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## CONSTITUTIONAL LAW OF THE KYRGYZ REPUBLIC

### On a Referendum in the Kyrgyz Republic

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#### Chapter 1 General Provisions

##### Article 1. Referendum in the Kyrgyz Republic

1. A referendum in the Kyrgyz Republic (hereinafter – “referendum”) – shall be a universal popular vote of the citizens of the Kyrgyz Republic (hereinafter – “referendum participants”) on the most important issues of state importance as set forth by this constitutional Law.
2. A referendum of the Kyrgyz Republic, along with free elections, shall be a direct expression of the people’s rule. A referendum of the Kyrgyz Republic shall be conducted in the whole territory of the Kyrgyz Republic.

##### Article 2. Major Terms Used in This Constitutional Law

The following notions and terms shall be used in this constitutional Law

campaigning on the questions of a referendum – activities conducted during the referendum campaign with the purpose of persuading the referendum participants to conduct the referendum or refuse to conduct it, to vote or refuse to vote at the referendum, to support or reject the question submitted to the referendum;

guarantees of the right for participation in a referendum – organizational, legal, informational and other means of securing the right of the citizens of the Kyrgyz Republic for participation in a referendum;

a group against the referendum – a group of referendum participants for campaigning against participation in the referendum, against questions submitted to the referendum and registered by the Central Commission for Elections and the Conduct of Referendums in the Kyrgyz Republic (hereinafter – “Central Referendum Commission”) in the manner set forth by this constitutional Law;

a document certifying identity of a referendum participant – a passport or document substituting it. The documents substituting passport shall include: ID of an officer; service card of a conscript; a certificate of the established format issued by bodies of internal affairs;

an initiative group – a group of referendum participants collecting signatures in support of the referendum;

referendum commissions – collegiate bodies organizing and implementing preparation for and conduct of the referendum in the Kyrgyz Republic;

the right for participation in a referendum – the constitutional right of citizens of the Kyrgyz Republic to participate in a referendum, including the right to vote on questions submitted to the referendum;

a referendum participant – a citizen of the Kyrgyz Republic enjoying the right for participation in a referendum.

2. The terms and notions used in this constitutional Law shall be interpreted in the same meaning as in the law of the Kyrgyz Republic on elections.

##### Article 3. Principles of Conducting a Referendum

1. A referendum shall be conducted on the basis of the following principles:
  - participation in a referendum shall be free;
  - voting shall be voluntary and secret and shall be conducted on the basis of universal, equal, and direct suffrage;
  - citizens of the Kyrgyz Republic shall participate in voting in person at the location of their residence;
  - each referendum participant shall have one vote.
2. Publicity, including at the time of the vote count, as well as public participation shall be provided for during the conduct of a referendum.
3. Citizens of the Kyrgyz Republic who are of age shall have the right to participate in a referendum.
4. No person shall be entitled to influence a citizen with the purpose of coercing him/her to participate or not to participate in a referendum; control over the expression of will by a citizen shall be strictly prohibited. During a referendum no person shall be coerced to express his/her views or opinions or renounce them.
5. A citizen of the Kyrgyz Republic recognized by court as incapable or held in places of freedom deprivation pursuant to a court sentence shall not be entitled to participate in a referendum.

##### Article 4. Law on a Referendum in the Kyrgyz Republic

1. The law on referendum shall comprise the Constitution of the Kyrgyz Republic, this constitutional Law and other normative legal acts of the Kyrgyz Republic.
2. Provisions of this constitutional Law may not be amended or supplemented otherwise than by means of adoption of a constitutional Law.

## Article 5. The Language of Conducting a Referendum in the Kyrgyz Republic

1. The state and official languages shall be used during the preparation for and conduct of a referendum.
2. The texts of questions submitted to a referendum, ballot papers for voting, protocols and data on the referendum results, decisions made at the referendum of the Kyrgyz Republic, documents of state authorities, referendum commissions pertaining to the conduct of the referendum shall be drafted (published) in the state and official languages.

## Article 6. Publicity during the Preparation for and Conduct of a Referendum

1. Preparation for and conduct of a referendum shall be open and public. The state shall provide for informing the citizens of the Kyrgyz Republic of the procedure and timeframe for preparation for and conduct of a referendum, of the voting results and the referendum results.
2. Normative legal acts of the state authorities and bodies of local self-government, decisions of the Central Referendum Commission pertaining to the preparation for and conduct of a referendum and to securing the right for participation in a referendum shall be officially published or otherwise made publicly available as per the procedure and within the timeframe established by this constitutional Law.
3. The state shall guarantee to the citizens of the Kyrgyz Republic, political parties and other public associations, initiative groups, campaigning groups against a referendum the freedom of conducting campaign on referendum questions in accordance with this constitutional Law.

## Article 7. Questions Submitted to a Referendum

1. Amendments and modifications to the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic and other important issues of state importance may be submitted to a referendum.
2. A question for a referendum shall be formulated so as to exclude possibility of its multiple interpretations and so that only a definite answer could be given.

## Article 8. Questions not to Be Submitted to a Referendum

The following questions shall not be submitted to a referendum:

- 1) of war and peace;
- 2) early termination or prolongation of the term of powers of the President of the Kyrgyz Republic;
- 3) introduction, change or abrogation of taxes and duties, as well as exemption from their payment;
- 4) on fees;
- 5) approval and alteration of the republican budget;
- 6) related to election, appointment and dismissal of officials of representative and executive state authorities;
- 7) amnesty and pardon.

## Article 9. Circumstances Barring the Conduct of a Referendum

1. A referendum shall not be conducted when martial law or the state of emergency have been declared in the whole territory of the Kyrgyz Republic or in individual areas.
2. A repeat referendum with a wording of the question being the same in content or in meaning shall not be conducted within a year after the official publication (public announcement) of the results of the previous referendum.

## Chapter 2

### Initiative of Conducting and Calling of a Referendum

## Article 10. Initiative of Conducting a Referendum

1. The initiative of conducting a referendum shall belong to:
  - 1) the President of the Kyrgyz Republic;
  - 2) not fewer than 300 thousand voters;
  - 3) the majority of the total number of deputies of the Zhogorku Kenesh of the Kyrgyz Republic.
2. From the moment of calling a referendum and the official publication (public announcement) of its results those listed under clause 1 of this Article shall not be entitled to propose an initiative of holding a new referendum.

## Article 11. The Procedure for Implementation of the Initiative of the Citizens of the Kyrgyz Republic to Conduct a Referendum

1. Each citizen or a group of citizens of the Kyrgyz Republic enjoying the right for participation in a referendum may form an initiative group comprising not fewer than 50 people in order to collect signatures in support of the initiative to conduct a referendum.
2. Such initiative group shall address the Central Referendum Commission with an application on registration of the initiative group. The application of the initiative group shall include:
  - 1) the wording of the question (questions) proposed by the initiative group for submission to a referendum;
  - 2) the family name, first name, patronymic, date of birth, place of residence, the series and number of the passport or its substituting document of members of the initiative group, as well as persons authorized to act on behalf of the initiative group.
3. A protocol of the meeting of the initiative group at which the decision on nominating the initiative to conduct a referendum was made signed by all participants of the meeting shall be attached to the application.
4. The Central Referendum Commission, having established compliance of the application of the initiative group and documents attached thereto with the requirements of this constitutional Law, shall within 10 calendar days as of the receipt of the application make a decision to register the initiative group and issue a registration certificate to the group. In case of a refusal to register, the initiative group shall be issued a motivated resolution of the Central Referendum Commission. A refusal to register may be appealed to court. The grounds for refusal to register an initiative group shall be violation of the provisions of the Constitution of the Kyrgyz Republic and this constitutional Law by the initiative group.
5. The registration certificate issued to an initiative group according to the format established by the Central Referendum Commission

shall be valid within 3 months.

6. The list for collection of signatures of voters in support of the initiative to conduct a referendum (the signature list) shall feature:

1) the name of the oblast, cities of Bishkek and Osh, or a foreign state where the collection of signatures of the citizens of Kyrgyzstan is conducted;

2) the wording of the question (questions) proposed for submission to a referendum;

3) the family name, first name, patronymic, date of birth, address of the place of residence, the series and number of the passport or its substituting document of a citizen enjoying the right for participation in the referendum, his/her signature and the date of signing.

7. The signature lists shall be printed according to the format established by the Central Referendum Commission.

8. An initiative group shall be entitled to collect signatures in support of the initiative to conduct a referendum as of the receipt of the registration certificate. Only signatures collected after the date of registration of the initiative group shall be taken into account.

9. Signatures may be collected only among referendum participants enjoying the right for participation in a referendum. Collection of signatures of referendum participants shall be conducted at the premises of work, service, study, and residence. Participation of administration of enterprises of all forms of ownership, establishments and organizations in collection of signatures as well as coercion during the process of signature collection and remuneration of referendum participants for putting a signature shall not be permitted.

10. The right to collect signatures of referendum participants shall belong to a capable citizen of the Kyrgyz Republic who is of age. An authorized representative of the initiative group shall be entitled to conclude with the person collecting signatures of referendum participants a contract on collecting signatures. Payment for collection of signatures shall be effected only through the fund of the initiative group.

11. Signatures shall be collected by way of their inclusion into signature lists which shall contain the wording of the question submitted to the referendum.

12. A referendum participant when putting a signature into the signature list shall indicate in his/her own hand the following data: the family name, first name, patronymic, place of residence, the year of birth, while those aged 18 – additionally the day and month of birth, and the date of signing. A referendum participant shall be entitled to sign in support of the initiative to conduct the referendum only once.

13. Upon completion of signature collection, but before the term of validity of the registration certificate expires, the initiative group shall count the number of collected signatures of referendum participants for each oblast, the cities of Bishkek and Osh, or a foreign state where the collection of signatures was conducted, as well as the total number of collected signatures of citizens of the Kyrgyz Republic, to which effect a final protocol of the initiative group shall be compiled.

14. Each signature list must be certified by signatures of the person collecting signatures and one of the authorized representatives of the initiative group indicating the date of certification, the family name, first name, patronymic, date of birth, place of residence, series and number of passport or its substituting document of each of these persons.

15. Signature lists, numbered and grouped for the respective oblast, cities of Bishkek and Osh, as well as a copy of the final protocol of the initiative group shall be forwarded by the authorized representatives of the initiative group to the Central Referendum Commission. Signature lists with signatures of referendum participants residing outside the Kyrgyz Republic, numbered and grouped by each foreign state, together with a copy of the final protocol of the initiative group shall be forwarded by an authorized representative of the initiative group directly to the Central Referendum Commission. When receiving signature lists, the Central Referendum Commission shall certify each folder with signature lists by the stamp of the Central Referendum Commission. In doing this, the Commission shall verify correspondence of the number of submitted signature lists to the number indicated in the protocol on the results of signature collection, whereupon it shall issue to the authorized representative a confirmation of receipt of signature lists indicating the number of received signature lists and the declared number of signatures, the date and time of their receipt.

