Print

Law of Turkmenistan

On Elections of Deputies of the Mejlis of Turkmenistan

13 May 1994

as amended on 10 December 1998

CHAPTER I. GENERAL PROVISIONS

Article 1. Foundations of the electoral system

In accordance with the Constitution of Turkmenistan, elections of deputies of the Mejlis (Parliament), which is the legislative body of Turkmenistan, shall be carried out by citizens of Turkmenistan on the basis of universal, equal and direct suffrage by secret ballot.

Elections shall be conducted in single mandate territorial constituencies. One deputy of the Mejlis-shall be elected from each constituency.

The election process shall be conducted on the basis of the free nomination of candidates for deputy with the equal enjoyment of rights, transparency (glasnost) and openness, freedom of campaign and equal opportunities for all candidates in the conduct of election campaigns.

The term of office of deputies of the Mejlis shall be 5 years.

Article 2. Universal suffrage

Citizens of Turkmenistan who will have reached the age of 18 by polling day shall have the right to vote.

Any direct or indirect limitations on the electoral rights of citizens of Turkmenistan based on ethnic origin, background, proprietary or official status, length of residence in a given location, sex, language, education, religious beliefs, political affiliation or party membership shall be prohibited.

Persons suffering from mental disorder or recognised by a court as incapable, persons deprived of their freedom by sentence of a court, and persons held in detention as a preventative measure in accordance with legislation, shall not participate in elections.

Article 3. Equal suffrage

All voters shall participate in elections on an equal basis; each voter shall have one vote.

Article 4. Direct suffrage

Elections shall be direct; deputies of the Mejlis shall be elected by citizens directly.

Article 5. Secret voting

Voting at elections shall be secret; control over the expression of the will of the voters shall not be permitted.

Article 6. Calling elections

Election of deputies of the Mejlis shall be called by the Mejlis of Turkmenistan no later than two months prior to the expiry of the powers of deputies of the Mejlis.

In the event of the early dissolution of the Mejlis, elections of deputies of the Mejlis shall be called by the President of Turkmenistan.

The date of the election shall be announced in the press.

Article 7. Conduct of elections by electoral commissions

The conduct of elections of deputies of the Mejlis shall be effected by the appropriate electoral commissions, which shall comprise representatives of political parties, social associations, bodies of local social self-government and other groups of citizens, and which in military units shall comprise military personnel.

Representatives on electoral commissions shall be nominated at meetings (conferences, plenary sessions or councils) of velayat, etrap and city bodies of political parties and social associations and at meetings of their primary organisations, and also at meetings of citizens convened on the initiative of khiakims or archyns or on the initiative of groups of citizens. A meeting of citizens shall be deemed competent if not less than 30 voters who live within the constituency are present.

Electoral commissions ma. representatives of state bodies.

Article 8. Material provision for elections

All expenses relating to the preparation and conduct of elections of deputies of the Mejlis shall be met by the State.

Article 9. Liability for violation of an election law

Persons who hinder by force, deception, threat or other means the free enjoyment by a citizen of Turkmenistan of the right to elect and to be elected as a deputy of the Mejlis or to conduct an election campaign, and also members of electoral commissions who falsify election documents, deliberately miscalculate votes or permit other violations of the present Law, shall bear liability established by law. Persons who disseminate by any means information about a nominated candidate for deputy of the Mejlis which is offensive and known to be untrue shall also be held liable.

If a candidate him/herself violates the present Law the constituency electoral commission may revoke its decision to register him/her.

Objections regarding violations of electoral legislation received by electoral commissions or state bodies during preparations for an election or during the 15 days after the election shall be considered within one week. Those received on election day shall be considered immediately.

CHAPTER 2. CONSTITUENCIES AND PRECINCTS

Article 10. Formation of constituencies

Fifty territorial constituencies with approximately equal number of voters with deviations up to 10% shall be formed for elections of deputies of the Mejlis. Constituencies shall be formed by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan on the recommendation of the khiakims of the velayats and the khiakim of the city of Ashgabat.

Not later than 55 days before the election the Central Commission for Elections and the Conduct of Referendums in Turkmenistan shall publish a list of constituencies with an indication of their boundaries and constituency centres in the newspapers Turkmenistan and Neitralnyi Turkmenistan.

Article 11. Formation of precincts

For the conduct of voting and counting of votes in an election of deputies of the Mejlis the territory of a constituency shall be divided into precincts.

Precincts may be formed in military units, sanatoriums and rest homes, hospitals and other stationary establishments for medical treatment and where citizens are in remote and inaccessible areas. Such precincts shall form part of the constituency in which they are located.

Precincts shall be formed by constituency electoral commissions on the recommendation of the khiakims of etraps and cities, and in military units on the recommendation of commanders of military units.

