NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments, which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

Series editor: Siri Skåre


The opinions expressed in this report are those of the author and do not necessarily reflect those of the publisher.

ISSN: 1503–1330
ISBN: 978-82-8158-046-6

NORDEM Report is available online at:
http://www.humanrights.uio.no/forskning/publ/publikasjonsliste.html
Preface

Following an invitation from the Government of Kazakhstan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an election observation mission (EOM) to observe the elections for the Majilis, the lower chamber of parliament, scheduled for 18 August 2007.

The EOM was headed by Ambassador Lubomir Kopaj from Slovakia. It included 19 experts working in Astana and Almaty, and 36 long-term observers (LTO) deployed throughout Kazakhstan. For election day the ODIHR requested its participating states to second 400 short-term observers (STO).

The mission opened on 17 July and LTOs were deployed on 21 July. Close to election day the mission became the International EOM as it was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

On election day a total of 449 STOs representing 45 OSCE participating states observed voting in over 1,700 polling stations, counting at 141 polling stations and the tabulation of results at 111 Territorial Election Commissions (TEC).

Two Norwegian LTOs, Annie-Lise Mjåtvedt and Jeremy Franklin, were recruited to the mission by NORDEM. Ms Mjåtvedt was deployed to Astana (Akmola) Region and Mr Franklin to Almaty city and the eastern part of Almaty region.

For election day NORDEM recruited three STOs: Richard Whitehead, Åsa Sildnes and Stephanie Bjøro. Mr Whitehead observed in Aktobe region, Ms Sildnes in Almaty region and Ms Bjøro in West Kazakhstan region.

The main purpose of this report is to present the findings of the Norwegian observers. Their observations correspond to those of the EOM as represented in the mission’s interim report and in its Statement of Preliminary Findings and Conclusions published on 19 August 2007.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
October 2007

---

1 Close to election day the number increased to 22
# Contents

Preface

Contents

Map of Country

Introduction ............................................................................................................................1

Political background ..............................................................................................................3

  Political system ..................................................................................................................4

  Political parties contesting the 2007 parliamentary elections ..........................................4

The Legislative Framework...................................................................................................5

The Electoral Administration ................................................................................................6

  Electronic voting ................................................................................................................8

Voter and Civic Education ..................................................................................................9

Voter Registration ...............................................................................................................9

Candidate registration .........................................................................................................10

The Election Campaign ...................................................................................................... 11

The Media............................................................................................................................ 12

Observation on the Polling Day .......................................................................................... 13

  Election Day Observation Report by STO Richard Whitehead ........................................ 14

  Election Day Observation Report by STO Åsa Sildnes .................................................... 15

  Election Day Observation Report by STO Stephanie Bjøro ............................................. 17

  Election Day Observation Report from LTO Annie-Lise Mjåtvedt ............................... 19

  Election Day Observation Report by LTO Jeremy Franklin ............................................ 19

The Review of Complaints Process ................................................................................... 21

Conclusions and Recommendations .................................................................................. 22

Comments on the Election Observation Mission .............................................................. 23

Appendices .......................................................................................................................... 23

  OSCE/ODIHR Statement of Preliminary Findings and Conclusions (19 August 2007) .... 23
Map of Country
Insert map picture here
Introduction

The 2007 parliamentary elections for the Majilis (lower house) of the Parliament of the Republic of Kazakhstan were the third such elections to be observed by the OSCE/ODIHR since 1999. The ODIHR EOM stated after the previous parliamentary elections on 19 September 2004:

“(...) as in previous elections, there were serious shortcomings. A number of aspects of the improved election legislation were not implemented in an effective and impartial manner. This has resulted in an election process that fell short of OSCE commitments and other international standards for democratic elections in many respects.”

In May 2007, the Parliament adopted significant amendments to the Constitution, many of which affected the election process. The amendments raised the number of Majilis deputies from 77 to 107, increased the number of appointed Senators, reduced the Presidential term from seven to five years while removing the limit of terms for the first President of Kazakhstan, permitted the President to engage in political party activity, and altered the future composition of the Central Election Commission (CEC).

To reflect the changes in the Constitution, the Election Law was amended on 19 July 2007. Following an initiative of 61 MPs, the President subsequently dissolved the Majilis and called for early parliamentary elections on 18 August. Elections for local representative bodies (Maslikhat) were held on the same day, but were not observed by the OSCE/ODIHR EOM.

In a joint statement published on 19 August the International EOM concluded:

“While the 2007 parliamentary elections reflected welcome progress, a number of international standards were not met, in particular with regard to elements of the new legal framework and the vote count.”

Positive aspects of the elections noted by the EOM included:

- Candidate list registration was inclusive, giving voters a genuine choice;
- Increased ability for political parties to convey their message to voters, also through media;
- The CEC worked transparently and provided observers with information on many aspects of the process, including the electronic voting system;
- The CEC adopted a number of decisions to regulate the election process and announced that it would post all results protocols on its website. It also conducted a comprehensive voter education campaign;
- The review of complaints process was more inclusive than in previous elections, although the CEC made few formal decisions on complaints received;
- Voting was conducted in a calm atmosphere and observers assessed the conduct of voting as positive in 95 percent of the polling stations visited.

Concerns and shortcomings included:

- The combination of restrictive legal provisions creates obstacles to the development of a pluralistic political party system, significantly decreases
accountability of elected representatives to voters, and in some cases runs counter to international standards and commitments;

- Nine of the 107 parliamentary seats were not contested by popular vote, but chosen by the Assembly of People of Kazakhstan (an appointed body), in contravention of OSCE commitments;
- In some cases the governing party Nur Otan received favourable treatment by authorities and state media. There was not always a clear separation of local authorities, lower level election commissions and that party. Nur Otan furthermore received disproportionate representation on lower level election commissions;
- On election day, the counting of votes was not conducted transparently and observers rated the process negatively in 43 percent of polling stations visited.

The findings of the Norwegian observers corroborate the conclusions of the EOM. The following trends in this LTO’s area of responsibility should be mentioned:

- Taking into account the short time frame, the election administration appeared to be well prepared and generally followed the CEC time line of operations. Lower level commissions received several training sessions;
- Election commissions were generally cooperative towards observers, the noticeable exception being Almaty City regional election commission, which declined to share information about complaints received, thus preventing LTOs from gaining proper insight into the review of complaints process;
- Representation of political parties on election commissions varied significantly; in Almaty all parties running in the elections were represented, the exception being NSDP, which did not obtain representation on higher-level commissions. In the districts outside Almaty the composition of commissions was much less diverse and was dominated by Nur Otan and other pro-presidential parties;
- With the noticeable exception of Nur Otan, the campaign was low key and parties were slow in initiating their campaigns. Most parties conducted door-to-door canvassing of voters and held informal, ad hoc meetings with voters. In the districts outside Almaty only Nur Otan, and occasionally Aul had permanent representation.
- Campaign conditions appeared to be relatively equal, but some opposition parties claimed they were denied from purchasing billboard space, while Nur Otan in particular was able to post a high number of billboards in and around Almaty.
- Except for NSDP, none of the parties put forward claims concerning obstacles to their campaign and LTOs are aware of few electoral complaints being submitted appropriate bodies;
- On election day observers characterized voting as very good, smooth and organised. In general all voting procedures were followed;
- Counting was more problematic and was witnessed to be chaotic and protracted. In several cases precinct election commissions (PEC) failed to follow basic procedures and experienced problems compiling result protocols;

2 I.e. OSDP and Ak Zhol.
• TECs were reported to be very efficient and hard working. There were several cases where PECs were sent back to their polling station to amend mistakes in the protocols, while at one TEC protocols were corrected on spot;

• After election day election commissions were either unreachable or unwilling to meet LTOs. By 20 August result protocols per precinct had already been taken down and it is unclear whether they indeed ever were posted.

