



**LAW ON THE ELECTION OF THE STATE
GREAT HURAL OF MONGOLIA**

**PROCEDURE FOR
OBSERVATION AND REPORTING
ON THE ELECTION OF THE
STATE GREAT HURAL OF MONGOLIA**

ULAANBAATAR
2012



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LAW OF MONGOLIA

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**LAW ON THE ELECTION OF THE
STATE GREAT HURAL OF MONGOLIA**

(Revised)

CHAPTER ONE

General provisions

Article 1. Purpose of the Law

1.1. The purpose of the Law is to define the basic principles and procedures of the election of State Great Hural of Mongolia, ensure the right of a citizen of Mongolia to elect and be elected, and regulate the relations arising from the organization and conduct of elections.

Article 2. Legislation on the State Great Hural elections

2.1. The legislation on the election of the State Great Hural of Mongolia consists of the Constitution of Mongolia,¹ this law, and and other legal acts passed in conformity with these laws.

Article 3. Legal terms and definitions

3.1. The following terms used in this Law shall be construed as follows:

3.1.1. “Voter” means a citizen of Mongolia eligible to vote;

3.1.2. “Citizen eligible to vote” means a citizen who has attained the age of eighteen years and has the full legal capacity as set forth in Article 15.1 of the Civil Law;²

1 Constitution of Mongolia, State Information Bulletin, Issue 1, 1992

2 Civil Law of Mongolia, State Information Bulletin, Issue 7, 2002

3.1.3. “Candidate” means a citizen who has been nominated and registered for election as a Member of the State Great Hural of Mongolia and has obtained a candidate identification card as per the procedures set forth in this Law;

3.1.4. “Attaining the age of eighteen years” means a citizen’s attainment of this age on or before the polling day as counted from the date of his/her birth;

3.1.5. “Attaining the age of twenty five” means a citizen’s attainment of this age on or before the polling day as counted from the date of his/her birth;

3.1.6. “Party member” means a citizen who has become a member of and registered with apolitical party;

3.1.7. “State-owned legal person” means a state authority, office, or a state-owned enterprise defined in Articles 13 and 15 of the Law on State and Local Property;³

3.1.8. “Partially state-owned legal person” means a legal person defined in Article 21 of the Law on State and Local Property that holds state-owned shares or where the state is an investor.

Article 4. State Great Hural (Parliament) of Mongolia election

4.1. Election of the State Great Hural of Mongolia (hereinafter referred to as “election”) is the principal means of constituting the legislature with their representatives by the people of Mongolia through the exercise of state power.

4.2. The types of election shall be a regular election, non-regular election, by-election, and re-election.

4.3. “Regular election” means an election that is held every four years pursuant to Article 21.2 of the Constitution of Mongolia.

3 Law of Mongolia on Public Property, State Information Bulletin, Issue 11, 1996

4.4. A regular election must be held within the time frame set forth in Article 4.3 of this law and it is prohibited to alter the time frame set forth in Article 4.3 hereof in circumstances other than the state of emergency provided for in the Constitution of Mongolia.

4.5. “Non-regular election” means an election to be held if the State Great Hural of Mongolia (hereinafter referred to as “State Great Hural”) decides to dissolve itself or the President of Mongolia decides to dissolve the State Great Hural pursuant to Article 22.2 of the Constitution of Mongolia.

4.6. “By-election” means an election to be held to fill a seat vacated by a Member of the State Great Hural pursuant to Article 52.1 and 52.2 hereof.

4.7. “Re-election” means a new election to be held in the country’s entire territory after a regular or non-regular election has been deemed invalid as a whole or in districts after a regular, non-regular or by-election has been deemed invalid in one or more districts.

4.8. Pursuant to Article 21, Section 1 of the Constitution of Mongolia, 76 members shall be elected to the State Great Hural.

4.9. Not more than the first 48 candidates of the slate referred to in Article 27.1 of this law shall be elected from 26 electoral districts referred to in Article 12 hereof, and not more than 28 candidates shall be elected from the list of a political party or an electoral coalition of political parties (hereinafter referred to as “party or coalition”) respectively.

/Provision of this Article “...issued in accordance with Article 49.1.6 of this law...” has been rendered null and void by Resolution No.03 of May 2nd, 2012 of the Constitutional Court of Mongolia./

Article 5. Principles of election

5.1. The election system shall undertake to ensure the right of an eligible voting citizen of Mongolia to elect a Member of the State Great Hural through universal, free and direct suffrage by secret ballot pursuant to

Article 21.2 of the Constitution of Mongolia.

5.2. Election shall be universal and every citizen of Mongolia eligible to vote (hereinafter referred to as “eligible voting citizen”) is entitled to participate therein.

5.3. A voter shall participate in the election based on direct suffrage without any representation and cast his/her vote by himself/herself.

5.4. Election shall be free and any attempt to force or prevent a voter’s participation and free expression of his/her will in an election shall be prohibited.

5.5. A voter shall be provided with an opportunity to express his/her will through secret ballot without undue influence.

5.6. A citizen who has intentionally hindered a voter from exercising his/her right set forth in Article 5.4 and 5.5 hereof in any manner shall be subject to a fine in Togrogs equal to one to two times the monthly minimum wage, an official to two to three times the monthly minimum wage, and a legal person to three to seven times the monthly minimum wage respectively.

5.7. A violation of Article 5.4 and 5.5 hereof committed by a civil servant shall provide the grounds for his/her dismissal without a right to reinstatement in public service for a period of one year.

Article 6. Right of citizen of Mongolia to elect and be elected

6.1. An eligible voting citizen is entitled to participate in an election without discrimination on the grounds of ethnicity, language, race, sex, social origin and status, property, employment, occupation, religion, opinion, and education.

6.2. A citizen of Mongolia, who is twenty five years of age, has full legal capacity and meets the criteria set forth in this Law shall have the right to be elected a Member of the State Great Hural.

6.3. Illegal restriction of the right of a citizen of Mongolia (hereinafter referred to as “citizen”) to elect and be elected shall be prohibited.

6.4. A citizen whose legal incapacity is proven by a court decision or who is serving imprisonment shall not have the right to participate in an election.

6.5. “Proof of legal incapacity by a court decision” shall be construed as proof of a citizen’s legal incapacity by a court of law as per the procedures set forth in Article 18.2 of the Civil Law and Articles 141-143 of the Civil Procedure Law.⁴

6.6. “Citizen serving imprisonment” shall be construed as a citizen serving imprisonment as per an effective court decision and also include a citizen who is evading imprisonment or who is on temporary release from prison.

6.7. An eligible voting citizen residing in a foreign country in which a diplomatic mission of Mongolia is located and registered with the state register shall abide by the following procedures to participate in an election.

6.7.1. An eligible voting citizen residing in a foreign country should notify of his/her participation in the election and register and participate therein in person;

6.7.2. An eligible voting citizen residing in a foreign country should only vote for a party or coalition that is participating in the election; and

6.7.3. Polling of an eligible voting citizen residing in a foreign country should be held and his/her sealed vote delivered to the General Election Commission within at least 15 days prior to the polling day.

6.8. Procedures related to the participation and polling of an eligible voting citizen residing in a foreign country in which a diplomatic mission of Mongolia is located in an election shall be jointly approved and

⁴ Law of Mongolia on Civil Procedure, State Information Bulletin, Issue 8, 2002

administered by the General Election Commission and Cabinet Member in charge of foreign relations.

6.9. A citizen who is in violation of Article 6.3 hereof shall be subject to a fine in Togrogs equal to two to four times the monthly minimum wage, an official to three to five times the monthly minimum wage, and a legal person to five to seven times the monthly minimum wage respectively.

6.10. A violation of Article 6.3 hereof committed by a civil servant shall provide the grounds for his/her dismissal without a right to reinstatement in public service for a period of one year.

Article 7. Right to nominate candidates for membership in the State Great Hural

7.1. A party or a coalition referred to in Article 23.1 hereof has the right to propose a candidate for a Member of the State Great Hural.

7.2. Provided that a citizen referred to in Article 6.2 hereof obtains support of at least 801 voters from one electoral district he/she shall the right to propose his/her candidacy for a Member of the State Great Hural as an independent candidate in the given electoral district.

Article 8. Setting and announcement of the election date

8.1. The State Great Hural shall set and announce the election date within at least 60 days before the polling day.

8.2. The polling day of a regular election shall be a working day in the last week of June of the election year.

8.3. "Election year" shall be construed as a year in which a regular election set forth in Article 4.3 hereof shall be held.

8.4. The polling day set forth in Article 8.2 hereof shall be a public holiday.

8.5. If a regular election cannot be held owing to extraordinary

circumstances such as natural disaster, other unforeseen danger, or a state of war or public disorder set forth in Article 25.2 and 25.3 of the Constitution of Mongolia occurring in the whole or part of the country's territory, the State Great Hural shall be postpone the regular election.

8.6. In the event the extraordinary circumstances referred to in Article 8.5 hereof arise after the formal announcement of the election date by the State Great Hural, the State Great Hural shall repeal its decision that sets and announces the election date and discontinue regular election activities.

8.7. In the event the State Great Hural postpones the election pursuant to Article 8.5 hereof or repeals its decision that sets and announces the election date and discontinues regular election activities pursuant to Article 8.6 hereof, relations pertaining to the setting and announcement of the date for a regular election following the end of extraordinary circumstances referred to in Article 25.2 and 25.3 of the Constitution of Mongolia shall be regulated under Article 30.5 and 30.6 of the Law on the State Great Hural of Mongolia.⁵

Article 9. Principles of administration of elections

9.1. A state authority and a body of local self-government and their officials in charge of administering an election, a party or a coalition participating in the elections as well as other organizations and officials shall abide by the following principles in organizing and participating in an election:

9.1.1. Rule of law;

9.1.2. Transparency;

9.1.3. Integrity;

9.1.4. Expeditious, objective and fair dispute resolution; and

9.1.5. Inevitability of legal liability of an organization or official that is in breach of voter rights and/or electoral legislation.

⁵ Law of Mongolia on the State Great Hural, State Information Bulletin, Issue 8, 2006

9.2. Decisions on the preparations for and organization of elections issued by election committees within the bounds of their powers granted under this Law for uniform compliance shall be made public through the mass media.

9.3. The principle of transparency of electoral administration shall not apply to the vote by secret ballot.

9.4. A media outlet or its official is obligated to disseminate accurate and objective information on election activities.

9.5. A non-governmental organization with a statutory purpose of promoting citizen participation in the management of state affairs has the right to facilitate, as per procedures prescribed by the General Election Commission, a lawful and fair conduct of elections by way of monitoring the compliance of election committees or other organizations and officials participating in the electoral process with the electoral legislation, providing voter education and skills training to ensure the exercise of voter rights.

9.6. Chairperson of an election committee who is in violation of Article 9.2 hereof shall be subject to a fine in Togrogs equal to two to three times the monthly minimum wage, a media outlet that is in breach of Article 9.4 hereof to fifteen to twenty times the monthly minimum wage, and a media outlet official to two to three times the monthly minimum wage respectively.

Article 10. Economic guarantee for election activities

10.1. The following expenses related to election administration shall be financed from the public budget.

10.1.1. Operating expenses of electoral bodies as well as the purchase, lease, application, protection, storage, maintenance, printing, manufacturing, transportation, and delivery of identification cards of candidates, a party or a coalition's election office staffers, aides to candidates, electioneers and election observers, ballot papers, independent candidate's supporter-voter signature collection forms, electoral rolls,

election outcomes and data forms, letterheads and stamps, seals and wax for electoral district, sub-district and division committees, polling equipment and software, and marking devices;

10.1.2. Ballot boxes and electoral division committee office and polling station furnishings and supplies;

10.1.3. Printing and delivery of election legislation and legal acts and manuals pertaining to election administration ;

10.1.4. Training on electoral process management for chairmen, secretaries, and members of electoral district, sub-district and division committees;

10.1.5. Public education and public information activities on the electoral legislation and organization and administration as well as progress and timelines of the electoral process;

10.1.6. Monitoring of the campaign finance and its expenditure by parties, coalitions and candidates;

10.1.7. Conduct of re-polling, non-regular election, by-election or re-election;

10.1.8. Monetary remuneration and catering for chairmen, secretaries, and members of election committees in a period of their work in election committees;

10.1.9. Stationery, mail, communications, transportation and travel per diems for election committees;

10.1.10. Contingency provisioning for extraordinary circumstances; and

10.1.11. Other expenses approved by the State Great Hural.

10.2. The State Great Hural shall approve the expenditures to be financed from the public budget as set forth in Article 10.1 hereof on a case by

case basis, supported by the outlays the General Election Commission has produced on the basis of population data provided by the state registration office.

10.3. Fully or partially state- and local government-owned legal entities shall provide facilities for district, sub-district and division committees and polling free of charge.

10.4. A governor of an administrative and territorial unit of the given level shall be responsible for ensuring the provision of facilities, transportation, communications, and other means required for district, sub-district and division committees.

10.5. State central and local audit offices shall conduct audit and give an opinion on the execution of expenditures set forth in Article 10.1 hereof.

10.6. An official who is in breach of Article 10.3 hereof shall be subject to a fine in Togrogs equal to two to three times the monthly minimum wage, a legal person to three to seven times the monthly minimum wage, and a governor that is in breach of Article 10.4 hereof to two to three times the monthly minimum wage respectively.

CHAPTER TWO

Structure of electoral area

Article 11. Division of electoral area

11.1. The electoral area shall be the territory of Mongolia.

11.2. The electoral area in which 48 Members of the State Great Hural stipulated in Article 4.9 hereof are elected shall be divided into electoral districts (hereinafter referred to as “district”) created pursuant to Article 12.1 and 12.2 hereof.

11.3. A district shall be divided into electoral divisions (hereinafter referred to as “division”).

Article 12. District and its delimitation

12.1. The State Great Hural shall create 26 districts with account taken of the population size and boundaries of administrative and territorial units within aimags (provinces) and capital city districts, and set the number of mandates in a district, district identification number, its territory and center at least six months before the polling day.

