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**THE ELECTORAL SYSTEM AND PROCESS
IN THE REPUBLIC OF KAZAKHSTAN**

Annatation. This article describes the basics and the stage of the electoral process in the Republic of Kazakhstan. The relevance of this work lies in the fact that the constitutional and legal institution of elections is central to the political rights system. Thanks to this institution citizens can directly, or through their representatives to participate in the management of public or public affairs, that is the most important manifestation of democracy. It is no accident in Kazakhstan since 1991, i.e., since the country gained independence, the question of improving the legislation on elections has been accessed repeatedly, as the most democratic electoral system always needs work, so it does not lag behind the political processes in the society. This paper analyzes the subjective, technological and institutional (phasic) components of the electoral process. Identified and substantiated a set of steps, consisting of specific election procedures and election activities. Based on research by the author attempts to reveal the main stages of the electoral process.

Key words: electoral process; institution of elections; democracy; election commissions; elections; election campaign; the political power of the Republic of Kazakhstan statehood.

The conditions of formation and development in the Republic of Kazakhstan a democratic state of law democracy, which in Soviet times was one of the formal institutions of the state, is now turned into a real constitutional basis for all of Kazakhstan's statehood, reform and the mechanism of its further development. From the voters' decision, determined by selecting a specific composition of the representative bodies of state power and local self-government, and party affiliation and associated further policies of elected bodies is largely dependent on the general direction of movement of the country in the near future. It is not enough to declare the Republic of Kazakhstan of democracy, including in the Constitution the relevant provision. The main thing - to ensure that this postulate is firmly entrenched in the minds of millions of citizens, the need to make democracy the masses. The most important role in this process is played by the elections and the referendum.

In the history of the achievements of human civilization elections and electoral procedures occupy a special place. The right of citizens to participate in the formation of government institutions is a recognized element of modern society and the state. Every country in its quest for political democracy has opened up new opportunities and conditions for citizens becoming full-fledged subjects of the world of politics and management. Today more than ever there is a need for constructive ideas in various areas of public and state activities. In our country already has a history of legal solutions to such complex problems as the open election of representative and executive bodies of state power and local self-government.

The electoral process is a legal process of preparation and conduct of elections has a rather complex structure. Distinguish its subjective, technological, and institutional (staging), the components of the electoral process. The subjective component of the electoral process encompasses a participant of the election campaign, which, due to giving those rights and responsibilities act as subjects of the election process [1].

The technological component of the electoral process includes the time (period) and formal (documents) constitute the legal regime of election campaigns. Election periods are playing a crucial role in the implementation of the electoral rights of citizens of Kazakhstan to act as one of the basic elements linking the election activities of all participants in the preparation and conduct of elections. Ballot papers appear in the electoral process in the role of legally significant information carrier on the appointment, training, the election campaign and its results.

The institutional part of the election process form the preparation and conduct of elections, formed based on electoral actions and steps. Accordingly, the election process is made in legislation and implemented in practice, first of all, the system of the successive stages of the organization and conduct of elections.

The electoral process in the Republic of Kazakhstan includes a statutory set of steps consisting of specific election procedures and election activities. Not to be confused stage of the electoral process with the stages of

preparation and holding of the election campaign. The stage of the electoral process - a broad category covering its scope several stages, consisting of a set of electoral actions aimed at achieving certain intermediate goal on the scale of a particular stage of organizing and holding elections. In other words, the stage and the stage of the electoral process as a whole and relate to part. As a result, the stage could well be described as a series circuit stages of the electoral operations.

For example, calling an election stage consists of the following steps:

1. Preparation of the decision to call elections;
2. Received the competent authority (official) decision to hold elections;
3. Official promulgation of the election date.

State agencies that provide training and conduct of elections in the Republic of Kazakhstan, is the image of a unified system of election commissions: the Central Election Commission of the Republic; territorial election commissions; district election commissions; precinct election commissions [2].

The election process begins with the announcement of the elections in the Republic of Kazakhstan. The President of the Republic of Kazakhstan appoints regular elections of deputies of the Senate and the Mazhilis at the end of the constitutional term. Election of deputies of the Senate shall be appointed not later than four months before the end of the constitutional term of office of deputies of the Senate and shall be held not less than two months before the end of the constitutional term of their powers. The elections of the Mazhilis deputies shall be appointed not later than five months and shall be held no later than two months before the end of the term of office of Mazhilis deputies. Republic of Kazakhstan Presidential elections are held every 7 years on the first Sunday of December and announced by Mazhilis of the Parliament of the Republic of Kazakhstan no later than the first of August Sunday. Regular elections of maslikhat deputies are appointed by the Central Election Commission not later than three months before the expiration of the term of office of maslikhats and must be held for at least one month before the expiration of the constitutional term of office of maslikhats. Elections to the local self-government - the territorial election commission.