Nationwide the ruling Nur Otan party won a landslide victory with 88 percent of the vote and was the only party to clear the 7 percent threshold for parliamentary representation.

Political background

On 16 December 1991 Kazakhstan declared independence from the Soviet Union. That same year the former First Secretary of the Communist Party of the Kazakh SSR, Nursultan Nazarbayev, was elected President in an uncontested race. A new constitution approved in a referendum in 1995 increased presidential powers and allowed the president to stay in office until 2000. In 1999, Nazarbayev was re-elected under new constitutional amendments that increased the presidential term from five to seven years. The same year saw parliamentary elections take place and pro-presidential parties, especially Otan, won a majority of the seats in the then 77-members Majilis. The main opposition party withdrew from the proportional component of the elections after its leader was disqualified from the party list on the basis of a previous administrative penalty.³

In 2001 a new political movement, the Democratic Choice of Kazakhstan (DCK), was formed by a number of government officials. They were later dismissed from their positions by President Nazarbayev and its leader was arrested and sentenced to a seven-year prison term in 2002. DCK later split into two wings, of which one became the Ak Zhol party.

In the 2004 parliamentary elections Otan once more won a majority of the seats in the Majilis, taking 42 out of 77 seats, while other pro-presidential parties won the remaining seats.⁴ Only one opposition deputy from Ak Zhol was elected to parliament. Following the elections, the speaker of the Majilis, Zharmakhan Tuyakbai, resigned his parliamentary mandate and his Otan membership in protest against violations. Mr Tuyakbai later went on to become the leader of the National Social Democratic Party (NSDP).

The 2005 presidential elections were contested by five candidates, but President Nazarbayev was re-elected with 91,15 percent of the vote with the support of Asar and the Agrarian and Civic parties.

In September 2006 Otan merged with Asar, and in December with the Agrarian party and Civic party to form Nur Otan. The merger increased the party’s share of parliamentary seats to 67 out of 77 (87 percent) in the outgoing parliament.

³ The Republican People’s Party led by Akezhan Kazhegeldin.

⁴ I.e. the Aist electoral bloc and Asar, the party of President Nazarbayev’s daughter Dariga Nazarbayeva.
Political system

Following the 2007 constitutional amendments, Kazakhstan is a presidential republic with a bi-cameral parliament consisting of a 107-member lower house, the Majilis, and a 47-member upper house, the Senate. 98 of the Majilis deputies are elected in a nationwide constituency on the basis of proportional party lists. Nine of the Majilis deputies are selected by the Assembly of the People of Kazakhstan, an appointed body consisting of representatives of Kazakhstan’s over 100 nationalities. 32 of the Senators are elected by Majilis while the President appoints 15.

Political parties contesting the 2007 parliamentary elections

During the period of party registration from 22 June to 11 July the CEC registered seven parties. Parties nominate candidates in one nationwide constituency based on a new proportional representation system using closed lists.

Nur Otan (‘Superior Fatherland’) was founded in 1999 as Otan. It has ever since been the ruling party in parliament and increased its share of parliamentary seats from 42 to 67 when it merged with the Asar party, Agrarian party and Civic party in 2006. In July 2007, following constitutional amendments, Nursultan Nazarbayev was elected chairman of Nur Otan. For its party list Nur Otan registered 126 candidates. The party aims at pursuing economic and political reforms, increasing living standards, supporting social fairness and stability of society, and advocating multi-national and multi-ethnic harmony.

Communist People’s Party of Kazakhstan (CPPK) was registered prior to the 2004 parliamentary elections, competing with the opposition Communist Party of Kazakhstan but did not win any seats in Parliament. The CPPK, headed by Vladislav Kosarev, registered a proportional list numbering 20 candidates. Largely pro-presidential, the party promotes Marxist-Leninist ideology, but adapted to the new realities of social development.

Aul (‘Village’) was established in 2002 and promotes itself as a party for rural districts. As such it focuses on the development of agriculture and the protection of the interests of agricultural workers. Aul furthermore supports economic and political reforms aimed at the further democratization of society, and increasing the living standards of citizens. The party generally supports the policies of the President but was not represented in the outgoing parliament. Aul is headed by Gani Kaliyev and succeeded in registering 33 candidates on its proportional list.

Ak Zhol (‘Bright Path’) is led by Alikhan Baimenov, who ran as the party’s candidate for president in the 2005 elections. Just before those elections Ak Zhol split and the more critical wing of the party registered under the name Nagyz (Real) Ak Zhol. The only oppositional party to win a seat in the 2004 elections, Ak Zhol characterizes itself as ‘constructive opposition’ and Mr Baimenov later became a key player in the President’s Commission for Further Democratization of Kazakhstan. In 2006 the party signed a co-operation agreement with the Adilet party and the two parties ran a joint list consisting of 98 candidates for the upcoming elections. Ak Zhol advocates an independent,
democratic and free Kazakhstan, and supports the fundamental values of democracy, independence, freedom and fairness.

**National Social Democratic Party** (NSDP). Following his unsuccessful presidential bid in 2005, Zharmakhan Tuyakbai established the NSDP in January 2007. In June 2007 it united with Nagyz Ak Zhol and for the elections the two parties ran a joint list consisting of 80 candidates. NSDP positions itself as radical opposition. The party platform emphasizes the establishment of democracy, rule of law, and a socially-oriented state, an innovative economy and a new ‘humanist’ system of politics, as well as the principles of the social-democratic movement.

**Party of Patriots of Kazakhstan** (PPK) was established in 2000. A small party, the PPK is sometimes critical of certain government policies, but in general supports most of the presidential initiatives. The party, led by Gani Kasimov, aims to establish a governmental system based on the rule of law and democratic principles and promotes a civil society with a market economy where living standards are raised. PPK registered eleven candidates on its list.

**Rukhanyat** (‘Rebirth’) is a small party that was registered in 2003. Led by Altynshash Zhaganova, it tends to support the government’s policy. Rukhanyat registered a proportional list consisting of nine candidates. The party wants to expand the economy, address social issues and develop the spirituality of society.

## The Legislative Framework

The legal framework regulating elections in the Republic of Kazakhstan consists of:

- The Constitution of the Republic of Kazakhstan (amended in May 2007);
- The Constitutional Law on Elections in the Republic of Kazakhstan (EL) (amended in June 2007);
- The Law on Political Parties; and
- Decisions of the Central Election Commission.

