

KAZAKHSTAN

Text of the report by K.T. Turgankulov
at the International Symposium in India
for the section "Challenges in Management of Electoral Rolls"

**Scientific Report
of the Chairman of the Central Election Commission
of the Republic of Kazakhstan Mr. K.T. Turgankulov
at international symposium on "Sharing Best Electoral Practices"
New Delhi, 27 January 2010**

Dear Colleagues! Ladies and Gentlemen!

Role of Electoral Rolls in the Electoral Process

Registration of voters represents an integral part of the electoral process of any country, during which electoral and other bodies collect data on persons, who have active suffrage, in other words – who have the right to vote. The result of this process is the voter list or the electoral roll, in which the data on each voter of one or another country are included. The major function of voter registration and the role of electoral roll is the check, which persons are eligible to vote. Thanks to the voter lists the principle of universal suffrage is implemented. The most important area of ensuring the citizens' suffrage is the work on improving the quality and completeness of voter's lists because the right of citizen to vote leads to the duty of the state to guarantee the efficient observation of this right, including by effective formation of electoral roll.

In Kazakhstan all citizens possessing the active suffrage, registered at permanent place of residence at the territory of the corresponding voting precinct, being at temporary residence at the voting day, military personnel, or citizens, who for a long time live abroad or being at business trip abroad are included in the electoral roll.

According to Article 24 clause 3 of the Constitutional Act of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" the reason for inclusion of the citizen in the electoral roll at the specific polling station is the fact of his/her permanent registration at the place of residence at the territory of the specific voting precinct. A citizen can be included only in one electoral roll.

Electoral rolls are formed in alphabetic or other order. The name, patronymic name, family name, date of birth (in the age of 18 year the date and month of birth are indicated additionally) and place of residence of the voter is indicated in the roll.

In the case if a voter is aware not later than 30 days before the elections that he/she will not have a possibility to arrive on the day of elections to the premises for voting where he/she is registered, the voter shall enjoy the right to resort to the local executive body in the place where the voter is staying with a written application to include him/her in the corresponding electoral register. In case of a reference of the citizen in compliance with the given clause to the local executive body, the latter will organize exception of the citizen from the electoral register in the place of his/her registration and will include him/her in the electoral register of the voting place/station where the named citizen will be able to vote.

Electoral roll in the place of residence is compiled by the corresponding local executive body on the basis of data, provided by bodies engaged in the population's accounting.

The electoral rolls of each polling station are signed by the relevant akim (head of local executive body) and are submitted to the corresponding election commission twenty days prior to the beginning of voting.

The officials of the local executive bodies bear responsibility for authenticity of the electoral rolls, and also of the data about the voters presented by the corresponding election commission.

According to the established international standards, best practice of voter registration is availability of permanent electoral rolls, which periodically, at least once a year, are updated. In compliance of Article 24 Clause 5 of the Constitutional Act of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" the data on voters, previously verified with the data of other competent bodies and

organizations are submitted by the local executive body in electronic and paper bearers to the corresponding territorial election commission by 1 July and 1 January each year. In other words Kazakhstan not only has permanent electoral rolls but also updates them twice a year.

At polling stations in the places of temporary stay¹ all citizens who will be present there are included in the electoral roll. These rolls are compiled on the basis of data, provided by the heads of institutions, akims, heads of foreign representations and captains of ships (Article 24 Clause 8 of the Constitutional Act on Elections) and are subject for the mandatory confirmation on the day preceding the day of elections.

In military units all military servants present in military units, members of their families and other voters, living in the location of military units are included in the electoral roll. These rolls are compiled on the basis of data, provided by commanders of military units (Article 24 Clause 7 of the Constitutional Act on Elections). Military servants living outside of military units are registered in the places of their residence.

Students and post-graduate students who study in the day time and live in the hostels are included in the electoral roll according to the location of their hostels (Article 24 Clause 6 of the Constitutional Act on Elections).

Citizens who on the day of election stay abroad are registered in the representations of the Republic of Kazakhstan in foreign countries, upon their application to the precinct election commission and submission of passports.

According to Article 41 Sub-Clause 6-1 of the Constitutional Act on Elections when the voter changes the place of his or her staying 15 days prior to the day of elections the precinct election commission by the request of voter and upon submission of the document identifying his or her personality issue for such voter the absentee certificate for the right to vote. In this case an appropriate note must be made in the electoral roll. Upon submission of absentee certificate for the right to vote the precinct election commission on the day of voting includes the name of voter in the electoral roll in the electoral district where the voter stays. Absentee certificate is not issued to voters who wish to take part in voting in other constituency or other polling station within the boundaries of one settlement. Issue of absentee certificates is finished by 6 pm by local time of the day preceding the day of elections.

