

THE CONSTITUTIONAL LAW OF THE KYRGYZ REPUBLIC

Bishkek city, No. 173, October 31, 2016

On Referendum in the Kyrgyz Republic

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Chapter 1. General Provisions

Article 1. Referendum in the Kyrgyz Republic

1. A referendum in the Kyrgyz Republic (hereinafter the “Referendum”) shall be a nationwide vote of citizens of the Kyrgyz Republic (hereinafter the “Referendum participants”) upon this Constitutional Law and other normative legal acts, as well as upon the most important issues of state importance.
2. The referendum of the Kyrgyz Republic along with free elections shall be a direct expression of the people’s power. The referendum of the Kyrgyz Republic shall be conducted on the whole territory of the Kyrgyz Republic.

Article 2. Major Terms Used in this Constitutional Law

1. **The following definitions are used in the present Constitutional Law:**
 - 1) **Campaign materials** – printed, audiovisual and other materials containing features of referendum campaign (for or against question(s) submitted to the referendum and intended for mass circulation and promulgation in the course of referendum campaign;
 - 2) **Campaigning on the questions of referendum** – activities conducted during the referendum campaign with the purpose of persuading the referendum participants to conduct the referendum or refuse to conduct it, to vote or refuse to vote at the referendum, to support or reject the question submitted to the referendum;
 - 3) **Question (s) submitted to the referendum** - drafts of constitutional laws, laws and other normative legal acts, as well as other important questions of state importance;
 - 4) **Guarantees of the right for participation in referendum** – organizational, legal, informational and other means of securing the right of the citizens of the Kyrgyz Republic for participation in referendum;
 - 5) **A group “for” the referendum** – a group of the referendum participants for campaigning for question (s) submitted to the referendum and registered by the Central Commission for Elections and Conduct of Referendums in the Kyrgyz Republic (hereinafter the “Central Election Commission”) in the manner set forth by this Constitutional Law;

- 6) **A group “against” the referendum** – a group of the referendum participants for campaigning against question (s) submitted to the referendum and registered by the CEC in the manner set forth by this Constitutional Law;
- 7) **Voter’s identity card** – passport (ID card) of a Citizen or a regular passport of a Citizen;
- 8) **Executive officer of a state power body or local government** – a person performing the functions of a representative of authority or those of organizational-management, administrative, control and supervision character in state bodies and local self-governments on a regular or temporary basis or by special authority;
- 9) **Referendum documents** – voter lists; ballots - valid, invalid, not used (cancelled), wasted (filled with errors), as well as ballots issued to voters for early voting and for mobile voting; minutes of referendum commissions, their decisions on referendum-related issues, aggregated tables of referendum results as well as the cheques about being identified, initial and final reports on identification;
- 10) **The initiative group** – a group of referendum participants collecting signatures in support of the referendum in compliance with the legislation regulating the procedure for implementation of the citizen’s legislative initiative and accompanying it before entering into legal force;
- 11) **Election Information Support** – voters information and pre-referendum campaign in order to ensure conscious choice of the citizens, transparency of referendum;

Informing the referendum participants – activities for the preparation and dissemination of information during the referendum campaign, helping to encourage referendum participants to participate in the referendum, contributing to the conscious expression of the will of citizens and publicity of the referendum. Notification of referendum participants shall not contain elements or signs of campaigning;

information material - printed, audiovisual and other materials containing information on the course of the referendum campaign and the activities of Referendum Commissions, referendum precincts, the procedure for amending and clarifying the list of referendum participants, the procedure for participation in voting, the procedure for voting, the procedure for determining the voting results and determining the results of the referendum;

- 12) **Referendum Commissions** – collegial bodies organizing preparation and conduct of the referendum;
- 13) **International observer** – an individual representing a foreign or international organization that acquires the right to observe preparation and conduct of the referendum in the Kyrgyz Republic pursuant to procedure established by the legislation;
- 14) **Observer** – an individual, designated by the group “for” and group “against”, a political party, a non-commercial organization (non-commercial organization) to observe over the preparation of

the referendum, carry out observation of voting, counting votes and tabulation of referendum results pursuant to the procedure established by the legislation;

- 15) **The right for participation in the referendum** – the constitutional right of citizens of the Kyrgyz Republic, who have reached 18 years old on the day of referendum to participate in the referendum, including the right to vote on questions submitted to the referendum;
 - 16) **Permanent residence** – residence of a citizen in the territory of the Kyrgyz Republic that was certified in an appropriate document by the registration mark of the registration body;
 - 17) **Voter list** – a list of the citizens of the Kyrgyz Republic possessing active electoral right as of the referendum day; compiled in electronic and hard (paper) forms;
 - 18) **a referendum participant** – a citizen of the Kyrgyz Republic who has reached the age of 18 on the voting day, who has the right to participate in the referendum;
 - 18-1) **A referendum participant with disabilities** – a citizen of the Kyrgyz Republic who has an active electoral right, who has a health disorder with a persistent disorder of the body's functions caused by diseases, consequences of injuries or defects expressed in hearing, vision, and musculoskeletal system functions, leading to restriction of the full exercise of voting rights;
 - 19) **Operator** – a specialist of the State Registry Service, providing technical support at a polling station during the Referendum Day;
 - 20) **Thermal printer** - a peripheral device of a computer designed to transfer text or graphics to a physical device from electronic one in small runs without creating a printed form;
 - 21) **Ballot boxes** – Automated scanning and Stationary ballot boxes;
 - 22) **Automated scanning ballot box** – a device for automated counting the votes of the referendum participants;
 - 23) **Stationary ballot box** – a transparent ballot box;
 - 24) **Mobile ballot box** – a ballot box designed for mobile voting;
 - 25) **Failure** – lack of functioning of automated scanning ballot box.
 - 26) **The authorized state body** - the state body in the field of population registration of the Kyrgyz Republic;
 - 27) **Check** - a physical carrier, converted from an electronic form, which reflects information on the identification of the referendum participant in small copies without creation of a printed form;
2. The terms and concepts used in this Constitutional Law shall be interpreted in the same meaning as in the Law of the Kyrgyz Republic on preparation and conduct of elections of the Kyrgyz Republic's President (hereinafter referred to as the "President") and Jogorku Kenesh deputies of the Kyrgyz Republic (hereinafter referred to as the "Jogorku Kenesh Deputies").

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Article 3. Principles of Conducting the Referendum

1. The referendum shall be conducted on the basis of the following principles:
 - 1) Participation in the referendum shall be free;
 - 2) Voting shall be voluntary and secret and shall be conducted on the basis of universal, equal, and direct suffrage;
 - 3) Each referendum participant shall have one vote.
2. Publicity, including at the time of the vote count, as well as public participation shall be provided for during the conduct of a referendum.
3. Citizens of the Kyrgyz Republic who are of age of 18 shall have the right to participate in the referendum.
4. No person shall be entitled to influence a citizen with the purpose of coercing him/her to participate or not to participate in the referendum. Control over the expression of will by a citizen shall be strictly prohibited. During the referendum no person shall be coerced to express his/her views or opinions or renounce them.
5. Citizens of the Kyrgyz Republic residing or located outside the Kyrgyz Republic shall have the rights to participate in the referendum in accordance with the present Constitutional Law.

The electoral rights of the citizens of the Kyrgyz Republic residing or located outside its borders during the referendum period are ensured by the state agency in charge of foreign affairs through its diplomatic missions and consular offices.

Citizens of the Kyrgyz Republic, residing or located outside the country, vote at polling stations created at the proposal of an agency in charge of foreign affairs in agreement with relevant institutions of the country of accreditation, as a rule, on the territory of diplomatic missions, consular offices of the Kyrgyz Republic, representative offices of state agencies of the Kyrgyz Republic abroad.
6. A citizen of the Kyrgyz Republic recognized by court as incapable or held in places of freedom deprivation pursuant to a court sentence shall not be entitled to participate in the referendum.

(As amended by the Constitutional Law of the Kyrgyz Republic dated 08.08.2019 No. 116)

Article 4. The Law on Referendum in the Kyrgyz Republic

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

Article 4-1. Secret ballot

Voting during the referendum in the Kyrgyz Republic shall be secret, excluding the possibility of any control over the expression of the will of citizens.

Violation of the secrecy of voting shall entail liability provided for in the legislation of the Kyrgyz Republic.

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

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

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

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

1. Preparation for and conduct of the referendum shall be open and public. The state shall provide for informing of the citizens of the Kyrgyz Republic of the procedure and timeframe for preparation for and conduct of the referendum, of the voting results and the referendum results.
2. Normative legal acts of the state authorities and bodies of local self-government, decisions of the Central Election Commission pertaining to the preparation for and conduct of the referendum and to securing the right for participation in the referendum shall be officially published as per the procedure and within the timeframe established by this Constitutional Law.
3. The state shall guarantee to the citizens of the Kyrgyz Republic, political parties and other non-commercial organizations, campaigning groups “for”, groups “against” the referendum the freedom of conducting campaign on referendum questions in accordance with this Constitutional Law from the date of entry into the force of the law on conducting the referendum.

Article 7. Questions Submitted to the Referendum

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

Article 8. Questions not to Be Submitted to the Referendum

The following questions shall not be submitted to the referendum:

- 1) of war and peace;
- 2) early termination or prolongation of the term of powers of the President of the Kyrgyz Republic, MPs;
- 3) calling early elections of the President, deputies of the Jogorku Kenesh or postponing the date of such elections;
- 4) introduction, change or abrogation of taxes and duties, as well as exemption from their payment;
- 5) fees;

- 6) changes in the secular nature of the state, unitarity and territorial integrity of the Kyrgyz Republic;
- 7) administrative-territorial device and borders of the Kyrgyz Republic;
- 8) introduction of a military or emergency situation;
- 9) approval and alteration of the republican budget;
- 10) related to referendum, appointment and dismissal of officials of representative and executive state authorities;
- 11) amnesty and pardon.

Article 9. Circumstances Precluding the Conduct of the Referendum

1. The referendum shall not be held when martial law or the state of emergency have been declared in the whole territory of the Kyrgyz Republic or in individual areas.
2. A repeated referendum with the same content or meaning of the wording of the question is not held within a year after the official publication of the results of the previous referendum.

Chapter 2. Initiative for Conducting and Calling for the Referendum

Article 10. Initiative of Conducting the Referendum

1. The initiative of conducting the referendum shall belong to the Jogorku Kenesh on the initiative:
 - 1) not less than two thirds of the total number of deputies of the Jogorku Kenesh or not less than 300 thousand voters on the draft law on amendments to the Constitution of the Kyrgyz Republic;
 - 2) 10 thousand voters (public initiative);
 - 3) a deputy of the Jogorku Kenesh on all issues, except for the issue specified in item 1 of this part;
 - 4) Government of the Kyrgyz Republic (hereinafter referred to as the "Government").
2. From the moment of calling the referendum and the official publication (public announcement) of its results those listed under part 1 of this Article shall not be entitled to propose an initiative of holding a new referendum.