The recent amendments in the legal framework, *inter alia*, increased the number of deputies from 77 to 107 and introduced a new system of elections where 98 deputies to the lower chamber of Parliament are elected according to a proportional system and the remaining nine from the Assembly of People of Kazakhstan. Amendments to the EL in 2004 provided a framework for political consultations in determining the composition of election commissions. The same year an electronic voting system was introduced and incorporated into the EL.

Following the constitutional amendments, the Majilis now has the power of approval of the Prime Minister by the President as well as the right of a no-confidence vote in the Government. However, the amendments removed the Majilis’ power to appoint the CEC and in the future only two CEC members will be Majilis appointees.⁶ Furtermore, the

---

⁶ In addition, the Senate will appoint two members while the President will appoint the remaining two members and the Chairman.
Constitution now stipulates that a deputy loses his mandate should he resign or be excluded from his party or if the party ceases its activity.

**Voting rights** are guaranteed both by the Constitution and the EL and a voter who is a citizen of Kazakhstan and has attained the age of 18 is eligible to vote. Voters who are recognized as incapable by court, or who are serving a prison sentence do not enjoy electoral rights.

Any person with voting rights who has attained the age of 25 and who has permanently resided on the territory of Kazakhstan for the last ten years may stand for election to the Majilis. A person with a court conviction that has not been voided or cancelled cannot run for Parliament.

In its Statement of Preliminary Findings and Conclusions (Preliminary Statement) the EOM noted that a number of OSCE commitments and Council of Europe standards were not met with regards to elements of the new legal framework, including excessive requirements for registration of political parties as legal entities, undue limitations on the right to seek public office, a high seven percent threshold for parliamentary representation, and provisions that political parties choose after the elections which candidates from their lists will become MPs. In addition, previous OSCE/ODIHR recommendations to improve the legal framework were in general not addressed by the recent amendments.

All electoral stakeholders met by the LTOs in Almaty appeared to be familiar with the legal framework. However, the manner in which Almaty Regional Election Commission (REC) dealt with complaints would not appear to be in accordance with the EL as the chairman in several instances considered and resolved complaints on his own without convening the whole commission.

Although the EL does call for the posting of result protocols at polling stations, spot checks on 20 August revealed that all had been removed, if ever posted, depriving voters from familiarizing themselves with the results. One TEC chairman even claimed there was no necessity posting protocols since observers and proxies on E-day night had been provided with copies.

### The Electoral Administration

For the parliamentary (Majilis) elections Kazakhstan operates a four-tiered election administration: the Central Election Commission (CEC); 16 Regional Election Commissions (REC) located in each of the 14 regions (oblasts) and in Astana and

---

7 The legislation requires that only members of a party can run as candidates, depriving persons the opportunity to run as independent candidates. Furthermore, the amended Constitution increases from five to ten years the time that eligible candidates must have been permanently resident in Kazakhstan, which unreasonably restricts the right to seek public office and is in contravention of recommended practises of the Venice Commission of the Council of Europe.

8 Thus, according to the EOM, significantly lessening voters’ knowledge of whom they actually were voting for.

9 EL, Art. 42.8, §1.
Almaty; 205 Territorial Election Commissions (TEC); and 9,727 Precinct Election Commissions (PEC). Election commissions at all levels consist of seven members, who are appointed for a five-year term.

The CEC operates on a permanent basis. The Majilis on the proposal of the President elected the current CEC. The duties of the CEC include to provide uniform application of the election legislation and make decisions within its competency, register candidate lists, organise and hold the elections, manage lower level commissions, incl. overturning and suspending decisions of such commissions, establish form and content of ballots, summarize the election results and make them public, maintain the electronic voter list, train e-voting staff at polling station level and disseminate through mass media info about the e-voting system.

Local legislative bodies (Maslikhat) appoint members to RECs, TECs and PECs on the basis of list of candidates proposed by political parties. Each registered political party has the right to propose one member to each commission, who is not a member of the given party. Should parties fail to present proposals within the stipulated time frame, Maslikhats may appoint members to commissions from public associations and election commissions based on their proposals.

RECs and TECs provide uniform application of the Law on Elections and make decisions within its competency and territory, ensure preparation and holding of the elections, form election districts on elections of deputies for Maslikhats and publishes their lists, register proxies of political parties and issue them certificates, supervise activities of subordinated election commissions, cancel and suspend their decisions, and establish a uniform numbering of polling stations.

PECs notify voters about the location of polling stations/PECs and the day and time of voting, specify the voter list (VL) of the corresponding polling station and make the VL available for public scrutiny and consider applications about errors and discrepancies in the registers, arrange facilities for voting, organize voting on E-day and count the votes and compile result protocols.

In the Preliminary Statement the EOM assessed that the CEC was active and transparent, sharing with observers detailed info on many aspects of its work. The EOM further commended the CEC for adopting a number of decisions regulating the election process, for conducting an extensive voter education programme and for adopting more inclusive mechanisms to hear election complaints. The effectiveness of trainings for TECs and PECs organized by RECs varied, however, and information published in two separate PEC manuals was not always consistent and consequently could cause a lack of uniformity in applying correct procedures.

In the LTO’s area of responsibility (AoR), REC and TEC members in general appeared knowledgeable and most were cooperative towards the international observers. Election commissions did not meet on a regular basis, but according to the CEC timeline or on demand.

---

10 A new formula for CEC composition will only apply after the elections. See also chapter on ‘Legislative Framework’.

11 EL: Art. 10.3
In Almaty city around 50 percent of PEC members were new for the elections, but some were reportedly unsuitable for the job. TECs and PECs reportedly received several trainings, but one observed by LTOs proved to be very passive and did not actively involve commission members.

In Almaty all parties were generally represented at PEC level. However, in the rural districts outside Almaty mainly pro-presidential parties were represented, such as Nur Otan and Aul and in one district the NSDP reported having no PEC members at all. On higher level commissions, NSDP was very poorly represented and only had a consultative vote on the REC. Furthermore, pro-presidential parties dominated in election commission ‘troikas’ (i.e. chairperson, deputy chair and secretary).

Female participation in election commissions was very high and reportedly in Almaty 82% of election commissions members at all levels were women. Six out of seven members on each TEC were female, but males always occupied the position of Chairperson.

In Almaty NSDP told LTOs that they during the campaign period several times had submitted lists of election commission members to both the Maslikhat and to the REC to replace members who had withdrawn, but regarding TECs and the REC, NSDP had not been provided with any seats. Reportedly, NSDP centrally lodged a complaint with Almaty REC on lack of representation on higher level commissions, but the LTOs are not aware of the outcome of this complaint.

**Electronic voting**

The electronic voting (e-voting) system was introduced in front of the parliamentary elections in 2004 and was made available in a limited number of polling stations throughout Kazakhstan. In 2005 the system was redesigned and offered as an alternative to paper ballot voting in about 1,500 (15 %) polling stations for the 2007 elections.

In the LTOs’ AoR in Almaty city e-voting was offered in 198 out of 273 polling stations (72.5 %). Staff operating the e-voting system received special training by CEC trainers and appeared to be well prepared in front of E-day. The e-voting equipment was installed at polling stations on 16 July and operators tested the system on a daily basis, conducting voting involving 50 virtual voters. Once a week operators participated in republican tests, involving 350 virtual voters.

