

CONSTITUTIONAL LAW OF THE REPUBLIC OF TAJIKISTAN
“On the Election of the President of the Republic of Tajikistan”

(Akhbori Shuroi Oliy Jumhurii Tojikiston, 1994. No 13, Article 195; Akhbori Majlisi Oliy Jumhurii Tojikiston, 1999, No 9, Article 238, Akhbori Majlisi Oliy Jumhurii Tojikiston, 2005, No 12, Article 626, [Constitutional law of RT 21.02.2018 c., No 1507](#), No 2, Article 60; No 9-10, Article 580; 19.07.2019, [No 1638](#) No 7, Article 459)

1. GENERAL PROVISIONS

Article 1. Election of the President of the Republic of Tajikistan

The President of the Republic of Tajikistan shall be elected by citizens of the Republic of Tajikistan based on universal, equal and direct suffrage by secret ballot.

A citizen of the Republic of Tajikistan, who is at least 30 years old, having only the citizenship of the Republic of Tajikistan, higher education, knowing the state language, and living in the territory of the republic in for at least 10 last years can be elected as President. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Violation of the requirements of the present article shall cause invalidation of the election of the President. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Article 1.1. Legislation of the Republic of Tajikistan on the election of the President of the Republic of Tajikistan ([Constitutional law of RT 21.02.2018 c., No 1507](#))

The legislation of the Republic of Tajikistan on the election of the President of the Republic of Tajikistan is based on the Constitution of the Republic of Tajikistan and consists of this constitutional law, other regulatory acts of the

Republic of Tajikistan and also international legal acts recognized by Tajikistan. (Constitutional law of RT 21.02.2018 c., No 1507)

Article 2. Citizens' Suffrage

Persons who have reached the age of 18 will have right to participate in the election of the President of the Republic of Tajikistan. (Constitutional law of RT 21.02.2018 c., No 1507)

Citizens of the Republic of Tajikistan who have reached the age of 18 before election day, irrespective of their nationality, race, gender, language, religion, political convictions, social status, education and property status, have right to participate in the election of the President of the republic of Tajikistan. (Constitutional law of RT 21.02.2018 c., No 1507)

Citizens who are recognized legally incapable by court or serving a sentence of imprisonment or convicted persons by a court verdict shall have no right to participate in the election of the President of the Republic of Tajikistan. (Constitutional law of RT 21.02.2018 c., No 1507)

Formatted: Highlight

Any kind of limitations to the electoral rights of citizens of the Republic of Tajikistan, except the conditions specified in the present Constitutional Law, shall be prohibited. (Constitutional law of RT 21.02.2018 c., No 1507)

Article 3. Principles of Conducting– the Election of the President of the Republic of Tajikistan

Citizens of the Republic of Tajikistan shall participate in the pre-election campaign and voting for the President of the Republic -voluntarily and on an equal basis. (Constitutional law of RT 21.02.2018 c., No 1507)

Voting for the -election of the President of the republic is secret and direct. Each citizen shall have one vote. (Constitutional law of RT 21.02.2018 c., No 1507)

Control over the expression of the will of citizens is not allowed.

Article 4. Publicity in the Organization and Conduct of Election of the President of the Republic of Tajikistan

State bodies and public associations, participating in the organization and conduct of the election of the President, shall carry out their activities **transparently and** openly. (Constitutional law of RT 28.12.2005 c; No 1507 21.02.2018 c., No 1507)

The Republic of Tajikistan shall guarantee political parties, trade unions, other public associations and movements, labour collectives and citizens of the Republic of Tajikistan the right to freely campaign. (Constitutional law of RT 21.02.2018 c., No 1507)

Campaigning on Day of **voting** shall be prohibited.

All decisions of relevant bodies on preparation and conduct of election of the President of the **Republic of Tajikistan** shall be published and aired by TV and radio within 7 days of their adoption. (Constitutional law of RT 21.02.2018 c., No 1507)

Election commissions shall inform timely the population on their composition, location, opening hours of polling stations and voters lists. (Constitutional law of RT 21.02.2018 c., No 1507)

In meetings of the election commissions, in process of voting, during ballot counting in polling stations, as well as during conclusion of voting results, one representative from each political party, Federation of Independent Trades Union of Tajikistan, Youth Union of Tajikistan, from the **local state power representative bodies**, Majlis of **deputies'** representatives of Majlises of people's **deputies** of districts and towns of the republican subordination, which have nominated candidates to the post of President, representatives of mass media and if necessary, international observers **and international organisation** may be present. Representatives must have documents issued and confirmed by the organizations that have directed them, the form of which shall be

established by the **Central Commission for Elections and Referenda**.
(Constitutional law of RT 03.09.1999 No 834; 28.12.2005 No 140; 21.02.2018 c., No 1507)

Political parties, **Federation of Independent Trade Unions**, Youth Unions of Tajikistan, **local representative** of public authorities, representative Majlis of Majlises of people's **deputies** of districts and towns of the republican subordination, which have nominated candidates to Presidency shall declare their representatives to district election commissions at least 10 days prior to the election. ([Constitutional law of RT 03.09.1999 No 834; 21.02.2018 c., No 1507](#))

Direct or indirect interference of these representatives, national and [international](#) observers in the voting **process** and activity of electoral commissions is prohibited. ([Constitutional law of RT 28.12.2005 No 140](#))

Article 4.1. [Status and power of national observers](#)
([Constitutional law of RT 21.02.2018 c., No 1507](#))

Political parties registered in the manner prescribed by the legislation of the Republic of Tajikistan, the Federation of Independent Trade Unions of Tajikistan, the Youth Union of Tajikistan, the Majlis of People's Deputies of the Gorno-Badakhshan Autonomous Regions, the Majlis of People's Deputies of the regions (oblasts), the Majlis of People's Deputies of the city of Dushanbe, as well as the assembly of representatives of the deputies of the Majlis of People's Deputies of cities and districts of republican subordination are entitled to submit for registration to the competent district election commissions in the prescribed manner, a list of national observers. National observers on election day observe the elections in the polling station.