Article 12. Procedure and norm for formation of precincts

Precincts shall be formed no later than 45 days before the polling day. Precincts shall be formed in military units and in remote and inaccessible areas within the same period, but in exceptional cases may be formed no later than five days before the election.

Precincts shall be formed with a number of voters from 20 to 3,000. In exceptional cases precincts may be formed with less than 20 voters.

Constituency electoral commissions shall inform voters about the boundaries of each precinct and the location of the precinct electoral commission.

CHAPTER 3. ELECTORAL COMMISSIONS

Article 13. System of electoral commissions

Elections of deputies of the Mejlis shall be organised by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan. For this purpose there shall be formed

-electoral commissions of the velayats and the city of Ashgabat;

-constituency electoral commissions;

-precinct electoral commissions.

The powers of the said electoral commissions shall expire upon confirmation of the powers of the elected deputies of the Mejlis.

Article 14. Powers of the Central Commission for Elections and the Conduct of Referendums in Turkmenistan in the preparation and organisation of elections of deputies of the Mejlis

The Central Commission for Elections and the Conduct of Referendums in Turkmenistan shall be formed by the Mejlis of Turkmenistan.

In preparing for and organising elections of deputies of the Mejlis the Central Commission for Elections and the Conduct of Referendums in Turkmenistan shall:

1. effect control over the implementation of the present Law on the whole territory of Turkmenistan and ensure its uniform application; give explanations on the procedure for applying the Law;

2. direct the activities of electoral commissions;

3. form constituencies for elections of deputies of the Mejlis; publish in the press a list of constituencies with an indication of their boundaries and centres;

4. form the electoral commissions of the velayats and the city of Ashgabat; 5. establish the time for voting on polling day;

6. establish the format of ballot papers and the form for voters who are absent on polling day, voter lists, minutes and protocols of sessions of electoral commissions. other election documents and standard ballot boxes; organise the printing of blank election documents and provide them to electoral commissions of the velayats and the city of Ashgaba.;

7. hear reports of electoral commissions, heads of ministries and other central bodies of state administration, local bodies of executive power and bodies of local self- government on the preparation and conduct of the election;

8. control the observance of equal conditions for candidates for deputy of the Mejlis during the election campaign;

9. determine the results of the election in Turkmenistan as a whole and publish in the press an announcement of the results of the election and a list of elected candidates for deputy of the Mejlis;

10. issue temporary identification documents to persons who have been elected as deputies of the Mejlis;

11. decide whether to conduct repeat elections of deputies of the Mejlis;

12. call by-elections and make provision for their conduct;

13. consider objections and protests against decisions and actions of electoral commissions and make rulings on them;

14. determine the procedure for the storage of documentation connected. with the organisation and conduct of elections;

15. provide training for electoral commissions;

16. effect other powers in accordance with the present Law and other laws of Turkmenistan.

Article 15. Formation of electoral commissions of the velayats and the city of Ashgabat

For the election of deputies of the Mejlis the electoral commissions of the velayats and the city of Ashgabat shall be formed by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan on the recommendation of the khiakims of the velayats and of the city of Ashgabat. Each commission shall be formed no later than 55 days before the election and comprise 9-13 persons. If necessary, the composition of a commission may be changed.

Article 16. Powers of the electoral commissions of the velayats and the city of Ashgabat

The electoral commissions of the velayats and the city of Ashgabat on their respective territories shall:

1. effect control over the implementation of the present Law;

2. form constituency electoral commissions for elections of deputies of the Mejlis;

3. direct the activities of constituency and precinct electoral commissions;

4. control the provision to constituency and precinct electoral commissions of premises, transport, communications and consider other questions of material-technical provision for elections;

5. hear reports of constituency and precinct electoral commissions, representatives of bodies of local executive power and local self-government, directors of enterprises, institutions and organisations on questions connected with the preparation and conduct of elections;

6. provide assistance to constituency electoral commissions in the printing of ballot papers and absent voter forms and organise the publication of posters with biographical details of candidates for deputy of the Mejlis;

7. aggregate the voting results for the velayat or the city of Ashgabat and send the protocols of the constituency electoral commission to the Central Commission for Elections and the Conduct of Referendums in Turkmenistan;

8. organise repeat elections and by-elections;

9. consider within the periods established by the present Law objections and appeals agai~st decisions and actions of constituency and precinct electoral commissions and make rulings on them;

10. effectuate the procedure for the storage of election documents established by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan;

11. effect other powers in accordance with the present Law.

Article 17. Formation of constituency electoral commissions

A constituency electoral commissions for an election of deputies of the Mejlis shall be formed in each constituency not later than 50 days before the election and shall comprise 11-13 persons. If necessary, the composition of an constituency electoral commission may be changed by the body which formed that commission.

Constituency electoral commissions shall be formed by electoral commissions of the ve/ayats and the city of Ashgabat on the recommendation of the khiakims of etraps and cities.