Since a lot of construction work is currently taking in Almaty, which on some occasions disrupted power and communication lines to polling stations, the REC chairman instructed construction companies to discontinue ground works on E-day that could jeopardize voting, in particular with regard to e-voting.

---

12 As reported by the chairman of one TEC in Almaty, who claimed that a number of new PEC members (approved by Maslikhats) were inadequate for the job and failed to perform, as they should have on E-day due to lack of e.g. a sense of responsibility.

13 In the whole of Kazakhstan parties were represented in lower level commissions as follows: Nur Otan 19.7%, Aul 12%, Rukhanyat 10.5%, PPK 9.6%, Adilet 7.5%, Ak Zhol 4.7%, CPPK 6.1%, CPK 3%, Nagyz Ak Zhol 2.7% and NSDP 0.9%.

14 In only one TEC in Almaty did NSDP have a representative through the Nagyz Ak Zhol member.

15 E.g. Rayembekskiy TEC where 6 of 7 members represented pro-presidential parties, of which 4 members were from Nur Otan.

16 Staff operating the e-voting system are not members of the PEC.
Voter and Civic Education

The EL states that the CEC must inform voters on the course of the election campaign [...] on the election of the deputies to the Parliament and periodically issue information bulletins (Art 12.9). Furthermore, the CEC must place on its website the legal framework governing the elections, information on timing and holding of the elections and results of voting from previous elections, and is also obliged to organize trainings through mass media for the population on use of the electronic voting system.17

The OSCE/ODIHR commended the CEC on its decision to post all result protocols on its website, and for conducting an extensive voter education programme, which also dealt with electronic voting.

It is this LTO’s impression that voters were well informed about the upcoming elections and PECs were active distributing booklets on voting procedures, which also contained info on time and venue of voting. Information about REC, TEC and PEC composition and location, precinct borders, candidates (for Maslikhat elections) etc, was published in official gazettes or district (raion) newspapers.18

Voter Registration

Local executive bodies (Akimats) are responsible for the compilation of voter lists based on data provided by the bodies engaged in accounting for the population.19 Akimats bear the responsibility of the accuracy and authenticity of the voter list and submit it to the corresponding TEC annually by 1 July and 1 January.20 Voter lists are made available for public scrutiny at polling premises 15 days before E-day. Voters can appeal against omission, exclusion or wrong inclusion with the relevant PEC, which considers the application and takes appropriate action.21 An eligible voter has the right to apply for being included into a voter list different from the one where he/she is included according to registered place of residence up to thirty days prior to E-day and vote in the precinct where he/she will on E-day. 15 days prior to E-day a voter can apply for an Absentee Voter Certificate (AVC) issued by his/her respective PEC, confirming his/her right to vote outside the place (precinct) of residence.

Some 8.8 million voters nationwide were registered for the elections and voter lists were posted according to legal deadlines. On a positive note the EOM commended the election administration and local authorities with making efforts to improve the quality of the voter lists. For instance, the CEC enabled voters to check their voter registration

17 EL: Art. 12.16-2 and 12.16-4, respectively.
18 In Uigurskiy district where the Uigur people constitute a majority of the population, such info was also printed in the Uigur language.
19 Such bodies include the Civil Registrar’s Office (ZAGS), the Centre for Population Services (TsON), the Centre for Information Systems (TsIS), housing committees (DomKom) and the police.
20 EL: Art. 24.5.
21 EL: Art 26.4
details on its website and following an OSCE/ODIHR recommendation issued detailed instructions on the procedure for voters to obtain an AVC.

In Almaty, LTOs met all their city district Akimats responsible for updating voter lists and providing election commissions with premises and logistical support. One Akimat reported that a significant number of changes had occurred in the voter lists due to high degree of internal movement and large new dwelling houses being erected on previously uninhabited plots of land.22

The Election Law states that students who study during day time and live in dormitories are included in the voter list according to the location of their domicile (Art. 24.6). This was also the case in Almaty, where 23 percent of the electorate constituted students. Due to the time of calling of the elections, i.e. after students had finished their semester, a large number of students had left town for their places of origin and were unlikely to return for E-day, although universities reportedly had notified students about the elections. The chairman of Almaty REC also noted this as being potentially problematic. However, according to other sources, students are also registered on the voter list at their place of origin, thus being on two voter lists on E-day!23

Candidate registration

Political parties wishing to participate in elections to the Majilis must first be registered by the Ministry of Justice, which *inter alia*, requires the party to submit a list of at least 50,000 member signatures. Only registered political parties have the right to nominate and include candidates on electoral lists, and a candidate must be a member of the party he/she will represent.24 However, the party chooses from their lists after the elections, which candidates will become MPs.

Nomination of candidates on party lists starts two months in advance and ends 40 days before E-day. As such the process, done at the central level, was completed by the time LTOs were deployed on 21 July.

The EOM assessed the process of party and candidate registration as inclusive and all seven parties that submitted candidate lists were registered by the CEC. The EOM did notice, however, that the above legal provisions do not offer persons any possibility to register as independent candidates, limiting the right of individuals to seek election.

Minority representation

In Uigurskiy district in South-east Kazakhstan the Uigurs make up 54% of the population and Kazakhs 44%. Uigurs were well represented in election commissions, constituting 60% of all members. In the local elections, 60% of the candidates were Uigur.

22 In this particular district more than 3,600 voters were added to the VL and 890 voters removed.
23 As reported by the chairman of one TEC in Almaty.
24 EL: Art. 87.1 & 87.2
The Election Campaign

Campaign funds of parties must not exceed 15 times the amount of the minimum salary for each candidate on the party list.\(^{25}\) Parts of the campaign funds can be taken from the party’s own fund and/or come from voluntary contributions of citizens.\(^{26}\) Candidates included in the party lists are prohibited from establishing their own campaign funds. State and municipal bodies participating in the elections are not allowed to campaign in the course of their duties or by using advantages of their office. It is furthermore forbidden to conduct campaigning among state and municipal bodies, military personnel, employees of national security and law enforcement agencies, as well as judges, election commission members and representatives of religious associations.\(^{27}\)

Restrictions applicable to the pre-election campaign include promising goods or services to citizens, conducting charitable actions (except for organizing entertainment and sports events) and it is forbidden to use the image of any person without his/her written consent and in case of his/her death - without permission of his/her heirs.\(^{28}\)

The EOM noted that the campaign took place in a generally calm environment. Initially the campaign was relatively low key, but did intensify during later stages. Nur Otan was by far the most visible and active party and conducted numerous social, cultural and charitable events while other parties experienced difficulties in e.g. purchasing billboard space or put forward claims alleging that local authorities delayed allocation of campaign venues.\(^{29}\) In general however, political parties were able to conduct their campaigns without undue influence by local authorities.