12.2. In the case the population in an aimag or capital city district is less than the national average established for district creation, an adjacent aimag or capital city district may be combined to delimit a district.

12.3. National averages for electoral district population shall be set differently for aimags and capital city.

12.4. The General Election Commission may put forward a proposal to change districts to the State Great Hural in the following cases.

12.4.1. If a change made to the division of administrative and territorial units may affect the structure of districts; and

12.4.2. If a change of more than 20 percent in the size of a district population that has occurred in the period following the previous election may affect the structure of the district.

Article 13. Division and its creation

13.1. Presiding officers of Citizens Representatives Hurals of soums (provincial district) and city districts shall create polling and vote counting divisions based on the resident domicile data of their respective administrative and territorial units as provided by the government authority in charge of state registration, and announce division territories and centers before February 15 of a regular election year.

13.2. One division shall have up to 2,000 voters in a soum, up to 2,500 voters in an aimag center, and up to 3,000 voters in a capital city district.

13.3. Separation of voters in an organized manner from an already created division due to extraordinary circumstances, integration of divisions or creation of a new division may be undertaken within at least seven days before the polling day.

CHAPTER THREE

Electoral management system and its structure and powers

Article 14. System of electoral bodies

14.1. The electoral management system shall consist of central and local electoral bodies.

14.2. The central electoral body shall refer to the General Election Commission and local electoral bodies to electoral district committee (hereinafter referred to as “district committee”), electoral sub-district committee (hereinafter referred to as “sub-district committee”), and electoral division committee (hereinafter referred to as “division committee”).

14.3. The General Election Commission shall organize election activities nationwide, district committees in district territories, sub-district committees in soums and city districts, and division committees in administrative and territorial units respectively.

14.4. Election committees shall operate on the principle of hierarchy where subordinate election committees must enforce legal decisions issued by superior election committees, and superior election committees shall have the right to repeal illegal decisions made by subordinate election committees.

14.5. Only a core civil servant or public service employee shall be appointed and hired to work for a district, sub-district, or division committee.

14.6. A representative of a party or a coalition which is participating in the election, political appointees, and member of the Constitutional

Court, judge, prosecutor or candidate for a Member of the State Great Hural is prohibited from membership in election committees.

14.7. A district, sub-district and division committee shall exercise its powers from the date it has been created until the General Election Commission discontinues the activities of district committee and district committees discontinue the activities of sub-district and division committees in their respective jurisdictions.

14.8. The chairperson, secretary or a member of a district, sub-district or division committee is prohibited from conducting or organizing or abetting in any manner any illegal action such as promotion of a party, coalition or candidate participating in the election, intentional hindrance to the exercise of voter rights or to the polling or vote counting processes thereof, voting on someone else's behalf, tampering with security seals of a sealed mobile ballot box or vote counting machine, signature forging, replacement of a ballot paper, and using non-standard ballot paper for polling.

14.9. Chairpersons, secretaries, and members of election committees shall adhere to the code of ethics for election committee member approved by the State Great Hural.

14.10. Civil servants, candidates, campaign bodies of parties or coalitions participating in an election, and their staff, aides to candidates, electioneers and other entities are prohibited from interfering with and/or otherwise hindering the activities of election committees on organizing elections and/or monitoring compliance with the electoral legislation.

14.11. In circumstances other than those where the chairperson, secretary or a member of a district, sub-district or division committee is apprehended in the process of committing an offense or at scene with incriminating evidence in the period of elections, it is prohibited to bring a criminal charge against, apprehend or detain him/her without the consent of a superior election committee, transfer him/her to another job without his/her consent or dismiss him/her from his/her job at the discretion of the administration.

14.12. State and local self-government authorities and economic entities and organizations have the duty to participate in the organization of elections within the bounds of their powers set forth in this Law, Law on Administrative and Territorial Unit and its Administration⁶ and other applicable laws, by fulfilling the legal demands put forth by election committees of appropriate levels and assisting them in their work.

14.13. If a violation of Article 14.8 hereof does not warrant bringing a criminal charge against the chairperson, secretary or a member of an election committee, he/she shall be removed from the composition of the election committee and the violation shall provide the grounds for his/her dismissal from civil service without a right to return to civil service for a period of one year.

14.14. An official in violation of Article 14.10 hereof shall be subject to a fine in Togrogs equal to two to three times the monthly minimum wage, candidate or other persons or entities to one to two times the monthly minimum wage, a party or coalition to three to seven times the monthly minimum wage, an official in violation of Article 14.12 hereof to two to three times the monthly minimum wage, and a legal person to three to seven times the monthly minimum wage respectively.

14.15. A public servant is in violation of Article 14.11 hereof shall be subject to a disciplinary sanction stipulated in applicable laws.

Article 15. The General Election Commission and its powers

15.1. The legal status, structure, and operating procedures of the General Election Commission shall be determined by law.

Article 16. District committee and its powers

16.1. The General Election Commission shall create district committees each consisting of chairperson, secretary, and an odd number of 7 to 13 members and announce them nationwide within at least 55 days before the polling day.

⁶ Law on Administrative and Territorial Unit and its Administration of Mongolia, published in State Information Bulletin, Issue 2, 2007

16.2. A district committee shall exercise the following powers in its territory:

16.2.1. plan and organize an election ;

16.2.2. monitor the enforcement of the electoral legislation;

16.2.3. provide administrative and methodological guidance to the activities of its subordinate sub-district and division committees;

16.2.4. assign division committee numbers;

16.2.5. expend public funds allocated by the General Election Commission for stated purposes, disburse funds to subordinate sub-district and division committees as per applicable procedures and monitor expenditure thereof;

16.2.6. register and issue identification cards to candidates running in the district;

16.2.7. coordinate activities of its district and division committees and state and local-government authorities of appropriate levels on matters pertaining to the organization and conduct of elections in the given territory, hear reports from their senior officials and take necessary action;

16.2.8. review and resolve petitions or complaints with regard to the decisions made by its sub-district or division committee and respond in writing thereof;

16.2.9. total the voting results of the district based on the polling outcome reports by its sub-district and division committees, deliver the collation report to the General Election Commission, announce election results to the public;

16.2.10. organize re-polling, by-election and re-election within the bounds of its powers and as per legislation;

16.2.11. compile election documents as per procedures approved by the General Election Commission and submit them to the General Election Commission;

16.2.12. perform tasks related to the organization and conduct of elections as assigned by the superior election body in accordance with law; and

16.2.13. Other powers prescribed by law.

Article 17. Sub-district committee and its powers

17.1. A district committee shall create a sub-district committee consisting of chairperson, secretary and 5 or 7 members in a soum or, if required, a city district and make public announcement in the respective territory within at least 50 days before the polling day.

17.2. A sub-district committee shall exercise the following powers in its territory, apart from those stipulated in Article 16.2.1, 16.2.2, and 16.2.7 hereof:

17.2.1. provide administrative and methodological guidance to the activities of its division committees;

17.2.2. expend public funds allocated by the district committee for the stated purposes, disburse funds to division committees as per applicable procedures and monitor expenditure thereof;

17.2.3. review and resolve petitions or complaints pertaining to issues within its jurisdiction, respond in writing thereof;

17.2.4. total the voting results for the respective territory based on polling outcome reports by its division committees, deliver the collation report to the respective district committee, announce election results to the public;

17.2.5. perform tasks pertaining to the organization and conduct of elections as assigned by its superior election committee in accordance with law;

17.2.6. compile election documents as per procedures approved by the General Election Commission and submit them to the respective district committee; and

17.2.7. Other powers prescribed by law.

Article 18. Division committee and its powers

18.1. A district committee shall create division committees each consisting of chairperson, secretary and members and announce them in the respective territory within at least 45 days before the polling day.

18.2. The membership of a division committee shall be defined based on the number of voters in the given territory and workload, as follows:

18.2.1. 5 or 7 where the division has up to 2,000 voters;

18.2.2. 7 or 9 where the division has 2,000-2,500 voters; or

18.2.3. 9 or 11 where the division has more than 2,500 voters.

18.3. A division committee shall have the following powers:

18.3.1. notify voters of the division committee's address and work schedule and the polling day and hours;

18.3.2. notify a corresponding state registration office of voter transfers and registration of transferred voters;

18.3.3. notify a corresponding state registration office of erroneous entries of persons whose legal incapacity has been proven by a court of law or who are serving imprisonment terms in the electoral roll;

18.3.4. notify a corresponding state registration office to ensure the resolution of a conflict between the voter data specified in Article 20.2 hereof and the data in his/her citizen identification card;

18.3.5. prepare polling station premises, mobile ballot boxes,

vote counting equipment and other items required for polling and organize ballot casting;

18.3.6. total voting results and deliver collation report to the respective sub-district committee or, in its absence, to the respective district committee without delay;

18.3.7. compile election documents as per procedures approved by the General Election Commission and submit them to the respective sub-district committee or, in its absence, to the respective district committee;

18.3.8. resolve petitions or complaints pertaining the organization of elections, polling and/or vote counting within its jurisdiction or submit these to a competent authority;

18.3.9. perform tasks assigned by superior election committees in accordance with law; and

18.3.10. Other powers prescribed by law.

Article 19. Proceedings of election committee

19.1. A district, sub-district or division committee shall discuss an issue within its jurisdiction in a committee meeting, pass the decision by a majority vote of the members present and issue a resolution thereof.

19.2. The quorum for the committee meeting referred to in Article 19.1 hereof shall be set at no less than two thirds of the election committee members.

19.3. The chairperson, secretary or a member of an election committee shall be prohibited from leaving the meeting referred to in Article 19.1 hereof without valid excuse.

19.4. In the event the chairperson, secretary or a member of the election committee leaves the meeting without valid excuse he/she shall be deemed present and having voted against the issue under discussion in the meeting.

19.5. The resolution referred to in Article 19.1 hereof shall be signed by the chairperson and secretary of the election committee.

19.6. The chairperson and secretary of the election committee shall have no right to refuse to sign a resolution issued in a meeting attended by at least two thirds of the election committee members as per Article 19.2 hereof.

19.7. An election committee shall issue and approve, in a meeting, the rules of order which shall spell out the norms of transparency and openness of its activities and terms of reference, operating principles and procedures of its members.

19.8. Decisions issued at election committee meetings shall be made public.

19.9. Minutes of an election committee meeting shall be taken as per rules approved by the General Election Commission and the responsibility for note taking shall be assigned to a member of the election committee.

19.10. Election documents shall be recorded. The documents to be recorded and record-keeping rules and procedures shall be determined by the General Election Commission.

19.11. The chairperson of a district or sub-district committee shall issue a directive on issues of internal operations.

19.12. The chairperson, secretary or a member of an election committee shall be given leave of absence from his/her principal job in light of the duty to be performed and his/her principal employer shall pay his/her salaries for the period in question.

19.13. Unless otherwise provided by law, a complaint against a decision made by a lower election committee may be lodged with a superior election committee and the latter shall review and resolve the complaint and respond to the complainant in writing within three working days following receipt of the complaint.

19.14. An election committee has a right to put forth a legal demand to an

organization or an official that bears duties under the electoral legislation to review and resolve issues pertaining to the organization and conduct of elections or examination of breaches of law or redress of breaches of law. The organization or official in receipt of such a demand shall address the issue in question and furnish a written notification within two working days following the receipt of the demand.

19.15. The General Election Commission or a district committee may issue a procurement contract to an individual or legal person within the scope of the allocated public funding and without competitive bidding. This process shall not be subject to regulation under the Law on Public Procurement of Goods, Works and Services⁷.

19.16. All organizations, officials and citizens that bear duties under the electoral legislation shall be obligated to implement the decisions issued by their respective election committees within the bounds of their legal powers.

19.17. Chairperson of an election committee who is in breach of Article 19.9 hereof shall be subject to a fine in Togrogs equal to two to three times the monthly minimum wage, committee member to one to two times the monthly minimum wage, chairman, secretary or member of an election committee who has failed to respond within the time frame set in Article 19.13 hereof to a fine of two to three times the monthly minimum wage, an official who has failed to respond within the time frame set forth in Article 19.14 hereof to a fine of two to three times the monthly minimum wage, a citizen who is in breach of Article 19.16 hereof to a fine of one to two times the monthly minimum wage, an official to a fine of two to three times the monthly minimum wage, and a legal person to a fine of three to seven times the monthly minimum wage respectively.

19.18. Chairman or secretary of an election committee who is in breach of Article 19.6 hereof shall be removed from the election committee and the violation shall provide the grounds for dismissal of the civil servant without a right of return to civil service for a period of one year.

⁷ Law of Mongolia on Public Procurement of Goods, Works and Services, “State Information” bBulletin, Issue 48, 2005

CHAPTER FOUR

Electoral roll

Article 20. Preparation and exposure of electoral roll

20.1. The electoral roll shall be prepared based on the national civil registration and information database. The government authority in charge of state registration shall organize and administer the verification of the electoral roll, removal of duplicate entries, and registration of eligible voting citizens absent from voter lists and other relevant activities nationwide.

20.2. Father's (or mother's) name, given name, age, sex, citizen identification card number, personal identification number and residence address of a voter with domicile in a given division's territory shall be recorded in the electoral roll and voters shall be listed in order of residential address thereof.

20.3. State registration branch offices of aimags and capital city shall review the electoral rolls prepared by respective soum, district or khoroo state registration units and staff as per the forms approved by the General Election Commission and the domicile register of bagh (smallest local administrative unit) and khoroo populations, and deliver it to the central government authority in charge of state registration.

20.4. The central government authority in charge of state registration shall compile the data registering the last name (father or mother's), given name, age, sex, citizen identification card number, personal identification number and domicile of eligible voting citizens on the electoral roll referred to in Article 20.3 hereof for each aimag, capital city, soum, district, bagh and khoroo and for each division created pursuant to Article 13.1 hereof, and post the electoral roll on its website by the 15th day of March of the election year and keep it thereon until the end of the election.

20.5. **The central government authority in charge of state registration shall ensure that an eligible voting citizen has access only to his/her personal**

data in the electoral roll posted on the website pursuant to Article 20.4 hereof.