Article 18. Powers of constituency electoral commissions

A constituency electoral commission on the territory of its constituency shall:

1. exercise control over the implementation of the present Law;

2. form precincts and precinct electoral commissions and direct the activities of such commissions;

3. hear reports of precinct electoral commissions, representatives of bodies of local executive power and local self-government, directors of enterprises, institutions and organisations on questions connected with the preparation and conduct of elections;

4. control the compilation of voter lists and their display for public familiarisation;

5. decide questions provided for by the present Law related to the organisation of the nomination of candidates for deputy of the Mejlis; control observance of equal conditions for the participation of candidates for deputy of the Mejlis during the election campaign;

6. register nominated candidates for deputy of the Mejlis and issue them with appropriate identification; publish an announcement about the registered candidates for deputy of the MejJis; ensure the production of posters with their biographical details;

7. in the situation envisaged by Article 10 of the present Law, revoke its decision to register a candidate for deputy of the Mejlis;

8. register agents of a candidate for deputy of the Mejlis and issue them with appropriate identification documents;

9. organise jointly with bodies of local self-government and social associations meetings of candidates for deputy of the Mejlis with voters;

10. approve for the given constituency the text of the ballot paper and the form for voters who are absent on polling day; ensure the production of ballot papers and the said forms and their supply to precinct electoral commissions;

11. establish the results of elections for the constituency; issue an identification document to the elected deputy of the Mejlis;

12. adopt a decision regarding and conduct repeat voting; organise the conduct of repeat elections and of by-elections for deputies of the Mejlis;

13. consider within the periods established by the present Law objections and appeals against decisions and actions of constituency and precinct electoral commissions and make rulings on them;

14. effect other powers in accordance with the present Law.

Article 19. Formation of precinct electoral commissions

Precinct electoral commissions shall be formed by the respective constituency electoral commission on the recommendation of the khiakims of etraps and cities and of archyns no later than 40 days before the election and shall comprise 5-15 persons. If necessary, the formation of precinct electoral commissions shall be permitted no later than five days before the election and a minimum composition of three persons shall be permitted.

Article 20. Powers of constituency electoral commissions

A precinct electoral commission shall:

1. compile voter lists by precinct;

2. familiarise voters with the voter lists, accept and consider applications regarding inaccuracies in the list and decide whether to make corresponding amendments;

3. inform voters about the day of the election, the venue and time of voting;

4. prepare premises for voting and for the ballot boxes;

5. organise voting at the polling station on polling day as well as on the day of repeat voting and repeat elections;

6. accept from voters who intend to be absent from their place of residence on polling day absent voter forms for such voters or completed ballot papers;

7. carry out the counting of votes cast at the polling station and complete the appropriate protocol;

8. consider within the periods established by the present Law objections and appeals regarding the preparation of the election and the organisation of voting and make rulings on them;

9. effect other powers in accordance with the present Law.

Article 21. Organisation of the work of electoral commissions

The chairman, deputy chairman and secretary of an electoral commission of a velayat, the city of Ashgabat, a constituency or precinct shall be elected at the first session of the commission. That decision shall be published in the press.

A session of an electoral commission shall be quorate if not less than two thirds of the commission's composition participate in it. A commission's decisions shall be taken by means ofopen voting by a majority of the total composition of the commission. Members of the commission who disagree with a decision shall have the right to express a dissenting opinion, which shall be attached to the minutes in written form.

The decisions of an electoral commission adopted within its powers shall be obligatory for all state and public bodies, enterprises, institutions and organisations.

The decisions and actions of an electoral commission may be appealed to a higher- standing electoral commission.

By a decision of an electoral commission one of its members may, for the period of the preparation and conduct of the election, be released from the fulfilment of his/her productive or professional duties whilst maintaining an average wage paid from the funds allocated for conducting the election for the following periods: for a member of an electoral commission of a velayat, the city of Ashgabat, or a constituency -up to two months; for members of a precinct electoral commission -up to one month.

The chairman, deputy chairman, secretary or a member of an electoral commission may be released from his/her duties in the commission on the initiative of the commission itself, on the recommendation of the body of the social association, meeting of citizens or military personnel which nominated him/her, and also on the basis of and in the order established by Articles 31 and 36 of the present Law.

The nomination of the new representative on an electoral commission and also the election of a new chairman, deputy chairman or secretary of a commission shall be carried out in the procedure established by the present Law.

Article 22. Transparency (glasnost) in the work of electoral commissions

Electoral commissions shall inform citizens of their composition, location and of their work, about the registered candidates for deputy of the Mejlis and their biographical details, and about the results of voting for each candidate and the results of the election.

At sessions of electoral commissions, when ballot boxes are sealed with a lead seal or a stamp, prior to the commencement of voting, during voting and the counting of votes at the polling station, and when determining the results of the election and compiling the overall results, the following shall have the right to be present: representatives of political pal1ies, social associations, meetings of voters and state bodies, and candidates' agents. Their appeals on violations of the present Law must be considered immediately by electoral commissions.

