

INTERIM REPORT
7 February – 1 March 2023

3 March 2023

I. EXECUTIVE SUMMARY

- On 19 January, President Kassym-Jomart Tokayev announced early parliamentary elections for the lower chamber of parliament (*Majilis*) to be held along with local elections for all levels of local councils on 19 March. The elections take place amid a series of reforms initiated in the country, with most ODIHR EOM interlocutors anticipating a broader public engagement in these elections.
- All 98 members of the *Majilis* will be elected under a newly introduced mixed electoral system with two-thirds elected under a closed-list proportional system and one-third under a majoritarian contest. There are significant variations in the numbers of registered voters between the newly created single-mandate districts, following the delineation of electoral boundaries.
- The legal framework for parliamentary elections was amended extensively in recent years. The change of the electoral system impacted candidate registration, altered the structure and work of the election administration, including election day procedures, and modified campaign finance provisions. Most ODIHR EOM interlocutors welcomed the reforms, which also addressed several prior ODIHR recommendations, including reducing the electoral threshold, introducing a fully directly elected *Majilis*, allowing self-nominated candidates to stand and easing requirements for party registration. At the same time, priority recommendations related to freedom of peaceful assembly, expression, and media remained unaddressed.
- The elections are administered by the Central Election Commission (CEC), as well as territorial, district and precinct election commissions (TECs, DECs and PECs). Thus far, the CEC held regular sessions attended by media, political parties, and state institutions. CEC sessions are live-streamed in Kazakh and Russian languages, with sign language interpretation and decisions are published promptly. Training of election officials on election day procedures is in progress. A voter information campaign is ongoing. The CEC acknowledged the complexity of holding parallel elections under a new electoral system.
- Eligible to vote are citizens over 18 years old with the exception of those declared incompetent by a court or serving a prison sentence irrespective of the gravity of the crime. Voter registration is passive and based on permanent residency. Voter lists are compiled by the local executive bodies from state civil registry data. From 4 March, voter lists will be available for public scrutiny. Voters can apply to be included in the list at their place of temporary registration and if omitted, can be added to the voter list on election day if they prove their residence within the precinct. Some 12 million voters are registered.
- While only political parties may nominate candidates to stand in the nationwide electoral district, the nomination of candidates in the single-mandate electoral districts can be made by political parties, public associations, and citizens through self-nomination. The CEC registered 7 party lists with 281 candidates for the proportional race and TECs and DECs registered 435 majoritarian candidates, including 359 self-nominated candidates. Many single-mandate candidates raised concerns about the high financial deposit required for the registration. Notwithstanding the easing of party registration requirements, some ODIHR EOM interlocutors, including groups that attempted registration, reported significant administrative hurdles during the registration process.
- The campaign officially began on 18 February and will end on 17 March. The campaign appears lively, in particular online and in single-mandate electoral districts with a large number of candidates. So far,

contestants rely on organizing indoor meetings, mostly at places of work, using posters and billboards, and being active on social networks. No single topic has dominated the campaign yet, with parties and candidates focusing on a wide range of social, economic, and political issues.

- Women currently hold 28 out of 107 seats in the outgoing *Majilis*, 3 out of 22 ministerial positions and none out of 20 posts of regional (governors) *Akims*. None of the political parties and none of the party lists is headed by a woman. However, women are well-represented in the judiciary and lower-level election commissions. Women account for 28.5 per cent of the registered candidates on party lists and 19.5 per cent in the single-mandate electoral districts.
- Campaigns of candidates on party lists may be financed through the electoral fund of their parties, whereas candidates in single-mandate electoral districts finance their campaigns through their own funds and donations, and can benefit from public subsidies. Legislation sets donation and expenditure limits; following a prior ODIHR recommendation, caps for individual donations were introduced. There are provisions for an interim and a final financial report. A number of majoritarian candidates informed the ODIHR EOM of various difficulties in the opening and operation of the dedicated campaign bank accounts.
- The Constitution guarantees freedom of expression and media and prohibits censorship. However, many ODIHR EOM interlocutors raised concerns about limited access to information, and criminal prosecution for insult, dissemination of knowingly false information, and defamation of public officials. Recent cases of intimidation and harassment targeting critical journalists could, in the opinion of ODIHR EOM interlocutors, further contribute to self-censorship; investigations by the authorities are ongoing. The law obliges the media to provide objective coverage of the contestants, refrain from damaging the honour and dignity of contestants and ensure equal conditions for the allocation of free time and space. Recent amendments to the Election Law extended the media regulations to all users of online platforms, including social networks and instant chat messengers.
- The legal framework provides for the resolution of disputes by the election administration and specialized administrative courts. To date, the CEC has received some 248 applications and requests for information. Thus far, regional administrative courts have received a limited number of complaints on decisions of DEC's related to transparency of election administration and candidate registration. Administrative proceedings were initiated in five cases against registered candidates by the prosecutor's office due to their alleged early campaigning as well as against five individuals for breaches of legal provisions.
- The recently amended Election Law introduced a formal accreditation process for citizen observers, which according to the authorities was passed following consultations with civil society organizations. Public associations and non-profit organizations with reference to election observation activities in their statutes may nominate citizen observers. Some citizen observer groups informed the ODIHR EOM about their concerns regarding the length of the accreditation process, which can take up to 30 days, and, in their view, delays preparations for observation.