20.6. The Supreme Court and the central court decision enforcement authority shall prepare the data on citizens of voting age whose legal incapacity has been determined by court of law and on citizens of voting age serving imprisonment respectively and deliver the data to the central government authority in charge of state registration by the 10th day of April of the election year.

20.7. The central government authority in charge of state registration shall make the following changes to the electoral roll posted on the website pursuant to Article 20.4 hereof and prepare and deliver the revised electoral roll in hard copy and soft copy to the General Election Commission within at least 55 days before the polling day:

20.7.1. Changes made in response to the complaint by a voter about his/her non-registration or incorrect registration in the electoral roll referred in Article 20.4 hereof;

20.7.2. Changes in civil registration data such as a voter's last name (father or mother's), given name, age, sex, citizen identification card number, personal identification number and domicile;

20.7.3. Changes associated with the data on person's death; and

20.7.4. Changes associated with the data on citizens referred to in Article 20.6 hereof.

20.8. The General Election Commission shall organize the electoral rolls delivered pursuant to Article 20.7 hereof by each electoral district and deliver the electoral rolls in hard copy and soft copy to the corresponding district committees within at least 50 days before the polling day.

20.9. A district committee shall create an electronic database with the electoral roll referred to in Article 20.8 hereof systematized for each district division and deliver the division electoral rolls in hard copy and soft copy to corresponding division committees within at

least 40 days before the polling day.

20.10. Commander of a military regiment or unit based in the division's territory shall prepare data on citizens of voting age serving in the regiment/unit, and chief of police and court decision enforcement authority shall prepare data on citizens of voting age arrested or detained temporarily or on remand on the grounds of administrative offences or in the course of legal proceedings, as per forms approved by the General Election Commission and deliver the data to corresponding division committees within at least 30 days before the polling day.

20.11. A division committee shall check the electoral roll referred to in Article 20.9 hereof against the data on citizens of voting age referred to in Article 20.10 hereof. The checked electoral roll shall be signed by the chairperson and secretary of the division committee and displayed publicly within at least 20 days before the polling day to allow voters free access to the information.

20.12. Procedures for review and alteration of electoral rolls shall be approved jointly by the central government authority in charge of state registration and General Election Commission.

20.13. A voter should check his/her registration in the electoral roll referred to in Article 20.4 and 20.11 hereof within at least ten days before the polling day.

20.14. A division committee shall report the number of voters registered in the electoral roll referred to in Article 20.11 hereof to its district committee and the district committee shall total and report the number of voters from division committees to the General Election Commission.

20.15. An electoral roll shall consist of main ballot box polling list and sealed mobile ballot box polling list.

20.16. A voter shall be registered in one electoral roll of one electoral division only.

20.17. Reproduction and distribution of an electoral roll is prohibited in

circumstances other than where it is required for division committee's statutory purposes or requested by a party, a coalition or an independent candidate participating in the election.

20.18. A party, a coalition or an independent candidate that has made a request pursuant to Article 20.17 hereof shall bear the expenses for the preparation of hard copy and soft copy of an electoral roll. The cost of work shall be determined by the General Election Commission.

20.19. An official who is in breach of Article 20.3-20.7, 20.10, and 20.16 hereof shall be subject to a fine in Togrogs equal to two to three times the monthly minimum wage, chairman; secretary or member of election committee who is in breach of Article 20.8, 20.9, 20.11, and 20.14 hereof to two to three times the monthly minimum wage; and an entity in breach of Article 20.17 hereof to two to three times the monthly minimum wage.

20.20. In the case a violation referred to in Article 20.19 hereof is grave; it shall serve as the ground for dismissal of the official without a right of return to civil service for a period of one year.

Article 21. Procedures for resolving voter registration complaint

21.1. If the name of a voter or of his/her family member is not registered or registered incorrectly in the electoral roll, the voter shall lodge a written complaint in his/her name or on behalf of his/her family member with the corresponding state registration office at least ten days before the polling day.

21.2. A state registration office in receipt of a complaint pursuant to Article 21.1 hereof, shall retrieve the data on the complainant from the national civil registration and information database and issue a reference note. An authorized civil registration office staff assigned to the division committee shall make a change to the voter's data in the electoral roll within three days, based on the reference note.

21.3. Alteration of an electoral roll on grounds other than those laid down in Article 21.2 hereof is prohibited.

21.4. Taking actions referred to in Article 21.1 and 21.2 hereof on the polling day is prohibited.

21.5. An official who is in violation of Article 21.2-21.4 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage.

Article 22. Transfer of voter

22.1. A voter shall vote in a division that corresponds to his/her place of domicile.

22.2. Transfer of voters shall be discontinued 30 days before the polling day and a division committee is prohibited from registering a voter transfer within 30 days before the polling day.

22.3. If a voter transfers within 30 days before the polling day, he/she shall make a request providing official business or health related reasons, to the division committee responsible for his/her place of domicile and the division committee shall notify the corresponding state registration office thereof.

22.4. A voter who has transferred pursuant to Article 22.3 hereof shall notify the division committee of the place he/she has transferred to of the transfer and the division committee shall notify the corresponding state registration office thereof.

22.5. The corresponding state registration offices shall be responsible for the removal and entry of the transferring voter in the relevant division electoral rolls based on the notifications from the relevant division committees referred to in Article 22.3 and 22.4 hereof.

22.6. Transfer/migration of citizens from one administrative unit to another shall be suspended in the whole of the country from the day of announcement of the elections until the end of the polling day.

22.7. The chairperson or secretary of an election committee who is in violation of Article 22.2-22.4 hereof shall be subject to a fine in Togrogs

equal to three to five times the monthly minimum wage, election committee member to two to four times the monthly minimum wage, and an official who is in violation of Article 22.5 and 22.6 hereof to three to five times the monthly minimum wage respectively.

CHAPTER FIVE

Party and coalition participating in election

Article 23. Expression of intent to participate in elections by a party or a coalition

23.1. A party which has registered with the Supreme Court before the day of announcement of elections shall have the right to participate in the election.

23.2. Two or more parties may participate in an election as a coalition in which case Article 23.1 hereof shall be applicable to each party forming the coalition.

23.3. A party or a coalition shall express its commitment to abide by the Constitution of Mongolia, Law on the Election of the State Great Hural of Mongolia, Law on the Central Electoral Body,⁸ Law on Administrative Liability,⁹ Criminal Law¹⁰ and other legislation, and its intent to participate in the election in writing to the General Election Commission at least 50 days prior to the polling day.

23.4. A party or a coalition shall deliver its letter of intent to participate in an election along with the following documents in attachment to the General Election Commission:

23.4.1. Resolution of a party congress or the central representative body elected and formed by the party congress if the party participates in the election by itself, and, in the case a coalition is formed to participate

8 Law of Mongolia on Central Electoral Body, State Information Bulletin, Issue 5, 2006

9 Law of Mongolia on Administrative Liability, State Information Bulletin, Issues 4-5, 1992

10 Criminal Law of Mongolia, State Information Bulletin, Issue 5, 2002

in elections, the resolution of the coalition's representative body referred to in Article 24.6 hereof;

23.4.2. Notarized copy of the party by-laws registered with the Supreme Court of a party participating in elections on its own and all parties participating in a coalition;

23.4.3. Approved party or coalition election platform;

23.4.4. Opinion of the state audit office referred to in Article 34.5 hereof;

23.4.5. Statement(s) on donations made by citizens and legal persons to the party or parties in the coalition over the past year, audited and certified by an audit body; and

23.4.6. Information containing the title of the party or coalition's central electoral body, its composition, address and contact phone number.

23.5. The representative body of a coalition shall deliver the following documents, apart from those referred to in Article 23.4 hereof, to the General Election Commission:

23.5.1. Notarized copy of the coalition agreement; and

23.5.2. Decision and minutes of a meeting of the top governing body of each party participating in the coalition, referred to in Article 24.1 hereof.

Article 24. Creation of coalition by parties and coalition agreement

24.1. If the parties registered with the Supreme Court pursuant to Article 23.1 hereof form a coalition to participate in a regular election of the State Great Hural, each party joining the coalition shall hold its congress or a meeting of its central representative body and address the following:

24.1.1. Discussion and approval of the title and election platform of the coalition;

24.1.2. approval of the number of candidates from each party in the coalition;

24.1.3. discussion and nomination of candidates for the quota allocated for each party;

24.1.4. appointment of party representatives (hereinafter referred to as “party representative body”) who are authorized to make decisions on election-related issues on the party’s behalf in the coalition; and

24.1.5. Review of the coalition agreement.

24.2. The body referred to in Article 24.1 hereof shall revolve the issue referred to in Article 24.1.3 hereof by secret ballot.

24.3. If the parties intending to join the coalition address the issues specified in Article 24.1 hereof, and reach a common understanding, the coalition shall be deemed officially formed and chairpersons of the parties joining the coalition shall sign and stamp the coalition agreement to certify it.

24.4. A coalition shall have an official title and an emblem. A coalition shall be prohibited from adopting the name of an individual, country, ethnic group or a tribe or the title used by other parties in previous elections and from changing the announced coalition title during elections and the term of office of the newly elected State Great Hural.

24.5. A party or a coalition is prohibited from joining a coalition already formed pursuant to Article 24.1 and 24.3 hereof or after it has been registered for participation in elections pursuant to Article 25.5 hereof.

24.6. A coalition representative body shall consist of representatives appointed by each party in the coalition pursuant to Article 24.1.4 hereof, and while having the power to make decisions on election- and coalition-related issues such as amendment of the coalition’s election platform and agreement, establishment of the order of candidates on the coalition list, nomination for political positions such as Chairperson of the State Great Hural and Prime Minister, nomination for by-elections and termination of

the coalition agreement, it shall not have the right to change the number of seats allocated for the parties pursuant to Article 24.1.2 hereof.

24.7. A coalition agreement shall relate common and reciprocal rights and obligations of the parties to the coalition agreement, coalition title, coalition representative body and last names (father or mother's name), given names and positions of persons on its governing body, coalition's electoral body and last name (father or mother's name) and first name of an official who represents it, and other agreed issues.

24.8. A coalition agreement shall be effective during the term of office of the State Great Hural formed as a result of the elections and its returns.

24.9. Parties in a coalition shall participate in the regular election and by-elections of the State Great Hural and a newly elected State Great Hural as one entity. A party in a coalition shall be prohibited from nominating a candidate, opening an election bank account, joining other party coalitions and participating in the elections on an individual basis or forming another coalition, and in the event any of the parties make such a decision, the coalition shall be deemed dissolved.

24.10. A party in a coalition may leave the coalition at any time and a party shall be deemed as having left the coalition once its representative body referred to in Article 24.1 hereof officially notifies the representative body specified in Article 24.6 hereof, in which case the coalition shall be deemed dissolved.

24.11. The representative body of a party specified in Article 24.1.4 hereof may terminate the coalition agreement at any time.

24.12. In the event a coalition is dissolved pursuant to Article 24.9-24.11 hereof, the parties that formed this coalition during the State Great Hural elections and in the resulting State Great Hural are prohibited from reuniting and forming a coalition as well as from organizing themselves in the State Great Hural as one group.

24.13. Parties that have not joined in coalitions from the outset are prohibited -- in the event of dissolution of a coalition as per Article 24.9-

24.11 hereof -- from uniting and forming a coalition again during the given State Great Hural elections or in the resulting State Great Hural except the formation of a coalition government and from organizing themselves as one group. This provision shall be inapplicable in the case where a party that has left a coalition and that holds more than eight seats forms a group by itself.

Article 25. Registration of a party or a coalition for participation in elections

25.1. In registering a party or a coalition that has expressed its intention to participate in the election pursuant to Article 23 hereof, the General Election Commission shall check the accuracy and completeness of the documents submitted by the said party or coalition.

25.2. The General Election Commission shall decide whether to register a party or a coalition for participation in the election based on the documents specified in Article 23.4 and 23.5 hereof, within five days following their receipt.

25.3. Registration of a party or a coalition shall be denied in the following cases:

25.3.1. If the party or any of the parties in the coalition fails to meet the requirement laid down in Article 23.1 hereof;

25.3.2. If the documents specified in Article 23.4 and 23.5 hereof are incomplete or **false**;

25.3.3. If the documents specified in Article 23.4 and 23.5 hereof are delivered past the deadline specified in Article 23.3 hereof;

25.3.4. If an election platform that has been found to be in breach of Article 34.3 and 34.4 hereof is not corrected in compliance with legal requirements and delivered by the deadline specified in Article 25.4 hereof;

25.3.5. If the decision on the formation of a coalition has been

made in violation of the procedures and requirements laid down in Article 24.1-24.4 hereof; or

25.3.6. If any of the parties forming a coalition expresses its intention to leave the coalition pursuant to this Law before the decision on registration has been made.

25.4. Based on a opinion of the state audit office, the General Election Commission shall return an election platform that has failed to meet the criteria set forth in Article 34.3 and 34.4 hereof to the party or coalition concerned, and the party or coalition shall bring its election platform into compliance with the requirements set forth in Article 34.3 and 34.4 hereof and deliver it to the General Election Commission within three days.

25.5. Where the General Election Commission decides to register a party or a coalition, it shall issue a certificate of confirmation.

CHAPTER SIX

Candidate nomination for the State Great Hural and registration of candidate

Article 26. Uniform procedures for candidate nomination

26.1. A party or a coalition participating in the elections shall start candidate nomination for membership in the State Great Hural following 20 days after the announcement of the election date and complete the process within seven days.

26.2. Nomination of an independent candidate for elections shall start following 15 days after the announcement of the election date and be completed within 12 days.

26.3. A citizen whose candidacy for a Member of the State Great Hural has been registered and who has obtained the identification card of a candidate for a Member of the State Great Hural pursuant to Article 29 hereof, shall be deemed to be a candidate for a Member of the State Great Hural.

26.4. A candidate shall meet the following requirements apart from those specified in Article 6.2 hereof.

26.4.1. to have no loan, collateral or guarantee debts due for payment to a bank or other legal persons or citizens as determined by a court decision or overdue income taxes;

26.4.2. to have no criminal record or, if ever convicted, to have such a conviction cleared pursuant to Article 78.2 and 78.3 of the Criminal Law; and

26.4.3. if a citizen of military service age, to have done the term of active military duty under the Law on Citizen's Military Duty and Legal Status of Servicemembers¹¹.