The activity of national observers begins after the approval of their lists by the decision of the respective district election commission and ends after the announcement of the preliminary election results.

National observers have the right to:

- get acquainted with the list of voters
- stay in the polling station from the beginning of the work of the precinct election commission and until its completion;
- observe the issuance of ballots to voters;
- be outside the voting booth when voting;
- observe the progress of counting invalid ballots, counting ballots in the ballot box, counting vote under conditions that ensure observation of the process of counting ballots;
- get acquainted with the protocols of the precinct election commissions on the results of voting and of the district election commissions on the results of the election;
- appeal against the decision, actions (inaction) of the election commission to a higher election commission or court;
- be present at the recount of votes of the relevant election commissions

National observers are not allowed to:

- issue ballots to voters;
- sign at the request of the voter upon receipt of the ballot;
- fill in the ballot paper at the request of the voter
- perform any action that interferes with the secrecy of the vote;
- directly participate in the ballot counting by members of the election commission;
- perform any action that interferes with the work of the election commission, or participate in the adoption of a decision by the relevant election commission.

Article 4.2 Status and powers of international observers
(Constitutional law of RT 21.02.2018 c., No 1507)

For the purpose of observing the elections, holding them in conditions of openness and transparency, international observers are invited.

The activities of international observers begin after accreditation of the Central Commission for Elections and Referenda of the Republic of Tajikistan and ends after the announcement of the preliminary results of the election.

In the presence of an invitation, international observers are accredited in the prescribed manner by the Central Commission for Elections and Referenda of the Republic of Tajikistan. The invitation is sent by the Ministry of Foreign Affairs of the Republic of Tajikistan after the official publication of the decision on setting the election date.

The Central Election Commission for Elections and Referenda issues to the international observers a certificate of the established form on their accreditation. This certification gives to international observers the right to observe the preparation and conduct of the election.

On the territory of the Republic of Tajikistan, international observers are under the protection of the Republic of Tajikistan.

International observers carry out their activities freely in accordance with the requirements of this constitutional law.

Material and financial support for the activities of international observers is at the expense of the sending organization or at their personal expense.

International observers have the right to:

- receive normative legal acts and other acts regulating the election process;
- hold official meetings with political parties and individual candidates running in the election;
- be at the polling station and in the [voting premises](#), including on election day

- observe the voting process, the vote counting and the determination of results in conditions that allow observation of the counting
- get acquainted with the result of consideration of complaints (statements) and remarks related to violations of election legislation;
- inform the representatives of elections commissions about their observations without interfering in their work;
- after the end of voting, openly express their opinion on the preparation and conduct of elections;
- submit to the Central Commission for Elections and Referenda of the Republic of Tajikistan their conclusions on the observation of the electoral process.

International observers are not allowed to:

- be in the voting booth when the voter makes notes on the ballot;
- influence voters, distribute any propaganda material or literature;
- declare preference for political parties, candidates for the office of the President of the Republic of Tajikistan or the procedure for holding elections;
- ask voters for whom they will vote;
- use in their conclusion cases that are not documented and not subject to verification;
- use their status to carry out actions not related to the observation of elections.

The Central Commission for Elections and Referenda of the Republic of Tajikistan cancels the accreditation of international observers in the event of violation of the legislation of the Republic of Tajikistan, principles and generally recognized international legal norms.

International observers are required to:

- comply with the Constitution of the Republic of Tajikistan , legislation of Tajikistan and [international](#) legal acts recognized by Tajikistan;

-have an international observer certificate with them and present it at the request of the election commission;

-fulfill their duties on the basis of the principles of political neutrality, impartiality, refrain from statements of any **advantage**, assessing the activities of election commissions, state and other bodies, officials and other participants in the electoral process;

Formatted: Highlight

-not interfere in the electoral process;

-draw conclusions based on observations and factual material. (Constitutional law of RT 21.02.2018 c., No 1507)

Article 5. Material support of presidential election

The costs associated with the preparation and conduction of the election of the President shall be covered at the expense of the budget of the Republic of Tajikistan. (Constitutional law of RT 03.09.1999 No 834; 21.02.2018 c., No 1507)

Formatted: Font: Not Bold

On the basis of the **presentation** of the district election commission regarding the formation of polling stations, the chairman of the city, district, within 3 days, provides each polling station with premises free of charge. Premises and **equipment of organizations and non-governmental enterprises** for the work of the electoral commissions shall be utilized based on lease at the expenses of the budget of the republic. (Constitutional law of RT 28.12.2005 No 140; 21.02.2018 c., No 1507)

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Any direct or indirect participation of foreign states and organizations, legal entities and foreign citizens in financing and other material support of the election campaigns of the candidates to the post of President of the Republic shall be prohibited. (Constitutional law of RT 21.02.2018 c., No 1507)

II. ORGANIZATION AND CONDUCT OF THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 6. Calling the election of the President of the Republic of Tajikistan

The election of the President of the Republic of Tajikistan shall be called in a **joint session of Majlisi Milli and Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan** not later than two months prior to the end of the term of office of the President of the Republic of Tajikistan.