The Central Election Commission established and maintains regular updating of electronic data base of voters based on the data of regional election commissions submitted to the Central Election Commission every six months as well as on the data of the judicial authorities responsible for registration of population. This data base is integrated in the automated information system "Saylau" (AIS "Saylau").

In the course of checking the data possible inaccuracies and errors occur. It would be advisable to establish the state body, which would have a single state database of individuals and classifier of administrative territorial units that meet the requirements of AIS "Saylau". In the course of transition to the automated information technologies the question of integration of AIS "Saylau" in the national system of citizens' registration is not resolved. At the same time all participants of the process of submitting data for electoral roll must represent links in the single network taking into account the use of modern means of communication.

The quality of work on compilation of electoral rolls depends on the precise delimitation of boundaries of electoral districts and constituencies. This requires the development of the relevant electronic database of an administrative territorial unit with the scheme of placement and boundaries of electoral districts and constituencies and refinement of the modern toponymy, names of streets, numbers of houses and systematic upgrading of this map. Electronic databases of address offices were established in the cities of Astana and Almaty, in Almaty, Zhambyl, East-Kazakhstan and South-Kazakhstan oblasts. All databases have general structure. In the future a national database of address offices with indication of electoral districts and constituencies will be created in Kazakhstan.

With regard to information on voters submitted to the Central Election Commission at present time, the analysis demonstrates that in total as on 1 July 2009 there were 8 958 773 voters in the national

¹ Places of temporary stay include rest houses, resorts, inpatient treatment-and-prophylactic establishments, remote and out-of-reach areas, distant pastures for live-stock breeding, investigatory isolation wards and detention centers, ships belonging to the Republic of Kazakhstan being at navigation on the day of elections.

electoral roll in the Republic of Kazakhstan. The number of duplicate entries was 23 418 (0.26 %), in 37 244 entries (0.42 %) voters were assigned to more than one precinct, 180 766 entries (2.02%) contained other errors (no date of birth, voter's date of birth is less than 18 years, wrong number of polling station). We were impressed by Indian colleges who managed at last parliamentary elections in 2009 not only to register at 828 804 polling stations 714 million voters at but also to provide each voter with Photo Identity Card. This approach is a guarantee for accurate identification of each voter and for early correction of possible inaccuracies, if any. In addition, the absence of such card is a signal for the potential voter – citizen to ensure obtaining this card.

In the case of detection in the submitted electronic electoral rolls of no numbers or wrong numbers of electoral districts; wrong numbers of voter's identification cards; no family and first names of voters, multiple entries of the same voter the Central Election Commission converts the received information into AIS "Saylau" and sends files with recorded wrong information to local executive bodies to address the identified inconsistencies.

In order to verify data, submitted by local executive bodies, election commissions conduct a randomly selected door-round in all regions of the Republic of Kazakhstan. Local executive bodies must make further efforts to revise the electoral roll. Among the main challenges it can be noted that the state authorities engaged in registration of population on the ground do not always have necessary technical means for organization and maintenance of a unified electronic voters' database and that citizens for a long time living in illegally constructed houses without a clearance and consequently do not register in the electoral rolls.

CEC conducted extensive outreach campaign in the media on the issue of compliance by citizens of the Rules of documentation and registration of the population in the Republic of Kazakhstan as well as to explain to citizens the major requirements of the Constitutional Act of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan" on the compilation and verification of electoral rolls. Voters are aware of their right to check the correctness of their data, which were included in the roll. If necessary, the citizen may demand the necessary corrections in the electoral roll for their data by different ways, including appeal to court.

Issues related to the establishment and introduction of automated system AIS "Saylau", the integral part of which is formation of an electronic voters' database, is one of the main activities of the CEC.

Within the framework of the State Program for the formation of "electronic government" in the Republic of Kazakhstan the State Database "Physical persons" was established and the work on creation of information system "Address Register" is going on. These systems will allow unite bodies and organizations, engaged in registration of the population, into one unified information system.

Thank you for your attention.

Text of Report
by R. Okumbekov and M. Sarsembayev
at international symposium in India
for the component "Innovative Practices in Election Management"

INNOVATIONS THAT MAY IMPROVE ELECTORAL PROCESS

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Ladies and Gentlemen!

Today the Republic of Kazakhstan, which became sovereign independent state 18 years ago, is one of the most dynamically developing countries of the Central Asian Region, the neighboring to India country.

Having achieved stable indicators of economic growth, today Kazakhstan continues to develop main principles of free society, to introduce new technologies and innovations, including such specific area as election management.