II. INTRODUCTION

Following an invitation from the authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 February.¹ The ODIHR EOM, headed by Eoghan Murphy, consists of an 11-member core team based in Astana and 32 long-term observers deployed on 17 February across Kazakhstan. Mission members are drawn from 24 OSCE participating States and 40 per cent of mission members are women. ODIHR has requested participating States to second 300 short-term observers to observe election-day proceedings.

¹ See previous [ODIHR election observation reports on Kazakhstan](#).

III. BACKGROUND AND POLITICAL CONTEXT

On 19 January, President Kassym-Jomart Tokayev announced early parliamentary elections for the lower chamber of parliament (*Majilis*) to be held on 19 March. Local elections will be held on the same day for all levels of local councils (*Maslikhat*) at the regional, city and district level.²

The early parliamentary elections follow the political turmoil and deadly violence of January 2022, the Constitutional referendum of 5 June 2022 and the early presidential election of 20 November 2022.³ The tragic January events triggered a major reshuffle of government personnel; the President, envisioning a new state model “New and Fair Kazakhstan”, introduced a reform agenda for the “reset and renewal of all major political institutions: the President, the Parliament, and the Government” to be completed by mid-2023.⁴

Shortly before these elections, the Ministry of Justice (MoJ) registered two new parties, *Baytaq* and *Respublika*, increasing the total number of political parties to seven.⁵ Most ODIHR EOM interlocutors anticipated a broader public engagement in these elections, mainly prompted by the introduction of single-mandate electoral districts and opportunities for self-nominated candidates to stand.

Women currently hold 28 out of 107 seats in the *Majilis* (26 per cent), 3 out of 22 ministerial positions and none out of 20 posts of regional *Akims*.⁶ None of the political parties and none of the party lists are headed by a woman. However, women are well-represented in the judiciary, and lower-level election administration.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for the parliamentary elections comprises the Constitution (last amended on 17 September 2022), the Constitutional Law on Elections (Election Law, last amended on 5 November 2022), and relevant provisions of other laws, including legislation related to media, Law on Peaceful Assemblies, Law on Political Parties, the Administrative Procedural Code and the Criminal Code. Kazakhstan is a party to major international and regional instruments related to democratic elections.

Kazakhstan has a bi-cameral parliament consisting of *Majilis* and an indirectly elected 50-member upper chamber (Senate). Following the 2022 constitutional reform, the *Majilis* will become a fully directly elected chamber comprising 98 members elected under a newly introduced mixed proportional and majoritarian electoral system.⁷ Two-thirds of the chamber (69 seats) will be elected in a single nationwide electoral district based on a closed-list proportional system with a 5 per cent electoral threshold and 29 members in single-

² Concurrent *Maslikhat* elections will be observed only to the extent to which they have an impact on the conduct of the parliamentary elections.

³ In early January 2022, demonstrations, initially caused by rising fuel prices, turned into nationwide demands for significant economic and political reforms. Official reports following the 'January events' referred to 238 deaths, including of 19 law enforcement officers. In the 2022 early presidential election, President Tokayev received 81.31 per cent of the vote.

⁴ See the ‘state of the nation’ addresses of President Tokayev on [16 March](#) and [1 September](#) 2022. Following the unrest, the Prime Minister, half of his cabinet, and the First President, who was at the time serving as head of the National Security Council, were removed from their positions.

⁵ These, in addition to the newly registered parties, include parliamentary *Amanat* (formerly *Nur Otan*) - 76 seats, the Democratic Party *Ak Zhol*, 12 seats, and the People’s Party of Kazakhstan (PPK), 10 seats as well as the National Democratic Patriotic Party *Auyl*, the Nationwide Social-Democratic Party (NSDP). Some 40 per cent of the outgoing members of the *Majilis* are running in these elections.

⁶ The 2019 Concluding observations on the fifth periodic report of Kazakhstan, the [UN Committee on the Elimination of Discrimination against Women \(CEDAW\)](#) expressed concerns about the low representation of women in decision-making positions and discriminatory gender stereotypes hindering the participation of women in political life. Nevertheless, according to 2022 UN Women [report](#), Kazakhstan improved its overall ranking and "has eliminated gender gaps in education levels, shown improvements in economic opportunities and wage equality, and increased the proportion of women in leadership positions".

⁷ The outgoing *Majilis* consisted of 107 members, 9 of which were elected by the Assembly of the People of Kazakhstan.

mandate electoral districts under a one-round majoritarian plurality system (first-past-the-post). The majority of ODIHR interlocutors welcomed this change as it allows for participation of self-nominated candidates. However, some majoritarian candidates were critical of the geographical size of their electoral districts, which, in their view, potentially limits access to voters. The Constitution stipulates an imperative mandate: those who leave or are excluded from their party or whose party ceases its activity lose their mandate. The 2022 constitutional amendments also introduced the possibility of recalling a member of the *Majilis* elected in a single-mandate electoral district.

