Milli and Majlisi Namoyandagon

Preparation and conduction of elections of the members of Majlisi milli and deputies of Majlisi namoyandagon is implemented by electoral commissions in a transparent and open way.

Electoral commissions inform population about their work, formation of electoral districts, polling stations, their staff, location and working hours of electoral commissions and acquaint people with voters list, list of political parties participating in elections and give information about candidates, results of voting and elections.

Article 8(1). Status and authorities of national observers

Political parties, which nominate their candidates to deputies and candidates who nominate themselves, have rights to appoint national observers based on the determined order, to implement observation in the voting premises in the day of elections.

National observers have right to:

- Get familiarized with the list of voters.
- Be present in the polling premises from the beginning till the end of the work of the precinct election commissions.
- Observe issuing of ballots to voters.
- Be out of voting booths during voting.
- Observe the process of canceling unused invalid ballots, ballots that are in ballot boxes and counting of elector votes in conditions providing visibility to process of observing the ballot counting.
- Be familiarized with the protocols of the precinct election commissions on results of voting and with protocols of the district electoral commissions on results of elections.
- Complain on the decision and action (inaction) of the electoral commission to the upper electoral commission or court.
- Be present during the repeat counting of ballots in relevant electoral commissions.

National observers have no right to:

- Issue ballot papers to voters.
- Sign the list of voters for receiving ballot by request of voter.
- Fill the ballot by request of voter.
- Commit any action, which interferes secret voting.
- Directly participate in counting of ballots, which is implemented by members of electoral commission.
- Commit any action, that hurdles the work of electoral commission, or participate in decision-making of the relevant electoral commission.

Article 8(2). Status and authorities of International observers

International observers are invited with the purpose to monitor the elections and its conduction in a transparent and public condition.

The activities of international observers are regulated in accordance with the present Law, other normative legal acts of the Republic of Tajikistan and relevant international instruments.

In accordance with the established procedure, international observers get permission and are accredited in the Central Commission for Election and Referendum of the Republic of Tajikistan on base of the invitation. Invitation is sent by relevant bodies of the Republic of Tajikistan after the official promulgation of the decision on the appointment of the elections date.

The Central Commission for Elections and Referendum issues determined identification cards to international observers. The mentioned identification card empowers the international observer to implement observation in the period of preparation and conduction of elections.

Within the territory of the Republic of Tajikistan, international observers are subject to protection of the Republic of Tajikistan.

International observers implement their activity independently and freely. Material and financial provision of their activity is covered by the side, that sends them or on their own accounts.

International observers have right to:

- Obtain documents, which regulate the process of elections and obtain necessary information and copies of electoral documents in the precinct election stations.
- Be in contact with political parties and individual candidates, who participate in the elections.
- Freely attend any polling station or voting premises, including on day of elections.
- Observe the process of voting, counting of votes and determining the outcomes in condition that provide visibility of ballot counting.
- Get familiarized with the results of considered complaints (statements) and remarks with regard to violation of electoral legislation.
- Inform representatives of the electoral commissions about their observation without intervening in their work.
- Freely express their point of view about preparation and conduction of elections after the elections.
- Submit their conclusion on observation of election process to Central Commission for Election and Referendum.

International observers have no right to:

- Be present in the polling booth, when a voter fills ballot paper.

- Influence voters disseminate any kind of agitation material and literature.
- Express any advantages of political parties, candidates to deputies or procedure of conducting of elections.
- Ask voters to whom they are going to vote.
- In their conclusions use the facts that are not well-grounded and not based on documents and which are not subject to inspection.
- Use their status to commit actions, that don't relate to the observation of election process.

In case of violation of Laws of the Republic of Tajikistan, commonly accepted principles and norms of international rights by international observers, the Central Commission for Election and Referendum of the Republic of Tajikistan annuls the accreditation of international observers.

International observers are obliged to:

- Observe the Constitution, Laws of the Republic of Tajikistan and international acts.
- Carry their identification cards accredited as international observers with themselves and present it by request of the electoral commissions.
- Accomplish their duties on the basis of principles of political neutrality, impartiality abstain from expressing any advantages, assessment of electoral commissions, state bodies and other organs, officials and other participants of election process.
- Not interfere the electoral process.
- make conclusions on the basis of observation and factual materials

Article 9. Financing of elections

Means for preparation and conduction of elections of members to Majlisi milli and deputies to Majlisi namoyandagon are allocated from the republican budget.

Candidates to deputies of Majlisi namoyandagon and political parties, who participate in the election, establish their electoral fund for financing the elections. The means of electoral fund of candidate to deputies and political parties are kept in the temporal bank account of "Amonatbank"- the State savings Bank of the Republic of Tajikistan and its departments. The mentioned electoral funds means are used only for conducting the elections and by disposal of candidate and political parties.

"Amonatbank" - the State savings Bank of the Republic of Tajikistan and its departments open special temporary bank accounts for organizing electoral funds of candidates and political party on the basis of written notification of the relevant electoral commission. Profit is not to be withdrawn from these means. Electoral fund of candidate to deputies and political party are formed from account:

- Means for pre-election campaign allocated by the relevant electoral commissions.
- Personal fund of candidate to deputies, not exceeding 500 (five hundred) minimum living wage.
- Means of electoral fund of political party nominating a candidates to the single mandate electoral district not exceeding 500 (five hundred) minimum living wage.
- Means of the electoral fund of a political party nominating the list of candidates to the single all-republican electoral district not exceeding 10000 (ten thousand) minimum living wage.
- Charity means of physical persons and legal entities.

Charity means of physical persons to electoral funds of candidates to deputies shouldn't exceed 50 (fifty) and to the electoral fund of political party, it shouldn't exceed 100 (one hundred) minimum living wage. Charity funds of legal entities for electoral funds of candidates to deputies shouldn't exceed 100 (one hundred) and to the electoral fund of political parties, it shouldn't exceed 500 (five hundred) minimum living wage.

The maximum size of the electoral fund of a candidate to deputies shouldn't exceed 1500(one thousand five hundred) and the one of a political party 30000 (thirty thousand) minimum living wage.

Allocation of means as charity to the electoral fund of a candidate and a political party is prohibited by the following legal entities and physical persons:

- Foreign countries and foreign legal entities.
- Foreign citizens and stateless persons.
- Citizens of the Republic of Tajikistan that haven't reached age of 18.
- Legal entities that are established with participation of foreign investments.
- International organizations and international public movements.

- Local bodies of state government and local self-governments.
- State organizations and organizations, where the share of state exceeds more than 30 percent.
- Military units and other military subdivisions and other military structures and law enforcement bodies.
- Religious and charity organizations and organizations established by these.
- Fees from unknown persons.

In cases of contribution to the electoral funds of candidates and political parties by legal entities and physical persons, who have no right to do so, or charity means of physical persons and legal entities that surpass the provided in the present article amount of contribution, the fund is completely transferred to the republican budget.

The state saving bank of the Republic of Tajikistan – “Amonatbank” and its departments by demand of the relevant electoral commission are obliged to inform the commission on the wire transfer to the electoral funds and expenditure of candidate and political organization.

All financial operations from the electoral funds of candidate and political party are stopped one day prior to the elections.

The Central Commission for Elections and Referendum of the Republic of Tajikistan determines the form of financial reports of electoral commissions on income and expenditure of means, and financial reports of candidate to deputies and political parties on wire transfer to their electoral fund and its expenditure.

Candidate to deputies and political parties return remaining means allocated from the budget to the relevant electoral commission not later than 30 days after the elections. Remaining means of electoral funds of candidate to deputies and political party established from the personal means of candidate, political parties, physical persons and legal entities are returned to them proportionally.

The Central Commission for elections and Referendum of the Republic of Tajikistan implements control over proper utilization of means allocated to relevant electoral commissions for administering elections, sources of correct recording and purposeful utilization of electoral funds by candidate to deputies and political parties.

Candidate to deputies and political party cannot use other means for conduction of elections except the means of electoral fund of candidate to deputies and political party. If a candidate to deputies or political party uses other sources but the means of the electoral funds of candidate and political party, the relevant electoral commission can cancel decision on registration of candidate to deputies and submitted list of candidates of political party.

Using state property and means not prescribed by law is prohibited.

II. ELECTORAL COMMISSIONS

Article 10. System of electoral commissions

To organize and conduct elections of members of the Majlisi milli and deputies of Majlisi namoyandagon the following electoral commissions are formed:

- Central Commission of Elections and Referenda of the Republic of Tajikistan.
- District electoral commissions for elections of members of the Majlisi milli.
- District electoral commissions for elections of deputies of the Majlisi namoyandagon.
- Polling station commissions for the elections of deputies to the Majlisi namoyandagon.

Electoral commissions are independent from any state bodies in their activity. Resolutions and other official acts of the electoral commissions, passed within their authority, are obligatory for all government organs, local self-government organs, political parties, public associations, organizations and officials, candidates, electors and also for the lower electoral commissions.

Resolutions of electoral commissions contradicting the Constitution, the present Law and other normative and legal documents of Tajikistan, or those passed beyond their authority are cancelled by the higher electoral commission or by the court.