The campaign in the LTOs’ AoR was quite low-key, the noticeable exception being Nur Otan, who already from the opening of the campaign on 18 July conducted a very visible and active campaign. Already on 4 June Nur Otan in Almaty established an extensive schedule of campaign events that the party rigidly followed. Other parties were slower in initiating their campaigns, partly due to the short time frame between the calling of the elections and the opening of the campaign, which gave parties little time to e.g. prepare and print election material.\(^{30}\)

Already from the opening of the campaign Nur Otan managed to post a high number of billboards, while opposition parties, notably NSDP, failed to obtain a single billboard.\(^{31}\) The reason why NSDP did not succeed in securing billboard sites would seem to be determined by a combination of procedural errors on the behalf of the party, and unwillingness from state-owned billboard operators to let space to NSDP. On the other hand, two minor pro-presidential parties (Party of Patriots and Rukhanyat) did manage to secure billboard space!

---

\(^{25}\) EL: Art. 88  
\(^{26}\) EL: Art. 34.3  
\(^{27}\) EL: Art. 27.4  
\(^{28}\) EL: Art. 27.9-10  
\(^{29}\) The latter in regard to complaints filed by NSDP.  
\(^{30}\) As reported by Ak Zhol, Aul and Rukhanyat.  
\(^{31}\) A repeated theme of grievance of NSDP, who claimed during the whole campaign that it was denied from buying billboard space from advertising agencies operating the billboards.
Except for PPK, all parties conducted door-to-door canvassing of voters and except for Nur Otan, none reported having fixed schedules of campaign meetings, rather they would conduct small, informal meetings with voters in backyards on an ad hoc basis. Only towards the end of the campaign period did some parties organize larger events, featuring party leaders.32

In the rural districts outside Almaty, Nur Otan completely dominated the campaign, with Aul on a distant second place. Nur Otan established an extensive network of campaign offices and had a high number of activists attached to their campaign. In one district the party established a dedicated ‘hot line’ to assist citizens should they experience any practical problems concerning public services, while in another district Nur Otan conducted what would appear to be a very active ‘voter recruitment’ process.33 On the other hand, opposition parties seemed to be less organized and employed mobile teams of activists, coordinated by a district coordinator, who would travel around the district, putting up posters and speaking to voters.

Other than mentioned above, none of the parties met by the LTOs put forward claims alleging serious obstacles to their campaigns or interference by state authorities. During the campaign period LTOs were only aware of NSDP filing formal complaints with the CEC and Almaty REC regarding (1) non-provision of billboard space and (2) lack of NSDP representatives on higher level election commissions.

The Media

The Constitution of Kazakhstan guarantees freedom of speech (Art. 20) and prohibits censorship. It also guarantees the right to freely receive and disseminate information in any manner not prohibited by the law. However, Article 318 of the Criminal Code penalizes a person who “insults the honour and dignity of the President”.

The Election Law lays down that the state guarantees to its citizens and public associations the right to conduct unimpeded pre-election campaigns for or against a candidate, guarantees candidates’ access to the media, and stipulates that media has a duty to provide unbiased interpretation of the election campaign of candidates and political parties. The law does not provide for free airtime for contesting parties, but the CEC did facilitate each party to be provided with 20 minutes of free airtime on TV Khabar, one hour on state-funded radio and space in state-funded newspapers. In addition, parties have the right to purchase airtime on a non-discriminatory basis (EL: Articles 27-32).

The media monitoring section of the EOM conducted qualitative and quantitative of five television stations and eleven newspapers with the aim of assessing whether media

32 E.g. Ak Zhol and NSDP.
33 In Uigurskiy district Nur Otan told LTOs that their activists went door-to-door mapping out voter support. Voters who initially were reluctant to the party were re-visited with the aim of convincing the voter to vote for Nur Otan.
complied with the legal provisions regulating its activities and whether it provided impartial and balanced coverage of the political campaign and electoral stakeholders. On 19 August the EOM noted that parties enjoyed greater access to media than in previous elections, in part due to initiatives by three media outlets to broadcast debates and free airtime allocated by the CEC. However, Nur Otan received preferential treatment by state-funded TV channels, while NSDP received little coverage on these channels. Private Channel 31 was the only TV channel to provide more balanced coverage of the campaign.

The print media offered more diverse coverage of the campaign, although most newspapers showed clear bias in favour of Nur Otan.

This LTO team in Almaty did not monitor media coverage of the campaign.

Observation on the Polling Day

The International EOM stated that voting on 18 August was conducted in a generally calm environment. Observers assessed the process positively in some 95 percent of polling stations visited. Domestic party observers were present at 90 percent of polling stations, and domestic NGO observers in 61 percent.

Observers noted some cases where some polling stations received fewer ballots than the number of voters. Group (family) voting was observed in 12 percent of polling stations as well as a number of direct observations of multiple voting.

E-voting was employed in 1,512 polling stations countrywide, covering 33% of the electorate. At these polling stations voters had the choice between voting electronically or by paper ballot. Only four percent of those voters who had this option used e-voting.

The vote count was less transparent than the voting process and IEOM observers negatively assessed counting in over 40 percent of polling stations visited: In 15 of polling stations observers were restricted in their activity; in 78 percent of polling stations voters’ choice was not announced aloud; and marked ballots were not shown to observers in 67 percent.

PECs were often witnessed not to observe the prescribed counting procedures, such as not counting the number of unused ballots before the vote count or establishing the number of voters who voted. A high number of PECs (25%) incorrectly completed result protocols.

34 The following media outlets were monitored: TV channels Kazakhstan 1 (state-owned), Khabar 1 (half-owned by state), Channel 31, KTK and Astana TV (all private); newspapers Egemen Kazakhstan, Kazakhstanskaya Pravda (state-funded), Aikyn, Express K, Novoe Pokolenie, Liter, Nachnem s Poniedelnika, Panorama, Respublika, Svoboda Slova and Vremya (private).

35 The main domestic observer groups monitoring the elections were the Republican Network of Independent Monitors (RNIM) and the Public Committee for the Control of the Elections. The RNIM in Almaty initially reported to LTOs that it aimed at deploying its observers in all polling stations. However, STOs encountered relatively few RNIM observers on E-day.
Election Day Observation Report by STO Richard Whitehead

**Area of responsibility**

The STO team was deployed to Aktobe region in the northwestern part of the country. The region, with a population of almost 700,000, is major contributor to the industrial and agricultural production in Kazakhstan. Aktobe city is the main urban hub of the region and numbers over 300,000 inhabitants.

**Opening**

The team was deployed to observe a sample of the 118 polling stations (PS) located in the urban precincts of Aktobe. On election day, the team had the opportunity to visit eleven polling stations, of which two were revisited. This number included the PS where opening procedures were observed. At this PS, the chairperson of the Precinct Election Committee (PEC) administered the opening process with strict adherence to the procedures described in the Election Law. The team’s only negative comment concerns the lack of presence of domestic observer to witness the opening procedures.

**Polling**

Apart from the exceptions listed below, the voting process in most of the PSs visited was conducted smoothly. The greater part of irregularities observed during the polling process appeared to reflect a lack of familiarity or common understanding of the election procedures on the part of the PEC. Firstly, in two of the PSs, voters casting e-ballots did not sign the voter register. When the STOs asked PEC members to explain, the officials claimed they were instructed by their superiors not to implement this. It appears that there was widespread confusion around this issue and the Election Law does not specify whether or not voters casting e-ballots are actually supposed to sign the register. Secondly, multiple identical signatures were seen in five voter registers. In most cases it would appear that multiple signatures resulted from younger family members assisting older relatives. Nonetheless, multiple signatures can also be construed as a sign of group voting with dishonest intentions.