International and national observers and representatives of the mass mesia shall also have the right to be present at sessions of electoral commissions, when the ballot boxes are sealed with a lead seal or a stamp, prior to the commencement of voting, during voting and the

counting of votes at the polling station, and when determining the results of the election and compiling the overall results.

The powers of the said representatives should be cel1ified with appropriate documents. Advance notification to electoral commissions of a representative's intention to be present on polling day in the premises for voting or at a session of electoral commissions shall not be required.

The mass media shall cover the preparation and conduct of elections. Electoral commissions, state and public bodies shall provide them with information about the preparation and conduct of elections.

Article 23. Ensuring working conditions for electoral commissions

State and social bodies and officials shall be obliged to assist electoral commissions in the exercise of their powers and to provide in the established procedure the premises, equipment, transport, information and materials that are necessary for their work, to consider questions raised by an electoral commission and provide answers to them within a three day period.

Article 24. Appeals against the decisions of electoral commissions

The decisions and actions of electoral commissions may be appealed in the established procedure by candidates for deputy of Mejlis and their agents as well as by voter higher-standing electoral commission or a to a court.

CHAPTER 4. VOTER LISTS

Article 25. The voter list and the procedure for compiling it

A voter list shall be compiled for each precinct and signed by the chairman and secretary of the precinct electoral commission. The precinct electoral commission may enlist members of the public to participate in compiling the list.

Bodies of local executive power and of local self-government shall collect information about voters and supply to precinct commissions such information about voters living on the respective territory as is necessary to compile voter lists.

Lists of military voters in military units and also of members of the families of military personnel and of other voters, if they are resident within military units, shall be compiled on the basis of data provided by commanders of military units. Military personnel who live outside military units shall be included in the voter list for their place of residence in the usual way.

Voter lists at sanatoriums and rest homes, hospitals and other stationary establishments for medical treatment shall be compiled on the basis of data provided by the heads of such institutions.

Voters' names shall be set out in the voter list in an order which is convenient for the organisation of voting.

Article 26. Procedure for including citizens on the voters list

All citizens of Turkmenistan who have reached 18 years of age by polling day and who live on the territory of a given precinct at the moment when the voter list is cbmpiled shall be included in the voter list and shall be entitled to participate in voting.

A voter may only be included in a voter list in one constituency.

Article 27. Familiarisation of citizens with voters lists and the right to appeal against inaccuracies in a voter list

Voters lists shall be displayed for public familiarisation no later than 10 days before the election and in precincts formed in sanatoriums and rest homes, hospitals and other stationary establishments for medical treatment, no later than two days before the election.

Citizens shall be ensured an opportunity to familiarise themselves with voter lists and to verify their accuracy in the premises of the precinct electoral commission.

Each citizen shall have the right to appeal against non-inclusion or incorrect inclusion in a list or exclusion from a list and also against inaccuracies in the voter's details. An appeal regarding inaccuracies in the list shall be considered by the precinct electoral commission, which shall be obliged to consider the appeal within two days, or on the eve of or on the day of voting, immediately, and to make any necessary corrections to the list or to give the appellant a copy of its reasoned decision to refuse the appeal.

CHAPTER 5. NOMINATION AND REGISTRATION OF CANDIDATES FOR DEPUTY OF THE MEJLIS

Article 28. Nomination of candidates for deputy of the Mejlis

Nomination of candidates for deputy of the Mejlis shall commence 45 days and end 30 days before the election.

A citizen of Turkmenistan who will have reached the age of 25 by polling day may be nominated for deputy of the Mejlis.

Candidates for deputy of the Mejlis may be nominated by:

- political parties and social associations which have been registered in the procedure established by law;

- meetings of citizens.

Upon nomination as a candidate for deputy of the Mejlis a person whose position, according to the Constitution of Turkmenistan, is incompatible with the mandate of a deputy of the Mejlis, shall inform the constituency electoral commission in writing of the revocation of his/her candidacy or of his/her intention to vacate the office occupied if he/she is elected as a deputy of the Mejlis.

A nominated candidate for deputy of the Mejlis shall inform the constituency electoral commission in writing before the day that he/she is registered as a candidate for deputy of the Mejlis that he/she consents to stand for election in a given constituency. The constituency electoral commission shall inform the candidate for deputy of the Mejlis well in advance of the date of registration.

Article 29. Nomination of candidates for deputy of the Mejlis by political parties and social associations

Political parties and social associations shall nominate candidates for deputy of the Mejlis at sessions (congresses, conferences, plenary sessions and councils) of their central, velayat, etrap and city bodies. Social associations shall have the right to conduct joint sessions of such bodies to nominate candidates.