Article 11. Initiative of the Citizens of the Kyrgyz Republic to Conduct the Referendum

1. Each citizen or a group of citizens of the Kyrgyz Republic enjoying the right for participation in the referendum may form the group "for" comprising not fewer than 10 people in order to collect signatures in support of the initiative to conduct the referendum.
2. The procedure for formation of the group "for" of citizens to exercise the right to legislative initiative, registration of the group "for" and the draft law on the appointment of the referendum, collection of signatures, the form of a subscription list, as well as the procedure for checking subscription lists in support of the initiative to submit a draft law to the referendum are carried out in accordance with the Law of the Kyrgyz Republic "On the People's Legislative Initiative in the Kyrgyz Republic".

Article 12. Procedure for calling the referendum

1. The referendum shall be called by the Jogorku Kenesh in the form of a law.
2. The draft law on the appointment of the referendum, with the exception of the draft law provided for in part 3 of this Article, shall be adopted by a majority of the number of present deputies, but not less than 50 votes of deputies of the Jogorku Kenesh.
3. The draft law on the appointment of the referendum on amendments to the Constitution of the Kyrgyz Republic shall be adopted by a majority of at least two-thirds of the total number of deputies not earlier than one and not later than 3 months from the date of receipt of the draft law by the Jogorku Kenesh.
4. The law on the appointment of the referendum determines the date of the referendum and the wording of the question (s) proposed (proposed) for submission to the referendum, while the date of the referendum can be set on any day off no later than 4 months from the date of entry into force of the law on appointment of the referendum.

Chapter 3. Procedure for Preparing for the Referendum

Article 13. Referendum Commissions

1. The preparation and conduct of the referendum and implementation and protection of rights of citizens of the Kyrgyz Republic for participation in the referendum shall be provided for by:
 - 1) The Central Election Commission;
 - 2) Territorial (district, city) referendum commissions for elections and referendums (hereinafter referred to as the "Territorial Election Commissions");
 - 3) Precinct Election Commissions for elections and referendums and Precinct Referendum Commissions formed in the precincts formed in accordance with parts 2, 3, 4 of Article 21 of this Constitutional Law (hereinafter referred to as the "Precinct Election Commissions").
3. Referendum commissions shall be obliged within the scope of their powers to review appeals against violations of this Constitutional Law received by them during the preparation and conduct of the referendum, investigate these appeals and provide written answers to these appeals within a five-day period, but not later than on the day preceding the voting day, whereas on the voting day or the day following the voting day – immediately.
4. State and local self-government bodies, as well as their officials, are obliged to assist the referendum commissions in the exercise of their powers: to provide the necessary equipment, vehicles, telephone facilities, including facilities for storing technological equipment (stands, boxes, voting booths, etc.), referendum documents prior to their transfer to a higher referendum Commission or archive, as well as to ensure their protection; provide the necessary information and materials, respond to requests of referendum commissions related to the preparation and conduct of elections, referenda without delay, if necessary, additional study of the relevant issue or verification - within three days, and on the voting day or on the day following voting day - immediately.

Article 14. Procedure for Formation of Referendum Commissions

The order of formation of the composition of the Central Election Commission, Territorial Election Commissions, Precinct Election Commissions, as well as the organization of their activities are established in accordance with the legislation of the Kyrgyz Republic on the Referendum Commission.

Article 15. Powers of the Referendum Commissions

Powers of the Central Election Commission, Territorial Election Commissions, Precinct Election Commissions are established in accordance with the legislation of the Kyrgyz Republic on Referendum Commissions and referendums.

Article 16. Status of the Referendum Commissions members

The status of members of the Central Election Commission, Territorial Election Commission and Precinct Election Commission is determined by the Law of the Kyrgyz Republic "On Referendum Commissions to conduct elections and referendum in the Kyrgyz Republic".

Article 17. Publicity in the Work of Referendum Commissions

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

Article 18. Observer

1. The Group "for", group against the referendum, political parties, non-commercial organizations shall have the right to appoint an observer who is entitled to observe the preparation of referendum, the process of voting, the counting of votes, the determination of the voting results and the determination of the referendum returns in accordance with the procedure envisaged in the law.
2. Observer shall be given the rights and duties provided by this Constitutional Law to observers upon submission of a referral to the appropriate referendum commission by his/her nominating organization. The referral should indicate first name, last name and patronymic, place of residence, the polling stations number, the name of the referendum commissions to which he/she is directed as well as a note about the absence of restrictions specified in part 3 of this Article. Such document shall be valid with the signature of nominating organization and upon submission of passport or a replacing document. A preliminary notice on designation of the observer shall not be required.
3. Citizens of the Kyrgyz Republic having the right to vote may act as observers.

Jogorku Kenesh deputies, local council deputies, government officials and local government officers, members of Referendum Commissions, judges, prosecutors, law enforcement and fiscal body officers and military officials may not act as observers.

4. Observers shall have the right to:

- 1) observe formation of the Referendum Commissions of any level;
 - 2) observe compilation of voter lists;
 - 3) observe the process of voters registration;
 - 4) observe the information election support;
 - 5) observe voter lists available with the Referendum Commission and a register of applications (appeals) for a mobile voting;
 - 6) be at the voting premises at any time of the election day;
 - 7) observe mobile voting;
 - 8) openly express his/her opinion via mass media, as well as make statements on preparation and conduct of referendum;
 - 9) move freely and attend any polling stations and referendum commissions sessions;
 - 10) observe the voting process organization established by this Constitutional Law, not violating secrecy of the vote, including issuance of ballots; establishing number of voters included in the voter list, ballots given to the voters and cancelled ballots; observe counting of votes at distance and in the circumstances providing for visibility of the ballot content, review any filled out or unfilled ballots during counting of votes; observe filling the referendum commission protocols on voting results and other documents;
 - 11) approach chairperson of the Precinct Election Commission or, in the absence of the chairperson, approach his/her deputy with suggestions and remarks on the voting process organization;
 - 12) observe protocols of the referendum commission he/she is assigned to;
 - 13) get copies of protocols and attached documents from the referendum commission;
 - 14) appeal decisions and (or) action (inaction) of the referendum commission to which he/she is assigned to, in accordance with this Constitutional Law;
 - 15) attend vote recount in appropriate referendum commissions;
 - 16) wear badges without campaign features, but indicating the status, name, the name of the organization that sent the observer to the referendum commission;
 - 17) make photo, video and audio recording not violating secrecy of the vote, not impeding count of votes.
 - 18) move freely and attend the referendum precincts in which he is registered.
5. Observer may not:

- 1) issue ballots to voters;
 - 2) sign instead of a voter on his/her request when getting ballot;
 - 3) mark ballot for a voter on his/her request;
 - 4) take up any actions undermining secrecy of vote;
 - 5) participate in ballot counting done by the referendum commission members;
 - 6) interfere to the work of the Referendum Commission;
 - 7) carry out campaigning among voters;
 - 8) participate in making decisions by the appropriate Referendum Commission.
6. Observers' activity shall be regulated by the electoral law.

(As amended by the Constitutional Law of the Kyrgyz Republic No. 116 dated 08.08.2019)

Article 19. International observers

1. International observers shall be accredited by the Central Election Commission provided they have received invitation forwarded by the President, the Jogorku Kenesh, the Government, the Central Election Commission after a decision to call the referendum was published officially. Proposals for invitations can be submitted by international and national non-commercial organizations specializing in the electoral legislation and elections as well as protection of human rights.
2. International observer's term of office shall begin on the day of his/her accreditation by the Central Election Commission and end as of the day of official publication of election results.
3. International observers may move freely and attend any precincts and referendum commission sessions.
4. International observers shall be entitled to:
 - 1) express in public their opinion on preparation and conduct of the referendum;
 - 2) hold press conferences and approach mass media;
 - 3) make photo, video and audio recording not violating secrecy of the vote;
 - 4) have badges without a referendum campaign feature, indicating the status, name and the name of organization they represent;
 - 5) observe formation of the Referendum Commissions of any level;
 - 6) observe referendum voter lists compilation;
 - 7) observe the process of voter registration;

- 8) observe information election support.
5. International observers cannot use their status to engage into activities not related to observation on the preparation and conduct of the referendum
6. The Central Election Commission can withdraw accreditation of an international observer in case of violation of this Constitutional Law or the legislation of the Kyrgyz Republic by such international observer.
7. Activities of international observers shall be regulated by the electoral law.

Article 19-1. Public observers

1. Non-commercial organizations shall have the right, in accordance with the procedure envisaged in their articles of incorporation, to make a decision on participation in referendum monitoring and sending their public observers.
2. The powers of the public observer shall be determined in writing referral certified by the seal of the non-commercial organization whose interests are represented by the public observer. The referral shall contain the name, surname and patronymic of the public observer, the address of his or her place of residence, the number of the polling station, the name of the commission to which the observer is sent, as well as a note on the absence of restrictions envisaged by part 4 of this Article. The referral shall be valid upon submission of a passport of a citizen of the Kyrgyz Republic by a public observer as well as a certified copy of a decision of a non-commercial organization on participation in election observation.

A non-commercial organization that intends to monitor the referendum shall send a notice to the Central Election Commission or the Territorial Election Commission with a copy of the certificate of state registration of the non-commercial organization attached. The Central Election Commission or the Territorial Election Commission shall send to the Precinct Election Commissions the list of non-commercial organizations that have announced their intention to carry out civil monitoring of the referendum.

3. Public observers shall be registered by the relevant Referendum Commission upon submission of the documents specified in part 2 of this Article. Conditions and procedure of registration, the form of the document on registration of public observers at referendum commissions shall be established by the Central Election Commission.

A non-commercial organization may register no more than three public observers at each referendum commission. Only one public observer from one non-commercial organization can be present at one polling station simultaneously.

4. The following persons cannot be appointed as public observers in the Referendum Commissions: a deputy of the Jogorku Kenesh or a local kenesh, a candidate to the Jogorku Kenesh or a candidate to the local kenesh, persons having political, special state and municipal posts, a state civil and political

municipal servant, a member of the Referendum Commission, representatives and observers of a candidate, a political party that nominated a list of candidates, judges, prosecutors, employees of other law enforcement and fiscal agencies and military personnel.

