
**THE RIGGED JUNE 2019 PRESIDENTIAL ELECTIONS IN KAZAKHSTAN:
A SIMULATED HANDOVER OF POWER IN THE STATE**

- A. On 19.03.2019, Nursultan Nazarbayev resigned as Kazakhstan's President. As prescribed by law, he was succeeded by the head of the upper chamber of Parliament – the Senate – Kasym-Jomart Tokayev. On 09.04.2019, Tokayev announced snap presidential elections to take place on 09.06.2019. Campaigning officially started on 11.05.2019 and will end on 07.06.2019.
- B. Having left the post of President, Nazarbayev is counting on retaining power through his constitutionally enshrined status as “First President – Leader of the Nation”¹. In 2018 Nazarbayev became lifelong chairman of the Security Council.² The decisions of the Security Council and of the Chairman of the Security Council are binding for state organs, organisations and official persons of Kazakhstan.³ Nazarbayev remains chairman of the Nur Otan political party. Through Nur Otan, Nazarbayev controls the *Maslikhats* (local councils) and the *Majilis* (lower chamber of Parliament). In the 47-strong Senate, when President, Nazarbayev appointed 15 senators.⁴ The *Maslikhats* elect the remaining 32 senators. In March 2019, Nazarbayev's daughter, Dariga Nazarbayeva, was appointed as chairwoman of the Senate.⁵ Nazarbayev is also member-for-life of the Constitutional Council.⁶ Nazarbayev has likewise retained control over the massive state holding fund “Samruk-Kazyna”⁷, and the National Fund of Kazakhstan.
- C. The Central Electoral Commission (CEC) administers the elections. The CEC consists of seven members.⁸ The President appoints three members and each of the Chambers of Parliament (controlled by Nazarbayev) appoints two members. In 2016, Nazarbayev appointed Berik Imashev as chairman of the CEC. Imashev's daughter, Aida Imasheva, is married to Dariga Nazarbayeva's son, Nurali Nazarbayev – Nursultan Nazarbayev's grandson.⁹
- D. The final election results may be appealed to the Constitutional Council only by the President, speakers of both Chambers of the Parliament, or at least one fifth of the members of the Parliament and the Prime Minister.
- E. The composition of the territorial and precinct electoral commissions is formed by the corresponding *Maslikhats* on the basis of proposals from political parties. Only seven political parties are registered in Kazakhstan.¹⁰ Not a single one of the parties is oppositional. The opposition parties and movements have been prohibited in the country, or marginalised by means of laws against so-called “extremism” and through criminal charges fabricated against their leaders.¹¹
- F. The law imposes upon Presidential candidates a series of discriminatory demands that are extremely problematic for any independent candidates:
- **A candidate must have work experience of no fewer than five years in the civil service or in elected state positions.**¹² Introduced in 2017, this requirement significantly limited the possibility of participating in elections for the majority of the country's citizens.

¹ The Constitutional Law On First President of Republic of Kazakhstan, adopted on 20 June 2000, № 83-II.

² Article 1(2) of the Constitutional Law On the Security Council of the Republic of Kazakhstan.

³ Article 6(6) of the Constitutional Law On the Security Council of the Republic of Kazakhstan.

⁴ <http://www.parlam.kz/ru>

⁵ <http://www.parlam.kz/ru/senate/person/1268>

⁶ <http://ksrk.gov.kz/page/istoriya-stanovleniya-i-razvitie-konstitucionnogo-kontrolya-v-respublike-kazakhstan>

⁷ <http://adilet.zan.kz/rus/docs/U1800000816>

⁸ Article 11 of the Constitutional Law On Elections.

⁹ <https://kursiv.kz/news/otstavki-i-naznacheniya/2016-09/berik-imashev-naznachen-predsedatelem-cik-rk>

¹⁰ https://www.zakon.kz/4965683-politicheskie-partii-kazahstana.html?fbclid=IwAR2T76lk9pHPQy_rTYyG9HBfHXKvQBavQRCsPhMo5zC2DJ226xLZ15tj1Xs

¹¹ <https://freedomhouse.org/report/freedom-world/2019/kazakhstan>

¹² Article 54 of the Constitutional Law On Elections.