In the event of early termination of the powers of the President of the Republic of Tajikistan quit prior to the fixed office term, the election is held within three months.

The announcement of the day of the election of the President of the Republic of Tajikistan is published in the press.

Article 7. Organization of the election of the President of the Republic of Tajikistan

The Organization of the election of the President of the Republic of Tajikistan shall be the responsibility of electoral commissions. The electoral commissions shall work collegially. The preparation and conduct of election shall be exercised transparently and publicly by electoral commissions. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Article 8. [Organisation](#) of Districts

Districts for the election of the President of the Republic of Tajikistan are formed by the Central Commission for Elections and Referenda. ([Constitutional law of RT 03.09.1999 No 834](#))

The list of districts indicating their boundaries and the number of voters with their borders and number of electorate shall be published by the Central Commission for Elections and Referenda not later than 50 days prior to

election. ([Constitutional law of RT 03.09.1999 No 834](#); 21.02.2018 c., No 1507)

Article 9. Organization of polling stations

Polling stations are formed by the district election commissions on the proposal of chairpersons of cities and districts no later than 40 days prior to election, containing from 20 to 3000 voters per polling station.

Polling stations are formed taking into account the boundaries of cities, districts, and districts of cities with the purpose to provide maximum convenience for voters. Polling stations are also formed in military units and are included in the districts of the location of the units. The boundaries of polling stations must not cross the boundaries of constituencies. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Polling stations can be formed in sanatoriums, rest homes, hospitals and other health facilities, in the residences of citizens that are located in remote and hard-to-reach areas. These polling stations are included in attached to the constituencies in territory of which they are located.

District election commissions shall make arrangements for informing voters on the boundaries of each polling station, indicating the location of the precinct election commissions and the voting premises. Voting premises of each polling station shall be determined by chairmen of towns and districts. ([Constitutional law of RT 03.09.1999 No 834](#))

At the embassies and consulates of the Republic of Tajikistan in foreign countries (hereinafter-representations of the Republic of Tajikistan in foreign countries), polling stations are formed by the Central Commission for Elections and Referenda of the Republic of Tajikistan upon the suggestions of the Ministry of Foreign Affairs, without taking into account the requirements of parts one and two of this article and the duties of the chairman of the

precinct election commission is performed by the head of the representative office of the Republic of Tajikistan in a foreign state. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

The Central Commission for Elections and Referenda decides on allocating a polling station located outside of the Republic of Tajikistan to a district.

III. ELECTION COMMISSIONS FOR THE ELECTION OF THE PRESEIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 10. The system of Election commissions

For the purpose of organizing and conducting the election of the President of the Republic of Tajikistan the following shall be formed: ([Constitutional law of RT 21.02.2018 c., No 1507](#))

-Central Commission for Elections and Referenda: ([Constitutional law of RT 03.09.1999 No 834](#))

-**District** election commissions for the election of the President of the Republic of Tajikistan: ([Constitutional law of RT 28.12.2005 No 140](#))

-**Precinct election** commissions for the election of the President of the Republic of Tajikistan. ([Constitutional law of RT 28.12.2005 No 140](#))

Article 11. The Central Commission for Elections and Referenda of the Republic of Tajikistan

The Central Commission for Elections and Referenda of the Republic of Tajikistan is formed as a permanent body in accordance with the constitutional Law of the Republic of Tajikistan “On Elections to the Majlisi Oli of the Republic of Tajikistan”. ([Constitutional law of RT 03.09.1999 No 834](#))

The activities of the Central Commission for Elections and Referenda of the Republic of Tajikistan are regulated by law. (Constitutional law 21.02.2018 c., No 1507)

Article 12. Power of the Central Commission for Elections and Referenda
The Central Commission for Elections and Referenda shall have the following **authority**:

- 1) Exercises control over the execution of the present constitutional law and ensures its uniform application; within the limits of its powers adopts resolutions and issues instructions and provides explanations on the organization of elections;
- 2) Forms districts, titles and numbers to them
- 3) forms district election commissions and publishes information on their location;
- 4) directs the work of the election commissions, determines the procedures of changes in their composition, invalidates the decisions of district election commission on election of the President of the republic of Tajikistan in case they contradict the present Constitutional law;
- 5) resolves issues on the inclusion of polling stations abroad to districts;
- 6) provides equal conditions for participation of candidates to the post of the President of the Republic of Tajikistan in the pre-election campaign;
- 7) establishes the procedure for participation of national and international observers, representatives of foreign and local media in the election campaign on the basis of their decision and provides them with a relevant certificate;
- 8) distributes among the election commission funds in the prescribed manner, supervises the provision of election commissions with premises, transport and communication facilities: solve other material and technical support issues;
- 9) determines forms and text of ballots of the election of the President of the Republic of Tajikistan, voters lists, ballot papers, protocols of

electoral commission's meetings, other electoral documents, samples of ballot-boxes and seals of election commissions, the procedure of safe-keeping of electoral documents;

- 10) hears reports of heads of ministries, state committees and departments of the Republic of Tajikistan, local state power bodies, other state bodies and public associations on issues with regard to preparation and conducting of election;
- 11) registers candidates to the post of the President of the Republic of Tajikistan, aggregates the results of election in the republic, publishes information on results of the election in the press, registers the elected President of the Republic of Tajikistan, issues him a certificate of his election as the President of the Republic of Tajikistan;
- 12) examines applications and –complaints against decisions and actions (inactions) of electoral commissions, make decisions on them;
- 13) Submits materials on criminal violations of of the Constitutional law “On Election of the President of the Republic of Tajikistan” to the prosecutor's office;
- 14) Ensures the archiving of documents related to the conduct and organization of the election;
- 15) organizes repeated voting and repeated election
- 16) exercises other authorities in accordance with the present **Constitutional** Law and other legislative acts of the Republic of Tajikistan.