5. The term of office of a public observer begins on the day of his/her registration by the relevant Referendum Commission and ends on the day of official publication of the referendum returns.
6. The public observers shall have the right to:
 - 1) monitor the formation of the Referendum Commission of whatever level;
 - 2) monitor the process of formation of the voter lists;
 - 3) monitor the process of registration of voters;
 - 4) monitor the information support of the referendum;
 - 5) get acquainted with the voter lists available at the referendum commission, the log of applications (requests) on voting outside the premises for voting;
 - 6) be present in the premises for voting on the voting day at any time of the day;
 - 7) be present during voting outside the voting premises;
 - 8) publicly express his/her opinion or make statements on the preparation and conducting of referendum, including through mass media;
 - 9) monitor the procedure of organization and conducting the elections established by the present Constitutional Law, without violating the secrecy of referendum, including the issuance of the ballot papers, counting the number of voters included in the voter lists, counting the ballot papers handed to the voters and cancelled ballot papers; monitor the counting of votes at a distance and in conditions ensuring the visibility of the content of ballot boxes; check any filled or not filled ballot paper during the counting of votes; monitor the issuance of the protocol on the voting results by the referendum commission as well as other referendum documents;
 - 10) make remarks and proposals on issues related to the organization of voting to the chairperson of the Precinct Election Commission to which he or she is sent, and in case of his or her absence - to the substituting person;
 - 11) get acquainted with the protocol of the referendum commission to which he/she was sent;
 - 12) receive from the referendum commission copies of protocols and documents attached thereto;
 - 13) be present at the re-counting of votes in the relevant Referendum Commissions;
 - 14) wear badges that do not contain signs of pre-referendum campaign, indicating his/her status, surname, name and patronymic as well as the name of the organization that sent the observer to the referendum commission;
 - 15) make photos, video and audio recordings without violating the secrecy of voting, interfering in the process of voting or summing up the results.
 - 16) freely move and be present at the polling stations where they are registered.
7. A public observer shall not have the right to:
 - 1) hand out ballot papers to the voters;

- 2) sign for the voter at his/her request for having received the ballot paper;
- 3) fill the ballot paper for the voter at his/her request;
- 4) make actions which violate the voting secrecy;
- 5) participate directly in the counting of ballot papers conducted by the members of the referendum commission;
- 6) make actions preventing the work of the referendum commission;
- 7) campaign among the voters;
- 8) participate in the decision making by a relevant referendum commission.
8. Public observers shall not have the right to use their status to carry out activities not related to the monitoring of the preparation and conducting of the referendum.
9. The relevant referendum commission shall have the right to cancel the registration of a public observer in case of violation of the present Constitutional Law and the legislation of the Kyrgyz Republic.

(As amended by the Constitutional Law of the Kyrgyz Republic dated 08.08.2019 No. 116)

Article 20. Mass media representatives

1. Mass media shall be accredited by the Central Election Commission upon submission of a request in writing.
2. Mass media representatives participating in information coverage of referendum preparation and conduct shall be entitled to:
 - 1) attend referendum commission meetings;
 - 2) review referendum commission protocols;
 - 3) get copies of protocols and attached documents from referendum commissions;
 - 4) take pictures or video-recording during the period of referendum preparation, and on the referendum day they may do it at the place indicated by a Chairperson of the Precinct Election Commission without violating secrecy of election;
 - 5) have badges on with no sign of campaigning, but indicating the status, name and the name of the organization they represent;
3. On the request of a mass media representative, the Referendum Commission must certify a copy of the protocol on referendum returns or election results.
4. The Central Election Commission shall be entitled to withdraw accreditation of any mass media representative in the event of violation of this Constitutional Law, legislation of the Kyrgyz Republic.

5. In the period of referendum preparation and conduct activities of a mass media representative shall be regulated by the electoral law.

Article 21. Formation of Referendum Precincts

1. Referendum precincts, their schemes and boundaries are approved by the Central Election Commission at the suggestion of Territorial Election Commissions in accordance with the legislation of the Kyrgyz Republic on elections and Referendum Commissions.
2. Referendum precincts may be formed in places of temporary stay of citizens who have the right to participate in the referendum, in pre-trial detention centers, temporary detention centers.
3. Military personnel - citizens of the Kyrgyz Republic votes in the general referendum precincts. As an exception, it is allowed to form referendum precincts in military units located in isolated areas remote from settlements.
4. Referendum precincts outside the Kyrgyz Republic are formed upon the proposal of the agency responsible for foreign affairs and by agreement with the competent authorities of the country of accreditation, as a rule, on the territory of diplomatic missions, the consular offices of the Kyrgyz Republic and missions of state agencies of the Kyrgyz Republic abroad.

Precinct Election Commissions outside the territory of the Kyrgyz Republic are formed by the heads of diplomatic missions or consular offices of the Kyrgyz Republic on the territory of the host state.

Information about referendum precincts formed outside the Kyrgyz Republic is posted on the websites of the Central Election Commission, diplomatic missions, consular offices and representative offices of state bodies of the Kyrgyz Republic no later than 5 calendar days from the date of their approval.

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Article 22. Compilation of the List of Referendum Participants. Familiarization with the List of Referendum Participants

1. In order to exercise the rights of the referendum participants and familiarize them with the data about themselves as well as for the purposes of voting conduct, lists of citizens who have the right for participation in the referendum shall be compiled (lists of referendum participants).
2. The procedure for and terms of compilation of lists of citizens shall be governed by the law of the Kyrgyz Republic on elections of the President of the Kyrgyz Republic and deputies of the Jogorku Kenesh.

Chapter 4. Campaigning during the Preparation for the Referendum in the Kyrgyz Republic

Article 23. Campaigning on Questions Submitted to the Referendum

1. Citizens of the Kyrgyz Republic, political parties, and non-commercial organizations shall be entitled in any forms permitted by law and by any legal means to unimpededly campaign for or against the introduction of a draft law on the appointment of the referendum to the Jogorku Kenesh.

The referendum commissions take necessary special measures to inform voters with disabilities.

For this purpose information materials shall be prepared in audio, video (digital media) format with the use of sign language translation or subtitling, printed in an enlarged font convenient for reading, as well as in Braille or and (or) special equipment (typhlo means), on which computer screen access programs are installed that convert text files into sound or tactile signals, as well as other special means.

The initiative group shall have the right, in the forms and legal methods permitted by law, to campaign for the submission of a draft law on calling the referendum to the Jogorku Kenesh before the law on calling the referendum initiated by the group "for" comes into force. After the entry into force of the law on the appointment of the referendum, the initiative group ceases its activity, but has the right to transform itself into the group "for" or the group "against" the questions(s) submitted to the referendum.

2. From the date of entry into force of the law on the appointment of the referendum, citizens of the Kyrgyz Republic have the right to campaign for or against the questions (s) submitted to the referendum.

After the entry into force of the law on the appointment of the referendum, citizens of the Kyrgyz Republic have the right to form the group "for" or the group "against" the question (s) submitted to the referendum. These groups apply to the Central Election Commission with an application for registration, which must indicate the surname, first name, patronymic, date of birth, residence address, series and number of passport or document replacing it of the members of the group, as well as persons authorized to act on behalf of the group.

The Central Election Commission shall register a campaign group within 10 days.

3. Campaigning may be conducted at meetings, rallies, through mass media. Forms and methods of campaigning should comply with the legislation of the Kyrgyz Republic.

4. It is forbidden to conduct campaigning, distribute any campaign materials by:

- 1) state, municipal employees, military personnel in the performance of their official or official duties;
- 2) charitable organizations and religious associations;
- 3) members of the election commission;
- 4) citizens, mass media and organizations of foreign states;
- 5) persons without citizenship;
- 6) international organizations and international social movements.

5. Campaigning on referendum questions may be conducted:

- 1) on the channels of television and radio broadcasting organizations and the pages of periodicals;
- 2) by holding mass events (gatherings, meetings, public debates and discussions, rallies, demonstrations, street marches in accordance with applicable law);
- 3) through the production and distribution of printed, audiovisual and other campaign materials;
- 4) in other forms not prohibited by the laws of the Kyrgyz Republic.

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Article 24. Timeframe for Campaigning on Questions of the Referendum

1. Campaigning on questions of the referendum shall commence as of the moment of the official publication of the decree of the President of the Kyrgyz Republic on calling the referendum and cease 24 hours prior to the start of voting.
2. Print campaign materials previously displayed outside the premises of referendum commissions shall remain at the former places.

Article 25. Conditions of Campaigning on Questions of the Referendum on Television and Radio

1. State television and radio broadcasters shall be obliged to ensure to the group “for”, the group against the referendum and to other referendum participants equal conditions for campaigning on questions of the referendum.

Air time on channels of a television or radio broadcaster shall be provided to the group “for”, the group against the referendum and other referendum participants on a paid basis, and in cases provided for by this Constitutional Law – free of charge.

2. The group “for” and the group “against” shall have the right to free airtime on the state channels of TV and radio organizations. The indicated airtime shall be during the period when the TV and radio programs gather the largest audience i.e. from 8 PM to 12 PM.
3. The total amount of free airtime, allocated by the state TV and radio organization for campaigning during the referendum to the group “for” and the group against must be at least one hour on working days. At least one half of the total amount of free airtime shall be given to the group “for” and the group against, exclusively for joint debates and other similar campaigning activities on the questions submitted to the referendum. The group “for” and the group against must be allowed to use this share of free airtime on an equal basis. Refusal to participate in a joint campaigning event does not entail an increase in the volume of paid airtime provided in accordance with this part.
4. Television and radio organizations not covered by part 1 of this Article shall reserve paid airtime for campaigning on referendum questions. The cost and terms of payment must be uniform for the group “for”, the group “against”

5. Information regarding the amount and terms of payment for air time shall be published by the respective television or radio broadcaster not later than 10 days after the calling of the referendum with a notice of readiness to provide air time for campaigning on questions of the referendum to the Central Election Commission.
6. Television and radio organizations that are not covered by part 1 of this Article have the right to contractually provide airtime to the "for" group, the "against" group in accordance with the instruction approved by the Central Election Commission. The amount of payment for airtime should be uniform for the "for" group, the "against" group.

The cost of paid airtime allocated to the group "for", group against the referendum may not exceed the cost that was charged 6 months before the date of calling the referendum.

The cost of paid airtime allocated to the group "for", group against the referendum may not exceed the cost that was charged 6 months before the date of calling the referendum.

7. It is prohibited to interrupt the performances of the "for" and the "against" groups, as well as to accompany them with any comments.
8. Specialized television and radio broadcasters (children's, technical, scientific, and others) shall be entitled to refuse to provide air time to the group "for", the group against the referendum to conduct campaigning in case of their total non-participation in campaigning on questions of the referendum.

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Article 26. Terms of Campaigning on the Questions of the Referendum in Periodical Print Media

1. The state-run print media are obliged to provide on equal terms allocate free printed or respectively electronic space for materials provided by the group "for" and the group against in the size of at least one A4 page.
2. In this case, the cost of printed space should not exceed the cost was charged 6 months before the day of calling of elections. Non-state periodic print media shall be entitled to provide print space to the group "for", the group against the referendum on a paid basis on equal terms.
3. Information on the cost and procedure of payment of the printed space shall be published by the respective periodical print media outlet no later than 10 calendar days after the law on the appointment of the referendum entered into force, notifying the Central Election Commission on the provision of a printed space for agitation on the question (questions) submitted to the referendum.
4. The provision of the printed space in periodicals printed media outlets to campaign on the question (questions) of the referendum is made in accordance with the agreement concluded between the editorial board of the periodical print media and the representatives of the "for" group, the "against" group.