#### Article 12. Verification of authenticity of data, contained in signature lists

1. The Central Referendum Commission shall verify authenticity of data contained in signature lists in support of conducting a referendum for each oblast, the cities of Bishkek, Osh, the territory of a foreign state. To conduct verification of authenticity of signatures and the data corresponding thereto contained in signature lists, the Central Referendum Commission may by means of its decision create working groups out of its members, employees of its staff and recruited experts. No less than 20 percent of the required number of signatures in support of conducting a referendum and the data on referendum participants who put signatures in signature lists corresponding thereto shall be subject to verification. Signature lists for selective verification shall be selected by way of taking a random sample (draw). The procedure for taking a random sample shall be determined by the Central Referendum Commission. The Central Referendum Commission shall be obliged to inform authorized representatives of the initiative group of the time when the signature lists are to be verified well in advance. Upon results of verification of authenticity of signatures and data contained in signature lists, the signature of a referendum participant may be declared authentic or inauthentic or invalid. Signatures and data corresponding thereto included into signature lists but excluded (deleted) by authorized representatives prior to submission of signature lists to the Central Referendum Commission shall not be subject to verification and account if this exclusion is expressly specified by them. If during verification of signature lists several signatures of the same person are discovered, only one signature shall be deemed authentic, while the other signatures shall be deemed invalid.

2. The following signatures shall be deemed inauthentic:

1) signatures of persons not enjoying the right for participation in a referendum and signatures of referendum participants who indicated in the signature list data not corresponding to reality.

In this case, the signature shall be deemed inauthentic provided an official certificate issued by a body of the internal affairs or conclusion of an expert recruited to verify authenticity of signatures is available;

2) signatures without indication of any data required in accordance with this constitutional Law or without indication of the date of signing by the referendum participant who put the signature;

3) signatures put on behalf of several persons by the same person or on behalf of one person by another person;

4) signatures data corresponding to which are not included into the signature list in writing or are indicated in pencil;

5) signatures with corrections in the date of putting the signature in the signature list by the referendum participant or persons certifying signature lists if these corrections are not expressly specified by the referendum participant or persons certifying signature lists respectively;

6) signatures of a referendum participant indicating the family name, first name and patronymic, place of residence, date of birth, date of signing, put not by the referendum participant in his/her own hand;

7) signatures with corrections in the data corresponding thereto about the referendum participants if these corrections are not expressly specified by the referendum participant or persons certifying signature lists;

8) all signatures in a signature list in cases when the signature list is not certified by the signature of the person conducting the signature collection in his/her own hand, or when this signature is inauthentic, or when there are corrections in the data on the person who conducted the signature collection or in the date of signing by the person who conducted the signature collection which are not expressly specified respectively by the person who collected signatures.

3. Signatures put on behalf of different persons by the same person or on behalf of one person by another person shall be deemed inauthentic on the basis of a written conclusion of an expert recruited for working on verification of their authenticity.

4. Corrections and marks expressly specified during compilation of a signature list may not serve as grounds for declaring a signature inauthentic.

5. If the number of inauthentic signatures discovered during a random verification comprises over 15 percent of the number of signatures selected for verification, an additional verification shall be conducted in due manner of additional 10 percent of signatures of the required number of signatures of referendum participants.

6. The following signatures shall be deemed invalid:

1) signatures included into the signature list prior to the date of registration of authorized representatives of the initiative group by the Central Referendum Commission;

2) signatures of referendum participants the data on whom, according the conclusion of the expert, were not indicated by the referendum participants themselves;

3) all signatures in the voter list printed in violation of the format established by the Central Referendum Commission.

7. If the random verification discovers that the total number of inauthentic and invalid signatures of referendum participants decreases the required number of voter signatures – initiators of conducting the referendum, further verification of signature lists shall be ceased. The Central Referendum Commission shall pass a resolution on the refusal to conduct a referendum in the Kyrgyz Republic. A copy of the resolution shall be forwarded to the initiative group, which shall not be entitled to repeat the proposal to conduct a referendum within 2 years. Upon completion of the verification of signature lists a protocol on the verification results shall be compiled to be signed by the head of the working group – a member of the Central Referendum Commission and shall be submitted to the Central Referendum Commission for passing a decision. The protocol shall feature the declared number of signatures in support of conducting a referendum, the number of signatures submitted, the number of signatures verified, the number of signatures recognized as inauthentic and invalid. A copy of the protocol shall after its signing be forwarded to an authorized representative of the initiative group. If an insufficient number of authentic signatures in support of conducting a referendum is discovered, the authorized representative shall be entitled to receive at the Central Referendum Commission a verification register certified by the head of the working group which shall feature the grounds for recognizing the signatures inauthentic or invalid.

8. The Central Referendum Commission shall also be entitled to reject the conduct of a referendum in the following cases:

1) a violation of the procedure for collecting signatures established by this constitutional Law;

2) a violation of the procedure for creating and spending resources of the fund of an initiative group;

3) campaigning when prohibited by this constitutional Law.

9. The Central Referendum Commission shall verify compliance with the requirements of this constitutional Law regarding the collection of signatures and shall issue a resolution upon the results of the verification, and within 15 days shall forward the signature lists and a copy of the final protocol of the initiative group and a copy of its resolution to the President of the Kyrgyz Republic simultaneously informing thereof the Zhogorku Kenesh of the Kyrgyz Republic. A copy of the resolution of the Central Referendum Commission shall also be forwarded to the initiative group.

10. Should the Central Referendum Commission discover violations related to execution of documents, the documents shall be returned to the initiative group. In this case, validity of the registration certificate may be prolonged, but not more than by 15 days.

**Article 13. The Procedure for Implementation of the Initiative of Deputies of the Zhogorku Kenesh of the Kyrgyz Republic on Conducting a Referendum**

1. Each deputy or a group of deputies of the Zhogorku Kenesh of the Kyrgyz Republic may organize collection of signatures of deputies of the Zhogorku Kenesh of the Kyrgyz Republic for initiating a referendum.

2. An application of deputies shall contain the wording of the question (questions) proposed to be submitted to a referendum as well as family names, first names, patronymics of deputies, the numbers of electoral districts and the date of signing.

3. The President of the Kyrgyz Republic shall within 30 days upon receipt of the application pass a decision to call a referendum or decline the proposal to call a referendum.

**Article 14. Calling a Referendum**

1. The President of the Kyrgyz Republic shall call a referendum upon his/her own initiative or make a decision to call a referendum upon the initiative of not fewer than 300 thousand voters or the majority of the total number of deputies of the Zhogorku Kenesh of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic shall issue a decree on calling a referendum which shall determine the date of conducting the referendum and the wording of the question (questions) proposed to be submitted to a referendum. Voting may be scheduled for any non-working day within the period from three to four months as of the day of the decree's publication.

**Chapter 3**

**Procedure of Preparing for the Conduct of a Referendum**

**Article 15. Referendum Commissions**

1. The preparation and conduct of a referendum and implementation and protection of rights of citizens of the Kyrgyz Republic for participation in a referendum shall be provided for by:

1) The Central Referendum Commission;

2) oblast, Bishkek and Osh city referendum commissions (hereinafter – oblast, Bishkek, and Osh city referendum commissions);

3) territorial (district, city) referendum commissions;

4) precinct referendum commissions.

2. Referendum commissions shall be obliged within the scope of their powers to review appeals against violations of this constitutional Law received by them during the preparation and conduct of the referendum, investigate these appeals and provide written answers to these appeals within a five-day period, but not later than on the day preceding the voting day, whereas on voting day or the day

following the voting day - immediately.

3. State authorities, bodies of local self-government, enterprises, establishments and organizations with a state share of ownership as well as their officials shall be obliged to render assistance to referendum commissions in the exercise of their powers, and in particular, to provide them with premises necessary for the conduct of a referendum, ensure security of the premises, ballot papers for voting and other documentation, provide transport, means of communication, technical equipment, as well as information and materials, respond to requests of referendum commissions within 5 days, whereas on the day of conducting the referendum and the day following the voting day – immediately. Referendum commissions shall be entitled to submit a request to conduct the respective check and terminate violations of this constitutional Law, laws of the Kyrgyz Republic to law-enforcement authorities, which shall be obliged to undertake measures to terminate these violations within a five-day period but not later than on the day preceding the voting day, whereas on the voting day or the day following the voting day – immediately.

4. Public associations, non-state enterprises, establishments, organizations as well as their officials shall be obliged to provide to referendum commissions the necessary information and materials and respond to requests of referendum commissions within the timeframe stipulated by clause 3 of this Article.

5. Referendum commissions shall provide for informing the referendum participants of the timeframe and the procedure of performing activities pertaining to the preparation for and conduct of the referendum.

6. Referendum commissions shall within the scope of their powers be independent from the state authorities and bodies of local self-government.

7. Decisions of a referendum commission contravening the Constitution of the Kyrgyz Republic, this constitutional Law, other laws of the Kyrgyz Republic or those adopted by a referendum commission by exceeding the established powers shall be subject to abrogation by the higher referendum commission as well as by the court in the manner and in cases provided for by this constitutional Law.

8. Decisions of a referendum commission made within the scope of its powers shall be mandatory for state authorities, bodies of local self-government, their officials as well as for lower referendum commissions.

#### Article 16. Procedure for Formation of Referendum Commissions

1. The Central Referendum Commission shall be formed in accordance with the Constitution of the Kyrgyz Republic and the Law of the Kyrgyz Republic "On the Central Commission for Elections and the Conduct of Referendums in the Kyrgyz Republic" for the term of 5 years.

2. Oblast, Bishkek and Osh city referendum commissions shall be formed in the manner stipulated by the Code on Elections in the Kyrgyz Republic for the term of 5 years.

3. Territorial (district, city) referendum commissions shall be formed comprising 7-9 members by oblast, Bishkek and Osh city referendum commissions within 15 days of the day when the decree of the President of the Kyrgyz Republic on calling a referendum was published. In towns of district status referendum commissions shall not be formed.

4. Precinct referendum commissions shall be formed comprising 5-9 members by territorial referendum commissions not later than 30 calendar days prior to the day of conducting the referendum.

5. Formation of territorial and precinct referendum commissions shall be conducted upon recommendation of the respective local keneshes taking into account proposals of political parties, public associations, meetings of citizens who enjoy the right for participation in a referendum at the place of employment, service, study or residence.

6. The chairman and secretary of a territorial or precinct referendum commission shall be elected by a secret vote at its first session out of members of this commission. The composition of a precinct commission for a referendum precinct formed outside the territory of the Kyrgyz Republic shall be appointed by the head of the diplomatic representative office or consular establishment.