After the step of calling an election process begins compilation of voter lists. Voter lists are compiled by the precinct election commission separately for each polling station, the basis for the inclusion of citizens in the voters list at a particular polling station is the fact of its registration at the place of residence in the territory of the polling station.

The most important moments of the election are the nomination of candidates and their registration. The right to nominate candidates belongs to public associations registered in the established order, directly to citizens through self-nomination, and maslikhats in respect of candidates to the Senate of the Parliament. Campaigning - activities aimed to encourage voters to vote for or against a particular candidate or political party. It starts from the date of registration of the candidates and ends at midnight local time on the day prior to Election Day.

The election campaign is carried out:

- 1) Through the media;
- 2) Through a public campaign events (pre-election meetings and meetings with voters (electors), public pre-election debates and discussions, rallies, marches, demonstrations and other campaign events, personal meetings of candidates and their proxies with voters (electors);
- 3) Through the issue and (or) distribution of printed, audiovisual and other campaign materials. It is prohibited to conduct pre-election campaign, to distribute any propaganda pre-election materials;
- 4) Applicants are being public officials are prohibited to take advantage of his official position.

Improper pre-election campaign is considered to election campaigning, followed by the provision of the voters free of charge or on preferential terms of goods, services, securities, and conducting lotteries, charitable actions, payment of money or the promise of such, except for the free distribution of printed, including illustrative materials as well as badges, flags, tags specially produced for the election campaign. Carrying of improper campaigning is prohibited. The right to conduct pre-election campaign The State shall guarantee to citizens, public associations of election campaigns for or against a particular candidate or political party [3].

Since the end of the registration period until the end of the campaign the candidates, political parties, have nominated the party list, have the right to agitation and propaganda of his election program in print and other media. Candidates, political parties nominating party lists shall be guaranteed equal access to the media for election campaigning. The State shall guarantee equal allocation of funds to candidates to speak with their programs in the media. Each candidate provided funds for a fifteen minutes speech on TV, ten-minute speech on the radio, as well as the publication in the print media of the two articles in the volume of no more than 0.1 of a printed sheet. The election program must not proclaim ideas of a forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, inciting social, racial, national, religious, class and tribal enmity, cruelty and violence, and creating not provided by the legislation paramilitaries. On the Election Day and the day preceding any election campaigning is prohibited. Voting and vote counting, definition of voting - it's one of the main stages of the electoral process.

It is at this stage is completed the people's will, as a result of the running for the candidates will be entitled to an elected mandate or if the electoral system allows for more than one round of voting, obtains the right to run in the next round. ballots are used for voting. The ballot paper includes all the registered candidates with indication of the surname, name and patronymic in the alphabetic order of the state language. The mere fact of voting from a purely technical side is carried out by feeding the newsletter [4]. In the premises for voting booths set arranged in such a way that the voter received a ballot before you put it in the ballot box, carefully walked through the cabin, which is not allowed the presence of other persons. Bulletins are issued to voters based on the voter lists upon presentation of an identity document of the voter. Votes cast are calculated first at the polling stations, the counting is done openly and begins at 20 o'clock.

In case of counting of votes the electoral commission determines total number of voters on the site; number of the voters who received bulletins; total number taken part in vote. It is counted votes on each candidate, each political party separately. Then the number of the valid and invalid bulletins is determined. The law precisely establishes what bulletins are considered as invalid. Results of presidential elections and deputies of Parliament are established by Central Election Commission, and deputies of maslikhat and local government bodies — a territorial election commission. Results of vote shall be published no later than 10 days from the date of elections of the President, deputies of the Senate and Mazhilis, deputies of maslikhat – 7 days, in members of local government bodies – 4 days. Regulations of the Constitutional law "About Elections in the Republic of Kazakhstan" provide criminal, administrative and other responsibility for violation of the legislation of the Republic of Kazakhstan on elections.

The steps of the electoral process must be considered together and not be isolated or infringe upon any of them. Their thought-sequence, open to participants of the electoral process and the media certainly can not only ensure the accuracy of the voters' will determine the outcome, but also enhance the confidence of citizens to the entire electoral system, put an end to the widespread expression of the philistine. They are the best way to help understand the nature and the importance of this process, which determines to some extent all further our lives.