5. The specialized periodicals (children, technical, scientific and others) have the right to refuse to provide the printing space for agitation for the "for" group, for the "against" group in case if they are not fully involved in campaigning on the question (questions) of the referendum.

Article 27. Terms of Campaigning on Questions of the Referendum through Mass Events

1. State authorities and bodies of local self-government shall be obliged to render assistance to groups "for", groups "against" the referendum, and other referendum participants in the organization and conduct of gatherings and conventions with citizens, public debates and discussions, meetings, demonstrations and rallies and ensure security during the conduct of mass events.
2. Upon request from a referendum commission, premises suitable for the conduct of mass events which are in the state or municipal ownership shall be provided free of charge by the owner or proprietor for use for the time period established by the referendum commission for meetings of the group "for", the group against the referendum with citizens.
3. The group "for", the group against the referendum shall be entitled on a contractual basis to rent buildings and premises belonging to citizens and organizations regardless of the form of ownership in order to hold meetings with referendum participants.

Article 28. Terms of Issuance and Distribution of Print, Audio, Visual and Other Campaign Materials

1. The group "for" and the group against the referendum shall be entitled to distribute print, audio, visual and other campaign materials without impediment.
2. All print, audio, and visual campaign materials shall contain the name and legal address of the organization (family name, first name, patronymic and place of residence if the person) which (who) produced these materials, the name of the organization (family name, first name, patronymic of the person) which (who) ordered these materials as well as information about their circulation and date of issue, the information on the payment of their manufacture from the funds of the respective electoral fund, as well as information about the circulation and the date of their issue. Copies of printed and other campaign materials or their copies must be submitted to the Central Election Commission before their distribution.

The group "for", the group "against", are required to publish and distribute at least one percent of the total circulation of campaign materials with the use of sign language or subtitles printed in an enlarged font, convenient for reading, as well as using Braille or other special means for referendum participants with disabilities, in the amount of one percent of the total copies of the agitation materials.

3. Distribution of campaign materials in violation of the requirements of part 2 of this Article, as well as without payment from the referendum fund is not allowed.

It is prohibited to produce campaign materials without pre-payment from the respective electoral fund and in violation of the requirements prescribed by this Article.

4. The bodies of local self-government, with the proposal of the Territorial Election Commissions within 35 calendar days from the date of calling of referendum, shall be obliged to designate and equip special places for displaying printed campaign materials on the territory of each precinct.

The places for displaying printed campaign materials shall be convenient for the referendum participants to visit and shall be located in such a way that the referendum participants can familiarize with the information. The group "for", the group "against" shall be allocated an equal area for the placement of printed campaign materials. The allocated area shall be sufficient for displaying information materials of election commissions and printed election campaign materials of the "for" and of the "against" groups. The "for" group and the "against" group have the right to receive a list of places allocated for displaying of printed campaign materials.

5. The group "for" and the group "against" can hang (paste) in premises, buildings and other objects only with the consent of the owners of these objects.
6. It shall be prohibited to display (post) print campaign materials on monuments, obelisks, buildings, constructions and at premises having historical, cultural, or architectural value, as well as at the premises of referendum commissions, at polling stations or at their entrances.
7. Local self-government bodies are obliged to provide cleaning of the corresponding territories from agitation materials within 10 calendar days after the publication of the referendum results.

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Article 29. Inadmissibility of Abusing the Right to Conduct Campaigning on Question (s) Submitted to the Referendum

1. Referendum commissions shall supervise compliance with the established procedure for the conduct of campaigning on questions of the referendum.
2. Campaigning that excites social, religious, racial, or national hatred and antagonism, calls to seize power, a violent change of the constitutional order and the violation of the state's integrity, propaganda of war and other forms of abusing the freedom of mass media that are prohibited by laws of the Kyrgyz Republic shall not be permitted during campaigning to hold public events with statesmen and politicians of other states with coverage in the media, using photo and video materials using images of statesmen and politicians of other states.
3. During campaigning, it shall be prohibited for the group "for", the group against the referendum to bribe voters, to pay them monetary funds, present them with gifts or other material values apart from for execution of organizational work (signature collection and other work of technical nature), to carry out concessionary sale of goods, and to distribute any goods free of charge, except print goods, including

illustrative materials and badges specially produced for the referendum campaign, as well as to render services free of charge or on concessionary terms.

4. The group “for”, the group against the referendum, other referendum participants, and other persons and organizations shall not be entitled during campaigning to influence referendum participants by promises of offering them monetary funds, securities (including upon the vote results) and other material goods, as well as providing services under other terms than stipulated by law. From the moment of calling the referendum and until the publication of the referendum results, members of the group “for”, the group against the referendum and other referendum participants shall not have the right to engage in charitable activities. Other private individuals and legal entities shall not be entitled to engage in charitable activities during the period of the referendum, campaign upon request or on behalf of the group “for”, the group against the referendum or other referendum participants.
5. In case of violation by a television or radio broadcaster, the editorial office of a periodical print medium, the group “for”, the group against the referendum or other referendum participants of the procedure for conducting campaign on questions of the referendum, the referendum commission shall be obliged to address law-enforcement bodies, the court, as well as other state authorities requesting to terminate unlawful campaign activities and bring the television or radio broadcaster, the editorial office of the periodical print media and their officials, members of groups “for”, groups “against” the referendum or other referendum participants to liability as provided for by the law of the Kyrgyz Republic.

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Chapter 5. Voting Organization and Procedure. Determining Election Results

Article 30. Voting premises

1. Voting premises shall be provided free of charge to be used by a PEC, governmental agencies and local governments.
2. The voting booths equipped with a lighting system and provided with writing items, monitors, other equipment and ballot boxes shall be placed in the voting premises.

The lighting system should have an alternative source of power, lanterns and candles. In the event that electricity supply gets cut off, voting shall be suspended until renewal of electricity supply (based on the main (central) or alternate power source). In this case, for effective observation of the activities of the PEC, observers and other participants of the referendum shall have the right to be at such a distance from the ballot boxes and voting booths, which provides for full viewing/coverage of the procedures and functions performed by the referendum commission.

3. Materials in enlarged font should be printed out and (or) using Braille are placed on the information stand in order to inform referendum participants with visual disabilities. The referendum commission shall equip a stand in the voting premise, on which samples of filling the ballots to vote “for” and “against” the question raised on the referendum shall be placed.

4. Voting premises must be set up in such a way as to allow members of the Referendum Commission and observers to clearly see the place where voting ballot papers are issued and the equipment as specified in the first paragraph of the second part of this Article.
5. In order to ensure conditions for implementation of electoral rights of voters with disabilities, ensure the maximum possible availability of the voting hall, the corresponding referendum commission jointly with the territorial subdivisions of the authorized state agency in the area of social development shall make a map of needs of voters with disabilities not later than 60 calendar days before the voting day.

The relevant Referendum Commission on the basis of the map of needs no later than 50 calendar days prior to the voting day shall organize the check of voting premises in terms of their compliance with the needs of voters with disabilities indicated in the map of needs, with the involvement of local governments and representatives of public organizations of persons with disabilities.

If the polling station is not equipped with special devices for entering referendum participants with disabilities, the relevant referendum commission shall send an appeal no later than 40 calendar days before referendum day to the relevant local government bodies to take measures to ensure the accessibility of the polling station for persons with disabilities.

If the voting hall is not equipped with special devices for the entrance of voters with disabilities, the relevant Referendum Commission no later than 40 calendar days before the election shall send a request to the relevant bodies of local self-government to take measures to ensure accessibility of the voting hall for persons with disabilities.

6. The voting premises must meet the requirements of referendum participants with disabilities for unimpeded entry and voting, including convenient access and pedestrian paths, special parking spaces for personal vehicles, placement of voting premises on the ground floors of buildings or the presence of elevators, wide door frames, the presence of ramps (if it is impossible to install the ramp, equip with a call button for help), flooring, tactile indicators, sufficient lighting.
7. Equipment in the voting premise (tables, booths and ballot boxes), as well as information stands should be located taking into account the accessibility and necessity to ensure secret voting. Voting booths must comply with the parameters of using a wheelchair to enter freely and be equipped with optical correction means (magnifiers, illuminated magnifiers, etc.), additional lighting, a chair, and a special stencil.

(As amended by the Constitutional Law of KR No. 116 dated 08.08.2019)

Article 31. Ballot for the Referendum

1. In order to vote, a voter shall receive a ballot, which is a strictly accountable document. The form and a degree of protection shall be determined by the CEC. The number of ballots may not exceed the number of the registered voters by more than 0.1 per cent.

2. In the preparation of voting ballots, special paper (paper with watermarks or colored paper) or special paint is used.
3. The ballot paper accurately reproduces the text of the question submitted to the referendum and indicates the options for expressing the will of the voter with the words "For", "Against", under which empty squares are placed. In the event that alternative versions of questions are submitted to the referendum, the voting ballot shall also indicate the version "Against all options". An empty square is placed to the right side of each option, while the referendum participant has the right to choose only one option. If several questions are submitted to the referendum, separate ballot is prepared. Opposite to each question to express the voter's will the words "For" and "Against" are placed, from the right side empty squares are drawn.
4. The text and form of the ballot shall be subject for approval by the CEC no later than 20 calendar days prior to voting. The text of the ballot should be placed only on one side of the ballot.
5. Ballots shall be printed in the state and official languages no later than 10 calendar days prior to the voting. Every ballot must contain explanation of the filling out procedure and information of the ballot manufacturer and the number of copies printed.

The polling stations shall be equipped with special stencils for filling of ballots by persons with disabilities, including ballots papers in Braille.
6. After discarding of defective ballots, the printing house shall transfer the ballots to the members of the CEC based on the act of transfer. The discarded and surplus ballots shall be destroyed in the presence of at least 3 members of the CEC and invited representatives of the printing house, mass media and law enforcement bodies, as well as the representatives of the group "for" and the group "against" have the right to participate. An appropriate act shall be drawn up signed by all persons mentioned above.
7. The CEC shall transfer the ballots to the TECs based on the act. Representatives of the group "for" and the group "against", political parties, non-profit organizations and mass media have the right to be present during the transfer of ballots.
8. TECs shall transfer the ballots to the PECs under the act. Representatives of the group "for" and the group "against", political parties, non-profit organizations and mass media have the right to be present during the transfer of ballots.
9. Ballots shall be transferred to the appropriate TECs no later than 10 calendar days prior to the referendum day; in case of repeat voting – no later than 5 calendar days prior to the voting, and to the PECs – 1-2 calendar days prior to the referendum day. The number of the ballots transferred to the PEC may not exceed the number of voters included in the voter lists at the electoral precinct by more than 0.1 percent.
10. The premises in which there is a special safe-deposit (locker) for keeping ballots, voter lists, and other documents, seal of the appropriate referendum commission shall be sealed and handed over for guarding to the internal affairs bodies. On the referendum day, the safe-deposit (locker) must be inside the polling station premises.