7. Upon publication of the decree of the President of the Kyrgyz Republic on calling a referendum, an initiative group shall be entitled to appoint one member of the Central Referendum Commission with the right of an advisory vote and one member of each oblast, Bishkek and Osh city referendum commission with the right of an advisory vote. The same initiative group, after formation of territorial and precinct referendum commissions, shall be entitled to appoint one member of the respective commission with the right of an advisory vote. Powers of a member of a referendum commission with the right of an advisory vote shall terminate upon 10 days after official publication (public announcement) of the referendum results.

#### Article 17. Powers of the Central Commission for Elections and Conduct of Referendums in the Kyrgyz Republic

1. The Central Referendum Commission shall perform its activities within the scope of its powers and in accordance with the law of the Kyrgyz Republic on elections.

2. If the term of powers of the Central Referendum Commission established by law expires during preparation for and conduct of the referendum, the powers of the Central Referendum Commission shall remain valid until the official publication (public announcement) of the results of voting and the decision made at the referendum.

#### Article 18. Powers of Oblast, Bishkek and Osh City Referendum Commissions

1. Oblast, Bishkek and Osh city referendum commissions shall perform their activities in accordance with the provisions of the law of the Kyrgyz Republic on elections.

2. If the term of powers of an oblast, Bishkek or Osh city referendum commission established by law expires during preparation for and conduct of the referendum, the powers of oblast, Bishkek or Osh city commissions acting as referendum commissions shall remain valid until the official publication (public announcement) of the results of voting and the decision made at the referendum.

#### Article 19. Powers of a Territorial Referendum Commission

1. A territorial (district, city) referendum commission shall perform its activities in accordance with the provisions of the law of the Kyrgyz Republic on elections.

2. Powers of a territorial referendum commission shall expire upon 30 days after the official publication (public announcement) of the referendum results.

#### Article 20. Powers of a Precinct Referendum Commission

1. A precinct referendum commission shall perform its activities in accordance with the provisions of the law of the Kyrgyz Republic on elections.

2. Powers of a precinct referendum commission shall expire upon 30 days after the official publication (public announcement) of the referendum results.

#### Article 21. Status of Referendum Commission Members

1. The following may not act as members of a referendum commission with the right of a decisive vote: deputies of the Zhogorku Kenesh of the Kyrgyz Republic, deputies of local keneshes, officials of state authorities and bodies of local self-government, judges, prosecutors, members of an initiative group, members of a group against the referendum, members of a referendum commission with the right of an advisory vote. A member of a referendum commission with the right of a decisive vote may not simultaneously be a member of a higher or lower referendum commission with the right of a decisive vote.
2. Members of referendum commissions with the right of a decisive vote shall be obliged to attend all sessions of the respective referendum commission.
3. Both members of a referendum commission with the right of a decisive vote and with the right of an advisory vote shall be informed of the commission's sessions well in advance and shall be entitled to:
  - 1) speak at a session of the commission, make proposals on issues within the competence of the respective commission and request voting thereon;
  - 2) address questions to other participants of the commission's session in accordance with the agenda and receive answers thereto in essence;
  - 3) familiarize with any documents and materials of the respective and lower referendum commissions and obtain certified copies of these documents.
4. Members of a commission with the right of an advisory vote shall be entitled to be present during the vote count and compilation of the protocol on voting results as well as other activities performed by the commission.
5. Members of a commission with the right of an advisory vote shall not participate in voting when the commission makes a decision.
6. The chairman and a member of the Central Referendum Commission may be released from their duties prior to expiry of their term of powers upon the decision of the body which appointed or elected him/her in cases provided for by the Law of the Kyrgyz Republic "On the Central Commission for Elections and the Conduct of Referendums in the Kyrgyz Republic".
7. The chairman and a member of an oblast, Bishkek and Osh city commissions acting as oblast, Bishkek and Osh city referendum commissions may be released from their duties prior to expiry of their term of powers upon the decision of the body which elected him/her in cases provided for by the Code on Elections in the Kyrgyz Republic.
8. The chairman and a member of a territorial, precinct referendum commission with the right of a decisive vote may be released from the duties of a member on the commission prior to expiry of their term of powers upon the decision of its appointing commission in the following cases:
  - 1) submission of a written application for resignation;
  - 2) non-compliance with requirements set forth in clause 1 of this Article;
  - 3) moving out of the Kyrgyz Republic to a permanent place of residence;
  - 4) relinquishing or loss of citizenship of the Kyrgyz Republic;
  - 5) entry into legal force of a court's sentence;
  - 6) recognition as being incapable, as capable to a limited extent, missing without notice or proclaimed deceased pursuant to a court's decision which has come into legal force;
  - 7) death.
9. The chairman or member of a referendum commission with the right of a decisive vote who was released from his/her main place of employment for the time of preparation for and conduct of the referendum shall retain the average salary at the main place of employment.
10. During the term of his/her powers a member of a referendum commission may not be fired upon the initiative of his/her administration (employer) or transferred to another job without his/her own consent.
11. The Chairman or a member of a referendum commission with the right of a decisive vote shall not, without the consent of the respective prosecutor, be brought to criminal liability or subjected to an administrative sanction imposed by a court procedure.

#### Article 22. Publicity in the Work of Referendum Commissions

The work of referendum commissions shall be carried out publicly and openly in accordance with the provisions of the law of the Kyrgyz Republic on elections.

#### Article 23. Organization of Work of Referendum Commissions

1. The work of a referendum commission shall be carried out on the basis of collegiality. A referendum commission shall be legally authorized to start work once its composition has been formed at least by two thirds of the established number of its members.
2. A session of a referendum commission shall be convened by the chairman of the commission as well as upon request of no less than one third from the number of the referendum commission's members with the right of a decisive vote. A session of a referendum commission shall be legally authorized if attended by the majority of the commission's members with the right of a decisive vote.
3. A referendum commission shall upon request of any member of the respective referendum commission as well as a member of a higher referendum commission attending the session carry out voting on issues within its authority which are considered in accordance with the agenda.
4. Decisions of the Central Referendum Commission on the issues of financial provision for the preparation and conduct of the referendum, on determination of the referendum results, on declaring the referendum null and void or on declaring the results of voting invalid shall be made at a session of the Central Referendum Commission by a majority vote of the total number of members of the Central Referendum Commission with the right of a decisive vote. Decisions of other referendum commissions on the issues of financial provision for the preparation and conduct of the referendum, on determination of voting results shall also be made by a majority vote of the total number of members of the respective referendum commission with the right of a decisive vote.
5. Decisions of a referendum commission on other issues shall be made by a majority vote of the number of attending members of the respective referendum commission with the right of a decisive vote. Decisions of a referendum commission shall be signed by the chairman and secretary of the referendum commission.
6. Members of a referendum commission who disagree with a decision adopted by the referendum commission shall be entitled to express a written dissenting opinion which shall be communicated by the chairman of the referendum commission to the higher

referendum commission within 3 days, whilst 3 days prior to the conduct of the referendum and on the day of conducting the referendum – immediately.

7. Representatives of the interested parties shall be entitled to attend the session of a referendum commission when the appeal (complaint) is reviewed.

#### Article 24. Challenging Decisions and Actions of Referendum Commissions

1. Decisions and actions (failure to act) of a referendum commission and its officials may be appealed to a higher referendum commission or to court. A preliminary address to the Central Referendum Commission shall not be a mandatory condition for applying to court.

2. Decisions and actions (failure to act) of the Central Referendum Commission and its officials may be appealed to court.

3. Decisions of a lower referendum commission may be reversed and its actions may be suspended by the Central Referendum Commission. In doing so, the Central Referendum Commission shall be entitled to pass its own decision in the essence of the appeal (complaint).

4. Decisions on appeals (complaints) received by the Central Referendum Commission during the preparation and conduct of the referendum shall be passed within 3 days as of the receipt of the appeal (complaint) by the commission, whilst those received 3 days prior to the day of conducting the referendum and on the day of conducting the referendum – immediately. If the facts contained in the appeal (complaint) require additional verification, the decisions thereon shall be made within 10 days.

5. Judges and prosecutor's offices shall during the period of preparing and conduct of a referendum organize their work in such manner that timely review of issues pertaining to the conduct of the referendum is ensured.

#### Article 25. Formation of Referendum Precincts

1. For the conduct of voting and the counting of votes of citizens enjoying the right to participate in a referendum, the respective territorial referendum commission shall not later than 35 days prior to the conduct of the referendum form referendum precincts taking into account the administrative territorial division and local conditions in order to create maximum convenience for citizens who have the right to participate in the referendum with up to no more than 3000 citizens per each referendum precinct.

2. In sanatoriums, preventive treatment facilities, rest homes, hospitals, other stationary treatment and preventive facilities and other places of temporary stay of citizens who have the right for participation in a referendum, in hard-to-reach and distant areas, in investigation detention facilities and temporary detention facilities precincts for a referendum may be formed within the timeframe provided for by clause 1 of this Article, and in exceptional cases – not later than 5 days prior to the conduct of the referendum.

3. Military servicemen who are citizens of the Kyrgyz Republic shall vote at general polling stations for the referendum. As an exception, formation of referendum precincts shall be allowed in military units located in isolated areas detached from residential units. In these cases referendum precincts shall be formed by commanders of military units upon the decision of the respective territorial referendum commission.

4. Referendum precincts outside the territory of the Kyrgyz Republic shall be formed by heads of diplomatic representative offices or consular establishments of the Kyrgyz Republic in the territory of the state of deployment.

5. Lists of referendum precincts with indication of their boundaries, addresses and telephone numbers of precinct referendum commissions shall be subject to mandatory publication (a public announcement) not later than 25 days before the day when referendum is to be held.

#### Article 26. Compilation of Lists of Citizens Having the Right for Participation in a Referendum

1. During the conduct of a referendum, in order to exercise the rights of the referendum participants and familiarize them with the data about themselves as well as for the purposes of voting conduct, lists of citizens who have the right for participation in a referendum shall be compiled (lists of referendum participants).

2. The procedure for and terms of compilation of lists of citizens shall be governed by the law of the Kyrgyz Republic on elections.

#### Article 27. Familiarization with the List of Referendum Participants

Lists of referendum participants shall be made available for public familiarization and additional correction in the manner established by the law of the Kyrgyz Republic on elections.

### Chapter 4

#### Campaigning during the Preparation for and Conduct of a Referendum in the Kyrgyz Republic

#### Article 28. Campaigning on Questions Submitted to a Referendum

1. Citizens of the Kyrgyz Republic, an initiative group, a group against the referendum, political parties, and public associations shall be entitled in any forms permitted by law and by any legal means to unimpededly campaign for or against participation in a referendum, for or against the question (questions) submitted to the referendum.