Formation and activity of other structures (organs, organizations) that substitute the election administrators, completely or partially implement their responsibilities, or interfere their legal activities, or illegally intervene in their activities, or take their status and competencies is prohibited

Article 11. Formation of Central Commission for Elections and Referenda

The Central Commission for Elections and Referenda administers the system of electoral commissions of the Republic of Tajikistan and is legal entity and permanent body. Office term of the Central Commission for Elections and Referenda is five years. The term ends when new members of the Central Commission for Elections and Referenda are elected.

The Central Commission for Elections and Referenda consists of a chairman, deputy chairman and 13 members.

Majlisi namoyandagon elects the Chairman, deputy chairman and members of the Central Commission for Elections and Referenda by proposal of the President of the Republic of Tajikistan within three days after the date of elections has been set.

The Central Commission for Elections and Referenda publishes information on its staff, address and telephone numbers in the official media of the Republic of Tajikistan.

The Central Commission for Elections and Referenda has its own staff.

Expenses of the Central Commission for Elections and Referenda and its staff are covered from the Republican budget.

Article 12. Authority of the Central Commission for Elections and Referenda

The Central Commission for Elections and Referenda has the following authorities:

- 1) Implements control over execution of the present Law and secures its equal application throughout the territory of the Republic, within its authority issues instructions and interprets the implementation procedure of the present Law.
- 2) Forms single mandate constituencies for the elections of deputies to the Majlisi namoyandagon and gives them names and numbers.
- 3) Forms district electoral commissions for the elections of members of the Majlisi milli and deputies of the Majlisi namoyandagon and publishes information on their location.
- 4) Organizes the work of electoral commissions, determines the order of altering their staff; cancels resolutions of district electoral commissions on elections of members of the Majlisi milli and deputies of the Majlisi namoyandagon by its own or by proposal of the Prosecutor General of the Republic of Tajikistan in cases these resolutions contradict the present Law.
- 5) Resolves issues on including polling stations formed outside the Republic of Tajikistan to constituencies.
- 6) Creates equal conditions for candidates to participate in pre-election campaign.
- 7) Allocates funds to district electoral commissions, controls providing of election commissions with premises, transport and means of communication and settles other questions concerning the logistical support of elections.
- 8) Determines the form of ballots on elections of the members of Majlisi milli and deputies of Majlisi namoyandagon, voter lists, protocols of sessions of electoral commissions and other election related documents, the samples of ballot-boxes and seals of electoral commissions and the order of storage of election documents.
- 9) Prepares ballots for elections of the members of Majlisi milli and the deputies of Majlisi namoyandagon for all constituencies.
- 10) Listens to reports of heads of Ministries, State Committees, and state organs under the Government of the Republic of Tajikistan, organs of local executive power, local self-governing organs, and representatives of political parties on the preparation and conduction of elections.
- 11) Determines the order of participation of national observers, foreign observers, representatives of local and foreign media, and provides them with necessary documents.
- 12) Registers the list of candidates from political parties nominated in the single all-republican constituency and their proxies.
- 13) Issues appropriate certificates to the candidates registered in the single all-republican constituency and to the trusted persons of political parties.
- 14) Sums up the results of elections throughout the country, registers the elected deputies, and publishes reports on the results of elections and list of the elected members of Majlisi milli and the deputies of Majlisi namoyandagon.
- 15) Solves issues with regard to repeat elections of the members of Majlisi milli and the deputies of Majlisi namoyandagon.
- 16) Sets the date of elections for Majlisi namoyandagon and members of Majlisi milli to fill the seats of those quitted and provides their conduction.
- 17) Considers applications and complaints about decisions and actions of electoral commissions and makes decisions on them.
- 18) Provides submission of documents related to organization and conduction of elections to the archives.
- 19) Carries out other functions in accordance with the present Law and other laws of the Republic of Tajikistan.

Article 13. Formation of district electoral commissions

District electoral commissions on elections of members to Majlisi milli and deputies to Majlisi namoyandagon are:

1. District electoral commission on elections of members to Majlisi milli.
2. District electoral commission (the Central Commission for Elections and Referenda) on elections of deputies to Majlisi namoyandagon from the single all-republic constituency.
3. District electoral commission on elections of deputies to Majlisi namoyandagon in single mandate constituencies.

District electoral commissions of Autonomous Mountainous Badakhshan Oblast (GBO), oblasts, Dushanbe city, cities of republican significance and districts of republican subordination (cities and districts of republican subordination) are formed by the Central Commission for Elections and Referenda not later than two months prior to elections of members of Majlisi milli, each commission consisting of chairman, deputy chairman, secretary and not less than 8 commission members. These commissions operate as district electoral commissions on election of members to Majlisi milli.

Single mandate electoral district commissions on election of deputies to Majlisi namoyandagon are formed by the Central Commission for Elections and Referenda not later than two months prior to elections, consisting of a chairman, deputy chairman, secretary and not less than 6 members.

Formation of the district electoral commissions on election of deputies to Majlisi namoyandagon is implemented upon the proposal of local executive organs with the consideration of the suggestions of political parties.

Creation of district electoral commissions for elections of members to Majlisi Milli is implemented upon the proposal of chairmen of GBO (Badakhshan oblast) and Dushanbe, and district electoral commissions on elections of members to Majlisi milli from cities and districts of the republican subordination are formed upon the proposal of the Government of the Republic of Tajikistan.

Article 14. Authorities of district electoral commissions on election of deputies to Majlisi namoyandagon

A district electoral commission on elections of deputies to Majlisi namoyandagon has the following authorities:

1. Controls the implementation of the present Law within the borders of the electoral district.
2. Forms polling stations, determines their numeration, forms precinct electoral commissions and coordinates their activity.
3. Considers to reports of local executive organs, managers of enterprises, institutions and organizations on preparation and conduction of elections.
4. Distributes financial means among precinct electoral commissions, controls the providing of the precinct electoral commissions with premises, transport and communication means and considers other issues of logistical support for elections in its constituency.
5. Implements supervision for compiling voters lists and presents them to the public.
6. Organizes nomination of candidates to Majlisi namoyandagon.
7. Ensures equal conditions for participation of candidates to Majlisi namoyandagon for participation in election campaign.
8. Accepts appropriate documents from political parties and citizens (self - nominees), standing for candidacy to deputies.
9. Registers candidates for deputies to Majlisi namoyandagon and their proxies, and issues appropriate identification cards for them, provides issuance of posters with biography of candidates to deputies of Majlisi namoyandagon.
10. Arranges meetings of candidates to deputies for the Majlisi namoyandagon with electors.
11. Delivers to district electoral commissions ballot-papers.
12. Defines the results of elections in the constituency and submits them to the Central Commission Elections and Referenda; issues certificates for elected deputy to Majlisi namoyandagon.
13. Organizes conduction of repeat voting and repeat elections, as well as elections of deputies to Majlisi namoyandagon to fill the seats of those quitted.
14. Considers applications and complaints about decisions and action of polling station commissions and takes decisions on them.
15. Exercises other powers in accordance with the present Law and other legislative acts of the Republic of Tajikistan.

Article 15. Powers of district electoral commission on elections of members to Majlisi milli

A district electoral commission on election of members of Majlisi milli has the following authorities:

1. Controls the implementation of the present Law within the territory of the constituency.
2. Considers to reports of local executive bodies on issues connected with preparation and conduction of elections.
3. Compiles the list of voters.
4. Attends sessions of the assemblies of people's deputies of districts, cities and oblasts.
5. Accepts appropriate documents from local executive organs.
6. Confirms the content of the ballot-papers on election of members to Majlisi milli in accordance with the sample, approved by the Central Commission for Elections and Referenda.
7. Defines the results of election in constituency and submits it to the Central Commission for Elections and Referenda, and issues

certificates to elected members of the Majlisi milli.

8. Considers received applications and complaints and takes decisions on them.

9. Organizes repeat elections of members to Majlisi milli.

10. Exercises other powers in accordance with the present Law and other legislative and normative acts of the Republic of Tajikistan.

Article 16. Formation of precinct electoral commissions

A precinct electoral commission on elections of deputies to Majlisi namoyandagon is formed by the district electoral commission on elections of deputies to Majlisi namoyandagon from a single mandate electoral district not later than 45 days before elections consisting of not less than 5 and not more than 19 members, including a chairman, deputy chairman and a secretary. When it is necessary, number of members of polling station commission can be increased or reduced. In the representations of the Republic of Tajikistan in foreign countries the head of the office exercises the functions of the chairman of the precinct electoral commission.

Article 17. Powers of precinct electoral commissions

A precinct electoral commission has the following authorities:

1. Compiles the voters list of the polling station;
2. Familiarizes electors with the voters list, accepts and considers applications on mistakes and inaccuracies made in the list and makes decision on relevant amendments to it;
3. Informs the population about location of the precinct electoral commission, its working hours, date of elections and place of voting.
4. Prepares premises for voting, ballot-boxes and other election equipment.
5. Organizes voting in the polling station on the election day.
6. Counts the number of cast votes in the polling station.
7. Considers applications and complaints about the preparation of elections and conduction of voting and takes decisions on them.
8. Exercises other powers in accordance with the present Law and other legislative and normative acts of the Republic of Tajikistan.