As a consequence of the constitutional changes, electoral constituencies for the 29 newly created single-mandate electoral districts were delineated by the Central Election Commission (CEC) in December 2022; although the draft decision was published, no public consultations took place. According to the Election Law, the process of the delimitation of districts should consider the territorial division of the country and the number of voters per electoral district.⁸ The number of voters per electoral district varies significantly; the CEC explained the variations by the differences in the density of the population as well as historical reasons, such as different sizes of regions (*oblasts*), that would make it more difficult, for example, to merge the smallest district with another one.⁹

The electoral legal framework was amended extensively in recent years. The 2022 constitutional changes were followed by a substantial revision of the electoral legal framework for parliamentary elections. Draft amendments to the Election Law were published online in July 2022 for public review and comments and some changes were introduced based on the inputs from civil society organizations.¹⁰ Despite the recent constitutional and legislative changes, priority recommendations related to freedom of peaceful assembly, expression, and media remained unaddressed.¹¹

The change of the electoral system further impacted candidate registration, altered the structure and work of the election administration, including election day procedures, and modified campaign finance provisions.¹² Other important novelties in the Election Law include the regulation of campaigning in social networks and the introduction of a formal accreditation procedure for citizen observers. Over recent years, notable amendments took place in the Law on Political Parties, significantly reducing the numerical requirements for party registration from 20,000 to 5,000 members.¹³

Most ODIHR EOM interlocutors welcomed the reforms, which also addressed several prior ODIHR recommendations, including reducing the electoral threshold from 7 to 5 per cent, ensuring that all seats in the *Majilis* are directly elected, allowing self-nominated candidates to contest and easing requirements for party registration.

V. ELECTION ADMINISTRATION

The election administration structure for the *Majilis* elections comprises four hierarchical levels of election commissions, headed by the CEC, each appointed for a five-year term. At the second level, there are 20

⁸ The CEC delineated 29 districts in 20 administrative units (17 regions (*oblasts*) and 3 cities of republican significance). The boundaries of 13 electoral districts are similar to the administrative *oblasts*, while 4 *oblasts* (Almaty, Jambyl, Karaganda, and Turkistan), and the cities of Almaty, Astana, and Shymkent are divided.

⁹ On 27 February, the CEC published the number of voters per electoral district. The smallest electoral district is the Ulytau *oblast* with some 142,000 voters, whereas the largest electoral district is the Aktobe *oblast* with some 562,590 voters.

¹⁰ In particular, the prohibition on foreign funding of civil society organizations wishing to observe elections was removed from the initial draft amendments.

¹¹ See in particular *Party and Candidate Registration, Campaign, Media and Citizen and International Observers* sections of the report. International organizations have repeatedly expressed concerns that fundamental freedoms, although protected in the Constitution, are constrained by primary legislation.

¹² See the respective sections of the report.

¹³ In addition, other requirements were lowered: formation of a political party should be initiated by a group of 700 and not 1,000 people, and the party should have regional branches with no less than 200 members, instead of 600.

regional (*oblast*) Territorial Election Commissions (TECs)¹⁴, and 16 District Election Commissions (DECs); the latter were established to administer the *Majilis* elections in the single-mandate electoral districts.¹⁵ A total of 220 district (*rayon*) and city TECs and 10,223 Precinct Election Commissions (PECs) constitute the third and the fourth level.¹⁶

The CEC and TECs are composed of seven members and the DECs of five members.¹⁷ The president appoints the CEC chairperson and two members, while the two chambers of the parliament appoint two members each. The respective *Maslikhats* elect the members of TECs, DECs and PECs based on proposals received by registered political parties (one nominee to the respective election commission). In the absence of proposals from political parties within the prescribed deadlines, the *Maslikhats* elect commission members based on proposals from public organizations and higher-level election commissions.¹⁸ As of 1 January, all TEC members at the second level, as well as the chairpersons, deputies and secretaries of district and city TECs, work on a professional permanent basis. Two out of seven CEC commissioners, and over 65 per cent of lower-level commission members are women.

Technical preparations are ongoing within the established deadlines. The CEC has held regular sessions attended by representatives of the media, political parties, and state institutions. Civil society organizations can participate in the CEC sessions, but there is no obligation to invite them.¹⁹ CEC sessions are live-streamed in Kazakh and Russian languages with simultaneous translation into sign language and decisions so far have been published promptly. As of 1 March, the CEC has issued several resolutions supplementing the Election Law, including among others on enhancing participation of persons with disabilities in the electoral process.²⁰ To date, CEC members have approved resolutions unanimously without debate in the public sessions observed by the ODIHR EOM.