An unlimited number of candidacies may be discussed at sessions of bodies of political parties and social associations. Each participant at the session shall have the right to propose 'candidates for deputy of the Mejlis, to participate in discussing them, to support or reject them, or to propose for discussion their own candidacy for deputy of the Mejlis.

Only one candidate for deputy of the Mejlis may be nominated at each session of etrap and city bodies of political parties, social associations and joint sessions of several such bodies.

Several candidates may be nominated at sessions of central and ve/ayat bodies and bodies of the city of Ashgabat of political parties. social associations or joint sessions of several such bodies, but only one candidate for deputy of the Mejlis may be nominated for each constituency.

A candidate for deputy of the Mejlis shall be deemed to have been nominated if more than half of the respective selecting body have voted for him/her.

The nomination decision shall be taken byan open or secret vote. The procedure for voting and other procedural questions shall be determined by the participants of the session.

A protocol shall be drawn up regarding the nomination of the candidate for deputy of the Mejlis ;for a particular constituency. The protocol shall be delivered to the constituency electoral commission within a two-day period, but not later than on the first working day after the end of the nomination period.

Article 30. Nomination of candidates for deputy of the Mejlis by meetings of citizens

Meetings of citizens for the nomination of candidates for deputy of the Mejlis election may be convened on the initiative of a group of citizens or on the initiative of a constituency electoral commission.

Where the meeting is convened by citizens the initiative group shall submit a written statement regarding the holding of the meeting to the constituency electoral commission no later than three days before its anticipated date. The statement shall indicate the place and time of the meeting of citizens. It shall be signed by all members of the initiative group and shall include the surname, first name, patronymic, date of birth and home ad of them.

Where the meeting is convened on the initiative of a constituency electoral commission that commission shall inform citizens living on the territory of the constituency by generally accessible means of the place, date and time of the meeting no later than three days before the anticipated date of he meeting.

A meeting shall be considered quorate if it is attended by not less than 200 voters residing on the territory of the constituency .Participants of the meeting shall be subject to registration. Lists for the registration of participants of a meeting of citizens shall include the surname, first name, patronymic, date of birth and home address of each of them

An unlimited number of candidacies may be discussed at meetings of citizens. Each participant at the meeting shall have the right to propose candidates for deputy of the Mejlis, to participate in discussing them, to support or reject them, or to propose for discussion their own candidacy for deputy of the Mejlis.

Only one candidate for deputy of the Mejlis may be nominated at each meeting of citizens.

A candidate for deputy of the Mejlis shall be deemed to have been nominated if more than half of the participants of the meeting of citizens have voted for him/her.

The nomination decision shall be taken by an open or secret vote. The procedure for voting and other procedural questions shall be determined by the participants of the meeting.

A protocol shall be drawn up regarding the nomination of the candidate for deputy of the Mejlis for a particular constituency. The protocol with the list of participants of the meeting of citizens attached shall be delivered to the constituency electoral commission within a two- day period, but not later than on the first working day after the end of the nomination period.

Article 31. Registration of candidates for deputy of the Mejlis

Candidates for deputy of the Mejlis shall be registered by constituency electoral commissions. Registration shall commence 35 days and finish 25 days before polling day.

When the decision to register candidates for deputy of the Mejlis is adopted the protocols of the meetings and sessions for nomination of candidates for deputy of the Mejlis for a given constituency and the statements of nominated candidates confirming their consent to stand for election shall be available to hand.

The constituency electoral commission shall draw up a protocol regarding the registration of candidates for deputy of the Mejlis, which, together with the statements of the candidates, shall be sent to the Central Commission for Elections and the Conduct of Referendums in Turkmenistan.

The constituency electoral commission shall be obliged to register all candidates for deputy of the Mejlis who have been nominated in accordance with the requirements of the present Law. A refusal to register may be appealed within a three-day period to the Central Commission for Elections and the Conduct of Referendums in Turkmenistan.

A candidate for deputy of the Mejlis may be registered in only one constituency. Each candidate for deputy of the Mejlis shall be issued with an appropriate identification document.

A person nominated as a candidate for deputy of the Mejlis who is on any electoral commission, other than the Central Commission for Elections and 'the Conduct of Referendums in Turkmenistan, shall be deemed to have been released from his/her duties on the commission from the moment that he/she is registered as a candidate for deputy of the Mejlis.

No later than on the fourth day after registration the constituency electoral commission shall publish a registration announcement in the press indicating the surname, first name, patronymic, year of birth, position occupied (occupation), and the place of work and residence of each candidate for deputy of the Mejlis.

Article 32. Revocation of a decision to nominate a candidate for deputy of the Mejlis. Candidate's withdrawal of his/her candidacy

Political parties and social associations in the person of their central, velayat, etrap and city bodies and meetings of citizens that have nominated a candidate for deputy of the Mejlis shall have the right to revoke at any time prior to the election their decision to nominate a candidate for deputy. A decision on this question shall be adopted in the procedure provided for nominating candidates for deputy of the Mejlis and shall be conveyed to the constituency electoral commission.

