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Preliminary Report on Monitoring of September 19, 2004 Elections to the Majilis of the Parliament of the Republic of Kazakhstan

Introduction

The Republican Network of Independent Monitors (RNIM), whose mission is to monitor elections and referenda at all levels, conducted both long- and short-term monitoring of the September 19, 2004 elections to the Majilis (lower house) of the Parliament of the Republic of Kazakhstan. RNIM monitors monitored 1,790 election precincts in 11 oblasts and three cities of Kazakhstan. In preparation for this monitoring effort, RNIM personnel conducted 67 training seminars throughout the country, and trained more than 2,000 independent monitors.

The primary features of independent monitoring include observation of election procedures, recording instances of violations that threaten their fair and honest conduct, as well as the prevention of violations. The primary principle of independent monitoring is to evaluate and analyze objectively the entire election process. The independent monitors of RNIM are interested in the honesty, fairness and transparency of the electoral process. RNIM does not support or oppose in any way, neither directly nor indirectly, any individual candidates or political parties participating in the elections.

The goals of independent monitoring include:

- Increasing public confidence in elections;
- Promoting the openness and transparency of the electoral process;
- Preventing violations at all stages of the electoral process;
- Revealing and analyzing violations;
- Developing recommendations to improve electoral legislation and the electoral process.

On the basis of its long- and short-term monitoring, RNIM considers that all stages of the September 19 elections to the Majilis took place with many serious violations. When compared with the results of RNIM's monitoring of the 1999 elections to the Majilis and the 2003 elections to Maslikhats (local councils), this election was by no means a step forward in the development of democracy in Kazakhstan, but rather demonstrated a significant regression.

Despite positive amendments to the law “On Elections in the Republic of Kazakhstan,” including new provisions for the formation of election commissions by Maslikhats and additional articles on the rights of monitors, the September 19, 2004 elections to the Majilis did not conform to Kazakhstan’s national legislation, nor did they meet internationally accepted standards for free and fair elections.

Observation of the September 19, 2004 elections to the Majilis by the Republican Network of Independent Monitors revealed violations that can be grouped in the following categories:

- Violations in the work of election commissions;
- Violations caused by the introduction of electronic voting;
- Violations caused by the use of administrative resources and interference of executive government bodies in the electoral process;
- Violations of monitors’ rights;
- Violations of voters’ rights;
- Inaccurate voter lists and the use of additional voter lists;
- Violations in so-called “closed precincts” (prisons, hospitals, military facilities, etc.)

The statistics and analysis presented in this report are based on the observations of RNIM monitors in 1,790 precincts in 11 oblasts (Almaty, Zhambyl, Southern Kazakhstan, Kyzylorda, Mangistau, Western Kazakhstan, Aktobe, Atyrau, Kostanai, Karaganda, Eastern Kazakhstan) and three cities (Almaty, Astana, Semey) of the Republic of Kazakhstan. RNIM used the following methodology during its monitoring of these elections: if violations noted to election commissioners by RNIM monitors were not addressed, monitors would file complaints detailing the violation and the steps they had taken to try to prevent the violation. At this time, RNIM has over 400 complaints containing facts of violations of the electoral legislation during voting and vote count procedures. RNIM continues to receive complaints from regional branches.

Violations in the Work of Election Commissions

In previous elections, members of election commissions were appointed by local Akimats (executive bodies). The current legislation provides for the formation of election commissions by Maslikhats (local councils), with seven commissioners selected from nominations from political parties. Despite this new provision, the vast majority of election commissions maintained the same composition as they had had in the previous elections. Many election commissions were comprised of employees of a single enterprise or institution (schools, hospitals, government agencies, etc.), who did not actually represent political parties. In many instances, the chairman of the election commission was a direct supervisor of the commission members (e.g., the principal of a school and his or her subordinates). This had a serious effect on the objectivity and efficiency of election commissions. Also, election commissions did not undergo training on the new electoral legislation, and many said that the training they had received focused primarily on the introduction of the electronic voting system.

Thus, the majority of election commission members were uninformed about amendments to the law “On Elections in the Republic of Kazakhstan,” including the inadmissibility of the use of additional voter lists and the addition of an article on monitors’ rights. In response to comments made by RNIM monitors regarding these violations, members of many election

commissions replied that they were following the instructions of Akimats, which illustrates one of the most serious and widespread violations—the interference of executive government bodies in the organization and conduct of elections. Many election commissions were clearly operating under the strong influence of Akimats.