The CEC is implementing a nationwide training programme held in hybrid format for the lower-level election commissions and other stakeholders, including political parties, media and civil society organizations. A voter information campaign is ongoing, consisting among others of information on the date of the elections and possibilities for voters to verify the location of their polling station, but also voter registration and verification and election day procedures. To date, this has been conducted through the CEC's website, YouTube and Telegram channels, public billboards, and broadcast media.²¹

Election administration officials reported to the ODIHR EOM some challenges arising from the increased workload of the election commissions for the *Majilis* and *Maslikhat* elections taking place simultaneously, as well as the large number of candidates in certain districts.²²

VI. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, with the exception of those declared incompetent by a court decision as a consequence of intellectual or psychological disability, and those serving a prison sentence, regardless of the gravity of the crime.

¹⁴ One TEC for each of the 17 regions (*oblasts*) and for the 3 cities of republican significance.

¹⁵ In the remaining 13 single-mandate electoral districts where the territory of competence of a DEC coincides with that of a TEC of the same hierarchical level, the DEC was not established, and the TEC performs its functions.

¹⁶ There are 77 PECs established abroad for out-of-country voting.

¹⁷ PEC have from 5 to 11 members depending on the number of voters allocated to the respective polling station.

¹⁸ The members of the lower-level election commissions were elected by the *Maslikhats* in 2019.

¹⁹ The CEC informed the ODIHR EOM that it had not received any requests from civil society to attend the meetings.

²⁰ A CEC resolution recommended that political parties should consider the needs of persons with disabilities when conducting campaign activities and that state bodies should assist the election commissions in monitoring the accessibility of polling stations and equip them with a variety of tools such as audio-visual and tactile materials, *Braille* sleeves and magnifiers.

²¹ The advertisements on broadcast media explain, *inter alia*, the electoral system, candidate eligibility requirements, and registration of voters.

²² On election day, each voter will receive between four and five ballot papers for parliamentary and local elections.

Voter registration is passive and based on permanent residency. Voter lists are compiled by the local executive bodies (*akimats*) from state civil registry data. Twice a year, by 1 January and 1 July, the *akimats* submit the updated voter lists to the respective TECs, and TECs review the lists against the register maintained by the CEC. In case of inconsistencies or duplications, the TECs may request the *akimats* to make changes. The *akimats* submitted the voter lists to the PECs until 26 February. For two weeks, starting from 4 March, voters can verify their data and request clarifications at polling stations. As of 26 February, the number of registered voters was 12,032,550.

Voters who cannot vote in the polling station of their permanent residence on election day can request from the *akimats* to be included in the relevant voter list at the place of their temporary residence no later than 30 days before election day.²³ Also, within 15 days of election day, voters can request an Absentee Voting Certificate (AVC), which allows them to vote in any polling station. Mobile voting provisions are in place for voters with health-related issues and in remote areas.²⁴ Special polling stations are set up in line with the requirements of the law. Eligible voters not included in the voter list who can prove their residence within the precinct can be added by the relevant PEC to the voter list before or on election day.

VII. PARTY AND CANDIDATE REGISTRATION

Eligible voters, aged 25 or older, who have resided permanently in the country for at least 10 years prior to election day are eligible to stand. The Election Law deprives those found guilty of a corruption offence and those with an unexpunged criminal record of the right to stand.²⁵

Recently, the registration requirements for political parties were revised, partly addressing a previous ODIHR recommendation. All ODIHR EOM interlocutors regarded these changes positively but some, including political (initiative) groups that attempted registration, as well as the two newly registered political parties, reported significant administrative hurdles giving the authorities broad discretionary powers during the registration process as well as the impossibility of receiving a judicial remedy.²⁶

Only registered political parties may nominate candidates to stand in the single nationwide electoral district; candidates are nominated as part of a closed list. The nomination of candidates in the single-mandate electoral districts can be made by registered political parties, public associations, and citizens through self-nomination.²⁷ To be registered for the parliamentary elections, a financial deposit of KZT 1,050,000 (some EUR 2,165) must be paid for each candidate nominated on a party list or standing in a single-mandate electoral

²³ With the provision that they are removed from the voter list at their ordinary place of residence.

²⁴ Mobile voting is possible based on a written application which may be submitted to the relevant PEC no later than 12:00 on election day, and permitted reasons include: a health condition, looking after a sick family member, or being in a remote or hard-to-reach location.

²⁵ Some unsuccessful candidates whose registration was denied due to criminal convictions, informed the ODIHR EOM of their intention to challenge the constitutionality of the latter requirement at the Constitutional Court.

²⁶ *Baytaq* informed the ODIHR EOM that between 2019 and 2023, the party's application for registration was turned down 18 times. Also, the aspiring political party *Alga Kazakhstan* informed the ODIHR EOM that, since 2022, the MoJ did not accept their registration documents on 10 occasions; the registration documents were returned, citing alleged non-compliance with the Law on Political Parties. In January 2023, the MoJ reported that four more parties had passed the first registration stage by submitting their initial documents. Referring to protection of personal data, the MoJ has not disclosed to the aspiring parties the names of individuals who allegedly did not meet the legal requirements for party membership. The administrative courts upheld this practice.