At any time before the election a candidate for deputy of the Mejlis may withdraw his/her candidacy having informed the constituency electoral commission in writing.

The electoral commission shall inform voters in the constituency of the revocation of a decision to nominate a candidate for deputy of the Mejlis and of the withdrawal by a candidate of her/her candidacy.

Article 33. Procedures for nomination of candidates for deputy of the Mejlis to replace former candidates

Where persons cease to be candidates and no other candidates remain in the constituency the constituency electoral commission shall invite the central, velayat, etrap and city bodies of political parties and social associations and also voters in the constituency to nominate new candidates for deputy of the Mejlis. Where persons cease to be candidates less than 20 days before polling day, the election of the deputy from that constituency shall be held within two months after the general election.

The nomination of candidates for deputy of the Mejlis in place of those who have withdrawn or had their nominations revoked shall take place in the procedure established by the present Law.

Article 34. The ballot paper

The ballot paper shall include in alphabetical order all the registered candidates for deputy of the Mejlis for a given constituency indicating the surname, first name, patronymic, position occupied (occupation), and place of work and residence of each candidate for deputy. The ballot papers shall be printed in the state language and also in other languages used by the majority of the population of the constituency.

CHAPTER 6. GUARANTEES OF THE ACTIVITIES OF CANDIDATES FOR DEPUTY OF THE MEJLIS

Article 35. Rights of candidate for deputy of the Mejlis

From the moment of their registration by constituency electoral commissions candidates shall have the right to appear at election and other meetings, gatherings, sessions, in the press, and on radio and television.

State and social bodies, directors of enterprises, institutions and organisations, bodies of local executive power and of local self-government shall be obliged to provide candidates for deputy of the Mejlis with assistance in the organisation of meetings with voters and in receiving necessary reference and informational materials.

The use by candidates for deputy of the Mejlis of their official position to conduct their election campaign shall not be permitted.

After he/she has been registered a candidate for deputy of the Mejlis may be releas,ed from the fulfilment of his/her productive or professional duties for the time taken to hold meetings with voters, make appearances at election meetings and on television and radio. The candidate's average wage shall continue to paid from resources assigned for the conduct of the election.

After he/she has been registered, a candidate for deputy of the Mejlis who lives outside the constituency shall have the right to free transport to travel to the constituency and to return to his/her place of residence.

A candidate for deputy of the Mejlis may not be brought to criminal responsibility, arrested or byJ other means deprived of his/her freedom without the consent of the Central Commission for Elections and the Conduct of Referendums in Turkmenistan.

Article 36. Agents of a candidate for deputy of the Mejlis

A candidate for deputy of the Mejlis may have up to three agents, who shall assist him/her in conducting the election campaign and campaigning for his/her election as a deputy of the Mejlis and shall represent his/her interests in relations with state and public bodies, voters and also in electoral commissions.

After he/she has been registered a candidate for deputy of the Mejlis shall appoint agents at his/her discretion and notify the constituency electoral commission of the same. After registration of the agents the electoral commission shall issue them with an identification document. A candidate for deputy of the Mejlis shall have the right to replace his/her agents at any time before the election.

An agent may not serve on corresponding electoral commissions. The powers of agents shall expire after the powers of the elected deputy have been confirmed.

Article 37. Election campaigning

Political parties, social associations and groups of citizens shall have the right to campaign without obstruction for their candidates following their nomination. Bodies of local executive power and local self-government shall provide them with equipped premises for meetings and also the mass media for conducting election campaigns [sic].

All citizens, political parties and social associations shall be guaranteed the opportunity to discuss freely and comprehensively the political, working and personal qualities of candidates for deputy of the Mejlis, and also the right to campaign for or against a candidate at meetings, in the press and on the television and radio.

Candidates for deputy of the Mejlis shall meet with their voters both at meetings and in other forms convenient for voters. Meetings of voters shall be organised by the constituency electoral commission together with the appropriate bodies of local executive power and local self-government.

Voters shall be informed of the time and place at which meetings and gatherings are to be held well in advance.

Campaigning on polling day shall not be permitted.

CHAPTER 7. PROCEDURE FOR VOTING AND CALCULATING THE RESULTS OF ELECTIONS OF DEPUTIES OF THE MEJLIS

Article 38. Time and place of voting

For elections of candidates for deputy of the Mejlis the time of voting shall be established by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan. The precinct electoral commission shall notify voters of the time and place of voting not later than tefl days before the election.

A precinct electoral commission may declare voting to be completed at any time if all the voters included in the list have voted and may proceed to count the votes before the time established by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan for ending voting.

Article 39. Organisation of voting

Voting shall be conducted in specially designated premises which shall be furnished with sufficient polling booths or rooms for secret voting and specific places for issuing the ballot paper..s, and in which ballot boxes shall be set up so that the voter is obliged to pass through a polling booth or room for secret voting in order to reach the ballot boxes.