Article 18. Membership in the electoral commissions

A member of an electoral commission must be impartial and unbiased while implementing his/her authority.

A member of the commission may be relieved of his/her obligations upon personal application about refusal of his/her powers or in case of deprivation of his/her powers.

The organ, which have formed the electoral commission, has the right to strip a member of the commission of his/her powers, if he/she does not observe the requirements of the present Law or does not regularly fulfill his/he duties. In case of necessity a new member of the electoral commission is appointed in accordance with the procedure established by the present Law.

Candidates to Majlisi milli and deputies to Majlisi namoyandagon, local majlises of people's deputies can not be members of electoral commissions. A citizen nominated as a candidate to members of Majlisi milli or to deputies of Majlisi namoyandagon and being a member of an electoral commission is considered released from obligations in the commission from the moment when he/she is registered as a candidate to members of Majlisi milli and deputies of Majlisi namoyandagon.

One and the same person can be a member only of one electoral commission.

Article 19. Organization of the work of electoral commissions

A meeting of an electoral commission is considered competent if not less than two thirds of the commission members participate in it. All meetings of electoral commissions are conducted in public and are accessible for public and mass media. Decisions of the commission are taken in open polling by more than half of votes from the total number of the present members of the commission.

A disagreed member of the commission with its decision has the right to express his/her opinion in written form, which is to be attached to the session protocol. If the votes are equally divided, the chairman's vote will be decisive.

Government organs and political parties, enterprises and institutions, organizations and officials are obliged to assist the electoral commissions in implementing their authorities and provide them with the necessary information.

Electoral commission has the right to appeal with questions on preparation and conduction of elections to the government organs, political parties and public associations, enterprises, institutions, organizations and officials who are obliged to consider the put question and reply to the electoral commission not later than within 3 days period of time.

The chairman, deputy chairman, secretary or any other member of the commission may be released in the period of preparation and

conduction of elections from his/her practical or service duties by decision of commission. In this case his/her average salary will be secured from the account allocated for conducting elections.

District electoral commissions and precinct electoral commissions terminate their activity after the elections of members of Majlisi milli and deputies of Majlisi namoyandagon.

Article 20. Consideration of complaints on decisions of electoral commissions

Organs of political parties, which have nominated candidates, candidates themselves, proxies, observers and voters may apply to higher electoral commissions or to the court about decisions of electoral commissions within ten days after decisions have been taken.

Decisions of the Central Commission for Elections and Referenda may be appealed to the Supreme Court of the Republic of Tajikistan within ten days after these decisions have been taken.

A complaint must be considered within three days after its submission, but if there are less than 6 days left before elections, it is considered immediately.

III. CONSTITUENCIES AND POLLING STATIONS

Article 21. Formation of constituencies

Territorial constituencies are formed for elections of the members of Majlisi milli and the deputies of Majlisi namoyandagon.

For elections of the members to Majlisi milli five multi-mandate constituencies are formed in the territory of the Republic of Tajikistan including one constituency in the GBAO, oblasts, Dushanbe and one for all cities and districts of the republican subordination.

Location of district electoral commissions on elections of the members of Majlisi milli in GBAO and oblasts are the relevant administrative centers of oblasts – in Khorog, Khujand and Kurgan-Tube, and for Dushanbe city and cities and districts of the republican subordination – in Dushanbe.

For election of the deputies to Majlisi namoyandagon 41 single-mandate territorial constituencies are formed and for elections of the deputies of the Majlisi namoyandagon according to the list, proposed by political parties, one all-republican constituency is formed.

Norms of number of voters in the polling station for elections of deputies to Majlisi namoyandagon is determined by the Central Commission for Elections and Referendum in each elections by dividing the total number of voters in the republic to the number of the single mandate constituencies being formed in the territory.

Electoral districts are formed by the Central Commission for Elections and Referendum.

In the period of formation of constituencies the following requirements must be observed:

1. Tentative equality of constituencies based on number of electors may range 15% from total number of electors and this figure may reach 20% in remote regions.
2. Constituencies form the unit boundaries in the territory of GBAO, oblasts, Dushanbe city, cities and districts of the republican subordination. Formation of constituencies of regions not bordering each other is not permitted.

When executing the requirements of paragraphs 1 and 2 of this Article the code of the territorial and administrative division of the Republic is taken into account.

The Central Commission for Elections and Referenda publishes the list of constituencies with indication of borders, number of voters, location of district electoral commissions 5 days after setting the date of elections.

Article 22. Order and standards of the formation of polling station

In order to provide favorable conditions for voters, polling stations are formed taking into consideration borders of districts, cities, districts in cities with purpose of forming maximum convenience for voters. Borders of polling stations must not cross the borders of constituencies.

Polling stations may be formed at representations of the Republic of Tajikistan in foreign states, sanatoriums, rest houses, hospitals and other in patient medical institutions, places of citizens residences located in remote and difficult access settlements, which are included in the constituencies in accordance with their location. The Central Commission for Elections and Referenda settles questions of attaching polling stations formed outside the Republic of Tajikistan, to constituencies.

District electoral commissions form polling stations by proposals of the chairmen of cities and districts.

The Central Commission for Elections and Referenda forms polling stations in the representations of the Republic of Tajikistan in foreign states upon proposals of the Ministry of Foreign Affairs of the Republic of Tajikistan.

Polling stations are formed within 25 days after setting the date of the elections. In the representations of the Republic of Tajikistan in foreign states and also in remote and difficult access settlements polling stations are formed within the same term and in exceptional cases – not later than 10 days prior to elections.

Polling stations are formed in populated areas with not less than 20 and not more than 3000 voters.

Chairmen of town and district based on proposal of the district electoral commission on formation of polling stations provide each polling station free premises for conduction of elections within 3 days.

District Electoral Commission informs voters on the borders of each polling station indicating the location of a precinct electoral commission and premises for voting.

IV. VOTER LISTS

Article 23. Voter list and order of its compiling

A voter list for elections of deputies of the Majlisi namoyandagon is compiled for each polling station and signed by a chairman and secretary of the precinct electoral commission. A precinct electoral commission may involve representatives of the public to participate in compiling a voter list.

Local executive organs provide record of voters and submit information about electors living in the appropriate territory to precinct electoral commissions for compiling voter lists.

The base for including of a voter to the list of voters in a definite constituency is the fact living of the voter in the territory of the constituency.

Voter lists are compiled in alphabetical order or in any other orders convenient for voting.

Voter's name and surname, date of birth (for those attained 18 years also the day and month of birth) and address of voters is indicated in the lists.

Voter lists are compiled 15 days after the formation of precinct electoral commissions.

Lists of elector deputies are compiled 15 days before elections by district electoral commissions for elections of the members of Majlisi milli upon proposal of chairmen of GBAO, oblasts, Dushanbe city, cities and districts of the republican subordination and signed by chairmen and secretaries of commissions.

List of elector deputies is compiled in alphabetical or any other order and indicate names, dates of birth, names of the organs, that the electors represent them with their home addresses.

Entering of any alterations to the voter list after the beginning of counting of votes is prohibited.

Lists of voters, serving in military units, as well as members of their families and other electors who live in the areas of dispositions of military units are made on the basis of information provided by commanders of military units. Servicemen living outside their military units' locations are included into voter lists according to their place of residence on common ground.

List of voters of polling stations formed within representative offices of the Republic of Tajikistan in foreign countries, sanatoriums, rest houses, hospitals and other medical institutions is compiled on the basis of information, provided by the heads of these institutions.

Article 24. Procedure of including citizens to the list of voters

All the citizens of the Republic of Tajikistan, who have attained the age of 18 by the day of elections and at the time of compiling voter lists live permanently or temporarily in the territory of the relevant polling station and have the right to vote, is included into the voter lists.

A voter may be included to the voter list only in one polling station.

Voters living in the territory of the relevant polling station but omitted in the list due to some reasons are included into it according to the decision of the precinct electoral commission.

Deputies of the following organs are included into the list of electors of Majlisi milli:

1. Deputies of the Majlises of people's deputies of districts and cities (with the exception of towns of district subordination) situated within the territory of GBAO, oblasts and also deputies of Majlises of people's deputies of GBAO and oblasts.
2. Deputies of Majlises of people's deputies of districts, located in Dushanbe and deputies of Majlises of people's deputies of Dushanbe.
3. Deputies of Majlises of people's deputies of cities (in exception of the towns of district subordination) and districts of the republican subordination.

Article 25. The way of acquainting citizens with the voter lists and the right to complain about error inaccuracies made in the voter lists

Voter lists is submitted for the public acquaintance 15 days before elections and in the polling stations formed in representative offices of the Republic of Tajikistan in foreign countries, sanatoriums and rest houses, hospitals and other constant medical institutions, remote and difficult to access populated areas – 5 days before elections.