RNIM monitoring of the 2003 Maslikhat elections had revealed a tendency toward improvement in the work of election commissions, which RNIM noted in its report (Report on Monitoring of Independent Monitors of September 20 and October 12, 2003 Elections of Maslikhat Deputies in the Republic of Kazakhstan). Considering the amendments introduced to Kazakhstan’s electoral legislation on the formation of election commissions by Maslikhats, RNIM expected that the tendency toward improvement in the work of election commissions would continue. Unfortunately, however, the data collected by RNIM’s long- and short-term monitors throughout the Republic belie this expectation. The level of preparedness and the quality of work in election commissions has declined. The vast majority of violations witnessed in election precincts were the result of a lack of knowledge of the law “On Elections in the Republic of Kazakhstan,” and of the changes that were introduced to that law on April 14, 2004.

In addition, deficiencies in the work of precinct election commissions were exacerbated by a lack of professionalism in higher-level (regional, territorial, and Central) election commissions. This was demonstrated by the orders issued and decisions made by the Central Election Commission (CEC) which often contradicted the electoral legislation. The most striking example of the lack of transparency in the electoral process was the Central Election Commission’s refusal to provide information on which precincts would be equipped with the automated “Saylau” voting system, until only one day prior to the election. Both the public and election commissions were further surprised by the CEC’s last-minute decision to conduct mixed voting (both paper ballot and electronic) in all electronically-equipped precincts. Another area in which higher-level election commissions failed to fulfill their responsibilities was in the training of precinct election commission members. Furthermore, higher-level election commissions failed to adequately respond to violations during the pre-election campaign, as well as on election day. The lack of adequate preparation of election commissions was confirmed with observation reports from RNIM monitors who conducted advance assessment of the preparedness of precinct election commissions for election day.

Advance assessment reports from RNIM monitors on September 18, 2004 (one day prior to election day) revealed the following violations:

At election precincts with only paper ballot voting:

- Campaign materials were found in the surrounding territory of **26%** of election precincts.
- **17.6%** of election precincts did not have signs indicating their location, which hampered voters’ ability to access their assigned precincts (article 18, Constitutional Law of the Republic of Kazakhstan [CLRK] “On Elections”).
- In **21.8%** of election precincts, campaign materials were visible inside the polling facility (the buildings housing the polling station) (p. 6, art. 28, CLRK “On Elections”).
- In **7.5%** of election precincts, campaign materials were visible inside the designated polling station (p. 6, art. 28, CLRK “On Elections”).

- In **43.5%** of election precincts, there was no informational bulletin on candidates, election commissions, and voting procedures (p. 6, art. 28, CLRK “On Elections”).
- **11.5%** of election precincts were not properly equipped with ballot boxes, voting booths and other materials and equipment required for the conduct of elections (art. 18, CLRK “On Elections”).
- In **43%** of election precincts, according to independent monitors, voters’ privacy was not protected (art. 39, CLRK “On Elections”).
- In **60.8%** of election precincts, independent monitors discovered ballot boxes had been sealed at some time prior to election day (pp. 1, p. 4, art. 40, CLRK “On Elections”).
- In **17%** of election precincts, voters were not offered the opportunity to examine voter lists (art. 26, CLRK “On Elections”).
- **13.3%** of monitors were obstructed in their attempts to conduct preliminary analyses of the preparation of election precincts prior to election day.

At election precincts with electronic voting:

- Campaign materials were found in the surrounding territory of **31.3%** of election precincts.
- **11.4%** of election precincts did not have signs indicating their location (article 18, CLRK “On Elections”).
- In **16.6%** of election precincts, campaign materials were visible inside the polling facility (p. 6, art. 28, CLRK “On Elections”).
- In **5%** of election precincts, campaign materials were visible inside the designated polling station (p. 6, art. 28, CLRK “On Elections”).
- In **23.7%** of election precincts, there was no informational bulletin on candidates and election commissions (p. 6, art. 28, CLRK “On Elections”).
- **5.4%** of election precincts were not equipped for electronic voting.
- **1.8%** of election precincts with electronic voting stations lacked security personnel.
- In Almaty, paper ballots were not delivered to regional election commissions until after 12:00 PM. By 5:00 PM, paper ballots had not been delivered to election precinct #235, which violates p.3, art. 37 CLRK “On Elections,” which stipulates that precinct election commissions must receive ballots by no later than 24 hours prior to election day.
- In district commission #6 in Almaty, ballots were delivered by the deputy Akim of the region, thus demonstrating that executive government bodies were actively involved in the electoral process, which violates one of the most fundamental principles of electoral legislation.