2. Upon publication of the decree of the President of the Kyrgyz Republic on calling a referendum, citizens of the Kyrgyz Republic shall be entitled to form an initiative group or a group against the referendum. The said groups shall address the Central Referendum Commission with an application for registration of the group, which shall feature the family name, first name, patronymic, date of birth, address of the place of residence, series and number of the passport or its substituting document of the members of the group as well as persons authorized to act on behalf of the group.

3. Propaganda and campaigning that excites social, racial, national or religious hatred and antagonism shall be prohibited. Propaganda of social, racial, national, religious, or language superiority shall be prohibited.

4. The following shall be prohibited from campaigning for or distributing any campaign materials:

- 1) state, municipal servants, military servicemen when discharging official or service duties;
- 2) military units, military establishments and organizations;
- 3) charity organizations and religious unions;
- 4) members of a referendum commission;
- 5) citizens and organizations of foreign states;
- 6) persons without citizenship;

7) international organizations and international public movements.

5. Campaigning on the questions of a referendum may be conducted:

1) on channels of television and radio broadcasters and in periodical print media;

2) by means of holding mass events (gatherings, receptions, public debates and discussions, meetings, demonstrations, street rallies in accordance with the applicable legislation);

3) by means of issuance and distribution of print, audio, visual, and other campaign materials;

4) in other forms not prohibited by the laws of the Kyrgyz Republic.

#### 29. Timeframe for Campaigning on Questions of a Referendum

1. Campaigning on questions of a referendum shall commence as of the moment of the official publication of the decree of the President of the Kyrgyz Republic on calling a referendum and cease 24 hours prior to the start of voting.

2. Print campaign materials previously displayed outside the premises of referendum commissions shall remain at the former places.

#### 30. Conditions of Campaigning on Questions of a Referendum on Television and Radio

1. State television and radio broadcasters shall be obliged to ensure to an initiative group, a group against the referendum and to other referendum participants equal conditions for campaigning on questions of a referendum. Air time on channels of a television or radio broadcaster shall be provided to an initiative group, group against the referendum and other referendum participants on a paid basis, and in cases provided for by this constitutional Law – free of charge.

2. State television and radio broadcasters shall be entitled to provide air time to an initiative group, a group against the referendum, and other referendum participants on a paid basis on equal terms.

3. Information regarding the amount and terms of payment for air time shall be published by the respective television or radio broadcaster not later than 5 days after the calling of a referendum with a notice of readiness to provide air time for campaigning on questions of a referendum to the Central Referendum Commission.

4. Provision of paid air time on channels of a television or radio broadcaster for campaigning on questions of a referendum shall be effected in accordance with a contract concluded between the television or radio broadcaster and a representative of an initiative group or a group against the referendum.

5. The total volume of free air time to be provided by a state television or radio broadcaster to an initiative group or a group against the referendum must comprise not less than one hour. Not less than half of the total volume of the free air time shall be provided to an initiative group and a group against the referendum exclusively for joint debates, discussions, roundtables, and other similar campaign events. Refusal to participate in a joint campaign event shall not entail increase of the volume of free airtime provided in accordance with this clause.

6. State television and radio organizations shall be obliged to reserve air time for conducting a campaign on the questions of the referendum on a paid basis. The amount and terms of payment must be the same for an initiative group, a group against the referendum and other referendum participants.

7. Specialized television and radio broadcasters (children's, technical, scientific, and others) shall be entitled to refuse to provide air time to an initiative group, a group against the referendum, and other referendum participants to conduct campaigning in case of their total non-participation in campaigning on questions of a referendum.

#### Article 31. Terms of Campaigning on the Questions of a Referendum in Periodical Print Media

1. Editorial offices of state print media shall be obliged to provide to an initiative group, a group against the referendum and to other referendum participants equal conditions for campaigning on the questions of the referendum. Print space in periodical print media shall be provided to an initiative group, group against the referendum and other referendum participants on a paid basis, and in cases provided for by this constitutional Law – free of charge.

2. Non-state periodic print media shall be entitled to provide print space to an initiative group, a group against the referendum, and other referendum participants on a paid basis on equal terms.

3. Information regarding the amount and terms of payment for print space shall be published by the respective editorial office of the periodical print medium not later than 5 days after the calling of a referendum with a notice of readiness to provide print space for campaigning on questions of a referendum to the Central Referendum Commission.

4. Provision of paid print space in periodic print media for campaigning on questions of a referendum shall be effected in accordance with a contract concluded between the editorial office of a periodical print medium and a representative of the initiative group, a group against the referendum, or other referendum participants.

5. The total volume of free print space to be provided by a state print medium to an initiative group or a group against the referendum shall be established by the law of the Kyrgyz Republic.

6. Editorial offices of state periodical print media shall be obliged to reserve print space for conducting a campaign on questions of a referendum on a paid basis. The amount and terms of payment must be equal for an initiative group, a group against the referendum, and other referendum participants.

7. Editorial offices of specialized periodic print media (children's, technical, scientific, etc.) shall be entitled to refuse to provide print space to an initiative group, a group against the referendum, and other referendum participants to conduct campaigning in case of their total non-participation in campaigning on the questions of the referendum.

#### Article 32. Terms of Campaigning on Questions of a Referendum through Mass Events

1. State authorities and bodies of local self-government shall be obliged to render assistance to initiative groups, groups against the referendum, and other referendum participants in the organization and conduct of gatherings and conventions with citizens, public debates and discussions, meetings, demonstrations and rallies and ensure security during the conduct of mass events.

2. Upon a request from a referendum commission, premises suitable for the conduct of mass events which are in the state or municipal ownership shall be provided free of charge by the owner or proprietor for use for the time period established by the referendum commission for meetings of an initiative group, a group against the referendum, or other referendum participants with citizens.

3. An initiative group, a group against the referendum, and other referendum participants shall be entitled on a contractual basis to rent buildings and premises belonging to citizens and organizations regardless of the form of ownership in order to hold meetings with referendum participants.



#### Article 33. Terms of Issuance and Distribution of Print, Audio, Visual and Other Campaign Materials

1. An initiative group and group against the referendum shall be entitled to distribute print, audio, visual and other campaign materials without impediment.
2. All print, audio, and visual campaign materials shall contain the name and legal address of the organization (family name, first name, patronymic and place of residence if the person) which (who) produced these materials, the name of the organization (family name, first name, patronymic of the person) which (who) ordered these materials as well as information about their circulation and date of issue.
3. Distribution of campaign materials in violation of requirements of clause 2 of this Article as well as without payment therefor out of the referendum fund shall not be permitted.
4. Bodies of local self-government upon proposal of territorial referendum commissions shall be obliged to designate and equip special places for displaying print campaign materials in the territory of each precinct.
5. An initiative group or a group against the referendum may display (post) at premises, on buildings, constructions and other objects print campaign materials only with approval of owners or proprietors of the said objects.
6. It shall be prohibited to display (post) print campaign materials on monuments, obelisks, buildings, constructions and at premises having historical, cultural, or architectural value, as well as at the premises of referendum commissions, at polling stations or at their entrances.

#### Article 34. Impermissibility of Abusing the Right to Conduct Campaigning on Questions Submitted to a Referendum

1. Referendum commissions shall supervise compliance with the established procedure for the conduct of campaigning on questions of a referendum.
2. Campaigning that excites social, religious, racial, or national hatred and antagonism, calls to seize power, a violent change of the constitutional order and the violation of the state's integrity, propaganda of war and other forms of abusing the freedom of mass media that are prohibited by laws of the Kyrgyz Republic shall not be permitted during campaigning.
3. During campaigning, it shall be prohibited for an initiative group, a group against the referendum, or other referendum participants to bribe voters, to pay them monetary funds, present them with gifts or other material values apart from for execution of organizational work (signature collection and other work of technical nature), to carry out concessionary sale of goods, and to distribute any goods free of charge, except print goods, including illustrative materials and badges specially produced for the referendum campaign, as well as to render services free of charge or on concessionary terms.
4. An initiative group, a group against the referendum, other referendum participants, and other persons and organizations shall not be entitled during campaigning to influence referendum participants by promises of offering them monetary funds, securities (including upon the vote results) and other material goods, as well as of providing services under other terms than stipulated by law. From the moment of calling the referendum and until the publication of the referendum results, members of an initiative group, a group against the referendum and other referendum participants shall not have the right to engage in charitable activities. Other private individuals and legal entities shall not be entitled to engage in charitable activities during the period of a referendum, campaign upon request or on behalf of an initiative group, a group against the referendum or other referendum participants.
5. In case of violation by a television or radio broadcaster, the editorial office of a periodical print medium, an initiative group, a group against the referendum or other referendum participants of the procedure for conducting campaign on questions of a referendum, the referendum commission shall be obliged to address law-enforcement bodies, the court, as well as other state authorities requesting to terminate unlawful campaign activities and bring the television or radio broadcaster, the editorial office of the periodical print media and their officials, members of initiative groups, groups against the referendum or other referendum participants to liability as provided for by the law of the Kyrgyz Republic.

#### Chapter 5.

##### Organization and Procedure of Voting.

##### Determination of Referendum Results

#### Article 35. Premises for Voting

1. Voting premises shall be provided for the disposal of a precinct referendum commission by the head of local self-government.
2. The voting premises must contain a hall where booths or specially equipped places for secret voting are located. The booths or specially equipped places for voting shall contain tables and writing accessories. The use of pencils when filling out a ballot shall not be permitted.
3. At the voting premises or directly in front of them, the precinct commission shall display a stand with posted samples of filled-out ballot papers both "for" and "against" the question submitted to the referendum.
4. The voting premises must be equipped in such a manner that places for distribution of ballot papers, booths and ballot boxes for voting are within the scope of vision of members of the precinct referendum commission and observers.

#### Article 36. Absentee Ballot for Voting at a Referendum

1. In cases when a referendum participant included into the list of referendum participants is unable to arrive at the voting premises of the polling station for the referendum, where he/she is included into the list of referendum participants on the voting day, 16 days prior to voting day he/she shall be entitled to receive at the respective referendum commission an absentee ballot and to participate in voting at the polling station for the referendum at which he/she will be present on the voting day.
2. To confirm receipt of an absentee ballot, the citizen shall sign the list of referendum participants indicating the date of receipt. Issuance of an absentee ballot shall be registered in the register of issuance of absentee ballots. Upon presentation of an absentee ballot, a citizen shall be included into the list of referendum participants at any other polling station for the referendum. The absentee ballot shall be cancelled in presence of the person who presented it and stored by the secretary of the precinct referendum commission.
3. The format of an absentee ballot and the register of issuance of absentee ballots shall be approved by the Central Referendum Commission.