Lists of elector deputies for the election of the members of the Majlisi milli are submitted for public acquaintance trough local media 7 days before elections.

Citizen is given an opportunity to get acquainted with the list of voters and check up the correctness of its compilation in the working premises of the electoral commission.

Each citizen has the right to complain about incorrect inclusion to the list or exclusion from the list, incorrect information about the elector. An electoral commission considers an application about omissions and mistakes in the list of voters within two days, but if a complain received on the eve of elections or on the day of elections, the commission considers it immediately and makes necessary corrections in the list, or gives a copy of the decision on declining of the application to the applicant. The decision of the electoral commission may be appealed to a court in accordance with the established procedure. The decision of the court is final. The electoral commission introduces corrections to the voter list in accordance with the decision of court.

Article 26. Securing citizens while changing place of residence

In the period of getting acquainted with the list of voters and up to the date of elections if a voter has no possibility to stay at the place of residence (departure for an official trip status in hospital or any other reason) he/she has the right to get a ballot-paper from the polling station commission by presentation of his/her passport or identification card, express his/her will with regard to a candidate, give the ballot-paper placed into an envelope to the electoral commission.

The electoral commission registers it in the list of voters with indication of the date. The glued envelope is sealed in the presence of the voter. The election commission is responsible for safe keeping of the envelope.

V. NOMINATION AND REGISTRATION OF CANDIDATES AND GUARANTIES OF THEIR ACTIVITY

Article 27. Appointment of elections of member to Majlisi milli and deputies to Majlisi namoyandagon

Elections of deputies of Majlisi namoyandagon is appointed by the President of the Republic of Tajikistan at least 75 days before expiration of the term of office of deputies of previous Majlisi oli. Elections for Majlisi milli is conducted 25 days after the elections of the Majlisi namoyandagon.

In case of early dissolution of Majlisi oli, in situations determined by the Constitution of the Republic of Tajikistan, the President of the Republic of Tajikistan appoints elections of Majlisi oli not later than 80 days after the dissolution.

The date of elections is informed through the press and other Mass Media within three days after setting of elections.

Action or call directed to destroy, cancel or reschedule the elections or actions or calls directed against the legal provisions of the present Law is prohibited.

Article 28. Elections of deputies of Majlisi namoyandagon

Deputy of Majlisi namoyandagon is elected for the term of five years.

A person, who has attained the age of 25 years and has been the citizen of the Republic of Tajikistan minimum for the last five years, and with higher education, can be elected a deputy of the Majlisi namoyandagon.

Majlisi namoyandagon consists of 63 deputies:

- 65% of the deputies (41 persons) of Majlisi namoyandagon is elected from single-mandate constituencies.

- 35% of the deputies (22 persons) of Majlisi namoyandagon is elected from the single all-republican electoral district in proportion with the number of votes, which were given to candidates, nominated by political parties.

Article 29. Elections and appointment of members of Majlisi milli

Member of Majlisi milli are elected and appointed for five years term.

Majlisi milli consists of 25 members elected on the basis of territorial interests, and include the former presidents, if they don't refuse such a right, and 8 members appointed by the President of the Republic of Tajikistan for the period of the authority of Majlisi milli.

Three fourth of members of the Majlisi milli (25 members) are elected by local representative organs on the basis of representation of territorial interests. These members are elected in equal proportion of five persons from GBAO, each oblast, Dushanbe, and cities and districts of the republican subordination.

Each former President of the Republic of Tajikistan becomes the life-long member of Majlisi milli, if he does not refuse of such a right.

One fourth of members of Majlisi milli (8 persons) are appointed by the President of the Republic of Tajikistan.

A citizen, who has attained the age of 35 years, and has higher education and has been a citizen of the Republic of Tajikistan for the last seven years minimum may be elected and appointed a member of Majlisi milli.

A member of Majlisi milli, who is elected by the local representative organs has to be permanent residence in the corresponding electoral district.

Article 30. The right for the promotion of candidates

Political parties have the right to nominate candidates and also citizens have the right to self-nominate to the deputies of the Majlisi

namoyandagon.

Political parties can also nominate persons as candidates, who are not members of political parties.

Political parties can nominate their candidates to deputies of Majlisi namoyandagon if they get registration at the Ministry of Justice of the Republic of Tajikistan in the prescribed order before the setting of the date of elections and if they present documents about the sources of their income.

Majlises of people deputies of cities (with the exception of cities of the district subordination) and districts, Dushanbe, GBAO and regions have the right to nominate candidates to the membership of the Majlisi milli.

Article 31. Procedure of the nomination of candidates to Majlisi namoyandagon

Nomination of candidates to Majlisi namoyandagon by list of candidates in single-mandate electoral districts starts 60 days before the elections and ends 45 days before the elections.

Candidates to Majlisi namoyandagon in single-mandate electoral districts from political parties is nominated by city (with the exception of party organ of Dushanbe), and regional organs of political parties on their plenary sessions (conferences) with the indication of the electoral district, from which their candidates are proposed.

Members of the electoral district commission have the right to participate in these plenary sessions.

City and district organs of political parties propose one candidate for each electoral district, which is located on the territory of city and region. Decision about nomination of candidate is taken in a secret way.

In case when an electoral district embraces two or more districts or cities, nomination of candidates from political parties in this electoral district takes place in the joint city and district party organs plenary sessions. In this case one candidate is nominated in this electoral district.

Order of nomination of candidates to Majlisi namoyandagon is determined by political parties. Resolution is passed on nomination of candidate to Majlisi namoyandagon and a protocol is compiled. The following is recorded in the resolution: title of the resolution and the name of the party body, date, place, name and number of the constituency, decision of the considered issues, signature of the chairperson and the seal. The protocol contains the followings: the name of the party body, place and date, the number of its members, the number of participants, considered issues, name and number of the constituency, proposals on candidates, discussions about candidates, form of voting, results of voting, the text of the passed decision, signature of the chairperson and the one of secretary of the meeting and the seal. Political parties inform the candidate to the Majlisi namoyandagon of the adopted decision not later than within two days.

List of candidates to Majlisi namoyandagon in the single all-republican electoral district is proposed by political parties on their congresses (conferences).

Political parties determine the order of listing of candidates.

List of candidates and the order of placing of candidates in the list may not be changed after its submission to the Central Commission for Elections and Referenda, with the exception of exclusion of a candidate from the list.

The total number of candidates nominated by political parties may not exceed 35% of the total number of seats in the Majlisi namoyandagon.

List of candidates, proposed by political parties, protocol and the resolution of the congress (conference) of a political party, where the list of candidates have been proposed, is submitted to the Central Commission for Elections and Referenda. The resolution includes the following:

The name of the party body and the title of the resolution, date and place, decision of the considered issues, the signature of the chairperson and the seal. The list of the nominated candidates is attached to the resolution. The protocol includes the following: the name of the party body, place and date, the number of its members, the number of participants, considered issues, proposals concerning candidates, discussions about candidates, form of voting, results of voting, the text of the adopted resolution, signatures of the chairperson and secretary of the meeting and the seal.

Having considered these documents submitted by political parties, the Central Commission for Elections and Referenda gives to the political party a copy of the approved list or its grounded decision about the refusal of this list.

If the list of candidates is not affirmed the political party can apply to the Supreme Court of the Republic of Tajikistan, and the Supreme Court is obliged to consider this application in the period of not later than 6 days.

Central Commission for Elections and Referenda publishes through media the list of candidates of the political parties, which will participate in elections from single republican electoral district.

Nomination of a candidate to Majlisi namoyandagon in single-mandated electoral districts in a self-nomination way takes place through submitting to the district election commission an application about his/her nomination as a candidate. The candidate must collect not less than 500 signatures of electors from this electoral district for his support. Each voter has to give his signature only to one candidate from the electoral district of his residence. Subscription lists contains surname, name and last name of the candidate and of his/her empowered person, place of residence, series and number of passport or any other document confirming the identity of the empowered person, ordinal numbers, surnames, names and last names of signatories, dates of birth, series and numbers of passports or other document proving the

identity of signatories, places of their residence, their signatures and the date of signing.

The Central Commission for Elections and Referenda determines the samples of the subscription lists.

Article 32. Procedure of candidates' nomination for the membership of Majlisi milli

Nomination of candidates to the membership of the Majlisi milli starts 10 days after the elections to Majlisi namoyandagon and ends 7 days prior to the elections of Majlisi milli.

Candidates to Majlisi milli hall are nominated in the sessions of majlises of people's deputies of cities (with the exception of cities of district subordination) and districts, Dushanbe, GBAO and oblasts when there is a quorum.

Resolution of the session concerning nomination of the candidates are made the majority of voices of the deputies of the local representative organs in a secret ballot, and the candidate is informed about the decision within three days.

Local representative organs may propose only one candidate from an electoral district, where they are located. The local representative organs of Dushanbe and its districts may propose not more than two candidates from electoral districts in their location. At the same time several local representative organs may propose one candidate.