Despite comments made by RNIM monitors to precinct election commissions on September 18, violations were not corrected before election day. On September 19, 2004, RNIM monitors discovered the following violations with respect to the preparation of both paper-ballot and electronic voting election precincts:

- Nearly **17%** of election precincts lacked indicators showing their location (art. 18, CLRK “On Elections”).
- In **29%** of election precincts, campaign materials remained visible in the surrounding area. RNIM monitors noted that these belonged primarily to Otan and Asar political

parties. Ak Zhol party and DCK-Communist bloc materials were also visible, but in fewer numbers (p. 6, art. 28 CLRK “On Elections”).

- In **33%** of election precincts, campaign materials, primarily belonging to Otan and Asar, remained visible within the polling facility (p. 6, art. 28 CLRK “On Elections”).
- In **25%** of election precincts, voter privacy was not ensured. Such a high percentage places the legitimacy of the entire election process under question.
- In **12%** of election precincts, independent monitors confirmed the use of administrative resources, by the presence of persons not connected with the electoral process (e.g., school directors, akimat representatives, candidates, etc.).
- In **34%** of election precincts, there was no informational bulletin on candidates and election commissions (p. 6, art. 28, CLRK “On Elections”).

RNIM monitors also noted the following violations in election precinct opening procedures on election day:

- In **17%** of election precincts, voting ballots were not counted (p. 2, art. 37, CLRK “On Elections”).
- In **10%** of election precincts, protocols on the opening of election precincts were either not prepared or not signed (art. 40, CLRK “On Elections”).
- **5%** of election precincts were not opened on time (p. 1, art. 38 CLRK “On Elections”).
- In **21%** of election precincts, identification badges enabling voters to identify commission members were not displayed.

RNIM monitors identified the following violations during voting and vote count procedures:

- In Atyrau (Election Precinct [EP] #76, district #21), election commissioners did not sign ballots.
- In Atyrau (EP #76, d. #21), ballots from district #22 were used when ballots for district #21 ran out.
- In Turkestan (EP #276, d. #66), election commissioners distributed ballots without verifying voter identification.
- In Turkestan (EP #276, d. #66), in which 3,084 voters were registered, there were only 2,400 ballots.
- In Turkestan (EP #276, d. #66), election commissioners distributed ballots to voters presenting Soviet passports.
- In Turkestan (EP #251, d. #66), where 522 voters were registered, there were only 410 single-mandate and 500 party-list ballots.
- In Turkestan (EP #228, d. #66), election commissioners did not give out final vote count protocols.
- In Turkestan, (EP #222, d. #66), election commissioners distributed ballots upon presentation of medical history documents, in the absence of proper identification.
- In Almaty (EP #5, d. #5), after the close of voting, election commissioners left the precinct for dinner and were absent for 75 minutes.
- In Almaty (EP# 41, d. #5), election commissioners accepted applications for absentee voting (which must be submitted in writing) over the telephone.
- In Almaty (EP# 60, d. #5), election commissioners gave 20 ballots to EP #68, when that precinct ran out of ballots.
- In Almaty (EP #237, d. #7), police officers were present in the polling station.