#### Article 37. Ballot Paper for Voting at a Referendum

1. In order for the referendum to be conducted, a referendum participant shall receive a ballot paper for voting, which shall be a

document of strict accountability, whose degree of protection shall be determined by the Central Referendum Commission.

2. The ballot paper for voting shall feature the precise wording of the question (questions) submitted to the referendum and will-expressing options of "yes" and "no" for the voter with blank boxes placed beneath them. In the case when alternative options are submitted to the referendum, the ballot paper for voting shall also feature a will-expressing option of "against all options", with a blank box placed underneath it.

3. When several questions are submitted to the referendum, they shall be included into the same ballot paper for voting, subsequently numbered and separated one from another with horizontal lines.

4. A ballot paper for voting shall contain a clarification on the procedure of filling it out.

5. Ballot papers for voting shall be printed in the state and official languages.

6. The format and text of the ballot paper for voting shall be approved by the Central Referendum Commission not later than 25 days prior to the day of conducting the referendum.

7. Ballot papers for voting shall be printed not later than 20 days prior to the day of conducting the referendum at the order of the Central Referendum Commission. Upon sorting out the defective copies, the printing house shall transfer the ballot papers to the Central Referendum Commission with a deed executed to that effect. Such sorting-out shall be performed under supervision of not fewer than 2 members of the Central Referendum Commission and no more than 2 representatives of the initiative group, group against the referendum, or other referendum participants. After transfer of ballot papers in packs as per the quantity ordered, the employees of the printing house in presence of no fewer than 2 members of the Central Referendum Commission and no more than 2 representatives of the initiative group, group against the referendum and other referendum participants shall destroy the defective ballot papers for voting, as well as those in excess of the quantity ordered, to which effect a deed is executed to be signed by all persons present.

#### Article 38. The Voting Procedure at a Referendum

1. At all polling stations for a referendum, including those located outside the territory of the Kyrgyz Republic, voting shall be conducted from 8:00 till 20:00 hours local time. The precinct referendum commission shall notify citizens of the time and place of voting no later than 20 days prior to the conduct of a referendum.

2. At polling stations for a referendum formed in military units, in remote and hard-to-access areas, places of temporary stay of citizens, the precinct referendum commission may declare voting to have finished earlier than 20:00 local time if all citizens who have the right for participation in a referendum included into the list have voted.

3. At 7:00 hours local time on the day of conducting the referendum, the chairman of a precinct referendum commission shall announce that the polling station for the referendum is open and shall demonstrate to members of the referendum commission, observers and those present at the voting premises all ballot boxes for voting which shall subsequently be sealed. Thereafter, the chairman of the precinct commission shall invite referendum participants to commence voting.

4. When ballot papers for voting are issued a member of a precinct referendum commission shall mark (stamp) with special ink the left thumb of a referendum participant. At the entrance to voting premises one of the members of the precinct referendum commission shall check with special equipment the presence of the mark (stamp) on the left thumb of each referendum participant. A referendum participant having a mark (stamp) on the left thumb shall be admitted to the premises to receive a ballot paper for voting at the referendum. If a referendum participant does not have a mark (stamp) on the left thumb, the referendum participant shall not be admitted to the premises to receive a ballot paper for voting.

5. Ballot papers for voting shall be issued to referendum participants included into the voter list upon presentation of a passport or its substituting document, and if a referendum participant is voting with an absentee ballot - upon presentation of the absentee ballot as well.

6. When receiving a ballot paper, a citizen shall enter into the list of referendum's participants the series and number of his/her passport or its substituting document. With the consent of the citizen or upon his/her own request the series and number of the passport presented by him/her or its substituting document may be entered into the list of referendum participants by a member of the precinct referendum commission with the right of a decisive vote. The citizen shall check the correctness of the record made and sign to confirm.

7. If a referendum participant is not able to sign for receipt of a ballot paper for voting him/herself, he/she shall be entitled to use assistance of another person except members of the precinct referendum commission and observers. The person assisting the referendum participant shall indicate his/her family name, first name, patronymic and sign the list of referendum participants in the box "Signature of the citizen to confirm receipt of a ballot paper for voting at the referendum in the Kyrgyz Republic."

8. Each referendum participant shall vote in person. Voting on behalf of other persons shall not be permitted. The ballot paper for voting shall be filled out in a booth or a specially equipped place where no unauthorized persons shall be present except the voting referendum participant him/herself. A citizen, who is unable to fill out a ballot paper for voting him/herself shall be entitled to invite into the booth or specially equipped place any person except members of the precinct referendum commission and observers.

9. If a referendum participant believes that he/she made a mistake when filling out a ballot paper for voting, he/she shall have the right to address a member of the precinct referendum commission which issued the ballot paper for voting with a request to issue a new ballot paper instead of a spoiled one. The member of the referendum commission shall issue a new ballot paper for voting to the citizen making the relevant note in the list of referendum participants against the family name of the said citizen. The spoiled ballot paper shall be cancelled with a separate deed executed to that effect.

10. If a referendum participant votes for adoption the question submitted to the referendum, he/she shall put "+" or any other sign in the box below the word "yes". If a referendum participant votes against the question submitted to the referendum, he/she shall put "+" or any other sign in the box under the word "no". If alternative options for the question are submitted to the referendum, the referendum participant shall put "+" or any other sign in the box under the words "against all options". The referendum participant shall drop the filled-out ballot paper for voting into the ballot box for voting which must remain within the scope of vision of members of the precinct referendum commission and observers.

#### Article 39. The Procedure for Early Voting

1. A referendum participant who is unable to arrive on the referendum day at the polling station where he/she is included into the list of referendum participants due to a valid reason (on a leave, business trip, due to employment or study schedule, performance of state or public duties, the state of health) shall have the right to vote early – by way of filling out a ballot paper for voting at the premises of the respective territorial referendum commission 15 days before the day of conducting the referendum. The referendum participant who votes early shall submit to the territorial referendum commission an application stating the reasons for early voting. The territorial referendum commission shall be obliged to ensure the secrecy of the vote, exclude the possibility of distorting the expression of will by

the referendum participant, ensure integrity of the ballot paper, and inclusion of the vote of the referendum participant when determining the outcome of voting and referendum results.

2. A ballot paper for voting filled out by a referendum participant who votes early shall be placed into an envelope and sealed. At the place of sealing, two territorial referendum commission members shall put their signatures, which shall be certified with the stamp of the territorial referendum commission, as well as the signature of the referendum participant who votes early.

3. The sealed envelope with ballot papers shall be stored by the secretary of the respective territorial referendum commission at the premises of the territorial referendum commission until the moment of the transfer of all ballot papers to the precinct referendum commission.

4. On the voting day, in the presence of members of the precinct referendum commission, observers and other persons, the chairman of the precinct referendum commission shall announce the number of referendum participants who voted early, present sealed envelopes with ballot papers for voting for visual inspection along with the list of referendum participants who voted early. Thereafter he/she shall open each envelope one by one, and, observing the secrecy of the expression of will by referendum participants, shall drop the ballot paper into the stationary ballot box for voting. Before voting begins the number of referendum participants who voted early shall be entered into the protocol on voting results and in the list of referendum participants who voted early, a mark "Voted early" shall be made against the last name of the referendum participant.

#### Article 40. The Procedure for Voting of a Referendum Participant outside the Voting Premises

1. Referendum participants who are included into lists of referendum participants but owing to state of health or disability cannot arrive at the voting premises for voting shall vote at the place of their stay.

2. The procedure and conditions for voting outside the voting premises shall be implemented in accordance with the provisions of the law of the Kyrgyz Republic on elections.

#### Article 41. Protocol of a Precinct Referendum Commission on Voting Results

1. A precinct referendum commission shall compile a protocol on the results of voting. All data shall be entered into the protocol on voting results in ink; all figures shall be doubled in words.

2. The protocol on the voting results at the referendum for a referendum polling station shall include the following:

- 1) the number of the copy;
  - 2) the name of the referendum and the voting date;
  - 3) the word "protocol";
  - 4) the name of the referendum commission with indication of the number of the polling station for the referendum.
3. The data shall be entered into the protocol in the following sequence:
- 1) the number of referendum participants registered at the referendum precinct, including citizens having the right for participation in a referendum who were included into the list of referendum participants additionally;
  - 2) the number of ballot papers for voting received by the precinct referendum commission;
  - 3) the number of absentee ballots issued by the precinct referendum commission;
  - 4) the number of absentee ballots presented by referendum participants who arrived for voting at the referendum;
  - 5) the number of ballot papers for voting issued to citizens at the premises of the polling station for the referendum;
  - 6) the number of ballot papers for voting issued to referendum participants who voted outside the premises of the polling station for the referendum;
  - 7) the number of cancelled ballot papers for voting;
  - 8) the number of ballot papers for voting contained in mobile ballot boxes for voting (except ballot papers of a non-standard format);
  - 9) the number of ballot papers for voting contained in stationary ballot boxes for voting (except ballot papers of a non-standard format);
  - 10) the number of ballot papers of a non-standard format found in ballot boxes for voting;
  - 11) the number of valid ballot papers for voting;
  - 12) the number of ballot papers for voting deemed invalid;
  - 13) the number of votes cast for the question submitted to the referendum;
  - 14) the number of votes cast against the question submitted to the referendum.

4. If alternative options for questions are submitted to the referendum, the protocol shall feature all options for the question and the number of votes of referendum participants cast for each of the options of an answer to the question as well as the number of votes of referendum participants cast against all options for an answer to the question.

5. Compilation of a protocol on voting results at the referendum in pencil and making any corrections in it whatsoever shall not be permitted.

#### Article 42. The Counting of Votes of Referendum Participants by a Precinct Referendum Commission

1. After the expiration of the voting time at the referendum, the chairman of the precinct referendum commission shall announce that only those citizens may receive ballot papers for voting and vote, who are already inside the polling station.

2. Counting of votes of referendum participants shall be performed openly and publicly, exclusively by members of the referendum commission with the right of a decisive vote.

3. Counting of votes of referendum participants shall begin right after the end of voting and shall continue uninterruptedly until the voting results have been established.

4. Before opening the ballot boxes for voting, members of the precinct referendum commission with the right of a decisive vote in presence of observers shall count and cancel, by cutting the bottom left corner, unused ballot papers for voting (no damage to boxes on the ballot papers for voting under the words "yes", "no", "against all options" shall be permitted). The number of these ballots shall be announced and entered into the protocol of the precinct referendum commission on voting results. After that, the chairman of the precinct referendum commission shall verify integrity of stamps or seals on the ballot boxes for voting and offer members of the precinct referendum commission and observers to ascertain their integrity and thereafter he/she shall open the ballot boxes for voting. Opening of ballot boxes for voting shall be effected in turn – first mobile ballot boxes for voting shall be opened, then stationary ballot boxes for voting.