²⁷ By law, simultaneous candidacy in both the nationwide and the single-mandate electoral districts is not permitted.

district.²⁸ While political parties did not express concerns over the deposit size, many single-mandate candidates informed the ODIHR EOM that they faced difficulties raising such amount.²⁹

The CEC registers the proportional lists, while TECs and DECAs are in charge of registering single-mandate candidates. By the legal deadline of 18 February, all seven registered political parties submitted their lists for the single-nationwide electoral district, comprising a total of 281 nominated candidates, including 80 women (28.5 per cent).³⁰ According to the Election Law, the combined number of women, youth, and persons with disabilities in the lists should represent at least 30 per cent of the candidates. According to the CEC, all seven parties fulfilled this requirement.³¹ In the single-mandate electoral districts, 435 out of 609 nominated candidates, including 85 women (19.5 per cent) were registered, of whom 359 were self-nominated.³²

The Election Law includes multiple provisions for deregistration of candidates, several candidates raised concerns with the ODIHR EOM over a lack of certainty in their implementation.³³ So far, some 20 majoritarian candidates were deregistered, most of them based on discrepancies in their tax declarations.

VIII. CAMPAIGN ENVIRONMENT

The campaign officially began on 18 February and will end at midnight on 17 March. The law prohibits campaign activities before the official start of the campaign, providing fines and/or rejection of registration as sanctions. By law, state and local administration bodies should make their premises, equipment, and other assets available to all contestants, and provide equal conditions for same.

To hold an outdoor campaign event, candidates should notify local authorities five days before the planned activity. By law, executive bodies reserve the right to permit or refuse an event based on an extensive list of grounds, or offer another public place and time for holding the event. The legislation provides for specially designated places for such events. Many contestants informed the ODIHR EOM that they would not hold outdoor rallies, while some believed that such events were in practice not allowed.

The misuse of state resources, charitable actions, and promising goods, services, money or economic gains to voters are all prohibited. Candidates in state positions are forbidden to use their official position to their advantage in the campaign. Campaigning by state and local government officials while on duty is illegal. Violations of campaign rules can lead to deregistration of a candidate or the entire party list.

The campaign so far appears lively, in particular online and in the single-mandate electoral districts with a large number of candidates, and also due to the presence of two new political parties contesting these

²⁸ Political parties that achieved 5 per cent or more of the votes in the last parliamentary elections are exempt from paying the deposit. Those that received between 3 to 5 per cent of the votes have to pay half of the deposit, while those that received between 1 to 3 per cent have to pay 70 per cent of the established fee. EUR 1 equals some KZT 474 (Kazakhstani Tenge).

²⁹ The CEC received applications from nominated candidates asking for discounts and extension of the deadlines for submission of the financial deposit; there are no legal provisions for discounts and extension of the deadlines. Several nominated candidates informed the ODIHR EOM that they had to conduct fundraising in order to pay the deposit.

³⁰ *Amanat* nominated 90 candidates (of whom 26 are women), *Auyl* 25 (6 women), *Respublika* 23 (8 women), PPK 52 (15 women), *Baytaq* 18 (5 women), *Ak Zhol* 54 (15 women) and NSDP 19 (5 women). Parties listed in the order they appear on the ballot paper. Two candidates nominated by *Respublika* withdrew before being registered.

³¹ In total, 12 candidates with disabilities are included in the party lists. Youth is qualified as those under the age of 29; there is a total of 19 youth candidates on the proportional list and 15 candidates for the majoritarian race.

³² In the single-mandate electoral districts, 45 nominees withdrew before being registered; 125 were denied registration due to an incomplete set of documents, failure to submit the election deposit, cases of corruption, an unexpunged criminal record, non-permanent residence in the country for the last 10 years, and campaigning before the registration deadline. The registration of four candidates was cancelled before the registration deadline; in one case, the person withdrew the candidacy, and in three cases, because of inaccuracy in their financial declaration.

³³ For instance, campaign activities conducted before the official start of the campaign period or inaccurate reporting on assets and liabilities can lead to deregistration.

elections.³⁴ Primarily, parties and candidates organize indoor meetings, mostly at places of work, use posters and billboards, and maintain an active presence on social networks. On 18 February, following an initiative by the ruling party *Amanat*, six registered political parties signed a memorandum agreeing to conduct a fair campaign.³⁵ Several self-nominated independent and opposition single-mandate candidates in Almaty combined forces for campaigning purposes and issued a joint manifesto.³⁶ No single topic or issue has so far dominated the campaign, with contestants focusing on a wide range of social and economic issues, including rising food prices, housing, urban safety and comfort, agriculture, political and economic reforms, support to small and medium business, the rule of law, good governance, environmental concerns, the impact of the war caused by the Russian Federation's invasion of Ukraine, national independence and sovereignty.

The ODIHR EOM has observed online campaigning by all parties, selected candidates and influencers on Facebook, Instagram, and YouTube. So far, Instagram has been the most used platform. Parties use their accounts to post original as well as repost their candidates' content, comprising mainly event videos, photos, and campaign posters.³⁷ Some prominent YouTube channels allocated space for electoral discussion and invited candidates for debates. As a sign of support, prominent independent candidates with a large number of followers offer online space and promote independent candidates from other and sometimes their own electoral districts. Online posts by influencers focus among others on attacks on journalists and corruption in the country.