- In Almaty (EP #244, d. #7), there were 1,000 single-mandate and 1,308 party-list ballots.
- In Almaty (EP #281, d. #6), there were 3,115 single-mandate and 1,100 party-list ballots.
- In Almaty (EP #295, d. #4), at 7:50 AM, 100 ballots were removed from the precinct unaccompanied by monitors and without voter lists. At 9:07 AM, 200 ballots were further removed; at 11:15 AM, 250 more ballots, and at 1:40 PM, another 200 ballots were removed.
- In Kyzylorda (EP #190, d. #44), the “Saylau” computer operator campaigned for a candidate in the polling station.
- In Kyzylorda (EP #208, d. #44), election commissioners announced that paper-ballot voting would not be allowed.
- In Taraz, (EP #22, d. #30), the election commission chairman and secretary arrived at the polling station only at 7:00 AM, while the other commission members arrived at 7:15, 7:45 and 8:10 AM.
- In Taraz (EP #68, d. #30), the number of ballots did not match the number of voters.
- In Taraz (EP #41, d. #30), election commissioners allowed voters to vote based on student identification cards.
- In Aktobe (EP #9, d. #11), unused ballots were not destroyed prior to the vote count.
- In Aktobe (EP #31, d. #11), 462 ballots were not signed by commissioners.
- In Aktobe (EP #52, d. #11), home voting took place without written applications, but by telephone request.
- In Astana (EP #11, d. #1), voters were allowed to vote without presenting proper identification, but upon presentation of photocopied identification documents.
- In Astana (EP #56, d. #2), the composition of the election commission changed continuously throughout the day.
- In Oskemen (EP #66, d. #28), when the votes were counted from the mobile ballot box, one extra ballot was found. The election commission refused to recognize that, according to the law, all ballots in the mobile ballot box must be considered invalid.
- In Astana (EP #39, d.#1) a citizen voted for another citizen using his driver’s license, which constituted a double violation.
- In Astana, (EP#53, d.# 2) the precinct election commission stopped counting votes and left for dinner. The chairman said, “We’ll give you the protocol when we want to.”
- In Shymkent, (EP # 139, d. #60) the precinct did not conform to the requirements of the electoral legislation: monitors were placed in one room and the members of the commission were placed in another room.
- In Shymkent, (EP # 58, d. # 38) the chairman of the commission said that there were 2,300 ballots in the safe. But there were only 1308 when the ballots were counted at 8.43. There were 2661 registered voters at this precinct.
- In Shymkent, (EP# 58, d. #37) members of the precinct election commission encouraged citizens to vote for their relatives.

The incompetence of election commissioners was also evident in their ignorance of the amendments to the law “On Elections in the Republic of Kazakhstan” concerning the rights of election monitors. In almost every polling station, election commission chairmen demanded of monitors accreditation documents from district election commissions, despite the fact that this provision was excluded in the amended law “On Elections.” Election commissioners demonstrated their ignorance of monitors’ rights, and, as a result of this

ignorance, RNIM monitors noted many more instances of expulsion from polling stations than had been the case during the monitoring of Maslikhat elections in 2003.

Violations Caused by the Introduction of Electronic Voting

The Republican Network of Independent Monitors had repeatedly warned about the risks of violations that could be caused by the introduction of the electronic voting system “Saylau.” The decision made by Central Election Commission (CEC) two days before the elections to allow for mixed voting (with both paper ballots and electronic voting) led to chaos during both voting and vote count procedures on election day.

The implementation of the electronic voting system “Saylau” on September 19 showed that the system compromises the right of citizens to express their will: while there were cases where data for voters without bar codes was entered manually to search the computer database, many citizens who did not have bar codes on their identification cards were not allowed to vote at all. Perhaps it was the recognition of the possibility of such problems with the electronic voting system and public concerns about potential violations of the citizens’ right to vote that compelled the CEC to propose an alternative to vote with paper ballots. Unfortunately, this decision was made too late, which did not allow election commissions to adequately prepare to properly conduct voting and vote count procedures with both paper ballots and the electronic voting system. This led to a number of violations which could have been prevented had the CEC conducted adequate educational and informational training seminars for precinct election commissions on mixed voting. RNIM monitors also noted cases of citizens voting twice – once with a paper ballot and once with the electronic voting system “Saylau.”

In the first part of the day, RNIM monitors noted cases when election commission members would tell citizens they could vote only with paper ballots or only electronically. Only during the second half of election day, when monitors had filed complaints about this violation to district election commissions, did cases of this violation decrease. At many election precincts, the electronic voting system stopped for a period of time due to technical problems; at others, the system could not be fixed and was only used for part of the day.

Vote count procedures posed significant and widespread problems in most precincts with mixed voting since the CEC failed to provide comprehensive and timely instructions to precinct election commissions on how to conduct vote count procedures at such precincts. This led to the inability of election commissions to conduct vote count procedures in a timely manner, caused confusion in the drafting of protocols on vote count results and created possibilities for falsification and manipulation of election results. There is a danger that even the perception by voters of the possibility of such falsifications and manipulation of election results can contribute to a decrease in public confidence in the electoral process, even where facts of falsification are not documented.