Meetings of the **Central Commission for Elections and Referenda** shall be valid if attended by at least 2/3 of the actual composition of the commission on the day of meeting.

Article 13. Organizing of -district election commissions for the election of the President of the Republic of Tajikistan

District election commissions for the election of the President of the Republic of Tajikistan shall be created by the **Central Commission for Elections and Referenda** no later than 45 days prior to the election

consisting of a chairperson, deputy chairperson, secretary and at least 4 members.

Article 14. Powers of the district election commission for the election of the President of the Republic of Tajikistan

The District election commission for the election of the President of the Republic of Tajikistan shall have the following powers:

- 1) monitors the implementation of the present Constitutional law its territory and ensure its uniform application;
- 2) manages the work of precinct election commissions;
- 3) allocates funds among the electoral commissions, supervise the provision of constituencies by premises, transport, communication facilities and considers other election related material and technical issues in the district;
- 4) provides equal conditions for participation of candidates in the pre-election campaign to the post of the President of the Republic of Tajikistan in their district;
- 5) Hears reports of local **state** bodies and government offices, leaders of public associations, enterprises, institutions and organizations with regard to preparation and conducting of election;
- 6) supervises the compilation of voters lists and their publication and offering it to public;
- 7) aggregates the results of the election in the district and transfers it to the Central Commission for Elections and Referenda;
- 8) reviews applications and complaints against the decisions and actions (inaction) of the precinct election commissions and decides upon them
- 9) exercises other powers in accordance with the present Constitutional law and legislative acts of the Republic of Tajikistan.

Article 15. Formation of polling station commissions for the election of the President of the Republic of Tajikistan

Precinct election commissions for the election of the President of the Republic of Tajikistan are formed by the district election commission by representation of the executive state bodies of cities and regions. A precinct election is formed no later than 35 days prior to the election and consists of 5 – 19 members, including the chairperson, deputy chairperson and secretary. If the commission consists of up to of 7 persons, then chairman and secretary shall be elected.

If necessary, the number of precinct election commission members may be reduced or increased.

Article 16. Authority of precinct election commission for the election of the President of the Republic of Tajikistan

The precinct election commission for the election of the President of the Republic of Tajikistan shall have the following authorities:

- 1) compiles the voter list for the polling station;
- 2) familiarizes voters with the voter list, receive applications about errors and inaccuracies on the list, reviews them and makes appropriate changes solve the issue of amending the list;
- 3) receive early vote envelopes of voters, who on election day do not have the opportunity to be at their area of residence and vote there;
- 4) informs the population on the day of election and location of the voting premises;
- 5) ensures arrangement of voting premises, ballot-boxes, and other equipment for election;
- 6) organizes voting on polling station on election day;
- 7) counts the ballots cast in polling station
- 8) reviews applications and complaints on preparation to election and organizing of voting and take decisions on them;

- 9) exercise other powers in accordance with the present Constitutional law and other legislative acts of the Republic of Tajikistan.

Article 17. Membership in election commissions

An election commission member must be neutral and objective in the exercise of his powers, must not participate in the activities of a political party, execute its instructions, participate in election campaign and propaganda of registered candidates (Law of RT dated 19.07.19, no 1638).

A commission member can be dismissed from the performance of his duties based on a personal application or in case of deprivation of powers.

The right to dismiss a member of commission can be exercised by the body that has formed the commission, if the member violates the requirements of the present Constitutional law, or in case of systematic disregard of his duties.

If necessary, a new member to the election commission can be appointed in accordance with the procedure provided by the present Constitutional law.

Candidates to the post of the President of the Republic of Tajikistan and their proxies, as well as judges, prosecutors, law enforcement officials and national observers cannot be members of an election commission. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

One person can only be a member of one election commission.

Article 18. Organizing the work and term of office of election commissions

A meeting of an election commission shall be considered valid if it is attended by not less than 2/3 of the actual composition of the commission on the day of the meeting. The Decision of the commission is adopted in open voting by the majority of commission members present in the meeting. Members who disagree with the decision of commission have right to express their dissenting opinion, which shall be attached to the protocol. In case of split voting, the vote of the chairman is decisive.

A decision of an election commission taken within its powers is binding for lower election commissions, as well as for all state bodies, public associations, labour collectives, military units, heads of enterprises, institutions and organizations.

State bodies and public associations, enterprises, institutions, organizations and officials are obliged to assist support the election commissions in the exercise of their powers, provide them with necessary information.

State bodies, institutions, organizations shall give premises and equipment necessary for the preparation and conduct of election free of charge to election commissions.

Election commissions have right to address issues related to preparation and conduct of election to state bodies and public associations, enterprises, institutions, organizations and officials who are obliged to consider the issue raised and respond to the election commission not later than within three days.

A member of an election commission, by decision of the commission can be freed from industrial or servicing duties with the guarantee of average salary during the period of preparation and conduct of the elections at the expense of funds allocated for the election.

The term for the authorities of district election commissions and precinct election commissions is terminated upon the entry of the President of the Republic of Tajikistan into office.