Group voting was observed in four PSs, in contravention of the Election Law, which prohibits proxy voting or the transfer of voting rights. Again, in some cases group voting was an obvious attempt by younger individuals to assist older relatives. However, in other cases, young couples entered booths at the same time. In one case the booth’s curtains were open and voters gathered around the entrance to the voting enclosure in a chaotic fashion, making it difficult to tell if they were inside or outside the booth and compromising the secrecy of vote.

In another case, a ‘volunteer’ was assisting elderly voters. Lacking any clear accreditation, this individual greeted voters at the polling station entrance, accompanied the elderly voters to the register desk, picked up the ballot papers, escorted the voters into the booth and remained inside the enclosure the entire time before inserting the ballot into the ballot box. The assisted voter never actually handled the ballot paper.

While there appeared to be broad party representation on the PECs, Nur Otan was the most widely represented party. The possible risk is that incumbent dominance over the election administration might entail the possibility of conflict between the desire to enforce free and fair elections on one hand, and the desire to continue to win elections possibly through dishonest means on the other hand.

**Closing and counting**
The STO team observed a number of irregularities during the closing and counting process: The team was prohibited from accessing the voter register by the PEC chairperson; the counting of ballots was conducted at a distance of some 10-12 metres away from the observers; ballots were simply counted by the PEC members without ever displaying them to observers or calling out the voters’ choices; and recounts and the completion of the protocol was conducted in a separate room, to which all observers were denied access to. At one point, some of the unused ballots were taken into this room. Moreover, the results protocol was not posted outside the voting premises for public display. Finally, the STOs were unable to observe the verification of results process at the Territorial Election Commission since the team was denied entry to the premises.

Conclusion
What began as a reasonably well-conducted election-day where only some isolated irregularities were noted, ended with lack of willingness to exercise transparency in the final stages of the election. It remains unclear to the STO team why there were so many obstructions to observe the counting and verification of results. The team cannot claim that there were fraudulent intentions behind the obstructions. However, it can be said that with the lack of transparency the credibility of the election process and the outcome might be questionable.

Election Day Observation Report by STO Åsa Sildnes

Area of responsibility
The small town of Shonzhy is the district centre of Uigurskiy district. It is located about 3 hours drive east of Almaty and is close to the Chinese border. The district’s population numbers approximately 64,000 inhabitants. 54 percent of the population are Uigurs and 44% are Kazakhs. The number of voters in the district was 32,000. Nur Otan was by far the most active and visible party in the district, while NSDP also reportedly had conducted quite an active campaign.

The STO team visited all eight polling stations (PS) in Shonzhy and one additional PS a few kilometres outside Shonzhy. No e-voting was offered in the district.

Opening
The team arrived at the polling station selected for the opening at 06:30 and the PEC followed the prescribed procedures for sealing the ballot boxes and counting and entering the number of received ballots in the protocol. A policeman had been guarding the election material during the night. A few voters were waiting outside when the station opened at 07:00. The STOs did not observe any procedural problems.

Polling
The team visited all PSs that were allocated to them. Voters typically voted in the morning. During the afternoon only a handful voters were observed in the stations. Five out of nine PEC chairpersons were women, and 37 of 63 commission members were women. Domestic observers were mainly female.

Procedures for voting were seemingly followed. All voters presented identification cards, they signed for the ballots and the commission member signed the ballot before issuing it. A few attempts of family voting were observed, but the commission members guided the voters to enter the booth one by one. Elderly people were sometimes allowed to bring in a family member.
According to the election law, the PEC is authorised to decide when to close the polling station when all voters have cast their ballots. A hospital PS had 91 voters on the voters list and by lunchtime all had voted. When the team arrived at the PS, the PEC had already completed the counting, packed the ballots and compiled the protocol.

**Mobile voting**

At two polling stations the team followed two commission members who visited voters that had requested mobile voting. The voters were elderly people who could not make it to the PS. Some were assisted by relatives to mark their ballots, others were assisted by the commission members.

**Closing and counting**

For the closing and counting the STO team decided to revisit a PS that during the observation of polling had a PEC only consisting of Nur Otan members. During the observation of counting, the team learned that one member came from the teachers’ organisation Kamkor. Party observers from NSDP and AkZhol/Adilet were present during the counting.

The PEC chairwoman was consulting the election law for closing procedures and the PS was closed at 20:00 as prescribed. An observer tried to enter after that time, but was refused entry, in accordance with the law. Upon asking, the chairwoman told STOs there were 1,400 voters on the voter list, 1,400 ballots issued and 1,400 voters who had voted. The team asked if the signatures had been counted, but did not get any clear answer. Later the commission stated it would count the signatures only after the ballots were counted, but this did not happen.

During the counting a commission member was observed to be signing ballots from the box that previously were not signed. The chairwoman asked the member to stop when the team asked why she was doing this. The team observed several incidents where 5-10 ballots for the Majilis election were folded together and therefore must have been inserted into the ballot box by one person. When the PEC realised that the STOs had noticed this, they were asked to leave the counting table and sit on the chairs allocated to observers. The STOs could not see how the ballots were marked by sitting there, and referring to the election law they were allowed to return to the table. Voters’ choice on each ballot was announced aloud as prescribed by the election law.

The counting was completed, the protocol filled out and the ballots were packed and sealed. Upon request the team was given a copy of the protocol. Nur Otan got 1,049 votes, 118 ballots were invalid and the rest were distributed among the other parties. At around 02:00 the team followed the voting material to the TEC for delivery.

**Aggregation and verification of results**

At the TEC the results from the protocol were entered into a computer spreadsheet and the team asked for a printout where results from 26 out of the 42 polling stations were listed. The results from the PS where the team observed the count were entered according to the protocol. 16 of the listed results showed an amazing 100 percent voter turnout, and of 14,461 voters, 13,593 had voted for Nur Otan.

An observer from NSDP alleged to the STOs that at one PS all the 1,740 votes went to Nur Otan. The observer requested the TEC to do a recount of the votes, but his request was rejected. According to the results spreadsheet given to the team, at six PSs all the votes went to the governing party, while at another four PSs only 1-10 votes were cast.
for other parties. Some protocols that arrived at the TEC were filled out with pencil and were completed/adjusted by TEC members.

Election Day Observation Report by STO Stephanie Bjørø

Area of responsibility

The region of West Kazakhstan lies in the north-western part of the country and borders Russia. The region’s capital is Uralsk, a town of around 200,000 inhabitants. The area has traditionally been under strong influence from Russia. The district of Burlinsk lies east of Uralsk. The capital is Aksay, numbering about 20,000. The town is relatively wealthy due to the oil field in Karachaganak.

Opening

On E-day the team started its observation in the town of Aksay. Based on observations the previous day, a school was chosen for the opening. The atmosphere outside the polling station (PS) was calm upon arrival. Inside, the PEC was preparing for the opening. The chairman greeted the team and granted full access to the process. Local observers were also present in the PS and presented themselves as government representatives. The team was not able to verify whether these representatives were authorized to be at the PS. While the PEC was busy preparing for the opening, the atmosphere in the polling station was friendly and relatively calm. The ballots were kept in a sealed safe in a back room guarded by a police officer.