- In Astana (EP # 26, d. #36), the digital counter of the electronic system «Saylau» did not register the number of voters.
- In Taraz (EP №4, d. #30), voters were not allowed to vote without a bar code.
- In Oral, (EP # 45, d. #36), the electronic voting system was launched at 3 AM, i.e. 4 hours before the opening of the election precinct.

- In Astana, (EP № 4, d.# 1), at 7.45 PM the electronic voting system stopped functioning. These types of facts were noted in all regions where the electronic voting system “Saylau” was used.
- In Astana (EP # 58, d.# 1), many of the voters voted twice – once with a paper ballot and once electronically.
- In Taldykorgan, (EP #868, d.# 18), the electronic voting system stopped functioning for some time and voting continued with only paper ballots.
- In Taldykorgan (EP #32, d.# 5), the electronic voting system operator was explaining to voters how to use the remote controls (terminals) inside the booths.
- In Taldykorgan (EP # 34, d.# 5), at 10 AM 10 remote controls (terminals) were out of order.
- In Almaty (EP #43, d. # 5), at 11 AM the computer used for electronic voting stopped functioning.
- In Almaty (EP #60, d.# 5), mixed voting was announced only at 12.15 PM, only paper ballots were used before.
- In Almaty, (EP # 147, d.# 3), 109 votes cast through the electronic voting system “Saylau” were not counted.
- In Almaty, (EP # 160, d. # 7), the electronic voting system “Saylau” stopped functioning due to electricity shortage, after which the precinct election commission made a decision not to use the electronic voting system “Saylau.”
- In Almaty (EP # 164, d. # 7), at 16.50 2 of 3 terminals stopped functioning.
- In Almaty, (EP # 312, d.# 4), at 18.30 electronic voting was stopped.
- In Taraz (EP #65, d.# 30), at 12 PM the electronic voting system “Saylau” stopped functioning.
- In Ust-Kamenogorsk (EP #76, d.#9), 8 terminals stopped functioning during voting.

Violations Caused by the Use of Administrative Resources and Interference of Executive Government Bodies in the Electoral Process

The Republican Network of Independent Monitors had repeatedly expressed concern that elections in the Republic of Kazakhstan take place with the use of administrative resources and interference of executive government bodies in the electoral process. This category of violations is usually difficult to document since pressure from executive government bodies, as a rule, takes place “backstage.” For this reason, RNIM’s previous monitoring efforts, including long-term monitoring of the elections to the Majilis of the Parliament, had not yielded sufficient documented evidence of such violations. However, unlike previous monitoring efforts, RNIM’s monitoring of the September 19 elections yielded such an impressive volume of factual evidence of the use of administrative resources and interference of executive government bodies in the electoral process that all doubts about the validity of RNIM’s concerns were eradicated.

The use of administrative resources and the interference of executive government bodies in the electoral process constitute serious violations that influence election results and decrease public confidence in the electoral process. RNIM’s monitors had revealed cases of these violations during long-term monitoring of these elections. Political parties Otan and Asar and their candidates had had an obvious advantage in the conduct of pre-election campaigns, which was repeatedly noted in observation reports from RNIM’s regional representatives. RNIM’s monitors also noted cases of both direct and implicit endorsements of pro-

government candidates and parties made by representatives of local executive government bodies during meetings with voters, as well as in mass media. RNIM also noted cases of government pressure on mass media to provide more advantageous conditions for the conduct of pre-election campaigns, particularly for Otan and Asar parties and their candidates.

RNIM's monitors also documented the interference of executive government bodies at many election precincts on election day. For example, RNIM's monitors noted cases of the presence at election precincts with mixed voting of representatives of Akimats, who explained to citizens how to vote electronically. Also noted were cases of the presence at election precincts of law enforcement officials, which violates the law "On Elections in the Republic of Kazakhstan." Another method of administrative pressure, which violates voters' rights and decreases public confidence in the electoral process, is the pressure to vote for a certain party or candidate. The Constitution of the Republic of Kazakhstan stipulates that voting is a right, not an obligation. RNIM's monitors documented facts of pressure on students from university administration officials and faculty to vote. Often, students were "herded" into election precincts from dormitories, which caused chaos at many election precincts. RNIM's monitors also noted obvious pressure from local government bodies on election commission members, particularly during vote count procedures.