If no candidate has been nominated, or the number of nominated candidates is less than the established number, or when the nominated candidates withdraw their candidacy before their registration or when they have been excluded, in this case the Central Commission for Elections and Referenda by its decision, upon proposal of district election commission can extend the time of the nomination of candidates for not more than 30 days.

Article 32(1). Registration fees

Candidate to the deputies of Majlisi namoyandagon before being registered and after examining appropriateness of his/her candidacy to the requirements of the Constitution and the present Law by the district electoral commission, he/she pays registration fees from his/her own account the amount of 200 (two hundred) minimum wage to the account of the Central Commission for Elections and Referenda.

The registration fees will be returned to the candidate in case if he/she is elected to deputies of Majlisi namoyandagon. When canceling the decision of candidate's registration or in case if the candidate is not elected to deputies of Majlisi namoyandagon the registration fee is not returned. It is transferred to the republican budget.

Political Parties that have nominated list of candidates to deputies of Majlisi namoyandagon in the single all-republican electoral district, after examining appropriateness of their nominees to the requirement of the Constitution and the present Law by the Central Commission for Elections and Referendum, pay registration fees from their account the amount of 200 (two hundred) minimum wage to the account of the Central Commission for Elections and Referenda. The registration fees are returned to those parties, who pass the 5% threshold. In all other cases the registration fees of political parties are not returned, but transferred to the republican budget.

Article 33. Citizens who do not have the right to be nominated as candidates to Majlisi milli and Majlisi namoyandagon

The following citizens do not have the right to be nominated as candidates to Majlisi milli and Majlisi namoyandagon:

- Citizens who do not meet the requirements established by the Constitution Republic of Tajikistan and the present Law.
- Citizens recognized incapable by court, or kept in detention by a court verdict, or have been placed in the institutions of forced treatment by the decision of a court.
- Citizens on military service, officers, warrant officers, the staff of Military Forces, Ministry of Security, Ministry of Interior, Ministry of Extraordinary Situations, President's Guard, Committee for defense of state borders of the Republic of Tajikistan, the officials of Tax Police, Custom House and other regular servicemen, who have not retired or have been transferred to the reserve.
- Professional servants of the religious organizations and unions, who continue exercise their duties.
- Citizens, who have been sentenced by a court for the committing of intentionally grave and especially grave crimes, irrespective of completion of the term of imprisonment and expunging their conviction.
- Citizens whose previous conviction have not been expunged.
- Citizens wanted by investigation organs in connection with a suspected criminal offence against the basis of the Constitutional order and state security, and other intentionally grave and especially grave crimes, with the exception of participants of political and military resistance, who have been amnestied.

Article 34. The requirements to the candidates

A citizen may not be a member of Majlisi milli and at the same time - a deputy of Majlisi namoyandagon.

A deputy of Majlisi namoyandagon at the same time can not be a deputy of other representative organs and of the local self-government organs.

A member of Majlisi milli at the same time can not be a deputy of more than 2 state representative organs.

Members of the Government, judges, Prosecutor General, his deputies, prosecutors and other officials from the office of Public Prosecutor; deputies of the ministers and chairmen of State Committees, attached to the Government of the Republic of Tajikistan, heads of state organs and their deputies attached to the Government of the Republic of Tajikistan, chairman of corporations and companies, associations and state corporations and their deputies, and also directors and officials of banks can not be members of Majlisi milli at the same time and they can be registered as the candidate to deputy only in that case when they right in their application that they will relieve from the post after being elected as the member of the Majlisi milli.

Article 35. Registration of candidates

For registration of candidates (the list of candidates) the following documents are submitted to the election commissions:

1. The protocol of the resolution of the congress (conference) of a political party, of the plenary session (conference) of city and regional organs of political parties about the nomination of candidates (the list of candidates); resolutions of the local representative organs about the nomination of candidates.
2. The application of the candidate about his consent for voting for his candidature (in this application his obligation to stop his activity in case if this activity does not correspond to deputy's mandate should be indicated).
3. Information about the biography of the candidate with the indication of his name and surname, date of birth, place of work, his post (occupation) and his permanent address.
4. Information about the size and source of income of the candidate.
5. Information about the property, belonging to the candidate.
6. Medical certificate on mental health.
7. Document on registration fee.
8. Certificate on being not brought to criminal responsibility and having been not brought suit against. The present certificate is presented based on demand of the district electoral commission by the relevant state bodies.

It is prohibited to demand documents not specified in Part 1 of the present article.

The information about the size and the sources of income of a citizen, who is a candidate, is available in the declaration on incomes of the candidate during a year before the appointment of elections (with the note from tax agency).

If a citizen, candidate, in accordance with the Law of the Republic of Tajikistan about taxes is not obliged to present a declaration, than he/she brings the certificate about the total size of the income received by the organization where he works, the income during a year before the appointment of elections.

Information about property, belonging to the candidate according to the right of ownership is submitted in a way, established by the Central Commission for Elections and Referenda of the Republic of Tajikistan.

In case of self-proposal for the registration a candidate presents the documents, indicated in point 3,4,5,6 of this article, and also the application about his consent for being voted for and the list with signatures.

Respective electoral commissions check the correctness of the signatures of voters, collected for the candidate. All lists or part of them, taken selectively, can be checked.

If any incorrectness in the signature list is found, which totals more than 3%, or presenting incorrect information on incomes and property belonging to candidate the candidate's registration is refused.

Respective election committee after checking the correctness of the process of nomination of the candidate and its conformity to this law registers the candidates or issues the proven resolution about the refusal of registration.

A candidate is registered only in one electoral district. One candidate is included only into one list of voters. This rule is not applicable to the candidate, included by the political party into single-mandated electoral district, or into the list of voters.

During the registration of candidates proposed by a political party, the fact of his nomination by the political party is recorded in the relevant resolution of the electoral commission.

If registration of a candidate (the list of candidates) is turned down, the respective electoral commission is obliged to give within 24 hours to the candidate or the political party a copy of the resolution of the electoral commission with the indication of reasons for refusal.

The information about registered candidates from the day of registration is submitted to the Central Commission for Elections and Referenda.

Respective election commission during one week after registration of candidates in single-mandated electoral districts publishes in press the information about the registration of candidates, their names and surnames, date of birth, belonging to any political party, their posts, working place and permanent addresses.

The Central Commission for Elections and Referenda publishes in press the list of candidates from political parties not later than 7 days after

the registration of list of candidates in the single all-republican electoral district.

The respective electoral commission in the period of three days gives the candidate the corresponding candidate's certificate with the indication of the electoral district and the date of registration.

The registration of the candidates to the deputies of the Majlisi Namoyandagon starts 45 days before the elections and finish 20 days before the elections.

The registration of the candidates for the Majlisi Milli is completed within 3 days after receiving of all the necessary documents but not later than 4 days before elections.

Article 36. The cancellation of the resolution about nomination of a candidate. Declination of the candidature by the candidate

The body of political party, who has proposed the candidate, has right to cancel its own decision about the nomination of the candidate any time. According to this issue the decision is taken in the same way, which was prescribed for the nomination and then presented to the respective election commission. The district election commission deprives the candidacy status of this candidate. The candidate, by submission an application to the respective electoral commission can decline his candidature any time. District electoral commission, which has registered the candidate, informs the Central Commission for Elections and Referenda, the population of the electoral district, the organ of the political party, which has nominated the candidate about the repeal of the resolution on nomination of the candidate or withdrawal of candidature by the candidate.

Article 37. Status of candidates

All candidates have equal rights and obligations.

The administration of enterprises, institutions and organizations where registered candidate works, release him from his duties any time and any day, beginning from the day of candidate's registration by the respective election commission up to the day of official announcement of the results of elections, and during this period they are obliged to preserve his average salary at the expense of organization, enterprises and institution (irrespective of the kind of property).

During conducting of elections, it is prohibited to dismiss the registered candidate from his/her job or responsibilities by the initiative of the administration or transfer him to another position without his consent.

The time of participation of the registered candidate in the elections is included into the work experience of the candidate.

The registered candidate may not be brought to prosecution, arrested or given the administrative punishment without the consent of the Central Commission for Elections and Referenda, with the exception of cases when he is caught in the time of committing a crime.

The candidates from the moment of their registration participate in elections on equal basis and have equal rights of participation in conducting of meetings before the elections and other meetings, equal rights for the use of media means, including radio and television.

A candidate may campaign his/her platform of future activities. A candidate's platform must not contradict the Constitution of the Republic of Tajikistan.

Violation of the requirements prescribed in this article by the candidate will cause cancellation of the resolution of electoral commission on the candidate's registration.

Article 38. Proxies of candidates and political parties

Candidates and political parties, who have proposed the list of candidates, are entitled to have trusted persons.

Registration of the trusted persons takes place by the election commission, which has registered the candidate (the list of candidates) upon the written request of the candidate, proposal of a political party and the application of the citizen with his/her consent to become a proxy. The election commission provides the trusted person with prescribed identification card within three days.

Candidates may have up to 5 trusted persons and political parties which have proposed the list of candidates may have up to 5 trusted persons for each candidate. Members of election commissions, personnel of law enforcement bodies, judges, military servicemen and foreign citizens can not be trusted persons.