The precinct electoral commission shall be responsible for organising voting, ensuring the secrecy of the vote, equipping the premises and maintaining order in them as necessary.

Before the beginning of voting on polling day the ballot boxes shall be checked and sealed with a lead seal or a stamp by the chairman of the precinct commission in the presence of members of the commission.

Each voter shall vote in person; voting on behalf of others shall not be permitted. Ballot papers shall be issued by the precinct electoral commission on the basis of the precinct voter list upon presentation of a passport or other identification document. The voter list shall be marked to indicate that the ballot paper has been issued.

In cases where particular voters are unable to come to the polling station owing to the state of their health or other reasons, at their request the precinct electoral commission shall authorise particular members of the commission to organise voting at the place where the voter lives.

Article 40. Conduct of voting

The ballot paper shall be filled out by the voter in a polling booth or a room for secret voting. It shall be forbidden for anyone whatsoever to be present when the ballot paper is filled out other than the voter. A voter who is unable to fill out the ballot paper by him/herself shall have the right to invite into the polling booth or room another person of his/her own choice but excluding members of the electoral commission, representatives of political parties and social associations and agents of candidates for deputy.

In elections for a candidate for deputy of the Mejlis the voter shall cross out on the ballot paper the surnames of those candidates against whom he/she is voting. The filled out ballot papers shall be dropped in the ballot box.

Article 41. Voting procedure for voters who are away from their place of residence on polling day.

A voter who is unable to be at his/her place of residence on polling day (away on a business trip, on vacation, or for medical treatment) shall have the right to convey to the precinct electoral commission in advance an expression of his/her will regarding candidates for deputy of the Mejlis who are standing for election.

From the moment when voter lists are displayed for public familiarisation a voter may receive at the precinct a form for voters who are absent from their place of residence on polling day. or a ballot paper if the printed ballot papers are already at the precinct. The absent voter form or ballot paper shall be issued to the voter on the basis of the voter list upon presentation of a passport or other identification document to which effect the voter shall sign the voter list.

In circumstances excluding control over the expression of his/her will the voter shall cross out on the form or ballot paper the surnames of the candidates he/she is voting against.

The filled out form or ballot paper shall be dropped in the ballot box for voting by voters who are absent from their place of residence on polling day. Such ballot box shall be sealed well in advance in the presence of members of the precinct electoral commission. Before the commencement of voting on polling day all unused blank absent voter forms shall be counted and cancelled by the precinct electoral commission.

Article 42. Counting of votes at the polling station

Counting of votes at the polling station shall be conducted separately for each candidate. Ballot boxes, including those for voting by voters who are absent on polling day, shall be opened by the precinct electoral commission after the chairman of the commission has declared that voting is finished. The opening of ballot boxes before voting finishes shall be forbidden. Before the ballot boxes are opened all unused ballot papers shall be counted and cancelled by the precinct electoral commission.

The precinct electoral commission shall determine the total number of voters in the precinct and the number of voters who have obtained ballot papers and absent voter forms on the basis of the voter list. On the basis of the ballot papers and the said forms from the ballot boxes the commission shall determine: the total number of voters who participated in voting; the number of votes cast for and the number of votes cast against each candidate for deputy of the Mejlis; the number of ballot papers and absent voter forms deemed invalid. Where citizens' surnames have been added in writing on the ballot paper or form by the voter, such votes shall not be counted. Where a vote is cast for a candidate for deputy of the Mejlis who ceased to be a candidate before polling day, that ballot paper or absent voter form shall not be taken into account when the votes are counted.

Non-standard ballot papers and forms shall be deemed invalid. Where doubts arise about the validity of a ballot paper or form the issue shall be resolved by the precinct electoral commission by means of a vote. If more than one candidate is left on a ballot paper or absent voter form it shall be deemed invalid.

The results of the count shall be considered at a session of the precinct electoral commission and shall be written into a protocol. The protocol shall be signed. by the chairman, deputy chairman, secretary and members of the commission and immediately forwarded to the constituency electoral commission in accordance with a procedure established by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan. Dissenting opinions of the members of the commission and objections and appeals received by the commission concerning violations committed in the course of voting or the counting of votes shall be attached to the protocol.

Article 43. Establishing the results of the poll for the constituency

On the basis of the protocols of the precinct electoral commissions the constituency electoral commission shall determine: the total number of voters who received ballot papers or forms for voters who were absent on polling day; the number of voters who participated in voting; the number of votes cast for and the number of votes cast against each candidate for deputy of the Mejlis; the number of ballot papers or forms deemed invalid.

The candidate for deputy of the Mejlis who has received in the election more than half of the votes of voters who participated in voting shall be deemed to be elected.

The election shall be deemed to be void if less than half the voters on the voter lists participated in it, and also, if only one candidate for deputy of the Mejlis was registered in the constituency, where that candidate has died.