Article 19. Reviewing of complaints against decisions of election commissions

Bodies of political parties that have nominated candidates, the candidates themselves and the prosecutor can appeal against decisions of election commissions to higher election commissions or to the court within 10 days from the day the decision was made

Decisions of the Central Commission for Elections and Referenda can be appealed to the Supreme Court of the Republic of Tajikistan within 10 days of

their adoption. The appeal must be considered within three days from its receipt and if there are less than six days before election, immediately.

IV. VOTER LISTS

Article 20. Voter lists and the procedure of compilation

Voter lists shall be compiled by precinct election commissions for each polling station and shall be signed by the chairman and secretary of precinct election commission, secured by a seal.

Voter lists ~~by place of residence shall be compiled~~ based on information on voters offered by local executive bodies of ~~government~~. In order to compile the voter lists, representative organs, state institutions and organizations, regardless of the form of **ownership**, and public associations can be involved.

Formatted: Highlight

Voter lists are compiled no less than 15 days after the establishment of the precinct election commissions, and the surnames, first names and patronymics, year of birth and address of voters are indicated.

Voter lists of servicemen in military units, as well as their family members and other voters living in the territory of military units are compiled on the basis of information provided by military commanders. Military personnel residing outside of the units shall be included in the lists at their place of residence on a general basis.

Voter lists for polling stations established in sanatoriums, dispensaries, rest homes, hospitals and other medical and preventive institutions, as well as at representations of the Republic of Tajikistan in foreign countries are compiled on the basis of data provided by the heads of these institutions.

Voter lists are compiled in a form convenient for the conduct of polling.

Article 21. Inclusion of citizens in the voter list

Citizens of the Republic of Tajikistan who have the right to vote are included in the voter lists..

Citizens permanently or temporarily residing in the territory of the respective polling stations are included in the voter list of their place of residence. Voter lists for polling stations in sanatoriums, dispensaries, rest homes, hospitals and other medical and preventive establishments shall include all citizens who on election day are placed in these facilities.

A citizen of the Republic of Tajikistan shall be included only in one voter list.. Citizens who arrive at the polling station after publication of the voter lists the list of voters to public, shall be included in an additional list.

Article 22. Familiarization of citizens with voter lists

Voter lists for polling stations established at the place of residence of citizens are posted for general review 15 days, and those for other polling stations established at representations of the Republic of Tajikistan in foreign countries, sanatoriums, rest homes, hospitals and other permanent hospitals, in remote and hard-to-reach locations, 2 days before election day. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Citizens shall be given the opportunity to familiarize themselves with the voters list in the premises of the respective precinct election commission, as well as to examine the correctness of the data of voters included in the lists.

A citizen has the right to complain against non-inclusion, incorrect inclusion in the list or exclusion from the lists, as well as on inaccuracies. A request on necessary corrections is considered by the precinct election commission within three days and on the eve of election day and on election day immediately. In case of refusal of the request, the precinct election commission immediately issues the applicant with a copy of its reasoned decision that rejects the application. The decision can be appealed to a higher election commission or to a court, which reviews the appeal within 3 days, and on the eve of election day and on election day immediately and makes a final decision. If the

decision is positive for the applicant, the precinct election commission will immediately apply the correction on the voter list .

Article 23. [Voting certificate](#)

When a voter changes his place of residence between the publication of voter lists and election day, the precinct election commission at the request of the voter and upon presentation of his ID document, issues him/her a certificate granting the right to vote. A corresponding note is made on the voter list.

Upon present a certificate on the right to vote, the precinct election commission of the place of residence shall include the voter in the additional list of voters.

V. NOMINATING A CANDIDATE TO THE POST OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 24. Nomination of [candidates](#) to the post of the President of the Republic of Tajikistan

Candidates to the post of the President of the Republic of Tajikistan are nominated by political parties of the republic, which are registered in accordance with the established procedures of Constitutional Law, the Federation of Independent Trades Union of Tajikistan, the Youth Union of Tajikistan in their congresses and conferences based on their charters, the Majlis of people's deputies of GBAO, the Majlis of people's deputies of oblasts, Majlis of people's deputies of Dushanbe as well as majlis of deputies' representatives of Majlises of people's **deputies** of districts and towns of the republican subordination. The norm of representation and the procedure of organizing and conducting of Majlis of representatives of people's **deputies** Majlises of districts and towns of the republican subordination shall be determined by the **Central Commission for Elections and Referenda**.

Each political party, the Federation of Independent Trades Union of Tajikistan, the Youth Union of Tajikistan, the Majlis of people's **deputies** of GBAO, the Majlis of people's deputies of oblasts, the Majlis of people's deputies of Dushanbe as well as majlis of deputies' representatives of Majlises of people's deputies of districts and towns of the republican subordination shall nominate only one candidate to the post of the President of the Republic of Tajikistan. The decision to nominate a candidate to the post of the President of the Republic of Tajikistan is made by a majority of votes of the total number of political party delegates to congress or conference, Federation of independent Trades Unions of Tajikistan, Youth Union of Tajikistan, by the majority of votes of the total number of people's deputies of Majlis, of the people's deputies of GBAO, of Majlis of people's deputies of oblasts, of Majlis of people's deputies of Dushanbe as well as by the majority of votes of total number of majlis of deputies' representatives of Majlises of people's deputies of districts and towns of the republican subordination. The form of voting shall be determined by the body nominating a candidate to the post of the President. A protocol on nominating a candidate shall be compiled.

The nominated candidate to the post of the President must be supported by five per cent of citizens of the Republic of Tajikistan who have the right to vote. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

The collection of citizens' signatures in support of a nominated candidate shall take place in accordance with the procedure and time frame established by the Central Commission for Elections and Referenda.