Trusted persons act within the authorities given by candidates and political parties.

Trusted persons have rights:

- To campaign the election of the candidate (list of candidates) in any legal forms and ways and agitate the pre-election platform of the candidate.
- To participate in pre-election meetings and gatherings with the electors, and take part in the pre-election debates.
- To use the assistance of government organs and local self - government bodies for conducting of pre-election conferences and meetings with voters.
- To attend sessions of election commissions.

- To be present in polling stations in the time of voting, counting of votes and summarizing the results of voting.
- To get acquainted with the documents of election commissions as well as the protocol of the vote count and the outcome of elections.
- To complain about the acts of the election commissions and participate in the consideration of complaints and applications.

Trusted persons of candidates, political parties have not right to interfere into the work of election commissions.

Candidates, political parties have a right to recall their trusted persons any time and inform the election commissions on that.

The election commission invalidates the prescribed identifications, given to trusted persons, if they violate the requirements of the present Law.

The authorities of trusted person are ceased simultaneously with the revocation of the status of registered candidates, who have appointed these proxies, or recalling of the list of candidates, or withdrawal of political parties from elections.

Article 39. Conducting pre-election campaign

The State provides conditions for conducting pre-election campaign to citizens and political parties with no obstacles during elections in accordance with the present Law.

Citizens, candidates, political parties can lead agitation freely and in legal forms and ways for participation in elections; discuss the pre-election platforms, political, business and personal characteristics of candidates as well as pre-election platforms of political parties, agitate for or against candidates in meetings and media.

Election commissions with the local power organs and local self-government bodies assist in conducting these meetings, provide premises, inform in advance about the time and location of meetings and other necessary arrangements.

Equal conditions of access to Mass Media are guaranteed to candidates and political parties.

Agitation during elections is conducted in the following ways:

- Through Mass Media.
- Conducting of public events (conferences, meetings with citizens, debates and discussions).
- Publishing and distributing of the printed agitation materials.
- In other forms, prescribed by the present law.

Candidates and political parties can determine independently forms and peculiarities of their campaign through Mass Media. Members of election commissions, religious organizations, judges, personnel of law-enforcement bodies and military servicemen may not participate in pre-election campaigns.

Participation in pre-election campaign is prohibited for foreign states, organizations and citizens, persons without citizenship, international organizations and movements.

Journalists, other individuals engaged in creative work, staff members of Mass Media offices, if they are candidates or trusted persons, cannot use these Mass Media for the coverage of news of election process. This regulation does not concern agitation, conducted by the mentioned persons in the free states and local radio and television channels.

When publishing the results of the public opinion poll regarding the elections, Mass Media is obliged to indicate the organization, which conducted the poll, the place and time of polling and number of participants, the ways and principles of collecting information, exact exposition of questions, assessment of eventual inaccuracies.

Pre-election campaign starts from the date of the registration of the candidate (the list of the candidates) and ends twenty four hours before the elections.

The results of the opinion polls, forecasts of the elections outcome and other researches related to elections can not be published in Mass Media five days prior to voting and on the Election Day.

Each candidate to deputies in the single mandate district has right to 15 minutes and each political party has the right to have 30 minutes airtime in the state radio and TV.

Election commissions monitor the pre-election agitation in accordance with the established order.

Misuse the freedom of media, the agitation, which inspires social hatred, race and national dissensions, calls to the seizure of the power and forcible change of the constitutional system and destruction of the country's integrity, agitation for war and other forms of misuse of the freedom of media, prohibited by the law of the Republic of Tajikistan can not be allowed in the pre election campaign.

Mass Media, which participate in pre-election campaign, have no right to publish information discrediting honor, dignity and business reputation of the candidates.

Violation of the requirements envisaged in this article will become the reason for revocation of the decision on registration of a candidate (list of candidates).

VI. THE ORGANIZATION AND THE ORDER OF VOTING

Article 40. Premises of voting

Local executive bodies give premises for voting at the disposal of polling station commission free of charge.

Voting in the elections to Majlisi milli takes place in the buildings, where sessions of the local representative majlises election of members of Majlisi milli are conducted. These buildings must be located within the territory of those cities, where district election commission on elections of members of Majlisi milli are settled.

Premises for voting are equipped with polling booths and other special places for secret ballot. Ballot-boxes have to be placed in a visible and accessible place for the commissions members and observers the way that voters approach them coming out of the voting booths.

On the elections day, in the premises of voting, presence of armed persons and persons in uniforms, including law-enforcement employees, except for the cases to eliminate violations, is prohibited.

Article 41. Ballot-papers

Ballot papers are published by the Central Commission for Elections and Referendum and they should have not less one security degree.

For conducting of elections a voter takes a ballot-papers, which is the special accounting document. Number of ballot-papers should be adequate to the number of registered voters, that they should be counted, examined at the presence of member of polling district commission and entered to the protocol before the beginning of voting.

In the ballot-papers shall be written in alphabetical order name and surname, date of birth, occupation (position), place of work and address of the registered candidate and information on those, who have nominated the candidate.

In case of election being conducted according to the list of candidates, names of political parties are written in the ballot-papers in alphabetical order of the Tajik alphabet.

The ballot-papers for elections to the Majlisi namoyandagon are printed not later than 10 days before elections and for the Majlisi nilli not later than 3 days before elections in state language and in the language of the majority of population of the constituency.

Election commissions pass ballot-papers by written act.

The ballot-papers are delivered to the relevant election commission not later than 7 days before the elections and to the polling station commission—not later than 2 days before the elections.

Chairman of the election commission is responsible for the proper delivery of ballot-papers.

If some of the candidates or political parties withdraw from elections after the ballot-papers have been prepared, polling station (district) commissions upon the instructions of higher commissions cross out all the data concerning the above mentioned candidates and political parties from the ballot-papers.

Premises where the ballot-papers are stored must be locked and sealed and guarded by organs of the Ministry of Internal Affairs.

Article 42. Order of voting to the election of deputies of Majlisi Namoyandagon

Voting is conducted in the election day from 6 a.m. to 8 p.m.

In the polling stations attached to representative offices of the Republic of Tajikistan in foreign countries, sanatoriums, resorts, hospitals and other medical institutions, in remote and difficult to access localities polling station commission may announce the voting finished if all the voters included to the list have counted their votes.

Polling station commission informs the voters about the time and place of voting not later than 10 days before the elections.

Each voter votes by himself. To vote instead for others is prohibited.

On the Election Day before the beginning of voting the chairman of the polling station commission examines the ballot-boxes and seals them with the sealing-wax in the presence of members of the commission, observers and other persons, representatives of mass media.

Polling station commission issues give ballot-papers on the basis of the list of voters upon presentation of a passport or other identity documents. Each voter receives one ballot-paper and sign the list of voters next to his/her name. Giving additional ballot-paper to a voter is prohibited.

A voter fills in a ballot-paper in a polling room or booth in secret. Presence of other persons when filling in a ballot-paper except for voter is prohibited. A voter who unable fill in a ballot-paper by himself has a right to invite another person to the polling booths or room on his/her discretion except members of the election commission, observers, media representatives.

A voter should vote only for one candidate and for one political party. When voting for one candidate and one political party the voter should cross out names of candidates and political parties, against whom he/she votes.

A voter who votes against all candidates and all political parties has to cross out all candidates and all political parties.

If a voter has made a mistake when filling in the ballot-paper, he/she may ask from a member of the commission another ballot-paper. The member of the commission issues him/her a new ballot-paper make the proper note about it in the list of voters. The spoiled ballot-paper will be taken out of accounting by written act.

A voter casts the filled ballot-paper into the ballot box.

If some voters are not able to come to the premises for voting due to their disease or other reasons, at their request the polling station commission charges special members of the commission to conduct the voting at the place of residence of these voters at presence of observers and trusted persons and a note about it will be made in the list of voters.

Those voters that have not been included into the list of voters by any reason are included to the supplementary list of voters upon presentation documents of identity.

If a member of the election commission, observers and other persons break the work of the electoral commission or create obstacles to the citizens' suffrage and disturb the secret ballot, then such people are immediately striped out from the participation in the work of the commission and other people are withdrawn from the voting building. The commission takes a relevant decision about it and has a right to apply to relevant organs in accordance with the laws of the Republic of Tajikistan about bringing these people to responsibility.

Article 43. The voting procedure in the election of members of Majlisi milli

The election of the members of Majlisi milli is conducted on the joint session of all the representative bodies of GBAO, oblasts, Dushanbe, cities and districts of republican subordination.

This session is opened by the chairman of the constituency commission and preside it. On this session the protocol is to be written, which is signed by the chairman and secretary of the commission.

The joint session of the local representative bodies for the elections of Majlisi milli is considered authorized in case if more than a half of all the voters delegates from each local representative organ have participated. In case of non-presence of the required number of voter delegates, the session will be delayed.

In building, where the general session of elector representatives is conducted, the constituency commission organizes a place for voting.

One may not vote for the election to Majlisi milli outside the voting premises.