IX. CAMPAIGN FINANCE

Campaign finance is primarily regulated by the Election Law supplemented by CEC resolutions. Parliamentary political parties receive annual public funding proportionally to the votes received in the last parliamentary elections; it is prohibited to spend these funds on election campaigning activities. Political parties can fund their campaigns from their own sources as well as donations from individuals and legal entities.³⁸ Addressing a prior ODIHR recommendation, amendments to the Election Law introduced caps for individual donations: KZT 7 million for an individual; and, KZT 35 million for organizations. Contributions from state-funded organizations, charities, religious communities, and foreign, in-kind and anonymous sources are prohibited. The majority of political parties the ODIHR EOM met with did not raise any issues related to the financing of the current campaign.³⁹

Candidates on party lists finance their campaigns through the electoral fund of their parties. Majoritarian candidates finance their campaigns through candidate's own funds, and voluntary donations from citizens and organizations, including political parties.⁴⁰ They are also entitled to a public subsidy to cover specifically enumerated expenses, including media appearances, printed materials and transportation.⁴¹ Candidates do not receive this subsidy directly but have to apply to the relevant TECs/DECs by submitting contracts with the service providers as well as invoices. The effective spending limit from the electoral fund for single-mandate candidates is KZT 49 million and for parties in the nationwide electoral district is KZT 1 billion 50 million.

³⁴ For instance, 2 electoral districts in Astana are contested by 41 and 42 candidates respectively, followed by 3 electoral districts in Almaty with 37, 34, and 33 candidates. Electoral district No 25 in Turkistan region with five candidates, has the lowest number of candidates in a single-mandate electoral district.

³⁵ The NSDP did not sign the document claiming no memorandum is necessary if all competitors respect the laws.

³⁶ This platform promises to become an alternative to the ruling party's majority in the parliament and calls on citizens to give their votes to self-nominated candidates.

³⁷ Parties and party candidates mostly publish posts after the events, rarely announcing them in advance.

³⁸ A political party's own funds spent on the campaign should not exceed KZT 350 million, while the total amount of donations made by citizens and organizations may not exceed KZT 700 million.

³⁹ The newly registered *Baytaq* informed the ODIHR EOM about some challenges to conduct fundraising, in particular given the short time between the party's registration and these elections.

⁴⁰ A candidate's own funds should not exceed KZT 14 million. The total amount of contributions from citizens and legal entities should not exceed KZT 35 million.

⁴¹ According to a CEC resolution, each single-mandate candidate is entitled to spend some KZT 450,000 for television, radio appearances and publication of two articles in periodic printed and on-line sources; KZT 300,000 for public events and printed materials; and KZT 200,000 for transportation.

Following their registration, political parties and candidates need to open dedicated accounts in a bank chosen by the CEC.⁴² A number of majoritarian candidates informed the ODIHR EOM of various difficulties in the opening and operation of the dedicated campaign accounts, as well as a lack of clarity in the procedure for receiving public subsidies.

The respective election commissions are vested with oversight of campaign income and expenditure.⁴³ Three days after the publication of election results, political parties and single-mandate candidates submit financial reports indicating all income and expenditure to the respective election commission, which should then publish these reports no later than five days after the establishment of the election results. A CEC resolution establishes the report template and provides for publication of interim financial reports; as of 1 March, no interim report has been published.⁴⁴

The Election Law provides for deregistration of candidates and for the invalidation of election results if campaign finance violations are revealed after the vote.⁴⁵ The law does not set any specific criteria for the application of these sanctions and could allow for wide discretion in their application.

X. MEDIA

The media market is influenced by the significant amount of state funding allocated to the media.⁴⁶ Television remains a significant source of political information, although the popularity of online media and social networks is increasing. There are no national public broadcasters; the three major national broadcasters, *Khabar TV*, *Qazaqstan TV* and *Zhibek Zholy*, are state-owned, while private media ownership is not transparent.⁴⁷ In the opinion of the ODIHR EOM interlocutors, numerous recent cases of intimidation and harassment of critical online journalists and bloggers have created a perception of impunity and contribute to widespread self-censorship.⁴⁸

⁴² The CEC identified *Halyk Bank* to open designated campaign accounts.

⁴³ CEC is vested with the financial oversight of the proportional contest, while the majoritarian race is overseen by the respective TECs and DECes.

⁴⁴ Reports on income and expenditure of contestants are to be published twice a month during the electoral period.

⁴⁵ The Administrative Offences Code also defines sanctions for breaches of campaign finance rules, including fines for failure to report campaign expenditures and for funding of campaigns through non-designated bank accounts.