- **A candidate must confirm having resided for the last 15 years in Kazakhstan, as determined by the Central Electoral Commission**¹³ (art. 54 of the Law on Elections). The frequency of politically motivated criminal and administrative prosecutions, which has contributed to an outflow of people recognised as political refugees from Kazakhstan, therefore also limits the pool of potential opposition candidates.
- **A candidate must be fluent in the Kazakh language, as determined by the Central Electoral Commission.**¹⁴ This requirement is discriminatory for the significant Russian-speaking population of Kazakhstan and whoever is not fluent in the Kazakh language. It is also unconstitutional under Article 7(2) of the Constitution, which establishes that the Russian language shall be used officially on an equal basis with Kazakh in state organisations and organs of local self-administration. The language exam for candidates is not public and there are no clear-cut criteria for assessment, intensifying the discriminatory nature of this requirement.
- **Only registered republican civic associations (which also includes political parties) have the right to nominate candidates for President.**¹⁵ Republican civic associations have branches and representative offices on the territory of more than half of Kazakhstan's oblasts.¹⁶ **On 29.06.18 the Law on Elections was amended to eliminate citizens' right to self-nomination.** The ways to nominate candidates have thereby been reduced to a minimum. In the prevailing political climate,¹⁷ not a single republican civic association can nominate a genuine opposition candidate.
- **The Law on Elections prescribes that a higher organ of a republican civic association may revoke a decision to nominate a candidate for President at any point, even after the candidate has been officially registered.**¹⁸ With the grounds for such a decision not established by the law, this opens the door to manipulation of the roster of nominated candidates.
- **A candidate for President must gather signatures representing no less than 1% of the overall number of voters (118,140 signatures for these elections)¹⁹, in equal measure representing no fewer than two thirds of the oblasts, cities of republican significance, and the capital.**²⁰ Persons who sign in support of a candidate must furnish full personal information (surname, given name, patronymic, passport data, and the address of their permanent or temporary place of registration). The legislation does not clearly regulate the procedure for verifying the authenticity of signatures. This likewise creates preconditions both for "screening out" undesirable candidates and for fabricating signatures for candidates advantageous to the authorities in power. This requirement is very difficult to fulfil for any independent or opposition candidate, particularly in a snap election like this one, for which the election date was announced on 09.04.2019 and the registration of candidates was closed on 11.05.2019. Notably, all seven candidates (five of which are virtually unknown to the public) collected the required signatures in record time (within two to three days).

Only legal entities with no less than five years' experience in conducting public opinion surveys have the right to conduct public opinion surveys, and only upon notification of the CEC in writing in advance.²¹ Kazakhstan's authorities are thereby attempting to suppress the spread of information on the real popularity rating of candidates for the presidency. Independent sociological surveys on the elections and exit polls are *de-facto* prohibited. Only entities vetted by the authorities are allowed to conduct surveys and polls.

¹³ Article 54 of the Constitutional Law On Elections.

¹⁴ Article 54 of the Constitutional Law On Elections.

¹⁵ Article 55 of the Constitutional Law On Elections.

¹⁶ Article 7 of the Law on Civic Associations. https://online.zakon.kz/document/?doc_id=1005615

¹⁷ <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/kazakhstan/>

¹⁸ Article 60 of the Constitutional Law On Elections.

¹⁹ <https://www.electio.n.gov.kz/rus/news/releases/index.php?ID=4890>

²⁰ Article 56 of the Constitutional Law On Elections.

²¹ Article 28(9) of the Law "On Elections", <http://prokuror.gov.kz/rus/novosti/press-releasey/generalnaya-prokuratura-razyasnila-poryadok-provedeniya-oprosa-po-vyboram>