26.5. Article 26.4.3 hereof shall not apply to a citizen who has attained the age of 27 years before this Law enters into force.

26.6. Civil servant other than political appointee, or senior official of a wholly or partially state- or local government-owned legal person, if intending to run for membership in the State Great Hural, shall be discharged from civil service and his/her job or position before the 1st day of January of the election year.

26.7. A member of one party is prohibited nomination by another party and a coalition is prohibited from nominating candidates from parties other than the coalition members.

26.8. A candidate may not stand for election in more than one district.

26.9. A party or a coalition may nominate a citizen not affiliated with any party on the basis of his/her written consent.

26.10. A candidate shall choose and agree to nomination either for a district or for the list and the decision by the competent body thereof may not be modified until the end of the polling.

¹¹ Law of Mongolia on Citizen's Military Duty and Legal Status of Servicemembers, State Information Bulletin, Issue 3, 1992

26.11. If a civil servant who has been discharged from civil service pursuant to Article 26.6 hereof returns to civil service, procedures set forth in Article 17 of the Law on Civil Service Law¹² shall apply.

Article 27. Candidate nomination by party or coalition

27.1. A party or coalition shall nominate not more than 76 candidates for a State Great Hural election, entered on one slate in the order set by the party or coalition.

27.2. Not less than 20 percent of the candidates proposed by a party or coalition pursuant to Article 27.1 hereof shall be women.

27.3. The number of candidates from a party or coalition in an electoral district shall not exceed the number of the mandates allocated for the given district.

27.4. Party candidate nomination shall be discussed and effected by secret ballot and a democratic principle of majority vote in a congress or a meeting of the central representative body of the party pursuant to Article 13.7 of the Law on Political Party.¹³

27.5. In candidate nomination, a party shall abide by the following procedures apart from the general rules set forth in Article 26 hereof:

27.5.1. to ensure that party members meeting the requirements specified in this Law be selected on the basis of equal opportunity for nomination and election from primary party units as per its charter; and

27.5.2. in proposing a candidate, to consider the individual's knowledge, education, experience and skills qualifying him/her for Member of the State Great Hural, commitment to dedicating his/her intellect, energy and effort for the good of the country and people, and to upholding and consolidating Mongolia's independence and sovereignty, and his/her capacity to abide by the norms of integrity, rule of law and ethical conduct of Member of the State Great Hural;

¹² Law of Mongolia on Civil Service, State Information Bulletin, Issue 28, 2002

¹³ Law of Mongolia on Political Party, State Information Bulletin, Issue 7, 2005

27.5.3. to prohibit solicitation by means of money or material gain, intimidation or deception in nomination processes undertaken pursuant to Article 27.5.1 hereof;

27.5.4. in creating the slate referred to in Article 27.1 hereof, to arrange no more than first 48 candidates in order of districts and no more than 28 candidates in order of the number and percentage of votes obtained by each candidate in the meeting set forth in Article 24.1 and 27.4 hereof; and

27.5.5. to include the information on party congress or central representative body or coalition representative body, number of its members, rate of meeting attendance, number and percentage of votes obtained by each candidate the party or coalition nominates, and candidate's qualification as per the terms and criteria specified in this Law in the minutes of the candidate nomination meeting.

27.6. In nominating its candidates, a coalition shall abide by the procedures set forth in Article 24.1.2, 24.1.3, 24.2, 24.6, and 27.5 hereof.

27.7. A party or a coalition shall issue and enforce its own internal procedures for candidate nomination in compliance with this Law.

Article 28. Nomination of independent candidate

28.1. Independent candidate referred to in Article 7.2 hereof shall propose his/her candidacy in the district referred to in Article 11.2 hereof.

28.2. Independent candidate shall collect signatures of supporter-voters whose number is specified in Article 7.2 hereof in a form approved by the General Election Commission.

28.3. A district committee shall affix a seal to the form referred to in Article 28.2 hereof and give it to the independent candidate.

28.4. Independent candidate shall secure the presence of voters from each aimag or city district in the electoral district during the collection of signatures of supporter-voters referred to in Article 28.2 hereof.

28.5. The last name (father or mother's), given name, citizen identification card number, personal identification number and domicile of a supporter-voter shall be entered eligibly and accurately in the form referred to in Article 28.2 hereof.

Article 29. Registration of candidates

29.1. District committees shall register candidates nominated for districts and the General Election Commission shall register party and coalition candidates other than those proposed for districts.

29.2. A nominating party or coalition shall deliver the following documents on it candidate proposed for an electoral district to the district committee within five days after the end of the nomination process set forth in Article 26.1 hereof:

29.2.1. the resolution and minutes on candidate nomination;

29.2.2. Slate of all its candidates and each candidate's written consent;

29.2.3. candidate's asset and income declaration;

29.2.4. candidate's non-indebtedness declaration and certification thereof from a competent authority or organization pursuant to Article 26.4.1 hereof;

29.2.5. police certification confirming the status specified in Article 26.4.2 hereof;

29.2.6. resolution of a competent authority or organization on the discharge of the person referred to in Article 26.6 hereof from civil service and his/her job, position; **and**

29.2.7. candidate's resume.

29.3. A nominating party or coalition shall deliver the documents specified in Article 29.2.1-29.2.7 hereof on party or coalition candidates

other than those proposed for districts within the time frame set forth in Article 29.2 hereof to the General Election Commission.

29.4. A party or a coalition shall deliver its resolution on candidate nomination for membership in the State Great Hural, the slate of all candidates and minutes of the nomination meeting to the General Election Commission before it delivers the documents specified in Article 29.2 hereof on its electoral district candidates to district committees.

29.5. Independent candidate shall deliver the documents specified in Article 29.2.3-29.2.7 hereof and the completed supporter-voter signature collection form along with the declaration of nomination of his/her candidacy to the district committee within the time frame set forth in Article 26.2 hereof.

29.6. The declaration and certification referred to in Article 29.2.4 hereof shall be prepared for each candidate and delivered to the Supreme Court; the certification specified in Article 29.2.5 hereof shall be prepared for each candidate by the central police authority and delivered to the General Election Commission and district committees with official letterhead within 35 days following the the day of the announcement of the election date.

29.7. Samples of the documents referred to in Article 29.2.4 and 29.2.7 hereof shall be approved by the General Election Commission.

29.8. In registering candidates, the General Election Commission or district committee shall check the accuracy and completeness of the documents delivered by a party, coalition or candidate, and conformity of candidate nomination processes with law.

29.9. A district committee shall verify the accuracy and correctness of the data on supporter-voters of independent candidates by way of random checks against electoral rolls and domicile registers issued by the government authority in charge of state registration or interviews with the citizen in question if need be. This task may be delegated to a sub-district committee or, in the absence of a sub-district committee, to a division committee.

29.10. The General Election Commission and district committees shall issue their decisions on whether to register candidates within seven days after they receive the documents referred to in Article 29.2-29.4 hereof.

29.11. The General Election Commission and district committee shall deny the registration of a candidate in the following cases:

29.11.1. candidate nomination was conducted in breach of the time frame specified in Article 26.1 and 26.2 hereof;

29.11.2. the criteria for candidates set out in Article 26.4 and 26.6 hereof have not been met;

29.11.3. a member of another party has been nominated in breach of Article 26.7 hereof;

29.11.4. deny registration of all candidates if candidate nomination process violates Article 27 hereof;

29.11.5. the documents referred to in Article 29.2, 29.3, and 29.5 hereof are incomplete or false;

29.11.6. an independent candidate violated the procedures specified in Article 28 hereof, resorted to illegal means during signature collection such as substitution of persons, use of force, deceit, threat, solicitation with money or material gain, signing by ineligible voters, signature forgery or collected signatures using a form other than that approved by the General Election Commission;

29.11.7. candidate nomination breaches Article 26.8 hereof;

29.11.8. an activity has been organized to entice voters in violation of Article 35.15 hereof; or

29.11.9. an independent candidate's platform fails to meet the criteria set forth in Article 34.3 hereof.

29.12. In the absence of grounds specified in Article 29.11 hereof, the

General Election Commission and district committees shall pass their decisions on the registration of candidates.

29.13. The General Election Commission and district committees shall issue identification cards to the candidates they have respectively registered for membership in the State Great Hural.

29.14. A candidate may not recall his/her candidacy after he/she is registered with the General Election Commission or district committee and receives the identification card of a candidate for membership in the State Great Hural.

29.15. A district committee shall deliver its decision on candidate registration to the General Election Commission within three working days after the candidate registration deadline expires.

29.16. If the General Election Commission or district committee declines to register a candidate, the party or coalition concerned shall rectify the breach of law and request a re-registration of its candidate or may propose another candidate 20 days before the polling day as per procedures set forth in this Law.

29.17. The General Election Commission shall compile the slates of all candidates at district and national levels and make the slates public within six working days after the decision referred to in Article 29.12 hereof has been made.

29.18. If forgery of the documents referred to in Article 29.2, 29.3, and 29.5 hereof does not warrant imposition of criminal liability or the grounds set forth in Article 29.11 hereof are found to be relevant after a candidate has been registered, the candidate and staffer from a party or coalition election campaign body shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage, an official to five to seven times the monthly minimum wage, and party or coalition to five to seven times the monthly minimum wage respectively.

29.19. Registration of a candidate in violation of Article 29.11 hereof shall provide grounds for his/her removal from the slate.

29.20. If a candidate has been registered due to concealment of a known violation of Article 29.11 hereof, the culpable chairperson, secretary, or members of an election committee shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage.

29.21. The culpable person/entity who has been imposed an administrative sanction pursuant to Article 29.20 hereof shall be removed from the election committee and transferred by the relevant electoral committee to a competent authority for legal liability if the violation is found to be grave.

Article 30. Nomination of replacement

30.1. In the case of the death or conviction by a court of law of a party or coalition candidate, the party or coalition may deliver its decision on the nomination of his/her replacement to and register him/her with an appropriate election committee as per procedures set forth in Article 29 hereof 20 days before the polling day.

30.2. A party or coalition is prohibited from proposing replacement in circumstances other than those set forth in Article 30.1 hereof.

Article 31. Removal of candidate from slate

31.1. If following a candidate's registration pursuant to Article 29.12 and 29.13 hereof and public announcement pursuant to Article 29.17 of this law, his/her removal from the list of candidates is justifiable under this Law, the General Election Commission or district committee shall make a decision thereof and make it public.

31.2. In the event a dispute arises from the decision made by the General Election Commission or district committee pursuant to Article 31.1 hereof, it shall be resolved as per the jurisdiction and procedures specified in Article 11 hereof.

Article 32. Assistant to candidate

32.1. A party or coalition's election campaign body, its staff, aide to

candidate and electioneer shall assist the party, coalition or candidate in conducting the campaign activities such as meetings with the electorate, promotion of election platforms as well as other business.

32.2. A party or coalition shall run the election campaign for its candidates other than those standing for election in districts, on behalf of all candidates nominated by the party or coalition.

32.3. There shall be no more than one aide to candidate for every 500 voters and no more than one electioneer for every 200 voters.

32.4. The General Election Commission shall register and issue identification cards to the staff of a party or coalition's election campaign bodies, and to the aides to and electioneers of party or coalition candidates other than those running in districts; district committees shall register and issue identification cards to the aides and electioneers of candidates standing for elections in districts.

32.5. The electioneer referred to in Article 32.1 hereof shall act on a voluntary basis.

32.6. Staff from a party or coalition's election campaign body, aide to candidate or electioneer is prohibited from membership in an election committee.

32.7. The chairperson or secretary of an election committee who has registered and issued an identification card to an aide to candidate or electioneer in violation of Article 32.3 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage and a person/entity that has violated Article 32.6 hereof to two to four times the monthly minimum wage.

32.8. An offender subject to administrative sanction pursuant to Article 32.7 hereof shall be removed from the election committee and identification card(s) issued by him/her in violation of Article 32.3 hereof shall be cancelled.

Article 33. Guarantees for candidate's activities

33.1. A party, coalition or candidate shall have a right to promote its or his/her platform through the mass media, express its or his/her view freely, run an election campaign, and obtain information and references from a corresponding authority or organization in line with appropriate procedures.

33.2. In circumstances other than those where a candidate is apprehended in the process of committing an offense or at scene with incriminating evidence, it is prohibited to bring a criminal charge against, apprehend or detain him/her, impose an administrative sanction judicially, conduct physical check or search in his/her residence, office or vehicle, or dismiss him/her from his/her job by administrative action without consent of the General Election Commission.

33.3. It is prohibited to libel, defame or damage candidate's reputation, and violate his/her personal privacy and privacy of his/her his/her correspondence.

33.4. A citizen who has intentionally caused hindrance to the exercise of one's right specified in Article 33.1 hereof shall be subject to a fine in Togrogs equal to two to four times the monthly minimum wage, an official to three to five times the monthly minimum wage, a legal person to five to seven times the monthly minimum wage, an official other than a civil servant who has violated Article 33.2 hereof, to three to five times the monthly minimum wage; a citizen in breach of Article 33.3 hereof shall incur a fine in Togrogs equal to two to four times the monthly minimum wage if this violation does not warrant a criminal charge, an official to three to five times the monthly minimum wage, and a party, coalition, media outlet or other legal person to fifteen to twenty times the monthly minimum wage respectively.

33.5. A civil servant who has violated Article 33.2 hereof shall be subject to disciplinary sanction provided for in the appropriate law.

CHAPTER SEVEN

Election platform and campaigning

Article 34. Election platform

34.1. A party, coalition or independent candidate shall have an election platform.

34.2. A candidate nominated by a party or a coalition is prohibited from putting forth a separate platform other than the party or coalition election platform.

34.3. An election platform referred to in Article 34.1 hereof may not contain pledges to citizens of money, property, or entitlement to property, or proceeds or shares from mining, oil, minerals or other industry revenues or any assets equivalent to these; or of cancelling or converting loans and other debts, or of providing services free of charge or at lower rates, or of job intermediation or employment.