Introduction of automated information system (AIS) "Saylau" is an innovation in the practice of organizing elections in the Republic of Kazakhstan. Electronic voting is a new but rapidly developing area of information technologies. It should be noted that AIS "Saylau" represents one of the first electronic voting systems, realized in the countries of the former Soviet Union: a relatively low cost and ease in use it appears as a complete set of functional complexes of tasks to help to automate electoral process at all stages of elections, including the process of voters' registration, preparation of elections, voting, vote count and announcement of election results. One of significant advantages of this system is to allow any voter to check the correctness of the cast vote after tabulation. In the course of practical introduction and application of the system at recent elections this innovation is gaining the confidence of the voters of the country. As a part of the project comparative analysis of election technologies and automated voting systems in various foreign countries was conducted. We studied voting systems applied in Russia, Germany, the USA, France, United Kingdom and other countries. India also has a substantial experience in management and conduction of electronic voting. As the OSCE Chairman-in-Office, Kazakhstan initiated organization and conduction of seminar on electronic voting for corresponding representatives of all 56 participating states of the OSCE in September 2010.

- Introduction of innovative electoral practice is observed in the legislative activity of the Republic since the day of acquisition of its independence. It is worth to mention that the Constitutional Act of the Republic of Kazakhstan of 28 September 1995 "On Elections in the Republic of Kazakhstan" was amended 10 times: in total there were 777 changes and additions. Innovation applied to conduction of electoral campaign and granting to political parties equal conditions for the access to media; the rule for financing political parties represented in the Parliament after elections; nomination of general date for by-elections to local representative bodies; strengthening the control in fighting corruption; introduction of new proportional electoral system; providing as a quota 9 deputy seats for national minorities living in Kazakhstan; introduction of precise definitions in the articles regulating the adjustment of electoral rolls after detection of inaccuracies and regulating activities of international election observers and the work of election commissions. A lot of innovations were also included in the Law of India on Peoples'

Representation Act (1950-1951), the Law of India on Commission on Determining the Boundaries of Constituencies (1962, 1972).

In 2007 the text of the current Constitution of the Republic of Kazakhstan has been amended, according to which the lower house of the Parliament (Mazhilis) is formed on the basis of proportional electoral system. It happened that as a result of elections conducted in August 2007 all 98 mandates of deputies of the Mazhilis were passed to the representatives of the winning with overwhelming preponderance – People's Democratic Party "Nur Otan". In this regard, based on the need to create the democratic culture in Kazakhstan as well as for the purposes of implementation of important directions of further political development of Kazakh society, President of the country N.A. Nazarbayev at the opening of the 17th session of the Parliamentary Assembly of OSCE in 2008, held in Astana, suggested an innovative idea about the need to form the Mazhilis (lower house) of the Parliament with participation of at least two political parties. To do this, the Head of State proposed to establish a legal mechanism that would form the Mazhilis with at least two political parties even if the second political party as a result of elections did not overcome the established by legislation threshold of 7 per cent. This legal mechanism was included in the draft Constitutional Act of the Republic of Kazakhstan "On changes and additions to the Constitutional Act of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan", which after approval by the Parliament was signed by President as on 9 February 2009. Article 97-1 Clause 2 of the Act on Elections formulated the provision according to which "If seven per cent of voters who took part in the voting, were received only by one political party, then the list of the specified political party and the party list of the party collected the next largest number of votes of voters, having taken part in the voting, are allowed for the distribution of deputy mandates". The Act contains also provisions on the basis of which vote counting and distribution of deputy mandates between political parties is conducted. First, "the sum of votes cast for the two political parties are divided by the number of allocated mandates. The result is the first electoral quotient (quota)". Then "the number of votes obtained by each party taken part in distribution of deputy mandates is divided by first electoral quotient. The number of votes obtained by the list of the party, which has not overcome 7-per cent threshold and taking part in distribution of mandates, is divided by first electoral quotient. The integer part obtained by dividing the number is the number of mandates, which was received by corresponding political party, which formed the party list". And if the political party, which has not overcome 7-per cent threshold, received large enough number of votes, then it can realistically claim for a number of deputy mandates.

It should be noted that the "political party which has not overcome the seven-percent threshold and which takes part in the distribution of deputy mandates, receives not less than two seats". These two seats are given to a political party, if the number of votes cast for the political party is not enough for even one deputy seat.

And along with already tested and examined methods and means of electoral management, which are successfully and for a long time used in countries, having long democratic traditions, today Kazakhstan actively introduces new approaches and innovative ideas that allow to develop and increase the accumulated in this area international experience and to enrich the electoral practice.

Kazakhstan like India is a multiethnic state. And one of the innovations in the electoral system of the Republic of Kazakhstan is election of 9 deputies of the Parliament by the Assembly of the People of Kazakhstan – the institution to be formed by the President of the Republic of Kazakhstan that promotes the development and conduct of the national ethnic policy, the aim of which is ensuring interethnic accord in the Republic of Kazakhstan.

Thus, we can conclude that electoral legislation and electoral process in the Republic of Kazakhstan is developing and improving in close connection with the overall reform and democratization of political system in the country.

Thank you for attention.

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