⁴⁶ The amount of public funding allotted to the media is comparable to the entire advertisement market of Kazakhstan. In 2022, the Ministry of Information and Social Development (MISD) budget for conducting state information policy amounted to KZT 55.4 billion. Local government institutions also allot funds to national and local media outlets. According to the [Central Asian Advertising Association](#), the entire media advertising market in 2022 [amounted](#) to KZT 74.5 billion.

⁴⁷ The legislation does not require to disclose information about the ultimate owner.

⁴⁸ For example, on 14 January, the vehicle of a prominent journalist and single-mandate district candidate, Dinara Egeubaeva was [burned](#). On 19 January, the door to the apartment of another prominent journalist, Vadim Boreyko was [blocked](#) with assembly foam, while on 20 February two vehicles belonging to his cameraman were [set on fire](#). On 8 February, the editor-in-chief of *ulysmidia*, Samal Ibrayeva [received](#) a package with animal body parts and photos of her children. Previously, on 18 January, Ms. Ibraeva [reported](#) that personal information about her and her family was published online. ElMedia [reported](#) that the windows of their offices were smashed six times in the past six months; the last attack occurred on 13 January. On 22 February, the investigative journalist Daniyar Moldabekov was [beaten](#) near his apartment. On 20 January, the spokesperson of the President, Ruslan Zheldibay, in his Facebook [post](#), announced that President Tokayev had tasked the law enforcement authorities to conduct thorough investigations of attacks on journalists, identifying not only the culprits but also those who ordered such crimes. On 21 February, the Police [reported](#) that it had detained 18 people in connection with the attacks that took place between September 2022 and 20 February 2023. On 28 February, the police [announced](#) the arrest of a foreign national, who allegedly served as co-ordinator of the attacks on journalists and bloggers, and other perpetrators who committed more than 30 illegal actions against media representatives. However, the majority of the victims expressed doubts to the ODIHR EOM about the accuracy of the investigation and highlighted that those who ordered the attacks were not yet identified by the police.

The Constitution guarantees freedom of expression, media and prohibits censorship. However, many ODIHR EOM interlocutors consider that it is undermined by a restrictive media legal framework.⁴⁹ This includes limited access to information, as well as criminal prosecution for insult, dissemination of knowingly false information, and defamation and insult of public officials, including the incumbent.

The Ministry for Information and Social Development (MISD) is the regulatory and oversight body for broadcast, print and online media. MISD, the General Prosecutor's office and the courts are entitled to restrict access to websites based on a wide range of violations.⁵⁰ During the campaign, MISD conducts monitoring of the major national and regional media outlets and social networks and reports to the CEC and the General Prosecutor's Office in case of identified violations.

The Election Law and a CEC resolution oblige the media to provide objective coverage of the contestants, refrain from publishing items that could damage the honour and dignity of contestants, publish opinion polls conducted only by approved organizations with at least five years of experience and provide equal conditions for the allocation of free time and space.⁵¹ Recent amendments to the Election Law extended the media regulations to all users of online platforms (including social networks and instant chat messengers like Telegram or WhatsApp). Although some ODIHR EOM interlocutors raised concerns that a broad regulation of online users could result in selective implementation of the legislation, the CEC and the MISD informed the ODIHR EOM that the monitoring of social networks is focused mainly on those users officially selling political advertisements.

The Election Law does not provide for the allocation of free time. Majoritarian candidates are provided with state funding for paid political advertisements. Further, the law entitles the CEC and TECs to organize debates between political parties and single-mandate candidates, respectively.⁵² On 19 February, the CEC allotted each candidate KZT 450,000 for paid political advertisements in the media.

The ODIHR EOM has commenced monitoring six broadcasts and six online media outlets.⁵³

XI. COMPLAINTS AND APPEALS

The electoral legal framework provides for the resolution of disputes by the election administration, specialized administrative courts and the Supreme Court.⁵⁴ The general deadline for submission of complaints against decisions of the election administration is 10 days. Election commissions have five days to consider complaints and three days to review appeals against decisions of lower-level commissions.⁵⁵ The CEC decisions are appealed to the administrative chamber of the Supreme Court. Complaints may be submitted to

⁴⁹ On 16 March 2022, President Tokayev [stated](#) that it is “necessary to revise the law on media to consider the State's interests, the demands of society, and the trends in the development of the media sphere”. On 2 February 2023, MISD [published](#) a new draft media law, which has been [criticized](#) by civil society and some members of the international community.

⁵⁰ In 2022, the MISD [initiated](#) a country-wide block of over 14,000 websites, including 127 for disseminating “damaging information” and 101 for disseminating false information. Such decisions are not legally contestable nor appealable, while no official public register of blocked websites exists. According to the MISD, no such measures were taken during the campaign period.

⁵¹ In order to sell paid political advertisements, media outlets and bloggers have to publish their price lists and submit them to the CEC or relevant TEC. A total of 90 broadcast media, 180 print and 195 online media outlets, as well as 40 users of online platforms, had [submitted](#) their price lists to the CEC, and 2,170 media outlets and online users submitted price lists to the TECs. While broadcast media are prohibited from publishing campaign materials within the news and analytical programmes, some broadcasters offer news items as political advertisements.