Nomination of candidates to the post of the President of the Republic of Tajikistan, carried out in violation of the present Constitutional law shall be considered invalid.

Nomination of candidates to the post of the President shall begin 50 days and end not later than 30 days prior to the election day.

The total number of candidates to the post of the President is not limited.

The decision on nomination of a candidate to the post of the President of the Republic of Tajikistan shall be sent to the Central Commission for Elections and Referenda not later than within three days after adoption. The candidate shall be informed about the decision taken within two days. [\(???\)](#)

Political parties, the Federation of independent Trades Union of Tajikistan, the Youth Union of Tajikistan, local state power representative bodies, Majlis of representatives of people's **deputies** of districts and towns of the republican subordination, which have nominated candidates to the Presidency shall have the right to cancel their decision on nomination of a candidate any time before the election. Such decision is made in accordance with the procedure provided for the nomination of candidates.

A candidate to the post of the President of the Republic of Tajikistan can withdraw his/her candidacy any time and address a statement to the Central Commission for Elections and Referenda on that.

Citizens convicted of a crime, regardless of the cancellation or removal of their convictions, as well as ministers of religious associations, cannot be nominated to the post of candidate as President. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

In case no candidate is nominated to the post of the president of the Republic of Tajikistan or all nominated candidates have withdrawn their candidacy, candidates to the post of the President of the Republic of Tajikistan shall be nominated by a joint session of Majlisi Milli and Majlisi Namoyadagon Majlisi Oli of the Republic of Tajikistan. In such a case those candidate, who received, as a result of secret ballot, the support of the majority of the total number of members of Majlisi Milli and representatives of Majlisi Namoyadagon Majlisi Oli of the Republic of Tajikistan are considered nominated.

Article 25. Registration of candidates to the post of the President of the Republic of Tajikistan ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Registration of candidates nominated to the post of the President and their proxies is carried out by the Central Commission for Elections and Referenda within three days after submission of the necessary documents but no later than 25 days prior to the election day. ([Constitutional law of RT 21.02.2018 c., No 1507](#))

The decision to register a candidate to the post of the President of the Republic of Tajikistan is made upon availability of the following documents:

- Protocol of the supreme body (congress, conference) of a political party, Federation of independent Trades Union of Tajikistan, Youth Union of Tajikistan, sessions of Majlis of people's deputies of GBAO, Majlis of people's deputies of oblasts, Majlis of deputies of Dushanbe and majlis of deputies' representatives of Majlis of people's deputies of districts and towns of the republican subordination;
- copies of the passport (ID card)
- information on income and property status
- medical certificate of health status;
- certificate of residence
- copies of an official document confirming higher education
- conclusions of the Central Commission for Elections and Referenda determining the level of proficiency in the state language
- [certificate on criminal record](#)
- forms with signatures of citizens in support of the candidate to the post of president of the Republic of Tajikistan, certified by the chairmen of cities and regions
- biographical information about the candidate to the post of the President
- statement of consent of the candidate to run for the post of the President.

A candidate to the post of the President of the Republic of Tajikistan, as well as candidate's proxies cannot be members of any election commission for the election of the President. In the event that a member of an election commission for the election of the president is nominated as a candidate to the post of the

President or as a candidate's proxy, he/she shall be considered dismissed of commission membership from the moment of registration as candidate to the post of the President or as proxy.

The Central Commission for Elections and Referenda within two days after registering candidates to the post of the President of the Republic of Tajikistan shall issue the corresponding certificates.

If the Central Commission for Elections and Referenda rejects registration of a candidate to the post of the President of the Republic of Tajikistan, political parties, the Federation of independent Trade Unions, the Youth Union of Tajikistan, local state power representative bodies, majlis of deputies' representatives of Majlises of people's deputies of districts and towns of the republican subordination, which have nominated the given candidate may appeal to the Supreme Court of the Republic of Tajikistan which considers the appeal be considered within six days. The decision of the Supreme Court of the Republic of Tajikistan is final.

The Central Commission for Elections and Referenda within seven days of registering a candidate to the post of the President of the Republic of Tajikistan shall publish information in local press on registration, including the name and surname, date and place of birth, position and place of work, party affiliation, place of residence, family condition of the candidate, as well as the body, which has nominated the candidate to the post of the President of the Republic of Tajikistan.

Article 26. Ballots

The form and text of ballot for election of the President of the republic shall be approved by the Central Commission for Elections and Referenda. The ballot lists by alphabetical order the list of candidates to the post of the President indicating the surname and name, date of birth, party affiliation, position and place of work and place of residence, as well as from which body and which order the candidate was nominated.

Ballots for all districts are printed by the Central Commission for Elections and Referenda in state language or in language spoken by the majority of the district voters not later than 10 days prior to the election of the President of the Republic of Tajikistan” and have at least one degree for protection. The election commission delivers the ballots by compiling an act.

Ballots shall be delivered to the district election commissions not later than seven days prior to election day and to precinct election commissions no later than two days before election day, in accordance with established procedures.

The premises, where the ballots are stored shall be sealed and handed over to the protection of internal affairs bodies.

VI. GUARANTEES OF ACTIVITIES OF CANDIDATES TO THE POST OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 27. Guaranteeing activities of candidates to the post of the President of the Republic of Tajikistan

Candidates to the post of the President of the Republic of Tajikistan from the moment of their registration by the Central Commission for Elections and Referenda participate in the election campaign on an equal basis, having equal rights to use mass media opportunities, including radio and TV in the territory of the Republic of Tajikistan.