The election of the member of Majlisi milli on the sessions of relevant local representative organs are considered valid in case when more than a half of the voters delegates have voted.

The session will be closed after the announcement of the results of voting by the chairman of the constituency.

Article 44. The order of absentee voting

If the voter cannot come to the polling station, where he is included in the list of electors, in the day of elections, he has right to come beforehand to the building of relevant constituency commission and vote by filling in a ballot paper. The electoral commission is obliged to provide the secrecy of his voting and not allow the incorrect expression of his will and also provide the protection of ballot and counting of electors' vote in the time of identifying of voting results and determining the outcome of the elections.

The ballot paper filled up by the voter beforehand has to be put into the envelope, glued up and signed in glued place by two members of the relevant electoral commission and then it is confirmed by the seal of the electoral commission and the signature of the voter. The glued envelope is preserved by the secretary of the relevant electoral commission in the building of the constituency commission prior to the moment of passing of ballots to the polling station commission.

In the day of voting, before the beginning of voting, the chairman of the polling station commission in the presence of the member of polling station commission, observers and other persons gives the information about the number of electors, who have voted beforehand and then show the envelopes with the ballots and the list of electors, who have voted beforehand. After that he opens the envelopes keeping the secrecy of the voters' will and cast the ballots into the ballot boxes. The number of electors, who have voted in advance, has to be registered in the protocol about the results of voting before the beginning of voting and in the list of electors against the name of the electors, who have voted in advance there has to be put the note "Voted beforehand".

The absentee voting is not be allowed in the election of the members of Majlisi milli.

Article 45. The protocol of the polling station commission about the summarizing the voting results

Polling station commission and constituency commission for the elections to the Majlisi milli draws the protocol about the summarizing of the voting results.

The following items are covered in the protocol of the commissions:

1. Number of the protocol copies.
2. Indication of the relevant electoral commission.

3. The word "Protocol N".
4. The name of the electoral commission with indication of the number of the polling station for elections of deputies of Majlisi namoyandagon.
5. The lines of the protocol contain the following records:
 - a. the number of electors, the delegates of the electors enrolled into the list of voters and also the list of the electors added to the main list.
 - b. The number of ballots received by the election commission.
 - c. The number of ballots given to the electors who have voted beforehand.
 - d. The number of ballots excluded from the account.
 - e. The number of ballots, which were given to the electors of the polling station and to the electors delegates on the joint sessions of the local representative bodies in the day of voting.
 - f. The number of ballots in ballot boxes.
 - g. The number of valid ballots.
 - h. The number of ballots which were considered as invalid.
 - i. The number of the votes of electors, the delegates of electors given for the candidate, political parties which were included into the ballot.
 - j. The number of electors votes, who have voted against all the candidates and all the political parties.

The following lines should be also written in the protocol about the summarizing of the results of voting:

- a. the name, the surname of the chairman, the secretary and other members of the electoral commission.
- b. the date of the signing of the protocol.
- c. the seal of the electoral commission.

The numbers, which come in this part of this article, are written in the protocol about the summarizing of the results of voting in figures and in letters.

VII. DETERMINING RESULT OF VOTING

Article 46. Counting of electors votes and drafting of protocol on summarizing of the results of elections by election commissions

The counting of the votes of electors and the delegates of the voters begins after the completion of the voting and continues without break until the identifying of the results of voting.

After the expiry of the voting time and before the opening of ballot boxes the member of the polling station (constituency) commission excludes the unused ballots in the presence of observers and trusted persons. The exclusion of the unused ballots is made by cutting of the right side of the lower part of the ballot. The number of these ballots is announced and then it is included into the protocol. Then the chairman of the relevant election commission checks the safety of the seal and sealing-wax of the mobile ballot boxes and gives the members of the commission the possibility to make sure about the safety of the seal and seal-wax and then opens the mobile ballot boxes.

A member of the polling station (constituency) commission counts the ballots and inserts the relevant numbers accordingly to the lines of protocol about the summarizing of the results of voting.

The direct count of elector votes and the votes of the elector delegates is conducted in the places specially equipped for it and where the members of the commission have access. The Members of the election commissions with the exception of the chairman and the secretary of the commission are not allowed to have any writing tools during vote count. At the same time the activity of the members of the commission during the vote count should be transparent for the people present there.

The ballots of unordinary form are not taken into account. Those ballots are considered as unordinary, where the contents and their form do not correspond to the contents and form of the ballots, confirmed in accordance with this law.

Members of polling stations and constituency commissions select the ballots given for every candidate and for every political party and at the same time segregate the unordinary invalid ballots. After that the votes of the electors according to the ballots of ordinary form are accounted according to each candidate and each political party.

Invalid ballots are counted and kept separately. Those ballots are considered as invalid where more than one candidate or more than one political party is left or where all the candidates and all the political parties are left and also those ballots where it is impossible to identify the voter's will. If there are any doubts on the invalidity of the ballots, then polling station (constituency) commission resolves this issue by voting and then on the back side of the ballot indicates the reason why it was considered invalid.

The members of the polling station (constituency) commissions at first include the number of invalid ballots into the protocol and then the number of ballots of ordinary form, which has come out from ballot boxes.

The protocol the summarizing of the results of voting is drafted in two copies and all the present members of the polling station (constituency) commission sign it with the indication of the date and the time.

The protocol is considered valid if it is signed by more than a half of the members of the commission. During the signing of the protocol those members of the commission who do not agree with the contents of the protocol have right to add their special opinion to the protocol and there should be done the relevant note about it in the protocol.

The first copy of the protocol about the summarizing of the results of voting after being signed is immediately submitted to the higher election commission together with other election documents, including ballots, applications and complaints, the resolutions accepted on them and acts, drawn by the polling station and constituency commissions.

The second copy of the protocol and also the seal of polling station (constituency) commissions are kept by the secretaries of commissions till accomplishment of commissions' activities.

Approved copy of protocol on results of voting is introduced to all members of polling station (district electoral) commission by chairman or by secretary and their copies are posted on the wall of polling station for the period of three days and nights.

Article 47. Order of the defining of results of voting by the higher electoral commission

The first copies of the protocol of the polling station (constituency) commissions about the results of voting after being signed by the members of the commission are directly submitted to the higher commission.

On identification of omissions and mistakes of the protocol and if there are any doubts about the correctness of drafting of protocol received from the lower electoral commission, the lower electoral commission has right to take the decision about the repeated vote count by the lower commission. The repeat vote counting takes place with the obligatory participation of the member of higher election commission and in presence of observers and trusted persons. On the results of the repeated vote count of the electors (elector delegates) the electoral commission drafts the protocol about the results of voting with the mark "The repeated vote count". The protocol is immediately submitted to the higher election commission.

Article 48. Determination of the results of elections to Majlisi namoyandagon

On the basis of the protocol of the polling station commission the constituency commission determines the results of the elections of the deputies to the Majlisi namoyandagon in single mandate constituencies and the results of voting in the single all republican constituencies within their territory and then immediately submit them to the Central Election Commission.

In single mandate constituency the candidate is considered elected, if he has gained more than 50% of the votes of electors participated in the elections.

The election in the single mandate constituency is considered invalid if less than half of the voters, enrolled in the list, have participated in the elections.

The Central Commission for Elections and Referenda determines the results of the voting in single mandate constituencies all over the republic on the basis of protocol of constituency commissions.

On the basis of the protocol of constituency commissions the Central Commission for Elections and Referenda counts the electors votes according to the single all republican constituency by collecting the information from the protocol.

The election in the single all republican constituency is considered invalid, if less than a half of electors enrolled into the lists have participated in it.

Political parties, which have gained less than 5% of the elector votes, are deprived of getting the deputy mandate of the unified all-republican constituency.

Those political parties, which have gained 5% and more of the votes of electors, participated in elections, in accordance with the stipulated provisions of this law, receive deputy mandates.

The distribution of the deputy mandates among the candidates is done in accordance with the list of candidates from political parties according to the order of their enrollment in the list, which was confirmed by the Central Electoral Commission.

The deputies that have been elected from the single mandate constituencies to the Majlisi namoyandagon are excluded from the lists of candidates. In this case the deputy mandate is given to the candidates by the order of their enrollment in the list.

Central Commission for Elections and Referenda drafts the protocol about the distribution of deputy mandates among the political parties from the single all republican constituency in accordance with the rules, stipulated by this law.

These points are included into the protocol:

- The name of the political party which has right for distribution of deputy mandates.
- The name and surname of the elected deputies from each list of candidates.

If none of political party has gained 5% of votes, the Central Commission for Elections and Referenda considers the deputy mandates according to single all republican constituency undistributed.

In this case the Central Commission for Elections and Referenda appoints the repeated election in the single all republican constituency.

Article 49. Repeated voting for Majlisi namoyandagon

If in single mandate constituency more than two candidates for the deputy of Majlisi namoyandagon were proposed for voting and no one was elected, the constituency commission takes a decision to hold the repeated voting for two candidates who have gained the majority of votes. The constituency commission informs the Central Commission for Elections and Referenda and the electors of the constituency about this resolution. The repeated voting is held in the constituency in the period no later than two weeks within the territory of those polling stations and according to those lists of electors and in accordance with the requirements of this law.