11. It shall be prohibited to take ballots out of the premises of printing houses and referendum commissions, to make copies of the ballots and distribute them in violation of the requirements of this Constitutional Law.

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Article 32. The Voting Procedure at the Referendum

1. On the referendum day, voting shall be held from 8 AM to 8 PM. The PEC shall be obliged to inform voters about the time and place of voting through mass media or by another means, no later than 10 calendar days prior to the voting and in the course of early and repeat voting - no later than 7 calendar days prior to the referendum day.
2. At referendum polling stations formed in military units, in remote and hard-to-access areas, places of temporary stay of citizens, the Precinct Election Commission may declare voting to have finished earlier than 20:00 local time if all citizens who have the right for participation in the referendum included into the list have voted.
3. On the day of the referendum, at 7:00 AM local time, the PEC at its meeting in the voting room by lot determines the commission members who shall:
 - 1) provide identification of voters in electronic version of the voter list together with an operator;
 - 2) register citizens in the paper voter list;
 - 3) issue the ballots;
 - 4) exercise control over movement of the voters to the voting booths casting the ballots into the ballot boxes;

Chairperson and Secretary of the PEC shall not participate in the lottery.

Chairperson of the PEC, in the presence of the PEC members, observers and other participants of the referendum shall open a sealed safe containing the voter list of the referendum of this precinct, ballots and a stamp of the PEC, and also documents on mobile voting; shall take the paper voter list, other equipment for work with electronic voter list out of the safe, read out the number of the voters included in the voter list, shall allow the attending persons get acquainted with the voter list, compare the paper and electronic versions of the voter list, and then distribute it amongst members of the PEC, who are responsible for registration of voters and filling out the paper voter list on the referendum day.

Chairperson of the PEC shall demonstrate empty ballot boxes to the members of the PEC, observers, and other participants of the referendum, and then seals them with a stamp of the PEC. Then a Chairperson of the PEC shall put control sheets into the sealed ballot boxes. Control sheets shall indicate the number of the referendum precinct, the time of putting control sheets into the ballot boxes, the names of the chairman, secretary and other members of the PEC, the attending candidates, their representatives, observers and representatives of political parties. Control sheets shall be signed by the above mentioned persons and certified by the stamp of the PEC.

Chairperson of the PEC shall announce the number of ballots received from the superior Referendum Commission, and received for mobile voting. Members of the PEC shall count and announce the number of ballots in the presence of observers and other participants of the referendum; then Chairperson of the PEC shall provide ballots to the persons present for familiarization and shall enter the number of the ballots received by the PEC from the superior Referendum Commission into the protocol of voting results and in its post-size form.

After counting the ballots, the Chairperson of the PEC shall hand them over in batches of 100 pcs. to the members of the PEC who sign the receipt thereof in a register and are responsible for handing ballots out.

In all cases specified in this part, representatives of the group “for”, the group “against referendum”, media, political parties and other non-profit organizations have the right to participate.

4. At the voting premises PEC members together with an operator provide an identification of referendum voters based on their biometric and personal data.

No consent of a voter is required for identification against the biometrical and personal data.

The following information is shown at the monitors, set at a place available for observation by observers and other participants of the referendum:

- Total number of citizens, included into referendum voter list at this polling station;
- Number of voters having voted so far at this referendum polling station;
- Other information, defined by the CEC in cooperation with the authorized state body, in accordance with technical possibilities of the equipment.

After the identification, a cheque is to be printed out. It shall be provided by voter to a PEC member, who shall issue the ballot to the voter and retain the cheque.

5. Serial number of the passport or identity document of the voter shall be entered into the paper voter list upon receipt of the ballot. The voter shall check correctness of the record and sign the paper voter list.
6. Each voter must vote in person; voting for other voters shall not be allowed.
7. Ballot shall be filled out by the voter in a specially equipped booth or other specially equipped place, where no intrusion of other persons shall be allowed. A specially equipped booth or a specially equipped place must be established or manufactured to ensure secrecy of the voter's will expression during filling out the ballot and control of the voter's actions by members of the referendum commission and observers.
8. If the voter thinks that during filling out the ballot he/she has made a mistake, he/she may apply to a member of a PEC, who had issued the ballot, with a request to give him/her a new ballot instead of the defective (wasted) one. A member of a PEC shall provide a new ballot and make an appropriate record

in the voter list opposite the surname of the voter. The defective (wasted) ballot shall be invalidated and a document of invalidation shall be drawn up.

9. If a referendum participant votes for adoption the question submitted to the referendum, he/she shall put "V" or any other sign in the box below the word "yes". If a referendum participant votes against the question submitted to the referendum, he/she shall put "V" or any other sign in the box under the word "no".

If alternative options for the question are submitted to the referendum, the referendum participant shall have the right to vote for only one.

In case of rendition of several referendum questions, the referendum participant must answer each question regardless of the answers to the other questions of the ballot.

The referendum participant shall drop the filled-out ballot paper for voting into the ballot box for voting which must remain within the scope of vision of members of the Precinct Election Commission and observers.

10. The person assisted the referendum participant shall indicate his/her surname, first name and middle name, and shall sign the list of participants of the referendum in "The signature of the citizen upon receiving the ballot for the Referendum of the Kyrgyz Republic" paragraph.

A voter having no possibility to sign for receipt of a ballot and to fill it out, shall have the right to use help of another voter, who is not a member of the referendum commission or an observer.

A person appointed at the request of a voter who is unable to sign for the receipt of a ballot or to fill in a ballot shall be obliged to act according to the first paragraph of the current part and in full compliance with the will of the voter.

11. The marked ballots shall be put by voters in sealed (cored) ballot boxes. It is forbidden to take ballots outside the voting premises.

The information on the number of voters is submitted to the territorial Referendum Commission every 2 hours, the system administrator of the territorial Referendum Commission shall input and automatically publish the received data on the official website of the Central Election Commission. Final data on the number of voters, based on the number of issued receipts, shall be handed over to the Central Election Commission immediately after the closure of the polling stations, but before the opening of the ballot boxes.

12. Chairperson of the PEC shall watch for public order in the voting premises. In the event of public order violation in the voting premises, Chairperson of the PEC shall have the right to seek help by applying to the officers of law enforcement agencies to ensure public order in the voting premises. After restoration of public order the officers must leave the voting premises. Instructions of the Chairperson of the PEC issued within his/her terms of reference without infringement of the rights of the referendum

process participants shall be mandatory for everyone in the voting premises. In the absence of the PEC chairman, his/her powers shall be exercised by secretary of the PEC or a member of the commission, authorized thereby.

13. A member of the PEC shall be immediately dismissed from participation in its work; an observer and other persons shall be removed from the voting premises, if they try to obstruct the work of the Referendum Commission or the exercise of election rights by citizens and violate secrecy of election. In this connection, the PEC shall take a decision in writing. In doing so, the commission shall have the right to contact the appropriate authorities with a request to bring these persons to liability under the legislation of KR.
14. State bodies, local governments, governmental and municipal institutions and enterprises, as well as their officials shall be obliged to ensure public safety, smooth operation of public transport, communications, lighting and heating of the voting premises on the election day.
15. In case of failure of the automated scanning ballot box during the referendum day, the voting is provided by means of an additional automated scanning ballot box. In such case, the PEC compiles an Act, which is subject to signing by all PEC members and operators present.

In case of failure of the additional automated scanning ballot box, the voting is provided by means of stationary ballot box. In such case, the PEC also compiles an Act, which is subject to signing by all PEC members and operators present.

In case of restoring the functioning the automated scanning ballot boxes during the Election Day, resuming of their use shall not be allowed.

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Article 33. The Procedure for Voting of the Referendum Participant outside the Voting Premises

1. Voters, who are included in the referendum voter list, but for health reasons or disability cannot attend the polling station; voters, who are in hospitals and detention centers on the election day; voters, who temporarily reside in remote and hard-to-reach areas, in distant pasture areas, and in exceptional cases by decision of the appropriate Referendum Commission, military staff, who on the election day appear to be in the military units located in special places far from the populated areas, if they permanently reside in the area of the election precinct, to which they are assigned, can vote at the place of their temporary stay. PECs shall be obliged to ensure the opportunity for such voters to vote by means of mobile ballot box 1 calendar day prior to the referendum day.
2. The procedure and conditions for voting outside the voting premises shall be implemented in accordance with the provisions of the law of the Kyrgyz Republic on elections of the President of the Kyrgyz Republic and Jogorku Kenesh Deputies of the Kyrgyz Republic.
3. In the event that a voter due to disability or due to health status is unable to sign personally in receipt of the ballot papers or to fill in them, he/she shall have the right to use the help of another voter for this

purpose in accordance with the procedure stipulated by part 10 of Article 32 of the present Constitutional Law.

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Article 34. Protocol of Voting Returns

1. PEC, TEC shall draw up Protocol on voting returns in the appropriate election precinct, territory.
2. Protocol on voting returns is a document of strict accountability, which form and level of protection shall be determined by the CEC.
3. The form and procedure of filling out the Protocol of voting returns by precinct and TECs shall be established by the CEC.

Article 35. Procedure for determining voting returns by Precinct Election Commissions

1. Upon expiration of the voting time, Chairperson of a PEC shall announce that ballots can be obtained and voting possible only for the voters present in the voting premises.
2. Counting of votes shall be carried out openly and publicly, exclusively by members of the PEC at the meeting thereof. The results of all consequent activities connected with counting of ballots and votes of the participants of the referendum shall be announced, and appropriately recorded in the Protocol on Voting Results and in the enlarged form thereof (which shall be posted at the place designated by the referendum commission).

In the course of counting votes and establishing voting results, observers and mass media representatives may take pictures, do filming and video recording.

3. Counting of votes shall begin immediately after completion of the voting and done without interruption until voting returns are established in the premises where the voting was held. The place, where votes are counted must be equipped in such a way as to ensure access to it for all members of the PEC. All persons present during the counting must have the possibility of seeing actions of the PEC members.

Members of the PEC, except for Chairperson and secretary thereof, shall not be permitted to use writing implements during vote counting.

4. Members of the PEC responsible for handing out ballots, shall count the remaining unused ballots, invalidate them by cutting the lower right-hand corner and hand them to the Chairperson of the PEC according to the register. The procedure shall be completed with drawing up of a statement. All non-used ballots remaining in the safe of the PEC shall be invalidated in the same manner. All cancelled ballots shall be counted and packed into a package, which then shall be sealed with the stamp of the PEC and signed by its members. A "Cancelled ballots" note shall be written on the package besides the number of ballots and the number of the election precinct.

The number of all cancelled ballots, which is defined as the sum of the number of unused ballots and ballots, which were returned by voters due to errors/mistakes made during their marking (spoilt) shall be announced and recorded in the counting results Protocol and its poster-size copy.

5. Prior to counting of votes, the members the PEC responsible for registration of voters, must indicate the respective summarized data on every page of the voter list.