At 07:00 the Chairman read the opening statements as required, and the PS opened. The STOs noted that the ballots were not counted before the opening. They also observed that while some of the ballots were placed on the registration table, other ballots remained in the back room. The policeman remained in charge of guarding the ballots. Paying special attention to this situation, the team noted that the policeman at one point wandered off and left the ballots unguarded. Moreover, a local party observer from the ruling party Nur Otan arrived at the PS during the team’s observation. The observer found his way into the back room, where he watched television with the policeman.

The team also noted that the voting booths were placed in such a way that it would be possible to enter them from the rear end, without the PEC being able to see this. The ballot box was also placed out of good sight near the exit. Anyone seeking to obstruct the elections could therefore easily enter the PS from the back and would have easy access to the ballot box. However, while the team observed several shortcomings at this PS, it is important to note that deliberate election fraud was not verified.

Polling

During E-day, the team visited nine PSs. They were selected in order to cover both urban and rural polling premises. The environment outside PSs visited was peaceful. Inside the atmosphere was friendly and the PECs generally appeared to be well organized. In all but one of the PSs the PECs consisted of both men and women. None of the PECs had less than three female members. Party affiliation of PEC members varied— at some PSs all members were from Nur Otan, while in others there were non-partisan representatives and/or other party representatives. In almost all PSs local observers were present. They were either party representatives or observers from the government.

At all PSs, PECs checked voters’ ID and voters signed the register as required. On several occasions, however, the team noted that when there were several members of a family, identical signatures occurred, thus suggesting that one family member signed on
behalf of his or her relatives. The team did not observe instances of family members entering the same voting booth, however PECs seemed to be aware of that only one person should be allowed in the ballot booth at a time. At one PS a middle-aged woman accompanied an elderly lady into the polling booth. The PEC chairman rushed to explain that the elderly lady was almost blind, and thus had the right to bring an assistant with her.\textsuperscript{36}

The STOs observed that the ballot boxes were sealed/locked in a various ways. In most polling stations the ballot boxes had a blue seal with a number on it. The team checked that these numbers corresponded with those listed in the opening protocol. At one PS the ballot box was sealed with an unnumbered white seal. The opening protocol in this PS was missing, so it impossible to verify whether the seal was the original one. Even if this was the original seal, the lack of a standard numbered seal is a shortcoming that potentially opens up for election fraud.

\textit{Closing and counting}

The STO team chose a small, rural PS near Aksay to monitor the closing and counting. The PEC Chairman closed the PS at 20:00. A party observer from Nur Otan was present at the PS and quickly became actively involved in the counting process. The team was informed that the PS had 100 percent voter turnout. However, the team observed that the signatures in the voter register were not counted in its presence. Ballots from the mobile ballot box were counted first: The ballots for parliamentary and local elections were first sorted and then parliamentary ballots were counted and sorted according to parties. Then the primary ballot box was opened and counting proceeded in the same way. The results were written down on scratch paper. When the STOs asked why the PEC was using scratch paper, they were informed that the protocol had to be typed. The PEC had received a computer and a printer, and while the counting was taking place, one of the PEC members was struggling with the computer in a back room. It was evident that poor computer literacy caused unnecessary confusion. In the team’s opinion, the fact that the results were recorded first on scratch paper and then on a computer increased the potential for fraud and/or mistakes. The confusion caused by poor computer literacy also contributed to this. Finally, the results were posted outside the PS, and the team received a copy of the protocol.

At 24:00 the PEC informed the team that it was ready to leave for the TEC. The PEC members got into two vehicles and took off in opposite directions. In the confusion this caused, the team lost track of the PEC.

\textit{Aggregation and verification of results}

The team arrived at the TEC at 00:10. Outside the atmosphere was calm, while inside there was major confusion. Many PECs were informed that they had not filled in their protocols correctly, and were required to do redo them. The team’s PEC had not yet arrived at the TEC and only came to the TEC two hours later. When asked, the PEC chairman said that they had been at the Governor’s office, where they had been informed that they had filled in the protocols incorrectly – the numbers should have been written out in words and should also have been in bold. By 03:30 the team decided that it had sufficient documentation that the processing of PECs at the TEC had severe shortcomings and left.

\textsuperscript{36} EL: Art. 42
Election Day Observation Report from LTO Annie-Lise Mjåtvedt

The LTO team covered Akmola region, which lies in northern Kazakhstan and borders Russia. The team was based in Kokshetau – the regional capitol. For E-day the team received 13 STO teams.

Opening and polling

On E-day OSCE/ODIHR observers noted that all PSs opened on time and polling was assessed as orderly, efficient and calm. No serious irregularities were observed and observers were able to observe the whole process. However, family/group voting was witnessed in many PSs and on a regular basis. Multiple identical signatures were seen in a number of PSs, from two identical signatures up to six. The LTOs furthermore received several reports of insufficiently sealed ballot boxes: The blue plastic straps (seals) were not used everywhere or had been incorrectly attached. In smaller villages observers noted that voters were not always asked to present ID cards.

Counting

The counting process in the PSs was according to the prescribed procedures and in general quite efficient. The completion of result protocols would cause major problems in most PSs. The process was slow and at times chaotic. PEC members were confused and uncertain of how to proceed with the task. For instance, the counting of ballots could take one hour, while completing the protocols could take five hours. The legal requirement that the protocols should be both in Russian and Kazakh caused problems in some PSs where none of the PEC members spoke Kazakh and further delayed the process.

The voter lists did not appear to final; during E-day additions were made when voters with a registered address within the precinct were not included in the list. The polling staff would check with the Akimat and then include the voter in the list and he or she could vote. No problems with mobile voting were reported or observed.

There were only minor problems regarding e-voting, which were resolved at the PS with aid from the REC. No serious irregularities were observed. Most PEC members approved of the system as it saved time during the counting process.

Aggregation and verification of results

No problems during transport of voting material to TEC were reported and observers were allowed to follow the transport. At the TEC there would be PECs queuing to hand over their material but all took place in an orderly and calm atmosphere. However, the situation at the TEC offices was chaotic and slow. The tabulation process was not transparent and it was difficult for the observers to follow the process. Inaccuracies in the tabulation of the results were also observed.

Election Day Observation Report by LTO Jeremy Franklin

Area of responsibility

LTO18 area of responsibility comprised eight electoral districts (TECs). Three TECs were located in Almaty city, and five in the eastern part of Almaty region (oblast’).37

---

37 In Almaty: Auezovskiy city district, Bostandikskiy city district, Almalinsiy city district. In Almaty region: Talgarskiy district, Enbekshikazakhskiy district, Ilyiskiy district, Uigurskiy district and Rayembekskiy district.
The three TECs in Almaty covered 273 poling stations, of which 198 offered e-voting. The total number of voters was 521,344. The total number of PSs in the five rural TECs outside Almaty was 264 and the number of voters 340,800.