That candidate is considered the elected deputy of the Majlisi namoyandagon, who has gained more votes than the other candidate in the repeated voting under the terms that more than a half of the electors enrolled in the list have participated in this voting.

If during the repeated voting one of the candidates is excluded by any reason, the voting is held for one candidate. In this case the candidate for becoming the deputy should gain more than a half of the votes of electors who had participated in this voting.

During the repeated voting the polling station commission can announce the voting finished any time, if all the electors enrolled into the list have voted.

Article 50. Deputy mandates distribution order

The Central Electoral Commission counts the votes of the electors given for the political parties if they constitute 5% or more from the amount of votes of electors, participated in the voting in single all republican constituency. Total number of electors votes is divided into 22 (the number of deputies mandates from the single all republican constituency). The result is the number of votes necessary for one deputy mandate. Then the number of votes gained by each political party participated in the distribution of deputy mandates is divided to the number of votes, necessary for each deputy mandate. The result is the number of deputy mandates which will be received by relevant list of candidates.

If after this there are remaining undistributed mandates, they are divided for the second time. The undistributed mandates are given one per each political

In case of equal number of votes the advantage is given to that list of candidates, who has gained more elector's votes. If the number of elector votes is equal then the advantage is given to that list of candidates, who were registered earlier.

Article 51. Determination of the results of elections to Majlisi milli

The constituency commission for the election of the members of Majlisi milli, which is conducted in the place of voting, counts the votes. The vote count begins immediately after the finishing of voting.

The candidates are considered elected if they have gained the major number of the votes of delegate deputies who have participated in the voting. If the number of votes is equal, the advantage is given to the older candidate.

The results of the elections is written in the protocol summarizing the results of elections in the constituency and it is signed by the chairman and all the present members of the constituency commission and then it is immediately submitted to the Central Commission for the Elections and Referenda.

Article 52. Order of appointment and registration of members of Majlisi milli

One fourth of the members of the Majlisi milli is appointed by the President of the Republic of Tajikistan by his order not later than 30 days after the election of the Majlisi Namoyandagon.

Elected and appointed candidate to the members of the Majlisi milli should inform in written form the Central Commission for Elections and Referenda about cessation of his position which does not correspond the status of the member of the Majlisi Milli in the period of three days.

The Central Commission for Elections and Referenda after receiving of the application from the elected and appointed candidate about the cessation of the position which does not correspond to the status of the member of Majlisi milli, register the candidates and the former presidents, who have not refused of being the member of the Majlisi milli.

If during the elections or during the vote count or identification of the results of elections the law have not been observed, the Central Commission for Elections and Referenda has right to consider the election invalid and not to register the member of the Majlisi Milli. It is possible to apply to the Supreme Court of the Republic of Tajikistan about the Resolution about the recognition of elections invalid in the period of 10 days.

Article 53. Repeat elections

If in the single mandate constituency for the Majlisi namoyandagon not more than two persons nominate their candidacies for the deputies of the Majlisi namoyandagon and if none of them is elected, or if the elections have been recognized invalid or in the all republican single constituency none of the political parties has gained the right for the distribution of deputies mandates, then the Central Commission for Elections and Referenda orders the constituency commission to hold the repeat elections. In this case the Central Commission for Elections and Referenda can take a decision of holding repeat elections with a new staff of constituency and polling station commission. The voting is

held in the same polling stations and according to the list of voters, which were prepared for the main elections.

The person whose candidacy was nominated for the deputy of the Majlisi namoyandagon during the main elections and who was registered can not be nominated as a candidate in this constituency for the repeat elections.

The repeat elections are held at least two months after the main elections. The electoral commissions are formed in accordance with the order, defined by this law and nomination and registration of candidates, political parties and other election relevant activities take place in an order stipulated in this law.

Article 54. Registration of deputies of Majlisi namoyandagon

The relevant constituency commission informs the elected candidate after the signing of the protocol on summarizing of the elections results.

The deputies, who were elected in the result of distribution of mandates according to the list of candidates are informed by the Central Commission for Elections and Referenda.

The Central Commission for Elections and Referenda registers the elected candidates to the Majlisi namoyandagon in the period of 3 days after the official publication of the election results.

If during the elections or during the vote count or in the time of determining the results of elections, the law has not been observed, which can impact the determination of the winner candidate, the Central Commission for Elections and Referenda can consider the election invalid. It is possible to appeal to the Supreme Court of the Republic of Tajikistan on the resolution about recognition the election invalid in the period of 10 days.

If the election is considered invalid in separate polling stations, then by the resolution of the Central Commission for Elections and Referenda the voting results in these polling stations are excluded from the general results of election, in conditions if the election are considered valid without them.

Article 55. Publication of the results of elections of the members of Majlisi milli and the deputies of Majlisi namoyandagon

Preliminary results of elections to Majlisi milli and Majlisi namoyandagon are announced via mass media within 24 hours after the elections are conducted.

The Central Commission for Elections and Referenda publishes the information about the results of elections all over the republic and the list of the members of the Majlisi milli and deputies of Majlisi namoyandagon not later then two weeks after elections.

Article 56. Certificates of members of Majlisi milli and deputies of Majlisi namoyandagon

After the publication of the list of the deputies of the Majlisi namoyandagon, registered by the Central Commission for Elections and Referenda, the constituency commission gives each elected candidate the certificate about being elected.

After confirmation of the authority of the members of Majlisi milli and deputies to Majlisi namoyandagon by the Central Commission for Elections and Referenda, the mentioned commission issues them the certificates of members of Majlisi milli and deputies of Majlisi namoyandagon.

Article 57. Conducting of elections to the members of Majlisi Milli and deputies of Majlisi Namoyandagon instead of excluded members and deputies

In case when the authority of the member of Majlisi milli and deputy of the Majlisi namoyandagon is prematurely terminated from the single mandate constituency, the new election is conducted within three months after the termination of their authorities. The election is appointed by the Central Commission for Elections and Referenda at least two months before the date of election and is held in accordance with the requirements of this law. The constituency commission is formed 50 days before the elections and the polling stations commissions are formed one month before the elections and the registration of candidates to the members of Majlisi milli and deputies of Majlisi namoyandagon ends one month prior to the elections.

If the authorities of deputy, elected in the result of distribution of deputy mandates among the political parties is prematurely terminated, then his mandate is given by the decision of the Central Commission for Elections and Referenda to the candidate who is enrolled into the list after the elected persons.

If there are no candidates left in the list, then the mandate is vacant until the next elections.

If the authority of the member of Majlisi milli and the deputy of Majlisi namoyandagon is terminated one year before the termination of Majlisi milli and deputies of Majlisi namoyandagon, then the elections are not held.

Article 58. Responsibility for non-observation of this law

Persons who impede the citizens of Republic of Tajikistan to free use of their suffrage and of their right to be elected and the right of conducting of pre-electoral campaign, by force, deceptions, threats and by other ways and also the members of the electoral commissions, officials from the state agencies and political parties, who commit falsification of the electoral documents and intentionally count the votes in wrongly, infringe the secrecy of voting and infringe this law in other ways are brought to responsibility in accordance with the provisions of law. Also, persons who humiliate the honor and dignity of the candidate by publication of defamation in press or by other means, or insult the members of electoral commissions are also called for responsibility.

Article 59. On considering the Law of the Republic of Tajikistan "On the Elections to Majlisi oli of the Republic of Tajikistan" invalid

The Law of the Republic of Tajikistan from December 1, 1994 "On Elections to Majlisi oli of the Republic of Tajikistan" (Akhbor of the Supreme Council of the Republic of Tajikistan, 1994, #23-24, Article 444) will be considered invalid from the date the present Law comes into force.

President of the Republic of Tajikistan E.Sh. Rahmonov

Dushanbe, December 10, 1999, #856

DECREE OF MAJLISI OLI OF THE REPUBLIC OF TAJIKISTAN

On application of the Constitutional Law of the Republic of Tajikistan "On Elections to Majlisi oli of the Republic of Tajikistan"

(Akhbori Majlisi oli of the Republic of Tajikistan, 1999, #12, Article 297)

Majlisi oli of the Republic of Tajikistan decrees:

1. The Constitutional Law of the Republic of Tajikistan "On Elections to Majlisi oli of the Republic of Tajikistan" will be subject to implementation from the day of its official promulgation.
2. The Government of the Republic of Tajikistan:
3. suggest proposals to Majlisi oli of the Republic of Tajikistan on introducing amendments to the existing law, in connection with adoption of the present Constitutional law.

bring to order its decrees in accordance with the present Constitutional Law.

Chairman of the Majlisi oli

of the Republic of Tajikistan Safarali Rajabov

Dushanbe, 10 December, 1999

#837

The constitutional law of the Republic of Tajikistan "On elections to the Majlisi oli of the Republic of Tajikistan" was approved on December 10, 1999. On June 16, 2004 amendments and additions were entered to it.