- In Almaty, in district # 6, on September, 18th, at 3.00 PM a deputy of the district Akim personally delivered ballots to the election precinct.
- In Almaty (EP #62, d.# 5), a representative of the Akimat was giving instructions to the election commission during voting.
- In Almaty (EP # 116, d. # 5), there were campaign materials for candidate Turarbek Asanov, Akim of one of Almaty's districts.
- In Almaty (EP #184, d. # 7), a representative of a local Akimat Abizhanov prohibited monitors to move around the election precinct.
- In Almaty (EP # 343, d. # 4), a representative of the Akimat G. Zhakupova was giving instructions to the members of the election commission during opening of the election precinct.
- In Almaty (EP # 295, d. 4), a police officer was present at the precinct during opening and voting procedures. Not only did he refuse to leave the precinct when asked by monitors, but he was also videotaping voting procedures.

Violations of Monitors' Rights

A number of amendments expanding monitors' rights and allowing for comprehensive monitoring of all stages of the electoral process were introduced into the law "On Elections in the Republic of Kazakhstan" on April 14, 2004. Based on this, RNIM had expected a decrease from previous elections in the number of violations of monitors' rights, especially since RNIM's representatives were reassured by members of district, city and Central election commissions that precinct commission members were informed about the expansion of monitors' rights in the electoral legislation. However, RNIM's monitors documented a large number of violations of monitors' rights from the beginning of RNIM's long-term monitoring of the September 19 elections, when election commission members refused to provide monitors information about their work and protocols on election commission sessions. The lack of transparency of the work of election commissions of all levels and the lack of adequate preparation of members of precinct election commissions led to an increase

in the violation of monitors' rights in comparison with the elections of Maslikhat deputies in 2003.

Violations of monitors' rights can influence election results and public confidence in the electoral process since election monitoring, when properly guaranteed in the electoral legislation and in practice, allows for the prevention of falsifications and manipulation, fosters transparency and fairness of the electoral process, and increases public confidence in elections. The September 19 elections showed a significant increase in violations of monitors' rights, which compromises the legitimacy of election results.

Many of RNIM's monitors were refused access to election precincts to conduct advance assessment of the preparedness of precincts a day before elections. Similar facts had been rare during RNIM's monitoring of the 2003 Maslikhat elections. But this year, most precinct election commission members required RNIM's monitors to present accreditation documents from district election commissions or written permission from Akimats, which points to lack of knowledge of the amendments introduced to the law "On Elections in the Republic of Kazakhstan" on April 14, 2004 and the widespread interference of executive government bodies in the electoral process.

RNIM's monitors also noted a large number of violations of monitors' rights during voting and vote count procedures. Monitors were not allowed to sit at a distance that allowed them to observe voting and vote count procedures. Such facts were not only documented in written complaints, but were also photographed and videotaped. Monitors were often refused the right to accompany mobile ballot boxes, move around election precincts and use photo and video equipment, although these rights are guaranteed in Article 20-1 of the law "On Elections in the Republic of Kazakhstan." Many members of election commissions refused to register monitors' complaints about violations and did not provide monitors with protocols on vote count results. At 20% of the precincts where RNIM's monitors observed vote count procedures, monitors were not given copies of protocols on vote count results, even though the election law requires that election commissions provide monitors with protocols upon request.

RNIM is concerned about the large number of incidents of pressure on monitors. Also, unlike RNIM's previous election monitoring experience, the September 19 elections revealed a significant number of cases of unjustified expulsion of monitors from election precincts, inappropriate treatment of monitors by members of election commissions, and even physical violence against monitors.

- In Almaty (EP # 6, d. #5), the chairman of the election commission used physical violence against a RNIM monitor. The case was documented at the District Department of Internal Affairs in Almaty.
- In Turkistan (EP # 230, d. #66), monitors were prohibited from using a video camera.
- In Almaty (EP # 8, d. # 5), students were prohibited to monitor the elections.
- In Almaty (EP #6, d. #5), monitors were asked to sit at a distance that did not allow them to observe voting and vote count procedures.
- In Almaty (EP # 9, d. # 5), monitors were not provided with a protocol on election results.
- In Almaty (EP #17, d. # 5), the election commission did not provide monitors with copies of protocols on election results.