34.4. If an activity that requires a specific source of financing is set out in a party or coalition platform, the total expenditure necessary for its implementation shall be in conformity with the special budget requirements specified in the Fiscal Stability Law.¹⁴

34.5. A party or a coalition shall obtain a determination by a state audit office on the conformity of its platform with the special budget requirements set forth in the Fiscal Stability Law.

34.6. The platform of a party or coalition that has obtained majority of seats in the election shall provide the basis for the programme of activities of a Government to be constituted by the State Great Hural formed as a result of the election.

34.7. A party, coalition, or independent candidate shall have the financing sources presented for the implementation of its platform audited by an independent audit organization.

¹⁴ Law of Mongolia on Fiscal Stability, State Information Bulletin, Issue 30, 2010

34.8. A violation of Article 34.2 and 34.3 hereof shall provide grounds for the removal of a concerned candidate from the slate and abrogation of the decision on the registration of a party or a coalition for participation in the election, and the General Election Commission shall make this ruling public.

Article 35. Election campaign

35.1. A party, coalition, or candidate shall launch its or his/her election campaign on the day the candidate registers and obtains an identification card pursuant to Article 29.12 and 29.13 hereof.

35.2. A party, coalition, or independent candidate shall have a right to promote its or his/her platform and concepts and run an election campaign in support of a candidate by means not prohibited by law such as a meeting, public rally, operation of a campaign facility, and display of an election campaign board.

35.3. Election campaign shall be terminated 24 hours prior to the polling day or by 00.00 hours of the day before the polling day.

35.4. A party or a coalition participating in the election shall confine a newspaper or publication that carries its platform to twenty printer's sheets, one leaflet and poster to ten printer's sheets, and candidate's resume and other promotional materials to ten printer's sheets.

35.5. An independent candidate may present his/her platform in two newspapers or publications of two printer's sheets each, one leaflet and poster of one printer's sheet, and his/her resume and other promotional materials on one printer's sheet.

35.6. The total of the limits specified in Article 35.4 and 35.5 hereof shall be calculated based on the corresponding total of the publications distributed to the voters.

35.7. Election campaign mottoes, leaflets, posters, announcements and boards conforming to the restrictions set by the General Election Commission for their number and size, shall be placed in the streets,

squares and other public locations as determined by the presiding bodies of Citizens Representatives Hural of soums and districts on the basis of equality of parties, coalitions and candidates by the 1st day of April of the election year.

35.8. The public radio and television shall broadcast an election campaign-related programmes (hereinafter referred to as “campaign programme”) as listed and timed by the General Election Commission free of charge only and broadcasting of campaign programmes on a chargeable basis shall be prohibited.

35.9. In approving the schedule of free campaign programme broadcasts by the public radio and television, the General Election Commission shall allocate equal air time to each party and coalition as well as each of the independent candidates running for election in the same district and pass and enforce a decision thereof.

35.10. Transfer of schedule and air time referred to in Article 35.9 hereof to other parties, coalitions, or candidates is prohibited.

35.11. Radio and television companies other than the public radio and television may broadcast paid campaign programmes and the total air time of such a paid campaign broadcast shall not be in excess of two hours per day.

35.12. In the event radio and television companies other than public radio and television have more than one channel they shall broadcast campaign programmes on their primary airwave channel only.

35.13. The General Election Commission and Communications Regulatory Commission shall jointly approve procedures for election campaign broadcasting referred to in Article 35.11 of this law and monitor enforcement thereof.

35.14. Radio and television companies referred to in Article 35.11 hereof shall abide by the principles set forth in Article 35.9 and 35.10 hereof in broadcasting election campaigns.

35.15. The following actions and activities seeking to entice voters shall be prohibited for all from the beginning of the election year to the end of the polling:

35.15.1. to distribute money, provide goods and services for free or at lower rates to voters, organize chargeable lotteries, betting, or gambling games for voters;

35.15.2. to hold election campaign-related public events such as sports tournaments or competitions, festivals, or arts performance or sponsorship thereof, or receptions, parties, or banquets;

35.15.3. to arrange foreign and domestic tours, vacations at holiday resorts and/or recuperation at health resorts for voters;

35.15.4. to organize any type of activity aimed at establishing political ranking, slander or libel others, or disseminate false information using the printed, broadcast and electronic media; and

35.15.5. to conclude contracts or oral agreements to give money or goods provided by oneself or others in the future or pledge proceeds, shares or stocks, or job intermediation or employment.

35.16. Article 35.15.2 hereof shall not apply to the activities that are conducted with central or local government funds.

35.17. A party or a coalition intending to participate in elections as well candidates may not obtain, directly or indirectly, advice, assistance, or support from a foreign natural or legal person in regard to election campaign from the beginning of the election year to the end of the polling.

35.18. A party, coalition, or a candidate, or a party or coalition election campaign body, its staff, aide to candidate, or electioneer is prohibited from taking or conducting the following actions or activities in the course of the election campaign:

35.18.1. to undertake campaigning in any manner after the

deadline specified in Article 35.3 hereof to the end of the polling or conduct an opinion poll or publish or distribute results thereof in the week before the polling day;

35.18.2. for a party or coalition candidate to make a pledge not reflected in the party or coalition platform or take any action of this nature in election campaigning;

35.18.3. to perform work or provide services of the nature of investment involving state or other assets;

35.18.4. **to distribute materials in excess of the quantity specified in Article 35.4 and 35.5 hereof;**

35.18.5. to place campaign mottoes, leaflets, posters, or announcements on building walls, entrances, fences, street lighting poles and places other than those specified in Article 35.7 hereof;

35.18.6. to conduct the campaign in breach of Article 35.8-35.12 hereof;

35.18.7. **to use loudspeakers from 23.00 (11 pm) to 10.00 am of the following day;**

35.18.8. to refuse to participate in the election or conduct a campaign calling for violation of the election or other legislation;

35.18.9. to use religious rituals;

35.18.10. to distribute machinery, equipment, money, medicines, foodstuffs, or other goods to a voter, his/her family member, underage citizen, organization, or a community free of charge or sell these at lower rates by oneself or through other parties or under the name of humanitarian, charitable, religious, or non-governmental organization or fund, or pay a wage or benefit to entice voters;

35.18.11. **to provide personal or health services free of charge or at lower rates or medical examination to entice voters;**

35.18.12. **to organize a sports tournament or competition, festival, performance, chargeable lottery, betting, or gambling, or participate therein as a sponsor to entice voters;**

35.18.13. **to hold receptions, parties, banquets, or public events unrelated to the elections to entice voters;**

35.18.14. to publish, circulate or disseminate the results of any type of political rankings using the print, broadcast or electronic media;

35.18.15. **to use transport vehicles or other property of a state agency or a wholly or partially state-owned legal person free of charge or on a chargeable basis for printing, reproducing, transporting campaign materials or for any other campaign purposes;**

35.18.16. for civil servants other than political appointees to participate in any manner in election campaigning, or to involve civil servants other than political appointees as well as underage citizens in election campaigning;

35.18.17. to include pledges to distribute or directly disburse central or local government funds to citizens in a party or coalition platform or communicate such pledges to voters verbally or otherwise; or

35.18.18. **to undertake other actions or activities aimed at buying votes.**

35.19. Article 35.18 hereof shall not apply to the communication of reports by Members of the State Great Hural and Citizens Representatives Hural of all levels on the implementation of their platforms during the terms of their office to citizens and voters through newspaper, magazines or other print media.

35.20. **Parties, coalitions, candidates, as well as party or coalition election campaign bodies and their staff, aides to candidates, or electioneers shall be deemed to have used religious rituals if they organize actions or activities such as a canonical service, chant or mass of any religion, ceremonies of purification, Matriya worship, jassaa recital, evoking prosperity, alms**

offering, cairn worship for election campaign, participate in or finance such actions or activities, or distribute religious alms or other items.

35.21. Elucidation of policies or concepts stipulated in a party, coalition, or independent candidate's platform in regard of citizen's freedom of conscience, relations between state and church, or religion to the voters shall not be deemed to be an action specified in Article 35.20 hereof.

35.22. It is prohibited to run an election campaign in the following places:

35.22.1. state agency or body of local self-government;

35.22.2. wholly or partially state- or local government-owned legal person;

35.22.3. humanitarian, charitable, or religious organization; and

35.22.4. election committee.

35.23. Article 35.22.1 and 35.22.2 hereof shall not apply to Article 36.3 hereof.

35.24. In the event a party, coalition, or candidate uses the mass media for election campaign, it or he/she shall be responsible for the accuracy and truthfulness of an article or programme self-prepared or commissioned for publication or broadcasting.

35.25. A media outlet shall be responsible for accuracy and truthfulness of election campaign-related articles or programmes other than those referred to in Article 35.24 hereof prepared by itself or prepared and communicated as commissioned.

35.26. A media outlet shall publish or broadcast an article or programme referred to in Article 35.24 hereof based on an agreement made with a client and the client's name shall be clearly written on article or seen on a programme material and this shall apply to the total broadcasting time of the programme

35.27. **The General Election Commission and district committee shall monitor, with public participation, the fairness of campaign opportunity and expeditiously resolve petitions or complaints lodged by a party, coalition, candidate, organization, or a citizen.**

35.28. The use of public funds allocated for activities of Members of the State Great Hural in their electoral districts pursuant to Article 19.2 of the Political Party Law, shall be prohibited from the day of the announcement of elections and until the finalization of the election returns.

35.29. If a voter notifies, with supporting evidence, an election committee of a distribution of money or goods to him/her in violation of Article 35.15.1 and 35.18.10 hereof, the election committee shall transfer the case to a competent authority and if the competent authority establishes the validity of the case, the General Election Commission shall give the voter a cash bonus equal to ten times the total value of the money or goods and obtain compensation from the offender.

35.30. If a slander by citizen of a party, coalition or candidate by way of circulating false information on the distribution of money or goods by a party, coalition, or candidate in violation of Article 35.15.1 and 35.18.10 hereof does not warrant bringing a criminal charge, he/she shall be subject to a fine in Togrogs equal to seven to ten times the monthly minimum wage.

35.31. A party or coalition in breach of Article 35.24 hereof shall be subject to a fine in Togrogs equal to fifty to seventy times the monthly minimum wage, a candidate to fifty to seventy times the monthly minimum wage, and a media outlet that has violated Article 35.25 hereof to thirty five to fifty times the monthly minimum wage respectively.

35.32. A violation of Article 35.24 hereof committed by a candidate shall provide grounds for his/her removal from the slate or cancellation of a decision on the registration of a party or coalition for elections and the General Election Commission shall make public its decision thereof.

35.33. A candidate who has violated provisions of Article 35 other than Article 35.24 and 35.25, shall be subject to a fine in Togrogs equal to

three to five times the monthly minimum wage; a party, coalition, media outlet, or other legal persons to fifteen to twenty times the monthly minimum wage, and other entities to three to five times the monthly minimum wage respectively.

35.34. If distribution of money or goods to voters in violation of Article 35 hereof is established after the candidate concerned is deemed elected a Member of the State Great Hural and obtains temporary credentials of Member of the State Great Hural, the temporary credentials of Member of the State Great Hural of the person deemed elected a Member of the State Great Hural shall be cancelled by the district committee if he/she has been registered with a district committee and by the General Election Commission if he/she has been registered with the General Election Commission.

35.35. If a violation of Article 35.15 hereof committed by a candidate is established after his/her registration or candidate's breach of Article 35.18 hereof justifies removing him/her from the slate, the violators of Article 35.18.10-35.18.13 hereof shall be transferred by relevant election committee to a competent authority for enforcement of criminal liability.

35.36. If a violation of Article 35.20 hereof by a candidate, party or coalition is determined after their registration for participation in the election, it shall justify removing the candidate from the slate or cancelling a decision on the registration of the party or coalition for participation in the election and the decision thereof shall be made public by the General Election Commission.

35.37. A violation of Article 35.18.16 hereof committed by a civil servant shall justify dismissing him/her without a right of reinstatement to civil service for a period of one year.

Article 36. Meeting, forum, or gathering with voters

36.1. A party, coalition, or candidate shall have meetings, forums, or rallies with voters within the time frame set forth in Article 35.1 and 35.3 hereof.

36.2. The governor of an administrative and territorial unit concerned shall have a duty to provide support to the party, coalition, or candidate in conducting the meeting, forum, or gathering and treat them equally.

36.3. A state or local self-government body or wholly or partially state- or local government-owned legal person shall allow free use of a cultural, sports or conference facility for the activities referred to in Article 36.1 hereof.

36.4. A party or coalition that has violated Article 36.1 hereof shall be subject to a fine in Togrogs equal to five to seven times the monthly minimum wage, a candidate to two to four times the monthly minimum wage, a governor who has violated Article 36.2 hereof to a fine of three to five times the monthly minimum wage, a governor who has violated Article 36.2 hereof to a fine of three to five times the monthly minimum wage, a legal person that has violated Article 36.3 hereof to a fine of five to seven times the monthly minimum wage, and to a fine of three to five times the monthly minimum wage.

CHAPTER EIGHT

Election spending

Article 37. Election spending

37.1. The General Election Commission shall set the maximum amount of election spending by a district candidate for each district based on its size and location as well as the size of its population and the maximum amount of election spending for a party or coalition within February 1 of the election year respectively.

37.2. Election expenses of a party or coalition shall be covered by the party or coalition itself, election expenses of party and coalition candidates by the party, coalition and candidates themselves and an independent candidate shall bear his/her own election expenses within the bounds of the maximum election spending specified in Article 37.1 hereof.

37.3. A party or coalition that has exceeded the maximum amount of

election expenses set forth in Article 37.1 hereof shall be subject to a fine in Togrogs equal to fifteen to twenty times the monthly minimum wage and a candidate to ten fifteen times the monthly minimum wage.

Article 38. Election expenses account

38.1. A party or coalition shall open one election expenses account of its candidates other than those running in districts in a bank within three days after it expresses its intention to participate in the election and registers with the General Election Commission and shall notify the General Election Commission and National Audit Office thereof in writing and announce it to the public.