After indication of the summarized data, each page of the voter list shall be signed by a member of the PEC, who then shall sum up all data and transfer to the Chairperson of the PEC. On the last page of the voter list Chairperson and secretary of the PEC shall write down the summarized data defined as the sum of data on all pages of the voter list, and shall certify them with their signatures and a stamp of the PEC.

The number of the ballots issued to the voters is additionally checked against the number of the cheques.

After the work with the voter list, an Act is compiled on a number of ballots issued to the referendum voters. The copy of the Act certified with the signature of the PEC chairperson and the PEC stamp, is subject to handing to the, representatives of the group "for" and the group "against", political parties, non-commercial organizations, media. Then these figures are recorded in the poster-size copy of the results protocol.

After the work with the voter list Chairperson of the PEC shall offer the persons present to get familiarized with them. After this, the voter list shall be put into the safe (box).

6. A PEC shall start counting ballots contained in the mobile ballot boxes. Members of the PEC, who have conducted mobile voting, shall demonstrate the integrity of the seals, open the mobile ballot boxes one by one, then take out the ballots and control sheets with the signatures of the PEC members and the persons, who were present when the sealing of ballot boxes took place. The Chairperson of the PEC shall demonstrate the control sheets.

Opening of each mobile ballot box shall be preceded by the announcement of the number of voters, who have voted with the use of this mobile ballot box. Counting of ballots in each mobile ballot box for shall be done separately.

If it is determined that the number of ballots in the mobile ballot box is bigger than the number of voters' applications containing the mark of the number of the received ballots, all ballots available in the mobile ballot box shall be recognized invalid by a decision of the PEC and cancelled by cutting the lower right-hand corner. In this case, a statement shall be drawn up to be attached to the Protocol on the voting returns, in which the surnames and initials of the PEC members shall be indicated, who have arranged mobile voting. These invalid ballots shall be packed and sealed separately, and the number of the

referendum precinct, box number and the amount of ballots shall be written on the package, including explanatory note "Invalid ballots taken from the mobile box for voting".

7. Ballots of a non-established form (unofficial ballots) shall not be taken into account in vote counting. Ballots with the content and (or) form not corresponding to the ballot text and form established by the CEC shall be deemed unofficial ballots.
8. The ballots, taken out of the mobile ballot boxes are cast into the automated scanning ballot boxes.
9. Before the vote counting, the PEC chairperson immediately before the start of counting the votes announces preliminary counting results based on the data of the automated scanning ballot boxes. This is recorded in a special Act, which is attached to the results protocol and announced for all the PEC members, representatives of the group "for" and the group "against", political parties, non-commercial organizations, media.

The automated scanning ballot boxes shall not provide for a possibility to disclose secrecy of the vote during the whole voting period, and cannot be switched to wire and wireless networks. Receiving the data on voting results from the automated scanning ballot boxes is provided only according to a PEC decision after 8 pm on the referendum day.

Chairperson of the PEC shall announce the start of counting ballots contained in the ballot box, demonstrate the integrity of the seals and open the ballot box. Members of the PEC shall take out ballots and control sheet with signatures of the PEC members and other persons, who were present in the morning when the ballot boxes were sealed. Chairperson of the PEC shall demonstrate the control sheet.

The ballots after their taking out of the ballot box are counted, and the results are recorded into the counting results protocol.

The number of the ballots found in the ballot box shall be equal to or less than the number of ballots, issued to the voters. If the number of the ballots found in the ballot box is greater than the number of the ballots issued to the voters, the PEC shall undertake the measures to clarify and dismiss the reasons thereof.

If after clarifying and dismissing the reasons, the number of valid ballots found in the ballot box is greater than the number of the ballots issued, the PEC takes a decision to invalidate all the ballots found in the ballot box and cancel them by cutting off their right lower corner.

10. Members of the PEC shall sort out ballots from mobile and stationary ballot boxes according to the votes cast for each question raised on the referendum, against the question raised at the referendum, the "Against all versions" position in case if other questions were raised at the referendum and simultaneously put aside ballots of a non-established form and invalid ones. When sorting ballots,

members of the PEC shall announce the marks of voters contained in the ballots and provide the ballots for visual inspection to all those present at the counting process.

11. Observers, representatives of the group “for” and the group “against” shall have the right to get familiarized with the sorted out ballots under the supervision of the PEC members.
12. Then votes shall be counted based on the ballots of the established form separately for each question raised at the referendum, “Against all versions” position in case if other questions were raised for the referendum. The sorted out ballots shall be counted out aloud and shifted one by one from one pack to another so that the persons present during the counting procedure could hear or see the mark of a voter in the ballot. Simultaneous counting of ballots from different batches shall not be allowed.

The obtained data determined based on the appropriate voters’ marks (votes) in the ballots cast for each version of the question raised for the referendum and “Against all” position shall be entered into the Protocol on the voting returns and the enlarged form thereof.

13. Invalid ballots shall be counted and summed up separately. The ballots by which it is impossible to determine the will of the voter, as well as invalid ballots from the mobile ballot box (if there was a fact of taking ballots from the mobile box in the number exceeding that of voters’ applications containing a mark regarding the number of the received ballots) shall be considered invalid. Ballots that do not bear the protection symbol established by the CEC and which are not sealed by the stamp of the PEC, and do not contain other established marks, shall be attributed to those invalid ones.

The ballot is considered invalid if:

- 1) several answers on the referendum questions are filled simultaneously;
- 2) the “for” answers on the referendum question and on the alternative referendum question are filled simultaneously, and if the answers on the referendum question (s) and simultaneously, the “against” answer is filled.
- 3) several referendum questions are filled with answer options and simultaneously “Against all options” answer.
- 4) does not contain the will of the referendum participant (unfilled ballots).

The ballot on several referendum questions is considered as valid if part of the referendum questions is filled in accordance with the constitutional law, and the other part is recognized as invalid. Votes are counted on questions filled in accordance with the constitutional law.

In case of any hesitations on the recognition of the ballot, the district referendum commission decides it by voting, and the reasons for its invalidity shall be indicated on the back side of the ballot, and this record is certified by the signatures of the chairman and secretary of the district referendum commission and by the seal of the commission. Total number of the invalid ballots for voting is recorded in the protocol on the results of the voting and its enlarged form.

14. Members of the Precinct Election Commission shall count, announce and enter the number of valid ballots into the protocol on voting returns and into its enlarged form approved by CEC. The number of valid ballots shall be determined based on the referendum voters' marks, by which expression of voters' will can be determined.
15. Chairperson of the PEC shall invite all those present at the vote counting to get visually familiarized with the ballots under supervision of the PEC members. At the request of a representative of the group "for" and the group "against", or an observer to recount votes, the ballots shall be recounted and such representative of the group "for" and the group "against" or an observer shall participate in the recounting and shall be able to exercise visual control. Recount of ballots shall be performed out aloud.
16. After that, check of control correlation of the data entered in the Protocol on the voting returns shall be performed according to the procedure approved by the CEC.
17. After vote counting a PEC shall hold a mandatory final meeting to examine complaints (appeals) on violations of the voting and vote counting and to make decisions on each claim (appeal). Then members of the PEC and applicants, who agree with the decisions made by the PEC on the complaints (appeals) shall sign the Minutes of the final meeting of the PEC. While signing the Minutes of the final meeting of the PEC, members of the PEC, who disagree with the content of the Minutes, may enclose their individual opinion therewith and the appropriate record shall be made in the Minutes

After drawing up the Protocol on the voting returns, the sorted ballots and voter lists shall be packaged in separate packages, with the number of the referendum precinct, the amount of ballots and the names of the voter lists specified. Packages shall be sealed and signed by members of the PEC and placed into a separate bag or box. The number of polling station and a list of documents contained inside are indicated on the bag or box. The bag or box shall be sealed and signed by the PEC members. Ballots and voter lists shall be packed and placed into the bag or box in the presence of the representatives of the group "for" and the group "against" and observers, who shall be given the opportunity to put their signatures on the bag or box. A package, bag or box can be opened only by decision of the superior referendum commission or court.

18. The protocol on the voting returns shall be filled out in two copies and signed by all the present PEC members specifying the date and time (hour, minutes) of its signing. The protocol shall be valid, if it is signed by the majority of the PEC members. When signing the protocol, PEC members, who disagree with the content of the protocol, may enclose their individual opinion with the protocol and the appropriate record shall be made in the protocol.
19. After signing of the Protocol on voting returns the PEC shall immediately announce the voting returns in front of all the members of the commission, representatives of the group "for" and the group "against", observers, mass media.

After the announcement of the voting results, the protocol on the voting results, primary, final receipts on identification of voters and automated reading ballot boxes certified by the seal of the precinct

referendum commission shall be sent to the central server of the Central Election Commission by scanning through automated reading ballot boxes.

In case of errors in filling the protocol on results of voting the commission makes the corresponding act, which shall be also scanned and sent to the central server of the Central Election Commission together with the newly filled and signed protocol.

The scanned documents that arrive to the central server of the Central Election Commission after checking whether the protocol is made correctly are posted on the website of the Central Election Commission.

20. After signing, the first copy of the Protocol on the voting returns and referendum documents including ballots, voter lists, complaints (appeals), decisions taken and acts drawn up by the PEC shall be promptly brought to the TEC by the Chairperson or one of the members of the PEC accompanied by representatives of the group "for" and the group "against".
21. The second copy of the Protocol and the stamp of the PEC shall be kept by the secretary thereof responsible in conformity with the law for their reliability and safety until the end of the commission's work.
22. The enlarged form of the Protocol on voting returns shall be posted for public inspection in the place designated by the PEC and kept until the end of operation of the PEC.
23. The secretary of the PEC shall, without any delay, issue a copy of the Protocol on voting returns with the seal affixed, to each person present at counting of votes

(As amended by the Constitutional Law of KR No.116 dated 08.08.2019)

Article 36. Determination of Voting Results by a Territorial Election Commission

1. First copies of the Protocols on voting returns of the PECs and electoral documents specified in part 20 of Article 35 hereof, after being signed by members of the PEC shall be promptly handed over under a handover act to the TEC, which shall sum up voting returns in the respective territory.
2. Voting returns shall be summarized in the respective territory by the TEC based on the protocols received directly from the PECs, by summing up the data contained in the protocols.

After preliminary check of correctness of the Protocols drawn up by the PECs on voting returns, the TEC shall summarize voting returns in the relevant territory by summing up data of all PECs. Based on voting returns, the TEC shall develop a summary table and protocol, where it shall record summary data specifying the number of PECs, the number of protocols used as a basis for the protocol on voting returns, as well as summarized data of the PEC protocols.

Prior to signing the Protocol on voting returns in the relevant territory, the TEC shall conduct a mandatory final meeting to examine the complaints (appeals) connected with the conduct of voting, vote counting and protocol development by PECs. The referendum commission shall make decisions

on each complaint (appeal), after which members of the referendum commission and the applicants, who agree with the decisions of the referendum commission on complaints (appeals) shall sign the Minutes of the final meeting of the Referendum Commission. When signing the Minutes of the final meeting of the referendum commission the Referendum Commission members who disagree with the contents of the Minutes may enclose their particular opinion therewith, and the appropriate entry shall be made in the Minutes. After that the Referendum Commission shall sign the protocol on the voting returns in the respective territory.