- In Almaty (EP # 105, d. # 5), monitors were refused to get acquainted with protocols on election results.
- In Ust-Kamenogorsk (EP # 504), RNIM's monitor was not refused registration and was sent away from the election precinct without any explanation.

Violations of Voters' Rights

Impediments to the freedom of voters to express their will is one of the most serious violations of the constitutional right of citizens to participate in political and electoral processes. Considering the high level of voter absenteeism in Kazakhstan, such violations seriously threaten to further decrease voter turnout in future elections and, consequently, compromise the legitimacy of the electoral process in the Republic.

RNIM has repeatedly noted violations that deprive citizens of their right to vote and to vote freely. This category of violations is often caused by the use of inadequate voter lists. According to the electoral legislation, Akimats (local executive bodies) carry the responsibility for compiling voter lists. Although accountability for inaccuracies in voter lists was increased on a legislative level, RNIM's monitoring showed that this did not lead to an improvement in the compilation of voter lists. Many of the problems and violations that had been noted during the 2003 Maslikhat elections were noted again on September 19. A large number of voters were unable to vote since they were not included in voter lists according to their place of residence, which violates a citizen's right to vote.

Although RNIM had made several demands that the CEC inform citizens about their right to vote without bar codes, the CEC did not make this announcement until only two days before the election and, as a result, many citizens were not informed about this right on election day. RNIM's monitors also noted violations of the rights of many voters, who were refused the right to vote with paper ballots and were forced to vote electronically, although CEC Chair Zagipa Baliyeva announced on September 17 that citizens would have a choice to vote either with paper ballots or with the electronic voting system "Saylau" and that citizens without bar codes would have the right to vote. Contrary to Baliyeva's announcement, many citizens were deprived of their right to vote because of lack of bar codes on their identification cards.

Voters' rights were also violated when administrative resources and pressure were used to coerce citizens to vote. This tendency was obvious especially regarding university students, and citizens in hospitals and other state and military institutions. Such pressure is possible because this category of voters is vulnerable, dependent on government officials, and unable to resist pressure and coercion.

- In Almaty (EP # 157, d. # 7), V.A. Levina found that she had been marked as having voted when she arrived at the precinct.
- In Almaty (EP #311, d.# 4), many voters residing in that area were not included in voter lists.
- In Almaty (EP # 44, d.# 1), three voters did not want to vote electronically and members of the election commission suggested that the voters write an application to vote by paper ballots, but the voters refused to do so and left the precinct without having voted.
- In Almaty (EP # 44, d.# 1), a voter asked the election commission for a pen because there was only a pencil available in the voting booth. Members of the election

commission responded by saying, “If you don’t want to use a pencil, you don’t have to vote”. The voter left the precinct without having voted.

- In Almaty (EP #195, d.# 7), the chairman of the election commission sent one member of the commission and some monitors to absentee voters 6 PM. They managed to visit only 17 apartments before 8 PM and 7 out of 24 voters who had requested absentee ballots did not have a chance to vote.
- In Almaty (EP # 4, d. # 5), the election commission handed out marked ballots. Also, voters were not given a right to choose to vote electronically or with paper ballots.
- In Almaty (EP # 14, d. # 5), curators of the Kazakh State University stood in front of the entrance to the election precinct and coerced students to sign lists in order to confirm that they had voted.
- In Almaty (EP # 118, d. # 3), several days before the elections, houses # 7 and #9 on Zhubanov Street and #22 on Marechik Street were assigned to district #120. On election day, these voters did not find their names in the voter lists.
- In Aktobe (EP #52, d. 11), two voters wanted to vote with paper ballots, but they were denied this right due to the fact that they were not found in the lists of those who were to vote with paper ballots. They were told they had to vote electronically.
- In Astana (EP # 88, d. 2), a voter was not allowed to vote due to the fact that the election commission had marked him as having voted when he arrived at the precinct.