38.2. A party or coalition nominating candidates for districts shall open an election expenses account for each candidate and an independent candidate shall open his/her election expenses account in a bank within three days after registration with the district committee and shall notify the General Election Commission and National Audit Office thereof in writing and announce the accounts to the public.

38.3. A party or coalition candidate other than a party or coalition candidate nominated for election in a district may not open an account other than that referred to in Article 38.1 hereof and a candidate proposed for a district may not open an account other than that referred to in Article 38.2 hereof.

38.4. A party, coalition or candidate's funds and donations from sponsoring organizations and citizens shall be accumulated on the bank accounts referred to in Article 38.1 and 38.2 hereof and disbursed thereof, according to the stated purposes.

38.5. Funds accumulated on the accounts referred to in Article 38.1 and 38.2 hereof shall be used for the promotion of the party or coalition platform and candidates, organization of campaign related meetings, fora or rallies, and financing of expenditures such as stationery, communications, transportation, per diems, salaries and bonuses for campaign bodies of candidates, parties or coalitions, and their staff as well as aides to candidates.

38.6. A candidate who is in violation of Article 38.3-38.5 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage and a party or a coalition that is in violation of Article 38.4 and 38.5 hereof to five to seven times the monthly minimum wage. Assets deposited outside the bank accounts referred to in Article 38.1 and 38.2 hereof or accumulated on accounts opened in violation of Article 38.3 hereof shall be confiscated and transferred to the public budget.

38.7. Violation of Article 38.3 and/or 38.4 hereof by a candidate shall provide grounds for removing him/her from the slate.

Article 39. Donations for election

39.1. The maximum amount of donations to a party, coalition, or candidate may be up to one million Togrogs from an individual and up to three million Togrogs from a legal person.

39.2. The amount of donations specified in Article 39.1 hereof shall be calculated based on the sum of the funds accumulated on the accounts referred to in Article 38.1 and 38.2 hereof.

39.3. The decision of a legal person to make a donation shall be made by the competent body of the said legal person.

39.4. Monetary donations shall be only made through the bank accounts specified in Article 38.1 and 38.2 hereof.

39.5. If a donation has been made in kind, it shall be appraised in monetary terms and the resulting amount added to the total sum of donations referred to in Article 39.1 hereof.

39.6. A party, coalition and independent candidate shall specify the amounts and forms of election donations in their statements on election expenses.

39.7. It is prohibited to receive donations from the following entities:

39.7.1. Foreign country's or foreign organization (foreign party

of a joint organization);

39.7.2. International organization;

39.7.3. State or local self-government authority;

39.7.4. Foreign citizen;

39.7.5. Stateless person;

39.7.6. Citizen of Mongolia who hasn't attained the age of eighteen years on the day of announcement of the election date;

39.7.7. Legal person wholly or partially owned by the State or local government;

39.7.8. Legal person that has tax debts, has gone bankrupt, or has overdue bank loan debts as determined by a court decision;

39.7.9. Labor union or religious and other non-governmental organizations; or

39.7.10. Legal person that has been in operation for less than one year since its establishment.

39.8. It is prohibited to distribute or sell foreign and domestic assistance goods to citizens for election campaign purposes.

39.9. In an election year, the donations made shall be only for election purposes, and thereupon it shall be prohibited to concomitantly make donation(s) specified in Article 18.3 of the Political Party Law to a party or a coalition.

39.10. A citizen who has violated Article 39.1, 39.3, 39.4, and 39.9 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage, a legal person to five to seven times the monthly minimum wage, a party or coalition that has violated Article 39.6-39.8 hereof to a fine of five to seven times the monthly minimum

wage, an independent candidate who has violated Article 39.6 hereof to a fine of three to five times the monthly minimum wage, a legal person that has violated Article 39.7.3 and 39.7.7-39.7.10 hereof to a fine of five to seven times the monthly minimum wage, an official to three to five times the monthly minimum wage, and a candidate, staff from a party or coalition's campaign body, aide to candidate, or electioneer who has violated Article 39.8 hereof to a fine of three to five times the monthly minimum wage.

39.11. Donations made in excess of the amount set forth in Article 39.1 hereof or those received from the entities specified in Article 39.7 hereof shall be confiscated and transferred to the public budget.

39.12. Receipt and use of donations from the entities specified in Article 39.7 hereof by a candidate shall justify removing him/her from the slate.

Article 40. Preparation of a statement of election expenditure

40.1. A sample statement on the accumulation and expenditure of on an election expenses account and procedures for opening and closing an account, and book-keeping shall be approved jointly by the General Election Commission and the Bank of Mongolia.

40.2. A party or coalition candidate shall deliver his/her statement of election expenditure to the party or coalition within 15 days after the polling day and party, coalition, and independent candidate shall deliver their election expenditure statements to the General Election Commission within one month after the polling day.

40.3. A party, coalition, and independent candidate shall ensure that their statements of election expenses specified in Article 40.2 hereof (hereinafter referred to as "expenditure statement") are audited and given an opinion.

40.4. A statement of expenditure shall be prepared as per the following items:

40.4.1. Income and total amount of donations accumulated on the accounts specified in Article 38.1 and 38.2 hereof;

40.4.2. Sources of the incomes referred to in Article 40.4.1 hereof and types and amount of donations;

40.4.3. Donator's last name (father or mother's), given name, domicile, and amount and type of his/her donation ;

40.4.4. The name and address of a donating legal person, and the name (father or mother's) and given name of its Executive Director ;

40.4.5. Classification and execution of expenditures; **and**

40.4.6. Amount and location of the remaining assets.

40.5. The director of a bank where a party, coalition, or independent candidate's election expenses account is located shall prepare and deliver an expenditure statement consolidating all transactions conducted on the account to the General Election Commission within the time frame set forth in Article 40.2 hereof.

40.6. The General Election Commission shall review and make public the expenditure statements and the names of citizens having donated two hundred thousand or more Togrogs as well as legal persons having donated five hundred thousand or more Togrogs within 45 days after the end of polling.

40.7. The General Election Commission shall have, if it deems appropriate, the finance and expenditure of a party, coalition, or a candidate audited by the state audit office.

40.8. A party or coalition that has violated Article 40.2-40.4 hereof shall be subject to a fine in Togrogs equal to five to seven times the monthly minimum wage, a candidate to two to four times the monthly minimum wage, and a bank director who has violated Article 40.5 hereof to a fine of three to five times the monthly minimum wage.

CHAPTER NINE

Polling, totaling of election results, registration of a member of the State Great Hural

Article 41. Polling station and time of polling

41.1. Ballots shall be cast at polling stations from 07.00 to 20.00 hours on the polling day.

41.2. A division committee shall make and maintain public the information on the polling date, time schedule and polling station starting 14 days prior to and until the end of the polling day.

41.3. A governor of a soum or district in a division shall be responsible for the readiness of polling stations with voting booths in numbers sufficient for secret ballot, sealed mobile ballot boxes, and vote counting equipment one week before the polling day.

41.4. Instructions for setting up of a division committee facility and a polling station, and the size and design of the voting booth shall be approved by the General Election Commission.

41.5. The presence of a party or coalition campaign body and its staff, aide to candidate and electioneer is prohibited at polling stations.

41.6. A polling station shall be placed under police protection after the division receives ballot papers.

41.7. A division committee shall approve identification numbers, addresses, and locations of polling stations located in the division and area plans, if required, and make this information public 30 days before the polling day. In so doing, it may organize several polling stations in one building or premises.

41.8. Seeking to enable free and secret ballot by voters and depending on the number of voters in the division, a polling station shall have at least two voting booths and at least one voting booth specially equipped for disabled persons.

41.9. The polling station referred to in Article 41.7 hereof may be relocated on the account of force majeure such as public disorder, flood, or fire and voters shall be notified at once thereof.

41.10. A governor who has violated Article 41.3 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage and a party or coalition or staff from a party or coalition campaign body, aide, or electioneer in breach of Article 41.5 hereof to a fine of three to five times the monthly minimum wage respectively.

Article 42. Ballot paper

42.1. Ballot paper is the principal document for expression of voter's will and determination of election outcomes and shall meet the following requirements:

42.1.1. to be easy and comprehensible to voters in terms of content, language, and design; and

42.1.2. to contain a short instruction for the voter on how to mark his/her vote.

42.2. A ballot paper shall have special security features and uniform security code.

42.3. A ballot paper shall be a sheet of paper consisting of two separate parts that feature the names of candidates running in districts and the names of the parties and coalitions.

42.4. The part of the ballot paper with electoral district candidates shall have the last name (father or mother's) of the candidate proposed for the district in small letters, his/her given name in capital letters, as well as the name of the party or coalition nominating this candidate.

42.5. The names of candidates shall be written on the ballot paper in the order of registration of the nominating parties with the Supreme Court, starting with a candidate from the party with the earliest registration.

42.6. The names of independent candidates shall be written on the ballot paper after the names of party and coalition candidates and in the order of their registration with the district committee on that part of the ballot paper which features the names of candidates standing for election in districts.

42.7. The names of parties or coalitions shall be written on that part of the ballot paper which features the names of parties or coalitions and in the order of their registration with the Supreme Court, starting with the party that registered earliest.

42.8. Coalitions shall be arranged in the order specified in Article 42.7 hereof and the sequencing shall be based on the registration date of a party that has registered with the Supreme Court earliest amongst the parties in the coalition.

42.9. The design and number of ballot papers and the procedures for publishing, storing, delivering, and protecting ballot papers shall be approved by the General Election Commission.

42.10. The General Election Commission shall have the ballot papers published and hand them in to district committees and the latter, through sub-district committees, to division committees five days before the polling day.

42.11. An election committee shall receive ballot papers in the presence of all its members and a report thereof shall be signed by its chairperson, secretary, and all members present.

42.12. If the chairperson, secretary, or a member of an election committee declines to sign the report referred to in Article 42.11 hereof, he/she shall be obligated to provide the cause and grounds for the action in writing to the appropriate election committee.

42.13. If the majority of all election committee members sign the report pursuant to Article 42.11 hereof the election committee shall be deemed to have received the ballot papers.

42.14. Polling or voting with ballot papers that do not comply with the design and requirements set forth in this Law is prohibited.

42.15. The chairperson or secretary of an election committee who has violated Article 42.12 and 42.14 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage and a member to two four times the monthly minimum wage.

Article 43. Polling

43.1. The chairperson of a division committee shall make a presentation of the following information after all division committee members open, show, check, and seal the vote counting equipment and all ballot boxes at 0700 hours on the polling day in the presence of voters' representatives:

43.1.1. the number of voters on the electoral roll;

43.1.2. the number of ballot papers received, lost, wasted and remaining; and

43.1.3. index numbers of ballot papers.

43.2. A report covering the activity and information specified in Article 43.1 hereof in detail shall be prepared and signed by the chairperson, secretary, and all members of a division committee.

43.3. An election observer may have his/her signed note recorded to confirm the access granted to him/her to the report referred to in Article 43.2 hereof.

43.4. After a division committee performs the activities set forth in Article 43.1-43.3 hereof, it shall the polling process where citizen identification cards shall be checked against the electoral roll and each voter given a ballot paper.

43.5. The voter who has received a ballot paper shall certify receipt by signing the electoral roll.

43.6. Election observers appointed by parties, coalitions and independent candidates, and media representatives may attend the polling process.

43.7. Presence of candidates and other entities without permission at a polling station is prohibited and this provision shall not apply to the casting of their own ballots.

43.8. Procedures for polling with the use of sealed mobile ballot box shall be approved by the General Election Commission.

43.9. The chairperson or secretary of an election committee who has violated Article 43.1, 43.2, 43.4, and 43.5 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage, a member to two four times the monthly minimum wage, and a candidate or citizen who has violated Article 43.7 hereof to a fine of two to four times the monthly minimum wage, and an official to three five times the monthly minimum wage.

Article 44. Election observer

44.1. A party, coalition, or an independent candidate shall appoint election observer (hereinafter referred to as “observer”) of their own.

44.2. The observer referred to in Article 44.1 hereof shall register with and obtain an observer identification card from a division committee at least 3 days before the polling day.

44.3. A request made to employ or have an observer registered shall be not accepted past the deadline specified in Article 44.2 hereof.

44.4. An observer shall monitor the process of preparation of electoral rolls, polling, vote counting, and totaling of election results only from distance to confirm compliance with the election legislation and shall have the following rights:

44.4.1. to have access to electoral rolls;

44.4.2. to check the sealing of ballot papers;

44.4.3. to observe vote counting;

44.4.4. to have access to independent candidate's supporter-voters signature collection form ;

44.4.5. to have access to the electoral rolls, routes and schedules for sealed mobile ballot box polling ;

44.4.6. to check whether voting booths, sealed mobile ballot boxes, vote counting equipment, and polling stations are set up according to legal requirements;

44.4.7. at the polling station, to have a seat allowing observation of the entire polling process ;

44.4.8. to notify the chairperson of the division committee of a violation and ask him/her to rectify it, keep written records of and document violations with the use of audio and video equipment, collect witness signatures ;

44.4.9. to obtain relevant information from division committee members; and

44.4.10. to make public and publish his/her observation report.

44.5. One observer from each party, coalition, or independent candidate may obtain a soft copy of images and quantitative data of that part of ballot papers where votes are marked from the division after the end of the polling.

44.6. If an observer intervenes in the work of election committee resorting to illegal means such as demand of the rights not specified in Article 44.4 hereof, use of force, intimidation, communication of false information to the public, the division committee shall annul his/her observer rights and confiscate his/her identification card thereof.

44.7. If the rights of an observer are annulled pursuant to Article 44.6 hereof, the party, coalition, or independent candidate whom he/she

represents shall not have a right to appoint his/her replacement and if such a request is made, the election committee shall decline to accept it.

44.8. Election observation procedures shall be approved by the General Election Commission.

44.9. Relations associated with the observation of and reporting on the election process by foreign or domestic organization or media outlet shall be regulated as per the procedures set forth in Article 44.8 hereof.