For election day the LTOs received twelve STO teams, including seven regular teams and five teams from the OSCE PA. Four of the regular teams were designated TEC teams to follow verification of results and the tabulation process.

**Voting**

All STO teams reported that opening procedures were followed. Most PSs activated the e-voting system at 06:00 and all opened at 07:00.

In general, all voting procedures were followed and observers characterized the process as well managed. All observers reported that the set-up of PSs was good and no cases of open voting or multiple voting were reported. However, family voting was observed in one district outside Almaty. One team furthermore reported having seen rows of identical signatures in the voter list at two PSs.

Moreover, some teams, including LTO18, witnessed that some PSs received less (paper) ballots for the parliamentary elections than the number of registered voters, while one team reported that a PS received far to many ballots. However, there were no cases where voters were forced to vote electronically due to eventual lack of paper ballots.

The security of ballot boxes was generally reported to be good, however LTO18 observed cases of insufficiently sealed ballot boxes.

None of the observers reported any problems with voter lists, and there were very few cases where voters were turned away due to not being on the VL.

No particular problems were observed regarding e-voting and STOs reported that all voters voting electronically signed the voter list, in some cases ‘EG’ (Rus: ‘Elektronoe golosovanie’) was added behind the voter’s name. However, some STO teams were under the impression that e-voting was difficult to understand for voters and sometimes voters were not aware of that they had only one choice (one mark) per ballot.

Observers did not report of any unauthorized persons being present and/or interfering in the process and neither were any direct attempts at fraud or intimidation observed.

**Counting**

STOs presented a mixed picture of the counting process, ranging from satisfactory to chaotic and protracted. Several teams reported that basic procedures were not followed such as first counting the number of signatures in the voter lists, holding up ballots and reading out loud voters’ choice on ballot. In one district, observers saw stacks of up to ten Majilis ballots folded together when the ballot box was emptied for counting.

International observers were generally not prevented from observing the counting, while domestic observes in most cases were passively observing the process from a distance (from their allocated seats). At one PS all observers were only allowed to observe the counting from a distance and were told not disturb the process.

---

38 When LTOs asked the Chairman about this, he responded that traditionally a large number of voters voted electronically at this PS. As such, there was no need for the number of paper ballots to correspond to the number of voters!

39 I.e seals were insufficiently fastened, while one PEC had padlocked the lid of the ballot box, suggesting that the PEC was in possession of the key.
It also appeared that PECs experienced problems completing result protocols. At one PS, the PEC members had to change the control figures (i.e. mathematical logic) to make them ‘fit’ in the protocol. TEC teams reported several cases of PECs being sent back to make corrections to the protocols, while at one TEC corrections to PEC protocols were made on spot.

Aggregation and verification of results

The transport of voting material to TECs was described as unproblematic, although protracted since PECs first delivered Maslikhat results to their respective District Election Commission (DEC), before proceeding to the TEC.

TECs were characterized as being very experienced, efficient and hard-working and the atmosphere there was generally good. STOs were mostly allowed to observe the processing of PECs and the consequent tabulation of results.

There were significant regional variations regarding voter turnout; in Almaty only 22.5 percent of registered voters participated compared to 86 percent in Almaty region.

The Review of Complaints Process

The Election Law reads that decisions and actions (inaction) of election commissions can be appealed to courts and higher-level election commissions within ten days after their making. Prosecutors can also receive complaints regarding electoral violations (Art. 20.6)

Prosecutors and courts have five days to review complaints after the date the complaint was received. A complaint must be reviewed immediately if received less than five days before E-day.41

Election commissions review election-related complaints within five days from the date of receiving them, while higher-level election commissions must consider complaints regarding decisions, actions (inactions) of lower-level commissions within three days.42

The EOM noted that mechanisms to hear election complaints were more inclusive than in previous elections. The most significant complaints related to campaigning in the media.

Although the CEC handled complaints transparently, it made few formal decisions on complaints received and instead forwarded a number of complaints for clarification or investigation to prosecutors or other state bodies.

The handling of complaints at Almaty REC was not transparent and the LTOs were not able to gain much insight into how the process was conducted: The Chairman refused to share copies of complaints the commission had received during the campaign period with the LTOs, only revealing that up to 7 August election commissions in Almaty at all levels had received less than 50 complaints. The Chairman was furthermore reluctant to

40 DECs only dealt with results for the local (Maslikhat) elections.
41 EL: Art. 49
42 ibid.
discuss the nature of complaints received and would only talk about complaints that also had been copied the EOM centrally. 43

Reportedly, the REC only convened to consider “complicated” complaints, but LTOs were not informed about what kinds of complaints were discussed. The REC Chairman resolved on his own complaints concerning practical problems experienced by especially Maslikhat candidates.

Conclusions and Recommendations

The elections in this LTO’s AoR were generally conducted in accordance with the electoral framework and the observers enjoyed good cooperation from all bodies that played a role in the elections.

A wide range of political parties contesting the elections provided voters with a genuine choice. However, the seven percent nationwide threshold for parties to be represented in Parliament clearly worked in favour of the incumbent party in power. Lowering the threshold would likely increase pluralism in Parliament.

Higher-level election commissions met by the LTOs were mainly knowledgeable and seemed to perform well both before and on E-day. However, the composition of election commissions at all levels was questionable and did not sufficiently secure representation of all parties. NSDP in particular was very poorly represented, giving the impression that there were deliberate attempts to exclude that party from the election administration.

Although PECs reportedly received sufficient training, in many cases their members appeared not to be sufficiently qualified, especially regarding the counting process where observers noted a number of irregularities. PECs might possibly benefit from more training, but it is equally important to recruit qualified and dedicated members.

Except for Nur Otan, parties were slow in initiating their campaign but did become more active towards the end. Campaign conditions in the LTOs’ AoR were generally equal and none of the parties voiced particular problems regarding the conduct of their campaign. However, some parties alleged that they were prevented from obtaining billboard space. In Almaty a formal uniform practise for applying for and obtaining billboard space did not seem to exist as each party had its own approach.

Voting on election day proceeded calmly and was positively assessed by observers. The counting process, however, was negatively assessed in a number of PSs visted: PECs disregarded a number of basic procedures and failed to complete protocols in a satisfactory manner.

Except for NSDP, parties in Almaty apparently submitted relatively few complaints regarding the parliamentary elections. The transparency of the handling of complaints at Almaty REC was not satisfactory.

43 The Chairman claimed that these complaints (all from NSDP) were all addressed to the CEC and only copied Almaty REC. As such it was not up to the REC to decide upon them. However, LTOs were also aware of one complaint directly lodged with the REC.
Comments on the Election Observation Mission

This LTO generally found the EOM core staff very competent. The flow of information between the core team and the long-term observers was good. LTOs were twice summoned to mid-term meetings in Astana and these meetings provided a valuable forum for the exchange of information.

STO logistics centrally were very good and the LTOs’ regular STOs were conscientious and hard working. However, the core team’s requirement to conduct a general regional debriefing of the STOs early in the morning of 19 August was unnecessary since all relevant info already had been relayed to core team during election night.

Appendices (not published in web edition)

OSCE/ODIHR Statement of Preliminary Findings and Conclusions (19 August 2007)