Inaccurate Voter Lists and the Use of Additional Voter Lists

RNIM would like to note the major problems caused by the use of additional voter lists. Recent amendments to the law “On Elections in Kazakhstan” excluded the admissibility of the use of voter lists. RNIM had advocated for the prohibition of voter lists and evaluated this amendment as an improvement in the electoral legislation since the use of additional voter lists creates conditions for falsifications both during voting and vote count procedures. However, despite this improvement in the electoral legislation, many of RNIM’s monitors noted facts of the use of additional voter lists. This was made possible by the CEC Resolution # 137/185 dated September 16 on the “Addition of corrections to voter lists at election precincts on election day.” This resolution contradicts the law “On Elections in the Republic of Kazakhstan” and should not have been implemented by election commissions. RNIM’s monitors noted widespread violations not only of the electoral legislation, but also of the said resolution, since precinct election commissions did not even follow the requirements of the procedures described in the CEC’s resolution. Even though Point 5 of the above resolution requires that “members of precinct election commissions contact by telephone the appropriate district or oblast election commission in the cities of Astana and Almaty to verify the place of residence of the given voter, or when necessary, contact residence bureaus,” members of precinct election commissions did not follow this requirement and simply added voters to additional lists without verification.

Thus, additions to voter lists, a serious violation of the electoral legislation, created possibilities for falsifications of the results of the September 19 elections, threatening their very legitimacy.

- In Turkestan (EP #242, d. 66), the Rysbekov family was registered in the additional voter list in Kyzylasker village, Abay Street 10.
- In Turkestan (EP #242, d.# 66), 500 voters were not included in voter lists.
- In Turkestan (EP #233, d. 66), 100 voters were not included in voter lists.

- In Turkestan (EP #46, d.5), additional voter lists were being used without verification.
- In Turkestan (EP # 77, d. # 22), two people who died 5 years ago were included in voter lists (Kiselenko Evgeniy, Kocherga Nikolay).
- In Almaty (EP ## 301, 44, d. 5), additional voter lists were being used without verification.
- In Mangistau (EP #47, d. 50), 60 people were missing from voter lists and could not vote.
- In Mangistau (EP #2, d. 50), many voters were deprived of their right to vote due to the fact that they were not included in voter lists, even though they were registered in this election precinct.
- In Aktobe (EP # 52, d. #11), some last names were missing from voter lists, therefore some voters could not vote.
- In Mangistau (EP #47, d. 50), 47 voters were added to a list without verification.
- In Mangistau (EP #33, d. 51), residents of an entire dormitory were added to an additional voter list.
- In Taldykorgan (EP # 869, d. 18), voters were added to additional voter lists without verification.
- In Taraz (EP #35), 104 voters were added to additional voter lists without verification.

Violations in so-called “closed precincts”

Although the concept of “closed precincts” does not exist in the law “On Elections in the Republic of Kazakhstan,” RNIM noted violations in precincts unofficially classified as “closed.” During long-term monitoring of the September 19 elections, RNIM noted a violation committed by Maslikhats responsible for the formation of election commissions, when Maslikhats refused to publicize the composition and addresses of precinct election commissions of so-called “closed precincts.” The term itself is a violation of the electoral legislation and it also creates a perception that these precincts are inaccessible for monitors. RNIM filed a court complaint against the Maslikhats.

On election day, RNIM’s monitors documented a number of serious violations at so-called “closed precincts:” refusal of access to monitors, voting outside of precincts without the presence of monitors, prohibition to use photo and video equipment, and interference of representatives of local government bodies, whose presence at election precincts is prohibited in the electoral legislation. RNIM questions election results at so-called “closed precincts” since the massive volume of violations noted at these precincts did not make possible conditions allowing citizens to freely express their will.

- In Almaty (EP #295, d. 4), monitors were not allowed to accompany mobile ballot boxes or see voter lists. Two people who were not members of the election commission were in the next room, giving the election commission instructions and controlling opening and voting procedures.
- In Almaty (EP #295, d. 4), two members of the election commission took packets of hundreds of ballots out of the precinct without counting them or matching their number with the number of voters in voter lists. The members of the commission returned without the mobile ballot box or the ballots. It was unclear where they had left these.

- In Almaty (EP #337, d. 4), the chair of the election commission refused to disclose the number of registered voters and suggested instead to announce the number of those who had voted at the end of the vote count.
- In Almaty (EP #416, d. 4), monitors were left in the election precinct while all members of the election commission left the room with mobile ballot boxes and ballots so that patients in wards could vote.