The constituency electoral commission may deem an election invalid owing to violations of the present Law committed in the course of the election or the counting of the votes.

The results of the election for the constituency shall be established at a meeting of the constituency electoral commission and shall be written into a protocol. The protocol shall be signed by the chairman, deputy chairman, secretary and members of the commission and sent to the velayat or Ashgabat city electoral commission for the results to be aggregated by velayat, or for the city of Ashgabat. The protocols of the constituency electoral commissions shall subsequently be sent to the Central Commission for Elections and the Conduct of Referendums in Turkmenistan in a procedure established by it.

The announcement of the results of the election for a constituency shall be published in the local press by the respective constituency electoral commission within the periods established by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan. The announcement shall indicate:

-the total number of citizens included on the voter lists;

-the number of voters who participated in voting;

-the number of votes cast for and the number of votes cast against each candidate;

- the number of invalid ballot papers and forms;

-the surname, first name, patronymic, position occupied (occupation), and place of work and residence of the elected candidate for deputy of the Mejlis.

Article 44. Registration of deputies of the Mejlis

The Central Commission for Elections and the Conduct of Referendums in Turkmenistan shall register the elected deputies of the Mejlis on the basis of the protocols of the constituency electoral commissions.

The Central Commission for Elections and the Conduct of Referendums in Turkmenistan may refuse to register a deputy of the Mejlis and deem the election invalid if, in the course of the election or the counting of the votes, or when determining the results of the election, violatiGns of the present Law took place.

Article 45. Publication of the results of an election of deputies of the Mejlis

An announcement of the election results and a list of the elected deputies of the Mejlis in alphabetical order indicating the surname, first name, patronymic, position occupied (occupation), and place of work and residence of deputy, and the constituency from which he/she was elected shall be published in the press by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan within a ten day period.

Article 46. Confirmation of the powers of deputies of the Mejlis

The confirmation of the powers of deputies of the Mejlis shall be considered at a session of the Mejlis.

CHAPTER 8. REPEAT VOTING. REPEAT ELECTIONS AND BY -ELECTIONS

Article 47. Repeat voting

Where three or more candidates for deputy of the Mejlis stood for election in a constituency and none of them was elected, the constituency electoral commission shall adopt a decision to conduct repeat voting in the constituency between the two candidates who received the largest number of votes. The constituency electoral commission shall inform the Central Commission for Elections and the Conduct of Referendums in Turkmenistan of this decision and inform voters in the constituency. Repeat voting in a constituency shall be conducted within a two-week period in keeping with the requirements of the present Law.

The candidate for deputy of the Mejlis who receives the larger number of votes from voters who participated in the poll compared to the other candidate shall be deemed to be elected.

Where one of the candidates ceases to be a candidate for any reason the repeat voting shall be conducted for the one remaining candidate for deputy of the Mejlis. He shall be deemed elected if he receives more than half of the votes of voters who participated in the poll.

Article 48. Repeat elections

Where no more than two candidates for deputy of the Mejlis stood for elect,ion .in a constituency and none has been elected, or the elections in the constituency have been deemed void or invalid, or repeat voting has failed to produce an elected deputy of the Mejlis, the Central Commission for Elections and the Conduct of Referendums in Turkmenistan shall adopt a decision and authorise the constituency electoral commission to hold a repeat election in the constituency. In doing so it may decide that it is necessary that the election be conducted by a newly constituted constituency electoral commission and newly constituted precinct electoral commissions. Voting shall be conducted in the same precincts and using the same voter lists as were compiled for the general election.

Repeat elections shall be held within a two month period after the general election. The nomination and registration of candidates for deputy of the Mejlis and other measures shall be conducted in the procedure established in the present Law. Where a repeat election is held those candidates for deputy who were not elected at the general election may again stand,for election. Voters in the constituency shall be informed that a repeat election is to be held.

Article 49. Conduct of by-elections for deputies of the Mejlis

Where a deputy of the Mejlis ceases to be a deputy before the expiry of his/her term in a pal1icular constituency a by-election shall be held within three months. The election shall be called by the Central Commission for Elections and the Conduct of Referendums in Turkmenistan not later than two months before they are held and shall be organised in keeping with the requirements of the present Law.

Where a deputy ceases to be a deputy less than a year before the term of the deputies of the Mejlis expires a by election shall not be held.

Translation from the Russian text: Joseph Middleton

Glossary

Archyn leader of a gengesh, elected by its members

etrap administrative district (50 in total)

gengesh elected village council

khiakim governor of a velayat, etrap or the city of Ashgabat, all appointed by the President

Mejlis Parliament

okrug (izbiratelnyi o.) constituency

uchastok precinct (area served by a single polling station; or polling station)

(izbiratel'nyi u.)

velayat region (five in total; the city of Ashgabat has equivalent status)