3. Protocols on voting returns shall be drawn up in duplicate and signed by all members of the TEC present. Two copies of the summary table of voting in the relevant territory, a particular opinion of the commission members, complaints (appeals) received and decisions taken shall be attached to the Protocol.
4. Immediately after signing, the first copy of the TEC Protocol with the first copy of the summary table shall be delivered to the CEC.
5. The second copy of the Protocol together with all electoral documents shall be kept by the secretary of the territorial commission in a guarded room until their transfer to the archive.
6. The enlarged protocol form on the election results shall be posted for public review in the place designated by the TEC, and kept there until the end of the Referendum Commission work.
7. In case of disclosure of errors and inaccuracies in the protocols and (or) summary tables on the voting results or some doubts as to correctness of protocols received from the TECs, the CEC may take a decision in favor of recounting of votes by the referendum commission. Recount shall be carried out in a mandatory presence of a member (members) of the CEC. Representatives of the group "for" and the group "against", political parties and observers can attend recounting of votes. Based on the vote recount results, the referendum commission shall draw up a protocol on the voting returns with a mark "Vote recounting". The protocol shall be immediately sent to the CEC.
8. After signing of the protocol on the voting returns, the secretary of the TEC shall immediately provide each person present at the vote counting with a copy of the protocol on the voting returns with the seal affixed.

Article 37. Procedure for determining referendum results

1. On the basis of the protocols of the TECs on the results of voting in the respective territories by summing up the data contained therein, the CEC shall determine the results of the referendum not later than 35 calendar days from the day of voting.

The CEC shall hold a mandatory final meeting to consider all complaints (appeals) received in connection with violations that occurred during preparation and conduct of the referendum and shall make a decision on each complaint (appeal).

2. The CEC shall draw up a protocol on referendum results. The data from the received protocols shall be entered into the abovementioned one and shall serve as the basis for determining referendum results and the data on the number of lower ranking referendum commissions as well as a summary table containing summary data of the lower ranking Referendum Commissions' protocols.
3. The Central Election Commission shall recognize the referendum as valid if more than thirty percent of the citizens who have the right for participation in the referendum (referendum participants) have taken part in it.

The Central Election Commission shall declare the decision to have been adopted at the referendum if overall for the Kyrgyz Republic more than half of the citizens who took part in voting at the referendum voted for it.

If none of the said alternative options for questions were submitted to the referendum has received more than the half number of votes, the CEC recognizes one of the options for which the largest number of referendum participants voted.

If more than half of the referendum participants voted against all alternative options submitted to the referendum all of the options shall be deemed declined as per the CEC.

The number of referendum participants shall be determined as per the number of ballot papers for voting of the established format extracted from the ballot boxes for voting.

4. TEC shall declare the voting returns at the election precinct invalid:
 - 1) if, at the time of voting, counting and determining voting returns violations have taken place thus preventing the commission from establishing the voting returns with certainty;
 - 2) if, at the time of voting, counting and determining voting returns violations have taken place, which affected the expression of will by the voters;
 - 3) by decision of the superior Referendum Commission;
 - 4) by court decision;

In the event that voting returns at a referendum precinct are considered to be invalid, the referendum results shall be determined by the voting returns in the rest precincts. In the event that the voting results at the referendum precinct(s) are recognized invalid, which affects the referendum results; repeat voting shall be conducted at this referendum precinct(s) within two weeks from the date of appointing repeat voting by the respective referendum commission.

Violations in the voting procedure, vote counting, drawing up a protocol on voting returns at a referendum precinct shall be considered as violations that do not allow determining the voting returns with certainty.

Violations affecting the expression of the voters' will during voting, counting and determining voting results at the referendum precinct; violations connected with campaigning on the election day; violations hindering exercise of referendum rights by citizens; violations impeding observing of the voting; interference with activities of referendum commissions and bribing of voters shall be considered as violations that have affected the expression of the voters' will.

The CEC shall recognize the election results invalid:

if voting results at certain referendum precincts covering more than one-third of the total voters participating in voting are declared invalid;

based on a court decision.

Article 38. Repeated referendum

1. If the results of voting in one or several polling stations are recognized as invalid, a repeat voting shall be held at these polling stations within 2 weeks from the date of the appointment of a repeat voting by the relevant referendum commission.
2. Repeat referendum shall be appointed by the CEC within one month and shall be conducted by the appropriate referendum commissions.
3. Information on repeat referendum shall be published in mass media within 7 calendar days after taking a decision on repeat referendum.

Article 39. Publishing (Public Announcement) of voting results and results of the referendum.

Coming into Force of the Decision Adopted at the Referendum

1. Voting returns at each referendum precinct and territory covered by the activities of the referendum commission, referendum results on the electoral constituencies in the volume of the data contained in the Protocols of the CEC and subordinate referendum commissions, shall be provided to voters, representatives of the group "for" and the group "against", observers, international observers, representatives of mass media upon request.

Voting returns for each election precinct shall immediately be placed on the official website of the CEC on a rolling basis.

The voting return data received from automated scanning ballot and placed on the official website of the CEC is the preliminary information of no legal significance.

2. The CEC shall forward general information on the referendum results to mass media within one day after determining the referendum results.
3. The referendum returns, as well as data on the number of votes received by each "for" and "against" the questions submitted to the referendum; including data contained in the protocols on the voting results of directly subordinate referendum commissions, on the basis of which the referendum returns

were determined, shall officially published by the CEC within 2 weeks from the date of determining the referendum returns.

4. The decision adopted at the referendum shall come into force as the day of its official publication (public announcement) unless provided for otherwise in the wording of the question submitted to the referendum.
5. A decision taken at the referendum may be canceled or changed only by adopting a decision in a new referendum, unless the decision itself specifies a different procedure for canceling or changing such a decision.

Article 40. The Legal Force of the Decision Adopted at the Referendum

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

Article 41. Storage of Referendum Documentation

1. Documentation of Precinct Election Commissions including the sealed, stamped and signed by PEC members detachable ballot papers shall be transferred to the respective Territorial Election Commissions within 10 days of the official publication (public announcement) of referendum results.
2. Territorial Election Commissions shall hand over all documentation for one year and shall pass to permanent storage to the respective archiving institution.
3. Documentation of the Central Election Commission shall be handed over for permanent storage to the State Archive of the Kyrgyz Republic one year after the day of the official publication (public announcement) of the referendum results.

Chapter 6. Financing of the Referendum

Article 42. Financial Support of the Referendum

1. Financial support of the referendum shall be made out of funds of the republican budget. The financing procedure is established by the budgetary legislation of the Kyrgyz Republic and the law on Referendum Commissions of the Kyrgyz Republic.
2. It is prohibited to finance the referendum by foreign states, foreign state bodies, institutions and enterprises, other foreign legal entities, their branches and representative offices, foreign citizens, international organizations, legal entities registered in the Kyrgyz Republic, which participants are foreign citizens and legal entities, with the exception of funding programs improving the legislation on

referendum, information, educational, research programs, technical preparation of the referendum, raising the legal culture of referendum participants.

Article 43. Funds of Initiative Groups, Groups for the Referendum, Groups “against” the Referendum

1. After the registration by the Central Election Commission, the initiative group, the group “for” the referendum and the group “against” the referendum shall be obliged to appoint authorized representatives on financial issues.

After the registration of authorized representatives, the initiative group, the group “for” the referendum and the group “against” the referendum, shall create their own funds (hereinafter the “Funds”) to finance the campaign to initiate the referendum and campaign during the referendum campaign.

2. Funds can be formed at the expense of voluntary contributions from citizens and legal entities, with the exception of the persons and entities listed in part 3 of this Article.

3. Voluntary contributions of the following funds are prohibited:

- 1) foreign states, foreign state bodies, institutions and enterprises, other foreign legal entities, their branches and representative offices, foreign citizens, international organizations, legal entities registered in the Kyrgyz Republic, whose participants are foreign citizens and legal entities;
- 2) persons without citizenship;
- 3) state authorities and bodies of local self-government;
- 4) state and municipal institutions and enterprises;
- 5) legal entities that have a state or municipal share in the charter capital, as well as enjoy benefits in paying taxes, fees and other mandatory payments;
- 6) military units, military establishments and organizations,
- 7) law-enforcement agencies, courts;
- 8) charity organizations;
- 9) religious unions;
- 10) anonymous contributors (an anonymous contributor means a citizen who has not provided one of the following information: last name, first name, patronymic, residence address, passport data, and also if they have indicated false information about themselves; also a citizen who has given false information about himself);
- 11) individuals carrying out entrepreneurial activities without forming a legal entity, who have debts to the state budget or the Social Fund of the Kyrgyz Republic.

In case if the funds are received from the above mentioned individuals and legal entities, a banking or other institution is obliged by court decision to transfer these funds to a special fund of the Central Election Commission, which, in turn, transfers these funds to the state budget or the Social Fund of the Kyrgyz Republic.

4. All monetary resources forming a fund shall be transferred to a special account of a bank or other institution. This account shall be opened at the permission of the Central Election Commission by an authorized representative on financial issues of the group “for”, the group “for” and the group “against”. Monetary resources received into the fund shall be accepted only in the national currency. Income on these accounts is not accrued or paid.
5. The list of banking or other institutions, the procedure for opening, maintaining these accounts, accounting and reporting on funds shall be established by the Central Election Commission in agreement with banking or other institutions.
6. The right to dispose of the funds’ resources shall belong to the initiative group, the group “for” and the group “against”.
7. Resources of funds have a target purpose and may be used only to cover expenses related to the conduct of referendum.
8. Resources of funds may be used as follows:
 - 1) for financial support of organizational and technical measures, geared at collection of signatures in support of the initiative to conduct the referendum, to campaign for or against the question(s) submitted to the referendum;
 - 2) for payment of remuneration to citizens for their performed work (rendered services) directly associated with the conduct of the referendum campaign;
 - 3) for payment of rent for premises, equipment, business trip expenses, services, communication services, purchase of stationery and other expenses directly associated with the conduct of the referendum campaign.

The initiative group, the group “for”, the group “against” are prohibited to use other means to pay for the collection of signatures of referendum participants, to campaign for or against the question(s) submitted to the referendum, to carry out other activities, except for funds received to their funds.

It is prohibited to perform free of charge or perform at unreasonably low prices of works, services, sale of goods directly or indirectly related to the referendum by legal entities, their branches, representative offices, as well as individuals.

9. If the initiative group, during the collection of signatures or during the campaign for the introduction of a draft law on the conduct of referendum in the Jogorku Kenesh, as well as the group “for”, the group

"against" during the campaign period on the question(s) submitted to the referendum, besides the referendum funds used other means, the Central Election Commission has the right to apply to the court with a proposal to impose an administrative penalty in the manner prescribed by law.