5. The ballot papers for voting found in mobile ballot boxes for voting shall be counted first. Their number may not exceed the number of written confirmations from referendum participants for voting outside the premises of the polling station for the referendum. If a bigger quantity of ballot papers for voting is found in mobile ballot boxes for voting than the number of written confirmations from the

referendum participants all ballot papers for voting found in the mobile ballot box for voting shall be deemed invalid by a decision of the precinct referendum commission. This fact together with the family names of members of the precinct referendum commission who organized the conduct of voting outside the premises for voting shall be indicated in a deed which shall be attached to the protocol of the precinct referendum commission on voting results.

6. The direct counting of votes of referendum participants shall be conducted in specially designated places, equipped to ensure access thereto of the members of the referendum commission. It shall be prohibited for members of a referendum commission, except the chairman and secretary of the referendum commission, to use writing accessories during the vote count. During the counting of votes of referendum participants a full view of the activities of the referendum commission members shall be ensured for all those present. Moreover, those present (observers, members of the referendum commission with the right of an advisory vote) shall remain at the distance allowing to read the text of the ballot paper for voting.

7. During the vote count of referendum participants, primarily the ballot papers of a non-standard format shall be separated, i.e. those not printed officially or those not confirmed by the precinct referendum commission and invalid ballot papers for voting.

8. Invalid ballots shall be those ballot papers for voting where the expression of will by the referendum participant cannot be established, namely those, where the sign "+" or any other sign is indicated in two boxes or not indicated in either of them. When a doubt arises regarding validity of the ballot papers for voting, the precinct referendum commission shall resolve the issue by means of a vote. When making a decision to declare a ballot paper for voting invalid, the precinct referendum commission shall make an inscription on its reverse side regarding the reasons for invalidity of this ballot paper to be signed by not fewer than three members of the precinct referendum commission. Invalid ballots for voting shall be stored being packed separately from the other ballot papers.

9. Members of the precinct referendum commission shall count the ballot papers for voting and enter the results of the count into the protocol on the voting results in accordance with the established sequence. Thereafter, a cross-check of control correlations of data entered into the protocol on the voting results at the referendum shall be performed. If the control correlations have not matched, the precinct referendum commission shall make the decision on the repeat counting of votes for all or individual lines of the protocol on the voting results at the referendum.

10. The protocol of the precinct referendum commission on the voting results shall be compiled in three copies in presence of all members of the precinct referendum commission and observers and signed by all those members of the precinct referendum commission present. The protocol of the precinct referendum commission shall be valid if signed by the majority of the members of the referendum commission. A member of the precinct referendum commission disagreeing with the protocol in full or its particular provisions shall be entitled to attach thereto a dissenting opinion to which effect a respective note shall be made in the protocol.

11. Complaints (appeals) against violations of this constitutional Law received by the precinct referendum commission on the day of conducting the referendum as well as decisions of the precinct referendum commission passed thereon shall be attached to the first copy of the protocol. Certified copies of complaints (appeals) and decisions thereon shall be attached to the second copy of the protocol.

12. When errors or irregularities are discovered in the protocol of the precinct referendum commission on the voting results as well as when doubt arises as to the correctness of the compilation of the said protocol, the higher referendum commission shall be entitled to make a decision to hold a repeat vote count by the respective precinct referendum commission. The repeat counting of votes of referendum participants shall be performed by the precinct commission in presence of not fewer than three members of the higher referendum commission.

13. After signing the protocol by the precinct referendum commission, the voting results shall immediately be announced to all present members of the precinct referendum commission, observers, representatives of mass media and other persons.

14. The first copy of the protocol of the precinct referendum commission on voting results shall, after its signing, immediately be forwarded to the respective territorial referendum commission. The second copy of the protocol of the precinct referendum commission on voting results at the referendum together with sealed ballot papers for voting, cancelled absentee ballots, lists of members of the precinct referendum commission with the right of an advisory vote, observers from an initiative group, a group against the referendum, political parties, public associations, foreign (international) observers, representatives of mass media present during the vote count shall be stored by the secretary of the precinct commission until the end of its work. The third copy of the protocol of the precinct referendum commission on the voting results shall be made available to the public as well as to members of the precinct commission with the right of an advisory vote, observers, and representatives of mass media. Precinct referendum commissions formed outside if the territory of the Kyrgyz Republic shall immediately forward the first copy of the protocol on the voting results together with the documents attached thereto to the Central Referendum Commission directly.

15. Upon request of any interested person, the precinct referendum commission shall after signing of the protocol on the voting results, be obliged to produce it before the said persons and provide an opportunity to make a certified copy of the protocol on the voting results.

#### Article 43. Determination of Voting Results by a Territorial Referendum Commission

1. On the basis of protocols of precinct referendum commissions on voting results, the territorial referendum commission shall, by way of aggregating the data contained therein, determine the results of voting in the respective territory. Aggregation of data contained in the protocols of precinct commissions on the voting results shall be conducted directly by members of the territorial commission with the right of a decisive vote.

2. The territorial referendum commission shall compile a protocol on the voting results which shall include data on the number of precinct commissions in the respective territory and the number of protocols of precinct commissions based on which a protocol on the voting results for the respective territory is compiled, as well as the total number of ballots received by the respective commission from the oblast, Bishkek and Osh city, or the Central Referendum Commission.

3. The protocol of the territorial referendum commission on the voting results for the respective territory shall be compiled in three copies and signed by all those members of the territorial commission present. An aggregate spreadsheet shall be attached to the protocol in an obligatory manner which shall include the data of protocols of all precinct commissions for the respective territory. A member of the territorial referendum commission disagreeing with the protocol in full or its particular provisions shall be entitled to attach to the protocol a dissenting opinion to which effect a respective note shall be made in the protocol. Complaints (appeals) against violations of this constitutional Law received by the territorial referendum commission as well as decisions of the territorial referendum commission passed thereon shall be attached to the first copy of the protocol. Certified copies of complaints (appeals) and decisions thereon shall be attached to the second copy of the protocol.

4. When errors or irregularities are discovered in the protocol of the territorial referendum commission on the voting results for the respective territory as well as when doubt arises as to the correctness of the compilation of the said protocol, the oblast, Bishkek or

Osh city, the Central Referendum Commission shall be entitled to make a decision to hold a repeat vote count by the respective territorial referendum commission. The repeat counting of votes shall be performed by the territorial referendum commission in presence of not fewer than two members of the oblast or Bishkek or Osh city, or a member of the Central Referendum Commission. The first copy of the protocol of the territorial referendum commission on voting results for the respective territory along with the aggregate spreadsheet shall, after its signing, immediately be forwarded to the respective oblast, Bishkek and Osh city, or the Central Referendum Commission. The second copy of the protocol of the territorial referendum commission on voting results for the respective territory and the aggregate spreadsheet together with the protocols of precinct referendum commissions, the list of members of the territorial referendum commission with the right of an advisory vote, observers from an initiative group, a group against the referendum, political parties, public associations, foreign (international) observers, representatives of mass media who were present during the determination of voting results for the respective territory and compilation of the protocol shall be stored by the secretary of the territorial referendum commission until the end of its work. The third copy of the protocol of the territorial referendum commission on the voting results for the respective territory and the aggregate spreadsheet shall be made available to the members of the territorial referendum commission with the right of an advisory vote, observers, and representatives of mass media.

#### Article 44. Determination of Voting Results by Oblast, Bishkek and Osh City Commissions of the Referendum

1. On the basis of the protocols of territorial referendum commissions on voting results for the respective territory the oblast, Bishkek and Osh city referendum commissions shall, by way of aggregating data contained therein, determine the results of voting for the oblast, cities of Bishkek and Osh. Aggregation of the data contained in the protocols of territorial referendum commissions shall be effected directly by members of the oblast, Bishkek and Osh city referendum commissions with the right of a decisive vote.
2. The oblast, Bishkek and Osh city referendum commissions shall compile a protocol on the voting results which shall include data on the number of territorial referendum commissions in the oblast, cities of Bishkek and Osh and the number of protocols of territorial referendum commissions based on which a protocol on the voting results is compiled, as well as aggregate data of protocols of territorial referendum commissions and the total number of ballots for voting received by the oblast, Bishkek and Osh city referendum commissions.
3. The protocol of the oblast, Bishkek and Osh city referendum commissions shall be compiled in three copies and signed by all those members of the referendum commission present. An aggregate spreadsheet shall be attached to the protocol in an obligatory manner which shall include the data of protocols of all territorial referendum commissions. A member of the oblast, Bishkek or Osh city referendum commission disagreeing with the protocol in full or its particular provisions shall be entitled to attach to the protocol a dissenting opinion to which effect a respective note shall be made in the protocol. Complaints (appeals) against violations of this constitutional Law received by the oblast, Bishkek and Osh city referendum commissions as well as decisions of the oblast, Bishkek and Osh city referendum commissions passed thereon shall be attached to the first copy of the protocol of the oblast, Bishkek and Osh city commissions on the voting results. Certified copies of complaints (appeals) and decisions thereon shall be attached to the second copy of the protocol. The first copy of the protocol of the oblast, Bishkek and Osh city referendum commissions on voting results for the respective oblast, the cities of Bishkek and Osh shall after its signing immediately be forwarded to the Central Referendum Commission together with the aggregate spreadsheet. The second copy of the protocol of the oblast, Bishkek and Osh city referendum commissions on voting results and the aggregate spreadsheet with the protocols of territorial referendum commissions on voting results for the respective territory with lists of members of the oblast, Bishkek and Osh city referendum commissions with the right of an advisory vote, observers, representatives of an initiative group, a group against the referendum, political parties, public associations, foreign (international) observers, representatives of mass media present during the determination of voting results and compilation of the protocol shall be stored by the secretary of the oblast, Bishkek and Osh city referendum commissions. The third copy of the protocol of the oblast, Bishkek and Osh city referendum commissions on the voting results and the aggregate spreadsheet shall be made available to the members of the oblast, Bishkek and Osh city referendum commissions with the right of an advisory vote, observers, and representatives of mass media.
4. When errors or irregularities are discovered in the protocol of an oblast, Bishkek or Osh city referendum commission on the voting results as well as other violations, The Central Referendum Commission shall be entitled to make a decision to hold a repeat vote count by the respective oblast, Bishkek and Osh city referendum commissions. The repeat counting of votes shall be performed by the oblast, Bishkek and Osh city referendum commissions in presence of not fewer than 3 members of the Central Referendum Commission.