⁵² The CEC intends to organize one debate on 16 March among all seven political parties on *Khabar TV*.

⁵³ Televisions: *Khabar TV*, *Qazaqstan TV*, *Zhibek Zholy*, *КТК*, First Eurasian Channel, and *31 Channel*; Online media: *tengrinews.kz*, *zakon.kz*, *vlast.kz*, *kaztag.kz*, *orda.kz* and *ulysmmedia.kz*.

⁵⁴ In case a complaint is submitted to both an election commission and a court, court proceedings take precedence.

⁵⁵ Particular deadlines apply for different types of complaints. Election commissions should resolve complaints related to inclusion in voter lists on the same day, and their decisions are subject to further expedited judicial review. Complaints filed within five days before or on election day must be reviewed immediately.

commissions and courts via an electronic system and it is possible to attend court sessions on-line, which in the opinion of ODIHR EOM interlocutors, significantly facilitates the process.

While the CEC keeps a database of complaints and other communications it receives, this information is not publicly available. Upon request, the ODIHR EOM received an extract from the CEC's database containing some 248 applications, most of which were requests to clarify legal provisions on accreditation of observers, campaigning issues and candidate nomination. Thus far, regional administrative courts have received a limited number of complaints on decisions of DEC's related to transparency of election administration and candidate nomination. In several regions, the specialized administrative courts overruled DEC decisions on rejection of single-mandate candidate nominations due to their narrow interpretation of the 10-year residency requirement. Following this judicial precedent, and subsequent clarification from the CEC, many DEC's changed their practices.⁵⁶

Complaints on candidate registration are channelled to the CEC or the Supreme Court.⁵⁷ So far, non-registered candidates have submitted complaints related to rejection of their registration, including due to incomplete tax-declarations as well as unexpunged criminal records. Despite repeated requests, including a written letter submitted to the Supreme Court, the ODIHR EOM was not always informed in a timely manner about the time of court sessions on election-related issues at the Supreme Court and in the regions, limiting opportunities to observe these court hearings.⁵⁸ The decisions of the courts are not published online in a timely manner.⁵⁹

Complaints related to criminal and administrative electoral offences can be filed with public prosecutors, who should consider them within five days. The Prosecutor's Office can also initiate cases on the administrative violations on its own initiative. Administrative proceedings of alleged early campaigning were initiated against registered candidates in five cases, as well as against five individuals for breaches of legal provisions. Some majoritarian candidates raised concerns over selective initiations of these procedures.⁶⁰

Following 2022 constitutional amendments, on 1 January 2023, the newly established Constitutional Court began to function. Final election results may be appealed to the Constitutional Court within 10 days of the announcement of the election results. Results can be appealed by president, speakers of both houses of parliament, at least one-fifth of the members of parliament and the prime minister.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for citizen and international election observation. Public associations and non-profit organizations may nominate citizen observers. The recently amended Election Law introduced a formal accreditation process for citizen observers. The CEC accredits domestic organizations registered with the MoJ, while the TECs accredit organizations registered at the local Departments of Justice. To be accredited, an organization should have a reference to election observation activities in its statute. Some citizen observer groups informed the ODIHR EOM about their concerns about the length of the accreditation process, which can take up to 30 days, noting it delays their preparations such as fundraising, recruitment and training of observers.

By law, accredited organizations can observe all types of elections within one year, including election day proceedings, voting, counting and tabulation. Organizations are accredited to observe elections in the area of responsibility of the election commission from which they have received the accreditation. The election

⁵⁶ Out of 18 appeals initially submitted to the courts, most were withdrawn by applicants as their compliance with the requirement was subsequently confirmed by respective DEC's.

⁵⁷ The deadline for submission of such complaints is seven days; the CEC and the Supreme Court have seven days to issue decisions.

⁵⁸ For example, the ODIHR EOM was informed about the court session on 27 February only once the session was already ongoing.

⁵⁹ While the parties of the case can access their judgements, the public access to court decisions is very limited.

⁶⁰ Early campaigning activities in different regions were reported, including by ODIHR EOM LTOs; however, only some of them resulted in initiation of administrative cases by the prosecutor's office.

commission that accredits the observer can terminate the observer's right to observe upon ascertaining that the latter has violated the law. As of 1 March, 9 domestic organizations have been accredited by the CEC and 10 by the TECs.

Candidates and registered political parties are also entitled to deploy their agents (proxies) and observers. The CEC has in place a formal accreditation procedure for international observers.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Astana with a press conference on 8 February. The Head of Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, and other high-level state officials, political party leaders and representatives, media, civil society, and members of the diplomatic and international community.

The OSCE Parliamentary Assembly (OSCE PA) has announced its intention to deploy an observer delegation for election day observation. Irene Charalambides (Cyprus) has been nominated by the OSCE Chairperson-in-Office to serve as Special Co-ordinator, and Reinhold Lopatka (Austria) has been appointed as Head of the OSCE PA delegation.

***The English version of this report is the only official document.
Unofficial translations are available in Kazakh and Russian.***