44.10. An observer who has violated Article 44.6 hereof shall be subject to a fine in Togrogs equal to two to four times the monthly minimum wage, chairperson or secretary of an election committee that has violated Article 44.7 hereof to a fine of three to five times the monthly minimum wage, and a member to two to four times the monthly minimum wage.

Article 45. Voting

45.1. A voter shall come to the polling station and cast his/her vote in person.

45.2. A voter is prohibited from doing the following:

45.2.1. to cast /her vote at a polling place in full knowledge of the fact that he/she has no right to do so in that particular place , to vote or attempt to vote using someone else’s document or false document, resort to deception;

45.2.2. to use a ballot paper other than that given by the division committee for voting, bring in a ballot paper to the polling station from outside, or take a ballot paper out of the polling station;

45.2.3. to undertake photographing or video recording to document his/her vote marked on the ballot paper;

45.2.4. to show the mark he/she made in the ballot paper to others; or

45.2.5. to make a promise to vote or not to vote for a party, coalition, or candidate or demand or take money or goods thereof.

45.3. In marking his/her preference, a voter shall make a mark in the ballot paper only according to the instruction referred to in Article 42.1.2 hereof

45.4. Each voter shall take a ballot paper and mark his/her vote on it in the privacy of the voting booth.

45.5. A voter shall mark the numbering in front of the last names (father or mother's) and given names of the candidates he/she supports and whose number equals with the number of mandates allotted for the district on that part of the ballot paper where the names of candidates running in the district are written.

45.6. A voter shall mark the name of only one party or coalition he/she supports on that part of the ballot paper where the names of parties or coalitions are written.

45.7. A voter shall put the ballot paper in the vote counting equipment (ballot box) after he/she marks his/her preference pursuant to Article 45.5 and 45.6 hereof.

45.8. Procedures for filling in ballot paper and putting ballot paper in the vote counting equipment (ballot box) by the voter shall be approved by the General Election Commission.

45.9. In the event a voter makes an error and marks his/her ballot paper incorrectly, he/she may inform the division committee of the fact before he/she puts the paper in the counting equipment (ballot box), have the committee check and confiscate the spoiled ballot and obtain a ballot paper once again and cast his/her vote pursuant to Article 45.5 and 45.6 hereof.

45.10. A division committee shall record and keep the ballot papers confiscated pursuant to Article 45.9 hereof.

45.11. Persons other than the voter are prohibited from being present in the voting booth.

45.12. A voter, who is unable to vote in person due to bodily disability, health condition, or level of education, may vote with the assistance of an appropriately authorized eligible voting citizen.

45.13. Staff from a party or coalition campaign body, aide to candidate, electioneer, chairperson, secretary, or member of an election committee, or observer is forbidden to act as authorized person referred to in Article 45.12 hereof.

45.14. A division committee shall monitor the polling process for compliance with law and, in so doing, without prejudicing the voter right to secret ballot, and in the event of a violation it shall take action to terminate it. aw

45.15. The following voter who is unable to come to polling stations in person shall cast his/her ballot in a sealed mobile ballot box based on his/her request, medical certificate, or reference from an appropriate organization on the day before the polling day.

45.15.1. one who is unable to come to the polling station in person due to his/her health condition;

45.15.2. one who has been mobilized in public works;

45.15.3. one who is apprehended, detained, or convicted on the grounds of administrative liability; and

45.15.4. one who is apprehended or remanded on the grounds of criminal proceedings.

45.16. The request, certificate and reference referred to in Article 45.15 hereof shall be provided at least five days before the polling day and a division committee shall prepare a separate electoral roll of voters to be polled through sealed mobile ballot boxes and discuss and approve in its meeting the routes and polling schedule.

45.17. A voter included in the electoral roll specified in Article 45.16 hereof shall be polled in the presence of at least two members of a division committee at the place of his/her residence.

45.18. Polling a voter not included in the electoral roll referred to in Article 45.16 hereof, using a sealed mobile ballot box is prohibited.

45.19. A division committee shall keep the votes cast by voters polled through sealed mobile ballot boxes pursuant to Article 45.15 hereof, strictly confidential.

45.20. Procedures set forth in Article s 45.1-45.8, 45.12, and 45.13 hereof shall be adhered to in polling the voter specified in Article 45.15 hereof.

45.21. The management of an organization having a voter working on the polling date is obligated to give him/her a leave and enable him/her to vote.

45.22. If a violation of Article 45.2 hereof committed by a citizen does not warrant bringing a criminal charge against him/her, he/she shall be subject to an administrative sanction of a 14-day detention.

45.23. The chairperson or secretary of an election committee who has violated Article s 45.10, 45.12, and 45.17-45.19 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage, a member to two to four times the monthly minimum wage, entities in breach of Article 45.11 hereof to a fine of two to four times the monthly minimum wage, an official in violation of Article 45.21 hereof to a fine of three to five times the monthly minimum wage, and a legal person to five to seven times the monthly minimum wage.

Article 46. Vote counting

46.1. Counting of votes shall start at 2000 hours in divisions and it shall be conducted in a transparent and open manner in the presence of observers and media representatives.

46.2. As soon as preparations for vote counting are over, the chairperson

of division committee shall announce vote counting. Division committee shall conduct this activity according to the following procedures:

46.2.1. to check whether the number of all voters polled matches the number of **ballot papers handed out for polling and finalize the figures**;

46.2.2. to count ballot papers that remain unused and those confiscated due to incorrect marking separately, cut off upper right corners of the ballot papers, make a record thereof, pack and the papers;

46.2.3. to put the ballots collected using sealed mobile ballot boxes in the vote counting equipment (ballot box) after performing the actions specified in Article s 46.2.1 and 46.2.2 hereof; and

46.2.4. having completed the vote counting, to sum up the polling results for the division.

46.3. Polling results shall be totaled on the basis of the following indicators:

46.3.1. number of all voters registered on the electoral roll of the division;

46.3.2. number of all voters having cast their votes and number of voters having voted through sealed mobile ballot boxes ;

46.3.3. number of valid and spoilt ballot papers;

46.3.4. number and percentage of votes obtained by each candidate, party and coalition;

46.3.5. number and percentage of votes obtained by a party or coalition whose registration for participation in the election had been repealed on the grounds set forth in this Law after the printing of ballot papers, and whom voters supported by marking it in ballot papers; and

46.3.6. number and percentage of votes obtained by a candidate who had been removed from the electoral roll or a decision on the

registration of his/her nominating party or coalition for participation in the election had been repealed on the grounds set forth in this Law after the printing of ballot papers and voters supported him/her by marking the candidate in ballot papers;

46.4. Votes obtained by a party, coalition, or candidate shall be summed up based on valid ballot papers.

46.5. **If the sum of ballot papers that have been used for polling and that remain unused differs with the number of ballot papers received by the division committee, the division committee shall examine and determine the reason and recount the ballot papers at once, if need be.**

46.6. **If the difference referred to in Article 46.5 hereof is established during vote counting, a report thereof shall be prepared and signed by the persons participating in vote counting.**

46.7. The number of ballot papers used for polling shall be calculated as a sum of ballot papers processed by the vote counting equipment and ballot papers confiscated pursuant to Article 46.2.2 hereof.

46.8. It is prohibited to count votes with the vote counting equipment ahead of the vote counting time or interrupt the vote counting process.

46.9. Unmarked ballot papers shall be deemed valid ballots that have been cast in support of no particular candidate.

46.10. After a division committee discusses the polling results, passes a decision thereof, and reads out the outcomes of vote counting in its meeting, it shall pack and seal valid and spoiled ballot papers and deliver them at once, along with a resolution and report on polling outcomes and other election-related documents, to a sub-district committee or, in its absence, to district committee.

46.11. Ballot papers sealed pursuant to Article 46.10 hereof shall be kept in aimag and capital city archives as per confidentiality procedures and unsealing or destroying sealed ballot boxes in circumstances other than those specified in laws and regulations is prohibited.

46.12. The chairperson or secretary of an election committee who has breached the vote counting procedures specified in Article s 46.1-46.9 hereof shall be subject to a fine in Togrogs equal to three to five times the monthly minimum wage, a member to two to four times the monthly minimum wage, and an archives official who has violated Article 46.11 hereof to a fine of three to five times the monthly minimum wage.

46.13. The chairperson, secretary, or member of an election committee subject to administrative sanction pursuant to Article 46.12 hereof shall be removed from the composition of the election committee and if the violation is serious, the appropriate election committee shall transfer the case to a competent authority for imposition of legal liability.

Article 47. Invalid ballots and ballot papers

47.1. The following votes shall be deemed spoilt:

47.1.1. votes referred to in Article s 46.3.5 and 46.3.6 hereof;

47.1.2. votes cast for candidates in excess of or below the number of mandates allocated for the district; and

47.1.3. vote cast for more than one party or coalition.

47.2. Ballot papers shall be deemed spoilt in the following cases.

47.2.1. if votes are cast using ballot papers that fail to comply with the approved design and requirements; and

47.2.2. If a voter makes a mark different from the one specified in the marking instructions provided in a ballot paper.

Article 48. Totaling of district election results and registration of Member of the State Great Hural

48.1. A district committee shall sum up the polling results delivered by sub-district and division committees, in line with the criteria specified in Article 46.3 hereof and separate the finalized district polling results

into votes obtained by candidates and votes obtained by parties and coalitions.

48.2. A district committee shall make a slate (hereinafter referred to as “slate “A””) by arranging candidates in order of the number of votes they have obtained in the district and the candidates who have obtained the most votes against the qualifying cut-off line of 28 percent of the votes cast and whose number equals that of the mandates in the district shall be deemed to be elected Members of the State Great Hural.

48.3. If none of the candidates in a district obtains 28 or more percent of the votes cast, the polling results for the said district shall be summed up separately.

48.4. If the number of candidates who have obtained 28 or more percent of the votes cast in a district is below the number of the mandates allocated for the said district, a re-polling shall be held for the remaining mandates.

48.5. Re-polling shall be held if the mandate(s) allocated for a district is/are contested by several candidates with the largest equal number of votes from among the candidates on slate “A” referred to in Article 48.2 hereof who have won 28 or more percent of the votes cast. Candidate(s) who has/ve obtained the most votes in the re-polling shall be deemed to be elected Member(s) of the State Great Hural.

48.6. The re-polling referred to in Article 48.4 hereof shall involve candidates with the most votes and double the number of the contested mandate(s). Voters shall only vote for as many candidates as the remaining number of mandates.

48.7. A district committee shall consolidate the number of votes cast for parties or coalitions by each party or coalition and sum up the polling outcomes.

48.8. A district committee shall discuss and pass its decision on the polling results and election outcomes in its meeting within three days and deliver them to the General Election Commission within two days.

48.9. A district committee shall issue temporary credentials of Members of the State Great Hural to the candidates deemed elected as Members of the State Great Hural pursuant to Articles 48.2 and 48.5 hereof.

48.10. In the event a dispute arises over the polling results, a district committee shall resolve it within 14 days after the polling.

Article 49. Totalling of election outcomes, allocation of seats and reporting

49.1. The General Election Commission shall total the election results delivered by district committees pursuant to Article 48 hereof at the national level and allocate seats to the parties and coalitions in the following manner:

49.1.1. to calculate the total number of all votes obtained by each party and coalition and make a slate (hereinafter referred to as “slate “B”) by arranging parties and coalitions that have obtained at least five percent of the ballots cast in order of the percentages of votes they have obtained;

49.1.2. to re-calculate the percentages of the votes obtained by the parties and coalitions on slate “B” by adding to them an equal share of the total percentage of the votes won by those parties and coalitions that have failed to pass the five-percent threshold referred to in Article 49.1.1 hereof;

49.1.3. to calculate a percentage of votes per seat by dividing the sum of the percentages of votes obtained by the parties and coalitions on slate “B” referred to in Article 49.1.2 hereof by 28; and

49.1.4. to proportionally distribute 28 seats of Members of the State Great Hural based on the largest remainder formula by dividing the percentages of votes referred to in Article 49.1.2 hereof of each party and coalition on slate “B” by the percentage per seat referred to in Article 49.1.3 hereof.

Note: “Proportional distribution according to the largest remainder principle” means calculating the number of seats per percentages of votes won by parties and coalitions to produce unrounded figures, allocating the seats to the parties and coalitions first based on their integer, and completing the allocation of the remaining seats based on the fractional remainders, starting from the parties and coalitions that have the largest fractional remainders.

49.1.5. *(this Article has been annulled by Resolution No.3 of 2 May 2012 of the Constitutional Court)*

49.1.6. Party or coalition candidates other than those standing for election in districts shall be listed as per order referred to in Article 27.5.4 hereof to produce a slate (hereinafter referred to as slate “D”) for each party and coalition;

(Provision of this Article “...to arrange candidates entered on slate “C” produced for each district as per Article 49.1.5 hereof and not deemed elected Members of the State Great Hural pursuant to Articles 48.2 and 48.5 hereof for each party and coalition in order of percentages of votes they have obtained as per slate “C”, and after the above candidates ...” has been annulled by Resolution No. 3 of 2 May 2012 of the Constitutional Court.)

Note: In the event the percentage of votes obtained by candidates from a party or coalition turns out equal in the process of developing slate “D,” the General Election Commission shall undertake ranking based on the number of votes obtained by the candidates in the districts.

49.1.7. to deem the same number of party or coalition candidates counting from the top of slate “D” referred to in Article 49.1.6 hereof, as the number of seats allocated to the party or coalition pursuant to Article 49.1.4 hereof, to be elected Members of the State Great Hural.

49.2. The General Election Commission shall issue temporary credentials of Members of the State Great Hural to the candidates deemed to be elected Members of the State Great Hural pursuant to Article 49.1.7 hereof.

49.3. The General Election Commission shall finalize the number of seats won by parties and coalitions and a list of persons elected Members of the State Great Hural within 15 days following the end of the election and submit to the President of Mongolia and make the report public.