#### Article 45. Determination of Results of a Referendum in the Kyrgyz Republic

1. Based on the protocols of oblast, Bishkek and Osh city referendum commissions on the voting results for the respective oblast, the cities of Bishkek and Osh and protocols of precinct referendum commissions on the voting results formed outside the territory of the Kyrgyz Republic, the Central Referendum Commission shall, by way of aggregating the data contained therein, not later than within a seven-day period of the day when the referendum is conducted determine the results of the referendum. Aggregation of the data contained in the protocols of referendum commissions on voting results shall be performed directly by members of the Central Referendum Commission with the right of a decisive vote.
2. The Central Referendum Commission shall recognize the referendum as valid if more than half of the citizens who have the right for participation in a referendum (referendum participants) have taken part in it. The number of referendum participants shall be determined as per the number of ballot papers for voting of the established format extracted from the ballot boxes for voting.
3. The Central Referendum Commission shall declare the decision to have been adopted at the referendum if overall for the Kyrgyz Republic more than half of the citizens who took part in voting at the referendum voted for it. If alternative options for questions were submitted to the referendum and none of the said options has received the necessary number of votes, all of the options shall be deemed declined.
4. The respective referendum commission for a precinct, territory, oblast, cities of Bishkek and Osh as well as the Central Referendum Commission shall recognize the voting results at the referendum as overall invalid:
  - 1) if violations which occurred during the conduct of voting or determination of voting results do not allow to genuinely determine the results of the expression of will by the referendum participants;
  - 2) if they are recognized invalid at no fewer than one third of the total number of the referendum precincts;
  - 3) upon a court decision.
5. If the violations listed under clause 4 of this Article influenced the overall results of the referendum, the Central Referendum Commission shall be entitled to charge the respective referendum commissions with holding repeat voting within 15 days as of the official publication (public announcement) of the resolution of the Central Referendum Commission.
6. The Central Referendum Commission shall compile a protocol on referendum results which shall be signed by all members of the

Central Referendum Commission with the right of a decisive vote present. It shall include the following:

- 1) the number of oblast, Bishkek and Osh city referendum commissions and, separately, the number of precinct referendum commissions formed outside the territory of the Kyrgyz Republic;
- 2) the number of protocols of oblast, Bishkek and Osh city referendum commissions on voting results and, separately, the number of protocols of precinct referendum commissions formed outside the territory of the Kyrgyz Republic based upon which the protocol of the Central Referendum Commission is compiled;
- 3) the number of citizens with the right for participation in a referendum (referendum participants)
- 4) the number of absentee ballots issued by precinct referendum commissions;
- 5) the number of absentee ballots presented by referendum participants;
- 6) the number of ballot papers for voting received by precinct referendum commissions;
- 7) the number of ballot papers for voting issued to citizens at referendum polling stations;
- 8) the number of ballot papers for voting issued to citizens voting outside the premises of referendum polling stations;
- 9) the number of cancelled ballot papers for voting;
- 10) the number of ballot papers for voting contained in mobile ballot boxes for voting;
- 11) the number of ballot papers for voting contained in stationary ballot boxes for voting;
- 12) the number of ballot papers of a non-standard format extracted from ballot boxes for voting;
- 13) the number of valid ballot papers for voting;
- 14) the number of ballot papers for voting found to be invalid;
- 15) the number of votes cast for the question submitted to the referendum;
- 16) the number of votes cast against the question submitted to the referendum;
7. If alternative options for the question are submitted to a referendum, the protocol shall include all of the options and the number of votes of referendum participants cast for each option as well as the number of votes cast against all options.
8. If several questions are submitted to a referendum simultaneously, the counting of votes and compilation of a protocol shall be effected separately for each question.
9. A member of the Central Referendum Commission who disagrees with the protocol of the Central Referendum Commission on the referendum results in full or with its particular provisions shall be entitled to attach to the protocol his/her dissenting opinion to which effect the respective note shall be made in the protocol.
10. An aggregate spreadsheet shall be attached to the protocol of the Central Referendum Commission on the referendum results which shall include data of the protocols of all referendum commissions and precinct referendum commissions formed outside the territory of the Kyrgyz Republic.

#### Article 46. Publication (Public Announcement) and Coming into Force of the Decision Adopted at a Referendum

1. The decision adopted at a referendum and the overall results of voting for the Kyrgyz Republic shall be subject to official publication (public announcement) by the Central Referendum Commission within 3 days after the determination of the referendum results.
2. Within 2 months after determination of the referendum results, the Central Referendum Commission shall publish in mass media the overall results of voting at the referendum including all data entered into aggregate spreadsheets attached to the protocols of referendum commissions.
3. The results of voting for each precinct of a territory, oblast, cities of Bishkek and Osh to the extent of data contained in the protocols of the respective referendum commissions on the voting results at the referendum shall be provided for familiarization to any referendum participant, observer as well as representatives of mass media.
4. The decision adopted at a referendum shall come into force as the day of its official publication (public announcement) by the Central Referendum Commission unless provided for otherwise in the wording of the question submitted to the referendum.

#### Article 47. The Legal Force of the Decision Adopted at a Referendum

1. The decision adopted at a referendum shall be mandatory for all, shall not require additional approval and be effective in the whole territory of the Kyrgyz Republic.
2. If it is required to pass an additional normative legal in order to implement the decision adopted at a referendum, the state authority within whose powers this issue remains, shall be obliged within 15 days of the day when the decision adopted at a referendum comes into force determine the timeframe for drafting such a normative legal act.

#### Article 48. Storage of Referendum Documentation

1. Documentation of precinct referendum commissions including ballot papers for voting and cancelled absentee ballots shall be transferred to the respective territorial, oblast, Bishkek and Osh city referendum commissions within 10 days of the official publication (public announcement) of referendum results.
2. Territorial, oblast, Bishkek and Osh city referendum commissions shall hand over all documentation for permanent storage to the respective archiving institution.
3. Upon one year after the official publication (public announcement) of the referendum results the ballot papers for voting and cancelled absentee ballots shall be destroyed to which effect a deed shall be executed according to the format established by the Central Referendum Commission.
4. Documentation of oblast, Bishkek and Osh city referendum commissions shall be handed over for permanent storage to the respective archives six months after the day of the official publication (public announcement) of the voting results at a referendum.
5. Documentation of the Central Referendum Commission shall be handed over for permanent storage to the State Archive of the Kyrgyz Republic one year after the day of the official publication (public announcement) of the referendum results.

### Chapter 6.

#### Financial Provision for a Referendum

#### Article 49. Financial Provision for the Conduct of a Referendum

1. Financial provision for a referendum shall be effected out of funds of the republican budget. Expenditures of referendum commissions shall be listed as a separate line in the republican budget.

2. Funds for preparation and conduct of referendum shall be received at the disposal of the Central Referendum Commission from an authorized body of the Government of the Kyrgyz Republic on financial issues within ten days as of the official publication of the decree of the President of the Kyrgyz Republic on calling a referendum and distributed by the Commission among the lower referendum commissions.
3. If financing of the preparation and conduct of a referendum was not envisaged in the republican budget, as well as in case when funds were not transferred to the Central Referendum Commission when due, the said expenditures shall be covered by loans from banks which shall be provided on a competitive basis for the purpose of financing the preparation and conduct of a referendum. The Government of the Kyrgyz Republic shall be obliged to issue a state guarantee for fulfillment of obligations to return the loan amount including interest accrued within a ten-day period of the request made the Central Referendum Commission. The return of the loan amount received and interest payments accrued for using the loan funds shall be made out of the republican budget. The monetary funds for repayment of this debt obligation shall be allocated by a law on the republican budget for the subsequent fiscal year as a target expenditure.
4. The procedure of opening accounts, tracking, accounting and transfer of monetary funds to lower referendum commissions as well as the forms of financial reports of referendum commissions shall be established by the Central Referendum Commission.
5. Chairmen of referendum commissions shall distribute monetary funds and be held responsible for compliance of financial documents to decisions of the referendum commission on financial issues.
6. Precinct referendum commissions shall submit to territorial referendum commissions financial reports not later than 15 calendar days after the day of the official publication (public announcement) of referendum results. Territorial referendum commissions shall submit financial reports to oblast, Bishkek and Osh city referendum commissions not later than 30 calendar days after the day of the official publication (public announcement) of the referendum results. Oblast, Bishkek and Osh city referendum commissions shall submit to the Central Referendum Commission an aggregate financial report not later than 60 calendar days after the day of the official publication (public announcement) of the referendum results.
7. The Central Referendum Commission shall submit a financial report on spending the funds of the republican budget to the President of the Kyrgyz Republic, Zhogorku Kenesh of the Republic not later than 90 calendar days after the day of official publication (public announcement) of the referendum results. The said financial report shall be published by the Central Referendum Commission in its official print media outlet and communicated to mass media not later than one month after its submission to the President of the Kyrgyz Republic and Zhogorku Kenesh of the Kyrgyz Republic.

#### Article 50. Funds of an Initiative Group of a Referendum, a Group against a Referendum

1. An initiative group, a group against a referendum shall create their own fund after registration of the group by the Central Referendum Commission to finance their campaign for preparation and conduct of the referendum, including organizing the collection of signatures in support of or against the initiative of conducting a referendum. An initiative group, a group against a referendum shall be obliged to appoint authorized representatives on financial issues who must be registered by the Central Referendum Commission.
2. A fund of an initiative group, a group against a referendum may be created out of the following monetary resources:
  - 1) voluntary contributions of private persons each of which may not exceed the established minimum salary by more than 50 times;
  - 2) voluntary contributions of legal entities each of which may not exceed the established minimum salary by more than 3000 times.
3. The maximum amount of expenditures by an initiative group or a group against a referendum out of the fund may not exceed the established minimum salary by more than 300 thousand times.
4. The following shall be prohibited from making contributions to the fund of an initiative group or a group against a referendum:
  - 1) foreign states and foreign legal entities;
  - 2) foreign citizens;
  - 3) persons without citizenship;
  - 4) citizens of the Kyrgyz Republic who have not reached the age of 18;
  - 5) legal entities with a foreign share of ownership;
  - 6) international organizations and international public movements;
  - 7) state authorities and bodies of local self-government;
  - 8) state and municipal institutions and organizations;
  - 9) legal entities that have a state or municipal share in the charter capital;
  - 10) military units, military establishments and organizations, law-enforcement agencies;
  - 11) charity organizations and religious unions;
  - 12) anonymous contributors.
5. All monetary resources forming a fund shall be transferred to a special account with a bank. This account shall be opened at the permission of the Central Referendum Commission by an authorized representative of the initiative group or a group against a referendum. Monetary resources received into the fund shall be accepted only in the national currency. Interest in the above-named accounts shall not be accrued and paid out.
6. During the conduct of a referendum the procedure of opening, keeping the said accounts, accounting and reporting with regard to the amounts in the fund shall be established by the Central Referendum Commission.
7. The right to dispose of the funds' resources shall belong to initiative groups and groups against a referendum which created them.
8. Resources of funds shall have a target purpose. They may be used only to cover expenses related to the conduct of a referendum campaign.
9. Resources of funds may be used as follows:
  - 1) for financial support of organizational and technical measures, geared at collection of signatures in support of the initiative to conduct a referendum;
  - 2) for campaigning on the referendum questions, against the referendum;
  - 3) for payment of remuneration to citizens for their performed work (rendered services) directly associated with the conduct of the referendum campaign;
  - 4) for payment of rent for premises, equipment, business trip expenses, services, communication services, purchase of stationery and other expenses directly associated with the conduct of the referendum campaign.
10. An initiative group or a group against a referendum shall be prohibited from the use of other resources to pay for work associated with the collection of signatures of referendum participants, campaigning on the questions of a referendum or against a referendum, or performance of other activities, other than the resources received into their funds.
11. If during the collection of signatures or during the period of campaigning on the referendum questions or other events an initiative

group has used other resources apart from the resources from the referendum fund, the Central Referendum Commission shall be entitled to cancel its decision to register the initiative group and apply to court with a request to cancel the decision to call a referendum. If the said violations were discovered after the publication of referendum results, the Central Referendum Commission shall be entitled to apply to court with a request to recognize the referendum results invalid in full or in individual precincts or territories. If a group against a referendum during the conduct of a campaign on the referendum questions has used other resources apart from the resources from the funds, the Central Referendum Commission shall be entitled to cancel its decision to register the group against a referendum.