All registered candidates to the post of the President are provided with equal conditions of material, technical and financial support for the election campaign.

A candidate to the post of the President has the right to hold meetings with voters, in forms of meetings or other way convenient for the voters. Election commissions, local government bodies shall provide equipped venues for candidates to the post of the President for conduction of meetings. The district election commission shall inform voters in advance about the time and place of meetings.

State bodies, public associations, heads of enterprises, institutions and organizations are obliged to assist the candidates to the post of the President in

organizing of meetings with the electorate and obtaining necessary informational materials.

A candidate to the post of the President can present his platform. The platform of a candidate shall not contradict the Constitution of the Republic of Tajikistan.

Registered candidates to the post of the President for the duration of election campaign have the right to suspend industrial or servicing duties with the guarantee of average salary at the expense of funds allocated for the election.

Candidates to the post of the President and their proxies cannot be dismissed from work without their consent or be transferred to other job or position.

Candidates to the post of the President and their proxies have the right to free travel on all types of urban passenger and intercity transport (with the exception of air transport, trains and taxis) within the territory of the Republic of Tajikistan.

A candidate to the post of the President cannot be arrested, detained, forced to drive (???) or searched without the consent of the Central Commission for Elections and Referenda, with the exception of being detained at the scene of a crime.

Article 28. Proxies of a candidate to the post of the President of the Republic of Tajikistan

A candidate to the post of the President has the right to have up to 15 proxies, who help him/her in conducting of election campaign, campaign for him/her to be elected, protect his/her interest in relation with the state and public bodies, and the election commissions. A candidate to the post of the President shall identify proxies at his/her discretion and informs the Central Commission for Elections and Referenda about them. The Central Commission for Elections and Referenda shall register the proxies and issue them certificates.

Proxies cannot be members of the respective election commissions.

Proxies can suspend industrial or servicing duties upon the request of a candidate to the post of the President with the guarantee of average salary at expenses of fund allocated for conducting of election.

The powers of a proxy can be terminated on the basis of his personal statement as well as by the wish of a candidate to the post of the President of the Republic of Tajikistan, about which the Central Commission for Elections and Referenda shall be informed.

VII. PROCEDURE FOR VOTING AND TALLYING OF RESULTS OF THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN

Article 29. Time and place for voting

Voting in the Election Day shall take place from 06:00 to 20:00 local time. Precinct election commissions shall inform voters about the time and place of voting not later than five days prior to the Election Day.

In polling stations created in military units, remote area, as well as in clinics and rest homes, hospitals and other health facilities, the polling station commissions can declare the closure of voting as soon as all voters in list have voted.

Article 30. Organizing of voting

Voting shall take place in specially allocated premises that are equipped with sufficient number of booths or arranged rooms, corners for issuing of ballots and putting ballot boxes for secret voting. Ballot boxes shall be located the way that voters approach them leaving voting booths.

For organizing of voting, securing secret will of voters, equipping premises and keeping necessary order the polling station commissions shall be responsible.

On the election day, before the start of voting, the ballot boxes shall be examined by the chairman of a polling station commission and be sealed and stamped in presence of all commission members.

Each voter shall vote in person, proxy voting shall be prohibited. Ballots shall be issued by the relevant election commissions on the base of the list of voters upon presenting by voter passport or other identification card. Each voter having received a ballot signs opposite his/her name in the list of voters.

A voter, who in the day of election may not be present in area of residence, can request a ballot from the relevant polling station commission, make his/her choice for electing a candidate to the post of the President and pass the filled and put in an envelope ballot to the polling station commission. The voter shall sign the list of voters about the ballot received. The form of ballot shall be determined by the Central Commission for Elections and Referenda.

In cases when some voters due to the health or other conditions cannot come to the polling premises, the polling station commission by their request shall commission at least two commission members to organize voting at their homes.

Voters who for some reasons are not included in the voters' list shall be entered in the additional list of voters based on their documents, which prove their identity and place of residence.

Article 31. Conducting of voting

Voters shall fill ballots in secret voting booths or rooms. While voting in the booth, the presence of no one but the voter shall be permitted. Those voters who cannot fill ballots on their own have right by their wish to invite another person into the voting booth or room, with the exception of election commission members.

A voter crosses out the names of those candidates whom he/she does not vote for. The filled ballot shall be cast into the ballot box.

Article 32. Ballot counting in polling station

Ballot counting in the polling stations shall be carried out by polling station commission separately for each candidate.

Ballot boxes shall be opened by the election commission in presence of members after the end of voting is announced by the chairman of the commission. It shall be forbidden to open ballot boxes until the end of voting. Before opening the ballot boxes, the election commission shall count all unused ballots, cancel them and compile an act on them.

Before opening the ballot boxes, the polling station commission in presence of election commission members cast the glued envelopes with ballots into the ballot boxes.

The polling station commission determines the total number of voters as well as the number of voters to whom ballots were issued on the base of the main list and additional list of voters. Based on the ballots in the boxes, the commission shall determine the number of voters in the polling station, the number of voters who participated in voting, the number of votes in support and against each candidate and the number of ballots recognized invalid. Ballots in which voter have added names shall not be taken into account.

Non-standard ballots as well as ballots voted for support of more than one candidate shall be considered invalid. In cases when hesitations arise about the reality of any ballot, the problem shall be solved by polling station commission through voting.

The result of ballot counting shall be determined in the meeting of the polling station commission and entered into the protocol.

The protocol shall be signed by the chairman, deputy chairman, secretary and members of commission and sent to the immediate upper election commission in accordance with the procedure established by the Central Commission for Elections and Referenda.