10. Banking or other institutions are obliged weekly and at the request of the Central Election Commission, within 24 hours, to submit to the Central Election Commission information on the receipt and expenditure of funds on the special account of the initiative group, group "for" or group "against". The specified information, as it becomes available, is subject to mandatory placement by the Central Election Commission on the official website, taking into account the legislation on personal data and bank secrecy.

11. Contracts (agreements) with individuals and legal entities on the performance (provision) of certain works (services) related to the referendum campaign are concluded personally by authorized representatives on financial issues of the initiative group, the group "for", the group "against".

All financial transactions of the initiative group, including settlements with individuals and legal entities on special accounts, are terminated from the date of entry into force of the law on the conduct of the referendum. Payments between an authorized representative of the initiative group and legal entities for the performance (provision) of certain works (services) are carried out only by bank transfer.

All financial transactions of the group "for", the group "against", including settlements with individuals and legal entities on special accounts, are terminated at 6 pm on the day preceding the voting day. Settlements between authorized representatives of the group "for", the group "against" and legal entities for the performance (provision) of certain works (services) are carried out only by bank transfer.

12. The initiative group, no later than 30 calendar days after the entry into force of the law on the conduct of the referendum, must submit to the Central Election Commission a report on the amount and sources of its funds, as well as on all expenses and payments made. Information about reports no later than 3 calendar days from the date of their receipt is subject to mandatory placement by the Central Election Commission on the official website.

Groups "for" and groups "against" no later than 30 calendar days after publication of the referendum results must submit to the Central Election Commission a report on the amount and sources of creation of their fund as well as on all expenses and payments made. Information about reports no later than 3 calendar days from the date of their receipt is subject to mandatory placement by the Central Election Commission on the official website.

13. The initiative group, groups "for" and groups "against" are obliged to transfer the rest of the unspent funds on special accounts in proportion to the invested funds to the accounts of organizations and persons who made contributions.

14. The procedure for taxing the funds of the initiative group, the group “for”, the group "against", voluntary contributions and transfers to the said fund, as well as expenses from it, is established by the tax legislation of the Kyrgyz Republic.

(As amended by the Constitutional Law of the Kyrgyz Republic No.116 dated 08.08.2019)

Chapter 7. Liability for Violation of the Law on Referendum

Article 44. Appealing Decisions and Actions (Inactions) of Referendum Commissions Violating the Right of Referendum Participants to Participate in the Referendum

1. Decisions and actions (inactions) of referendum commissions and their officials, which violate citizens' rights for participation in the referendum may be appealed to a higher referendum commission.
2. Complaints against decisions and actions (inactions) of referendum commissions violating citizens' right to participate in the referendum may be filed by referendum participants, members of the group “for”, the group against the referendum, political parties, non-profit organizations, their representatives, observers.
3. When reviewing appeals (complaints) and in other cases, when the issue of violation of citizens' right for participation in the referendum as well as the legislation on referendum, the concerned parties or their representatives shall be informed about the date, time and venue of such review process. The abovementioned persons shall be entitled to provide explanations and submit evidence on the merits of the investigated case.
4. Decisions and (or) actions (inactions) of PECs or their officials violating the citizen's rights for participation in a referendum shall be appealed to a TEC.
5. Decisions and (or) actions (inactions) of TECs or their officials violating the citizen's rights for participation in the referendum shall be appealed to the CEC.
6. Decisions and (or) actions (inactions) of the CEC shall be appealed to the court of first instance while the decision of the court of first instance shall be appealed to the Supreme Court (hereinafter the “Supreme Court”). The decision of the Supreme Court shall be final and not subject to appeal.
7. The appeals (complaints) shall be submitted immediately from the moment when a subject of the referendum process has become aware of the infringement of his/her rights for participation in the referendum, decision-making, action (inaction), but no later than within 2 days.
8. The appeals (complaints) received in the course of preparation of referendum shall be subject to consideration by referendum commissions within a three-day period from receipt of the complaint; a complaint received on the referendum day or the day before the referendum day shall be considered immediately. If the facts contained in the appeals (complaints) received during the preparation of referendums require additional verification, a decision on them shall be taken no later than within five days. A decision in writing signed and sealed by the authority shall be immediately handed over to the claimant.

9. The appeals (complaints) against the decisions taken shall be submitted within 3 days after the issuance of such decision.
10. Superior referendum commission shall either upheld the decision taken by a subordinate referendum commission, or shall cancel it and make a decision on the merits of the appeal (complaint).
11. The court, upon establishing the validity of the appeal (complaint), shall recognize the appealed decision or action (inaction) as unlawful and shall cancel the decision of the relevant referendum commission; or the court shall dismiss the appeal (complaint) should it establish that the appealed decision or action (inaction) was lawful.
12. Timeframe for appeals (complaints) to be lodged shall not be subject to extension or renewal. On expiration of this period complaints shall not be accepted.

Article 45. Appeal of decisions made by referendum commissions as to voting returns and referendum results

1. Participants of the referendum, members of the group “for” and group against the referendum, political parties, nonprofit organizations, their representatives and observers may file appeals (complaints) against the decisions of referendum commissions with regard to determination of voting and referendum results.
2. Decisions of PECs on election results shall be appealed to the TECs; decisions of TECs shall be appealed to the CEC; decisions of the CEC shall be appealed to the court of the first instance; decisions of the first instance courts shall be appealed to the Supreme Court.
3. The appeals (complaints) shall be lodged within 3 calendar days after determination of voting and referendum results.
4. The appeals (complaints) received shall be reviewed by referendum commissions and courts, within three days after their receipt. In cases where the facts contained in the appeals (complaints) require additional investigation, a decision on them shall be taken no later than within five days. A decision signed and sealed by the decision taking authority shall be immediately delivered to the claimant in written form.
5. The appeals (complaints) against the decisions taken shall be submitted within 3 days after the issuance of such decision.
6. In the cases established by this constitutional law and the laws of the Kyrgyz Republic, the court may cancel a decision of the CEC on determination of referendum results.
7. Court decision shall come into force from the date of its issuance and shall be binding for state authorities, local governments, nonprofit organizations, officials, referendum commissions and other participants of the referendum.

The Court’s reasoned decision shall be promptly communicated to the applicant, defendant or their representatives and the CEC.

Lodging of a complaint for supervisory review in the manner and terms established by this Constitutional Law shall suspend execution by the CEC of a decision made by the court of first instance.

8. A complaint against the decision of the court of first instance may be lodged within three days after the issuance of the court decision.
9. A complaint against the decision of the court of first instance that has come into force shall be considered within five calendar days after the complaint was filed with the Supreme Court.

A supervisory appeal shall be brought to the Supreme Court of the Kyrgyz Republic, which shall invite a representative of the CEC in a mandatory manner.

A supervisory appeal against the court decision shall be lodged through the appropriate court that has taken the decision. Lodging a complaint directly to the supervisory authority shall not be an obstacle for reviewing such an appeal.

Resolution of the supervisory authority shall come into force from the date of its issuance, shall be final and not subject to any appeal.

10. The timeframes for lodging appeals (complaints) shall not be subject to extension or renewal. On expiration of this period appeals (complaints) shall not be accepted.

Note (Information System "Toktom"): The number of paragraphs in item 9 of Article 45 of this Law does not correspond to the number of paragraphs in item 9 of Article 45 of the text in the state language.

Article 46. The Grounds for Cancellation of the Referendum Commission's Decision on Voting Results and Referendum Results

1. If after determination of voting results or referendum results by the respective referendum commission, the court shall rule that violations of the procedure for campaigning on referendum questions, financing the referendum, facts of buying votes of referendum participants occurred which do not allow to genuinely determine the results of the expression of will by referendum participants, it can cancel the decision of the commission of the voting results or referendum results.
2. A court may cancel the decision of a referendum commission on the voting results at a referendum precinct, territory, and on the referendum results in general also when violation of the rules for compiling lists of referendum participants, procedure for appointment of referendum commissions, the procedure of voting and the vote count (including obstruction to observation thereof), determination of voting results occurred if these actions (inactions) do not allow to genuinely determine the results of the expression of will by referendum participants.
3. Cancellation by a court of decisions of Precinct Election Commissions on voting results at the referendum by more than one third of the total number of referendum precincts shall entail recognition of the referendum results as invalid.

Article 47. Liability for Violating Electoral Rights of Referendum Participants

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

1. those interfering in the free exercise by citizens of the Kyrgyz Republic of their right to participate in the referendum by means of violence, deceit, threat, forgery, or other means, or violating the secrecy of voting, or of a referendum participant's right to become familiarized with the list of referendum participants, or forcing citizens to sign or preventing them from putting down their signatures in support of the initiative to conduct the referendum, as well as those participating in forgery of these signatures or bribery of referendum participants;
2. those abusing advantages of their official or service position for the purposes of receiving the desired answer to the question submitted to the referendum; or those who failed to timely compile and verify data on registered referendum participants (lists of referendum participants) before sending these data to the respective referendum commissions, or those violating the rules for financing the referendum, including persons who delay the transfer of funds to referendum commissions, or those who issued ballot papers to citizens for the purposes of providing them with opportunity of voting for other persons, or those who forged documents, knowingly compiled and issued forged documents, knowingly conducted incorrect vote counting or established incorrect voting results;
3. those who violate the rights of referendum commission members, observers, foreign (international) observers, mass media, including their right to timely receive information and copies of documents, or violate the rules of campaigning on the referendum questions, including those who campaign when this is prohibited, or those who impede or interfere illegally in the work of referendum commissions associated with the performance of their duties, or who failed to present or publish reports on the expenditure of funds for the preparation and conduct of the referendum, financial reports on the fund of the group "for" or the group against the referendum and financial reports on the expenditure of budget funds allocated for the conduct of the referendum in the Kyrgyz Republic.

Chapter 8. Final Provisions

Article 48. Coming into Force of This Constitutional Law and Peculiarities of its Application

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

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2. In the event of combining the voting day at the referendum with the voting day at other elections, which are held in most of the administrative-territorial units of the Kyrgyz Republic, the time-frames for electoral actions for the preparation and conduct of the referendum established by the legislation of the Kyrgyz Republic, except for periods not exceeding 15 calendar days before the voting day, may be reduced by the Central Election Commission by no more than half.

The Central Election Commission has the right to combine polling stations with referendum precincts, create new precincts and take other measures to resolve issues arising from combining the day of the referendum (voting) with the day of the elections (voting).

3. The Constitutional Law of the Republic of Kyrgyzstan "On Referendum in the Kyrgyz Republic" No.159 dated 23.10.2007 shall cease to have effect at the moment when this Constitutional Law comes into force (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2007, No.10, Art.778).

President of the Kyrgyz
Republic

A.Atambaev

Adopted by the Jogorku
Kenesh of the Kyrgyz
Republic

October 26, 2016