12. If a decision to register an initiative group or a group against a referendum is cancelled, the monetary resources received into their funds shall be subject to immediate return to citizens and organizations who/which contributed them; whereas expenses related to the return of the said funds shall be covered at the cost of the citizens and organizations that contributed them.

13. Banking institutions upon the request of the Central Referendum Commission shall be obliged to periodically provide information on the receipt and expenditure of funds kept on the account of an initiative group, a group against a referendum.

14. From the moment of fund's creation until the voting day the Central Referendum Commission shall periodically send for publication in mass media information about receipt and expenditure of resources of the funds of an initiative group or a group against a referendum. Mass media shall be obliged to publish the said information within 3 calendar days of its receipt at the expense of their current financing.

15. Contracts or agreements paid for out of the special accounts of initiative groups or groups against a referendum may not be concluded later than on the day preceding the voting day at the referendum.

16. An initiative group or a group against a referendum shall not later than 30 calendar days after publication of the referendum results submit to the Central Referendum Commission a report on the amount and sources of creation of their fund as well as on all expenses and payments made. Copies of the said reports shall be forwarded by the Central Referendum Commission to mass media to be published not later than 3 calendar days after their receipt.

17. An initiative group or a group against a referendum shall be obliged to transfer the remainder of the monetary resources unused kept on the special account to the accounts of organizations and persons who made the contributions proportionally to the funds contributed. Upon expiry of 60 calendar days as of the day of voting at a referendum, the bank shall upon a written request of the Central Referendum Commission be obliged to transfer other monetary resources remaining on the special account of an initiative group or a group against a referendum to the income of republican budget.

18. The procedure for taxation of resources from a fund of an initiative group or a group against a referendum, voluntary donations and contributions to the above-named fund, as well as expenditures from it shall be established by applicable law of the Kyrgyz Republic.

#### Chapter 7.

#### Liability for Violation of the Law on a Referendum

#### Article 51. Appealing Decisions and Actions (Failure to Act) of Referendum Commissions Violating the Right of Referendum Participants to Participate in a Referendum

1. Decisions and actions (failure to act) of referendum commissions and their officials, which violate citizens' right for participation in a referendum may be appealed to a higher referendum commission.

2. Complaints against decisions and actions (failure to act) of referendum commissions violating citizens' right to participate in a referendum may be filed by referendum participants, members of an initiative group, a group against a referendum, political parties, public associations, meetings of citizens, observers as well as lower referendum commissions.

3. Decisions and actions (failure to act) of the following referendum commissions may be appealed:

- 1) precinct commissions – to territorial referendum commissions;
- 2) territorial commissions – to oblast, Bishkek and Osh city commissions;
- 3) oblast, Bishkek and Osh city commissions – to the Central Referendum Commission.

4. Decisions and actions (failure to act) of referendum commissions and their officials may be appealed to a higher referendum commission within time periods established by this constitutional Law as well as within 10 days after publication (public announcement) of the referendum results. Upon expiry of this term, a complaint shall not be subject to review.

5. A superior commission and the Central Referendum Commission shall be entitled to make a decision on the complaint in essence.

#### Article 52. Judicial Procedure for Appealing Decisions and Actions (Failure to Act) Violating the Right of Citizens for Participation in a Referendum

1. Decisions and actions (failure to act) of state authorities, bodies of local self-government, political parties, public associations and officials as well as decisions and actions (failure to act) of referendum commissions and their officials violating the rights of citizens for participation in a referendum may be appealed to court.

2. Decisions and actions (failure to act) of referendum commissions shall be appealed to the district (city) court at the location of the defendant.

3. Should a court accept a complaint for consideration while the citizen files a similar complaint with a referendum commission, the latter shall suspend the consideration of this complaint until the court's decision enters into legal force. The court shall notify the referendum commission of the complaint received. In cases provided for by this constitutional Law, the court shall accept a complaint for consideration only after its review by the Central Referendum Commission.

4. The court's decision shall come into legal force as of the moment of its adoption and shall be mandatory for implementation by state authorities, bodies of local self-government, public associations, officials and referendum commissions,

5. Complaints against decisions and actions (failure to act) violating the right of citizens for participation in a referendum may be filed by referendum participants, members of an initiative group, a group against a referendum, political parties, public associations, meetings of voters, observers as well as referendum commissions.

6. In cases provided for by this constitutional Law and laws of the Kyrgyz Republic, the court may cancel a decision of the respective commission on voting results or referendum results or another decision of a referendum commission.

7. Complaints received in the course of preparation for a referendum shall be subject to consideration by a court within three days of filing the complaint, but not later than on the day preceding the day of voting at the referendum, and immediately if received on the voting day or the subsequent day. In cases when facts contained in complaints require additional verification, decisions on them shall be passed not later than within five days. With respect to complaints against the decision of a referendum commission on the voting results or on referendum results the court shall be obliged to pass a decision within a ten-day period after the day of filing the



complaint.

8. A court shall be entitled to pass a decision if representatives of one of the interested parties fail to appear twice.

9. Courts and prosecutor's offices shall organize their work (including on non-working days) in such a manner as to ensure timely review of complaints.

10. A decision of a district (city) court that has entered into legal force may be reviewed through an oversight procedure by the Supreme Court of the Kyrgyz Republic within 5 calendar days from the day of submission of the complaint.

11. An oversight complaint against a court's decision shall be submitted through a respective court that has adopted this decision. The submission of an oversight complaint directly to the Supreme Court of the Kyrgyz Republic shall not constitute an impediment for its consideration.

12. The ruling of the Supreme Court of the Kyrgyz Republic shall enter into legal force from the moment of its passage, shall be final and not subject to appeal.

#### Article 53. The Grounds for Cancellation of a Referendum Commission's Decision on Voting Results and Referendum Results

1. If after determination of voting results or referendum results by the respective referendum commission, the court shall rule that violations of the procedure for campaigning on referendum questions, financing the referendum, facts of buying votes of referendum participants occurred which do not allow to genuinely determine the results of the expression of will by referendum participants, it can cancel the decision of the commission of the voting results or referendum results.

2. A court may cancel the decision of a referendum commission on the voting results at a referendum precinct, territory, and on the referendum results in general also when violation of the rules for compiling lists of referendum participants, procedure for appointment of referendum commissions, the procedure of voting and the vote count (including obstruction to observation thereof), determination of voting results occurred if these actions (failure to act) do not allow to genuinely determine the results of the expression of will by referendum participants.

3. Cancellation by a court of decisions of precinct referendum commissions on voting results at a referendum at more than one third of the total number of referendum precincts shall entail recognition of the referendum results as invalid.

#### Article 54. Liability for Violating Electoral Rights of Referendum Participants.

The following shall bear criminal, administrative or other liability in accordance with the law of the Kyrgyz Republic:

1) those interfering with the free implementation by citizens of the Kyrgyz Republic of their right participate in a referendum by means of violence, deceit, threat, forgery, or other means, or violating the secrecy of voting, or of a referendum participant's right to become familiarized with the list of referendum participants, or forcing citizens to sign or preventing them from putting down their signatures in support of the initiative to conduct a referendum, as well as those participating in forgery of these signatures or bribery of referendum participants;

2) those abusing advantages of their official or service position for the purposes of receiving the desired answer to the question submitted to the referendum; or those who failed to timely compile and verify data on registered referendum participants (lists of referendum participants) before sending this data to the respective referendum commissions, or those violating the rules for financing the referendum, including persons who delay the transfer of funds to referendum commissions, or those who issued ballot papers to citizens for the purposes of providing them with an opportunity of voting for other persons, or those who forged documents, knowingly compiled and issued forged documents, knowingly conducted incorrect vote counting or established incorrect voting results;

3) those who violate the rights of referendum commission members, observers, foreign (international) observers, mass media, including their right to timely receive information and copies of documents, or violate the rules of campaigning on the referendum questions, including those who campaign when this is prohibited, or those who impede or interfere illegally in the work of referendum commissions associated with the performance of their duties, or who failed to present or publish reports on the expenditure of funds for the preparation and conduct of the referendum, financial reports on the fund of an initiative group or a group against a referendum and financial reports on the expenditure of budget funds allocated for the conduct of a referendum in the Kyrgyz Republic.

#### Chapter 8

#### Concluding Provisions

#### Article 55. Coming into Force of This Constitutional Law

1. This constitutional Law shall come into force as of the day of its official publication.

Published in the "Erkintoo" newspaper on 27 November 2007, No.94, on 30 November 2007, No.97

2. The following normative legal acts shall become null and void as the moment when this constitutional Law comes into force:

- The Law of the Republic of Kyrgyzstan "On Referendum in the Republic of Kyrgyzstan" (Bulletin of the Supreme Council of the Republic of Kyrgyzstan, 1991, No.13, Art.446)

- Resolution of the Supreme Council of the Republic of Kyrgyzstan "On Implementation of the Law of the Republic of Kyrgyzstan 'On Referendum in the Republic of Kyrgyzstan'" (Bulletin of the Supreme Council of the Republic of Kyrgyzstan, 1991, No.13, Art.447)

President of the Kyrgyz Republic K.Bakiev

Adopted by the Zhogorku Kenesh  
of the Kyrgyz Republic on 18 September 2007