Article 33. Determining of the results in the district.

Based on the protocols of the precinct election commissions, the district election commission shall determine the number of voters in the district, the number of voters who participated in voting, the number of votes in support and against each candidate and the number of ballots recognized invalid.

The result of election in the district shall be determined in the meeting of the district election commission and entered into the protocol.

The protocol shall be signed by the chairman, deputy chairman, secretary and members of commission and sent to the Central Commission for Elections and Referenda in accordance with the established procedure.

Article 34. Determining the result of election of the President of the Republic of Tajikistan

The Central Commission for Elections and Referenda based on the protocols delivered by the district election commissions shall determine the number of voters in the republic, the number of voters who received ballot papers, the number of voters who participated in voting, the number of votes given “in support” and “against” each candidate and the number of ballots recognized invalid.

The election of the President shall be recognized valid if more than 50 per cent of voters included in the list have participated.

The candidate who have won more than 50 per cent of electorate votes who have participated in voting shall be recognized the elected President of the Republic of Tajikistan.

Election in general or in constituencies and polling stations can be considered invalid due to violations occurred in the process of election or ballot counting, which had an impact on the result of election. Decision on invalidating of election shall be made by the Central Commission for Elections and Referenda, which can be appealed at the Supreme Court of the Republic of Tajikistan within 10 days. The right to appeal the decision on recognition of election invalid shall belong to candidates to the post of the President of the Republic of Tajikistan.

In cases of invalid recognition of election in a district and a polling station, the results of voting in such districts and polling stations shall be excluded from the general result of election by decision of the Central Commission for elections and Referenda in condition if the election is recognized valid no matter of results of these.

Information on the result of the election of the President of the Republic of Tajikistan shall be published in press by the Central Commission for Elections and Referenda not later than 10 days after the election day.

Article 35. Repeat voting

If more than two candidates to the post of the President of the Republic of Tajikistan and none have won the required number of votes, repeat voting shall be conducted with the participation of the two first candidates who received the largest number of votes. If due to withdrawal of candidates, only one candidate remains, repeat voting shall take place on his/her candidacy. The Central Commission for Elections and Referenda schedules the day of repeat voting within one month but not earlier than 15 days after the Election Day.

The announcement of repeat voting shall be published in the press.

A candidate is considered elected if he received the largest number of votes in relation to another candidate, provided that more than half registered voters participated in the election, and the number of votes cast 'for' the candidate exceeds the number of votes cast 'against' him. If during the repeat voting no candidate is elected as President of the Republic of Tajikistan, the Central Commission for elections and Referenda shall schedule a repeat election of the President of the Republic of Tajikistan.

Article 36. Repeat election

If the election of the President of the Republic of Tajikistan is recognized as **invalid or not conducted**, or if no more than two candidates were nominated to the post of the President of the Republic of Tajikistan and none received the required number of votes, or in the President was not elected during the repeat voting, the Central Commission for Election and Referenda schedules a repeat election. Accordingly, it may pass a decision on creating district election commissions and precinct election commissions with a new composition. Voting shall be conducted in same polling stations, in accordance with the voters list compiled for conduction of the main election.

Creation of commissions, nominating and registering of candidates to the post of the President of the Republic of Tajikistan shall take place according to the procedure set forth in the present Constitutional Law.

The announcement on conducting a repeat election shall be published in the press. A repeat election shall not take place earlier than two months after the main election.

Article 37. Responsibility for violation of the Constitutional Law of the Republic of Tajikistan “On Election of the President of the Republic of Tajikistan” ([Constitutional law of RT 21.02.2018 c., No 1507](#))

Persons who by violence, deception, threat or otherwise obstruct the citizens of the Republic of Tajikistan in exercising their right to elect or be elected as the President of the republic or in conducting election campaign, as well as members of election commissions, officials of state and public bodies, who knowingly falsify electoral papers, miscount votes, violate secret ballot or commit other violations of the present Constitutional law are accountable in accordance with the Law. Persons who have knowingly published or by some ways disseminated false information discrediting the honour and dignity of a candidate to the President of the Republic, or offended the members of election commissions shall be prosecuted .

In case of violation of the present Constitutional Law by a candidate to the president of the republic, the Central Commission for Elections and Referenda shall warn the candidate, and in case of repeat violation, it can cancel the decision on registering the candidate to the post of the President of the republic.

Complaints addressed to election commissions and government and public bodies with regard to violations of the Constitutional law shall be considered within three days, and on day of election – immediately.

Article 38. Inauguration of the President of the Republic of Tajikistan

The President of the Republic of Tajikistan takes up duties from the day of inauguration, the text of which is provided by the Constitution of the Republic of Tajikistan (Article 67), at the joint session of Majlisi Milli and Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan

Chairman of the Supreme Council

E. Rahmonov

of the Republic of Tajikistan
Dushanbe, July 21, 1994
#1042

**DECREE OF THE SUPREME COUNCIL OF THE REPUBLIC OF
TAJIKISTAN**

**On implementation of the Constitutional Law of the Republic of
Tajikistan “On the Election of the President of the Republic of Tajikistan”**
(Akhbori Shuroi Oliy Jumhurii Tojikiston, 1994, #13, Article 196)

The Supreme Council of the Republic of Tajikistan **decrees:**

The Constitutional law of the Republic of Tajikistan “On Election of the
President of the republic of Tajikistan” shall be implemented from the moment
of its adoption.

**Chairman of the Supreme Council
of the Republic of Tajikistan**

E. Rahmonov

Dushanbe, 21 July 1994

#1043