Elections - a very effective form of not only ideological, but also political education of citizens, especially young people. That the elections contribute to the formation of active life position, where the need is so much wasted spoke in the preceding period of the country's history. Elections - is a way of educating the desire for freedom, the adjoint to the responsibility of the choice made in relation not only to himself but also to the tens, hundreds of thousands of their fellow citizens.

The percentage of voters participating in the elections in Kazakhstan and in other countries, is constantly decreasing. Our election legislation does not contain mechanisms for the promotion of citizens' participation in elections or "punishment" for non-participation in the elections. For example, many political scientists, sociologists, lawyers and academics have expressed an opinion on the introduction of compulsory voting on the territory of the Russian Federation, Kazakhstan lawmakers should think about this idea. The introduction of compulsory voting, will dramatically change the modern pattern, would lead to a large increase in the number of voting. There, where it was introduced, the turnout is sometimes increased to 90% for non-participation in the election of registered voters punished.

In our opinion, entering of obligatory vote not only would reduce probability of use of non-political and illegal levers by the voter, but also, most likely, would force politicians to approach a formulation of own line item more responsibly. When entering obligatory vote for citizens of RoK it is necessary to fix the additional guarantees providing forming of a will of voters and its expression namely:

- To give more complete information to voters about candidates (about availability of a criminal record irrespective of it is removed or it is extinguished, about violation of election propaganda, about property and the income of close relatives of the candidate);
- To finish the period of election propaganda at least three days before the ballot day;
- To provide institute of the power of attorney;
- To legislatively establish the status of the ballot as document of the strict reporting with protective brands, holograms and more than a long storage duration of bulletins after elections;
- To provide the administrative responsibility for violation of an order of production, transfer and storage of ballots. The electoral process allows realizing the main political function of civil society – legitimation of the operating public power [5]. And, at last, elections are a powerful instrument of impact on the political power, which aiming to keep the line items in public bodies, carries out the will of voters reflected not only in election programs and orders, but also in everyday public life.

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ САЙЛАУ ҚҰҚЫҒЫНЫҢ ЖҮЙЕСІ ЖӘНЕ ҮРДІСІ

Аннотация: Қазақстан Республикасының Конституциясы мемлекеттік билікті ұйымдастырудың басты принципі еркін сайлау және референдум арқылы, ал, мемлекеттік биліктің жалғыз көзі халық екендігін анықтады. Кемшіліксіз сайлау жүйесі жоқ. Кез келген жүйенің өз кемшіліктері мен артықшылықтары болады. Сайлау жүйесі ұғымы әдетте екі - тар және кең мағынада қолданылады. Кең мағынада сайлау жүйесі дегеніміз - Қазақстан Республикасындағы сайлауды өткізу мен ұйымдастыруға байланысты туындайтын қоғамдық қатынастар жүйесі. Оған сайлау комиссияларын құру мен олардың қызметі, сайлау округтерін, учаскелерін құру, сайлау алдындағы үгіт-насихат, сайлаудың қорытындыларын анықтау, т. б. жатады. Тар мағынада сайлау жүйесі дегеніміз - сайлауға қатысқан кандидаттардың немесе саяси партиялардың жеңімпаздарын анықтау жүйесі.

Тірек сөздер: Демократия, Қазақстан Республикасының Конституциясы, сайлау жүйесі, сайлау процесі, дауыс беру құқығы, сайлау органдарының жүйесі, референдум.

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ИЗБИРАТЕЛЬНАЯ СИСТЕМА И ПРОЦЕСС В РЕСПУБЛИКЕ КАЗАХСТАН

Аннотация. Конституция Республики Казахстан закрепляет, что основными принципами организации государственной власти являются референдум и свободные выборы, и единственным источником власти является народ. Нигде нет идеальной избирательной системы. Любая система имеет свои преимущества и недостатки. В научной литературе существует два подхода к пониманию понятия «избирательная система» - широкий и узкий. Избирательная система в широком смысле - совокупность правовых норм, регулирующих порядок предоставления избирательных прав, проведения выборов в органы государства и местного самоуправления, определения результатов голосования. Такая система правовых норм в совокупности образует избирательное право. Избирательная система в узком смысле - порядок определения результатов голосования.

Ключевые слова: Демократия, Конституция РК, избирательная система, избирательный процесс, избирательное право, система избирательных органов, референдум.