CHAPTER TEN

Cancellation of polling and elections, re-polling, re-election and by-election of member of the State Great Hural

Article 50. Cancellation of polling held in a division and re-polling

50.1. A district committee shall cancel the polling held in a division in the following cases:

50.1.1. if, in the absence of valid excuses of natural disaster and other unforeseen calamities, polling has been held in places other those officially announced and on dates other than the date announced for polling, save the date set for sealed mobile ballot box polling;

50.1.2. If a ballot box that has been used for polling is stolen, lost, or opened before the time specified by law; or

50.1.3. If any forceful action that had the chairperson, secretary, or member of an election committee or a voter placed under pressure has lead to the distortion of the voter's choice and polling results.

50.2. In the event a district committee deems the polling held in a division invalid, re-polling shall be held within a week after such a determination has been made.

50.3. A decision to hold a re-polling shall be made by a district committee and polling stations and time shall be specified in this decision. Re-polling may be held on a working day.

50.4. Re-polling shall involve all voters in a division if the polling held in that division has been deemed invalid, and the voters who were polled with sealed mobile ballot box if the ballots cast thereof have

been deemed invalid.

50.5. Election campaigning shall be prohibited until the end of re-polling.

50.6. An electioneer, aide, supporter, or staff from a party or coalition's election campaign body who has violated Article 50.5 hereof shall be subject to a fine in Togrogs equal to two to four times the monthly minimum wage, an official to three to five times the monthly minimum wage, and a party, coalition, or other organization to five to seven times the monthly minimum wage.

Article 51. Cancellation of district polling and re-polling

51.1. The General Election Commission shall deem the polling held in a district cancelled in the following cases:

51.1.1. If none of the candidates standing for election in the district obtains 28 or more percent of the votes cast;

51.1.2. If more than 50 percent of all voters registered in the district electoral roll fails to participate in the polling; and

51.1.3. If the re-polling held pursuant to Article 50 of this law is cancelled and the cancellation may have a serious impact on the district election outcomes.

51.2. In the event the district election held pursuant to Article 51.1 hereof is rendered invalid, a decision to hold a re-election shall be made by the General Election Commission.

51.3. In the event an election held pursuant to Article 51.1.1 hereof in a district is rendered and the decision to hold a re-election is made, voters shall only vote for candidates nominated for district elections.

51.4. A re-election shall be held within 30 days after a decision to cancel the election in the district has been made.

51.5. Appropriate provisions of Article 52 hereof shall be adhered to if the organization of re-elections necessitates the creation of new district and division committees, or nomination of candidate for Members of the State Great Hural.

Article 52. Filling of a seat vacated by a Member of the State Great Hural and by-election of Member of the State Great Hural

52.1. By-election shall be held if a Member of the State Great Hural who has been elected in a district dies, transfers to another job, is discharged for a valid reason such as health condition at his/her request or is recalled from the Member of the State Great Hural.

52.2. In the event a Member of the State Great Hural elected from slate “D” referred to in Article 49.1.6 hereof dies, transfers to another job, is discharged for a valid reason such as health condition at his/her request or is recalled from the Member of the State Great Hural, the first candidate next to him/her on the party or coalition slate “D” shall be deemed by-elected for the vacant seat of the Member of the State Great Hural and, if no candidate remains in the slate, a by-election shall be held.

52.3. In the event a Member of the State Great Hural vacates his/her seat under circumstances other than his/her death during a regular session of the State Great Hural, a by-election referred to in Articles 52.1 and 52.2 hereof shall be announced within 14 days and held within 30 days after the seat has been vacated and announced and held within the same dates after a regular session starts if the seat has been vacated during the recess the State Great Hural.

52.4. In the case of the death of a Member of the State Great Hural, a by-election shall be announced within 50 days after the date of death and if the event occurs during the recess of the the State Great Hural, the issue shall be resolved in the first week of the resumption of State Great Hural session.

52.5. A by-election shall be organized within the following time frames in accordance with corresponding provisions of this Law:

52.5.1. to organize a division 25 days, district committee 20 days, sub-district 17 days, and division committee 15 days before the polling day;

52.5.2. to start candidate nomination five days after the announcement of the date of the by-election and end it within the next five days;

52.5.3. to register candidates within five days after the deadline specified in Article 52.5.2 hereof;

52.5.4. to prepare and deliver an electoral roll as per the procedures set forth in Article 20 hereof to a division committee 12 days before the polling day;

52.5.5. a division committee shall check the electoral roll pursuant to Article 20.11 hereof and place it in on its premises at least 10 days before the polling day, enabling free access by voters.

52.6. A vacated seat shall not be filled if less than one year remains until the end of the term of office of a Member of the State Great Hural.

52.7. The term of office of a Member of the State Great Hural who has filled in the vacancy through by-election, shall be equal to the remaining term of office the Member who has vacated the seat.

CHAPTER ELEVEN

Penalties for violations of the electoral legislation and jurisdiction and procedures for complaint and dispute resolution

Article 53. Penalties for violations of election legislation

53.1. Administrative liability set forth in this Law shall be imposed on a violator of the electoral legislation.

53.2. In the event action or inaction leading to the violation of the electoral legislation is of criminal nature, criminal liability specified in

the Criminal Law shall be imposed on the violator.

53.3. In the event material or other damage is caused to others due to violation of the electoral legislation in the course of election activities, liability specified in the Civil Law and other applicable laws shall be imposed on the violator.

53.4. Imposition of administrative liability on a person for a violation specified in this Law shall not be deemed grounds releasing him/her from criminal liability.

Article 54. Jurisdiction of resolution of complaint about or dispute over violation of electoral legislation

54.1. In the event a violation that falls under the jurisdiction of an election committee pursuant to this Law is committed, a complaint thereof shall be lodged with the said election committee.

54.2. An administrative sanction specified in this Law shall be imposed by a judge of a soum, inter-soum, or city district court of law and an appeal against it shall be reviewed and resolved by a soum, inter-soum, or city district court of law pursuant to the Civil Procedure Law.

54.3. In the event violations of relevant provisions of this Law warrant imposition of liability under criminal and civil legislation on the offender(s), the case(s) shall be resolved as per the procedures and jurisdictions specified in the Criminal Procedure Law and Civil Procedure Law.

54.4. A superior election committee shall make a decision on removal of the chairperson, secretary, or member of a district, sub-district, or division committee from the election committee on the grounds specified in this Law, and the decision shall provide a competent official with a ground to dismiss the civil servant who has functioned as the chairperson, secretary, or member of the election committee without a right of reinstatement to civil service for a period of one year period pursuant to the Public Service Law.

Article 55. Complaint and dispute resolution by division committee

55.1. A division committee shall receive and resolve the following complaints and disputes:

55.1.1. complaints about absence of registration or incorrect registration on the electoral roll referred to in Article 20 hereof; or

55.1.2. complaints about observers committing breaches specified in Article 44.6 hereof.

55.2. A division committee shall notify a corresponding state registration office of the complaint referred to in Article 55.1.1 hereof within two working days and resolve the complaint referred to in Article 55.1.2 hereof within two working days or resolve the complaint within the same day in case the complaint has been made on the day before the polling day and take action to address the detected violations within the bounds of its powers.

Article 56. Complaint or dispute to be reviewed and resolved by district committee

56.1. A district committee shall review and resolve the following complaints and disputes:

56.1.1. complaint about a decision made by a division committee that reviewed and resolved the complaints set forth in Article 55.1 hereof;

56.1.2. complaint about or dispute over registration of or refusal to register a candidate on the grounds set forth in this Law;

56.1.3. Information on or complaint about actions, activities referred to in Articles 35.18 and 35.22 hereof;

56.1.4. information on or complaint about a violation of Articles 39.7 and 39.8 hereof;

56.1.5. complaint about or dispute over removal of a candidate proposed for a district from the electoral roll;

56.1.6. complaint lodged or dispute arisen in relation to the division election outcomes after they have been received by the district committee.

56.2. A district committee shall resolve complaints and disputes specified in Articles 56.1.1-56.1.5 hereof within three days and those stipulated in Article 56.1.6 hereof within 14 days after it has received the complaints and disputes.

Article 57. Compliant or dispute to be reviewed and resolved by the General Election Commission

57.1. The General Election Commission shall review and resolve the following complaints and disputes:

57.1.1. complaint about registration of or refusal to register a party or coalition;

57.1.2. complaint about or a claim on the unlawfulness of a district committee resolution on the polling results;

57.1.3. complaint about or dispute over registration of or refusal to register a candidate on the grounds set forth in this Law;

57.1.4. complaint about or dispute over removal of party or coalition candidates other than those proposed for districts from the party or coalition list;

57.1.5. complaint about a decision made by a district committee that reviewed and resolved the complaint or dispute set forth in Article 56.1 hereof; or

57.1.6. complaint about or dispute over a decision made by the General Election Commission within the bounds of its powers.

57.2. The General Election Commission shall review and resolve complaints and disputes specified in Articles 57.1.1-57.1.4 hereof immediately but within three days after it receives them and those stipulated in Articles 57.1.5, 57.1.6 hereof immediately but within 14 days after it receives them.

57.3. The General Election Commission shall make determination on the issues set forth in Article 57.1 hereof.

57.4. The General Election Commission shall have a right, if need, to suspend a decision made by an inferior election committee until the complaint or dispute specified in Article 57.1 hereof are resolved.

Article 58. Review and resolution of other disputes concerning election committee activities

58.1. Unless provided otherwise by law, a complaint about a decision on election organization made by a division or sub-district committee may be lodged with a district committee and about a decision made by a district committee with the General Election Commission. Appropriate election committee shall review the complaint and communicate its ruling to the complainant in writing within three working days after the receipt of the complaint.

CHAPTER TWELVE

Miscellaneous

Article 59. Automation of election activities

59.1. A separate law shall regulate the application of information and communications technology for election activities on particular levels to automate and thus facilitate the election committee work during election activities, review electoral rolls, promptly issue accurate information on the election process, eliminate the human error factor in vote counting and make it transparent to the observer.

59.2. The General Election Commission shall discuss and agree on the information and communications technology solutions for vote counting and totaling of election outcomes with the State Great Hural Standing Committee on State Building.

59.3. The State Great Hural shall include the expenditure related to the application of information and communications technology for election activities submitted by the General Election Commission in the public budget of the year preceding the regular election year.

Article 60. Passage and amendment of the Law on the Election of the State Great Hural of Mongolia

60.1. Passage or amendment of the Law on the Election of the State Great Hural of Mongolia Election in the six months preceding a regular election of the State Great Hural shall be prohibited.

Article 61. Effective Date of the Law

61.1. This Law shall come into force on the 15th day of December of 2011.

Decree # 25

**GENERAL ELECTION COMMISSION
OF MONGOLIA**

**Procedure for observation and reporting on the election of the State
Great Hural of Mongolia**

Pursuant to Article 44.8 of law on the Election of the State Great Hural of Mongolia and Article 7.1.7 and Article 12.3 of the Central Electoral Body Law, the General Election Commission (“GEC”) **RESOLUTES:**

1. To approve Procedure for Observation and Reporting on the Election of the State Great Hural of Mongolia as per Appendix;
2. To annul GEC Resolution # 07 dated January 30, 2008, on Approval of Procedure and GEC Resolution # 19 dated May 9, 2008, on Procedure for Reporting Election Process by Media Reporters, in connection with the approval of this resolution.

Chairman (signed) /N. Luvsanjav/

Secretary (signed) /Ch. Sodnomtseren/

**PROCEDURE FOR OBSERVATION AND
REPORTING ON THE ELECTION OF THE STATE GREAT
HURAL OF MONGOLIA**

One. General Provisions

1.1. The purpose of this procedure is to regulate relations concerning the observation and reporting of the Election of the State Great Hural of Mongolia.

1.2. The definitions of terms, used in this procedure shall have the following meaning:

1.2.1. “Observer” refers to the observer specified in Article 44.1 of the Law of the Election of the State Great Hural of Mongolia;

1.2.2. “Foreign observer” refers to a person designated by an international organization, foreign government authority, or non-governmental organization (NGO) and made a formal request to, registered with, and obtained credentials from the General Election Commission (GEC) to observe the Election of the State Great Hural of Mongolia process;

1.2.3. “local organization” refers to a NGO committed to promoting and protecting citizen’s voting right and meeting the requirements set forth in Article 5.3 of this procedure;

1.2.4. “Reporter” refers to a person designated by local or international media to report the election process of State Great Hural.

1.3. Observers, reporters, and domestic organizations shall comply with Mongolia’s Constitution, law on the Election of the State Great Hural of Mongolia, and other legislations in observing and reporting an election process of State Great Hural.

1.4. The GEC shall register and issue credentials for foreign observers and local organizations, and electoral district committees – staff designated by domestic organizations, and election division committees – observers designated by a party, coalition, or independent candidates respectively.

1.5. A person to observe and report an election process shall wear credentials issued by an election committee to observe and report the election process and such credentials shall be valid together with citizen’s identification card, passport, or valid business ID card with his/her photo.

1.6. The mandate of a observer of local organization or foreign observer shall become valid with registration with the GEC and shall expire on the date of release of official election results and as for mandate for observer appointed by a party, coalition, or independent shall become valid with registration with an election division committee and getting credentials and shall expire with release and announcement of polling results respectively.

1.7. A person who made a request to observe an election process shall bear all expenses related to his/her election observation.

Two. Rights and Obligations of Election Committees

2.1. The GEC shall issue its decision on registration of a domestic organization, following the receipt of documents referred to in Article 5.2 of this procedure. Election committees shall register and issue credentials for observers and domestic organization representative, following the receipt of documents set forth in Article 3.2, Article 4.4, and Article 5.5 of this procedure.

2.2. Number of observers to work at a polling station or in polling through sealed mobile boxes shall be determined at the election division committee meeting.

2.3. Election division committee shall take measures such as the termination of observer’s mandate and withdraw his/her credential in case an observer demands additional rights not specified in legislation,

use of force, to threaten, or distribution of false information. The election division committee shall prepare records thereon.

2.4. Election committees shall provide an opportunity to observers, designated by parties, coalitions, and independents exercise the rights stipulated in Articles 3.4.1-3.4.10 of this procedure.

2.5. An election division committee shall terminate the mandate of an observer that violated election legislation, and electoral district committee – that of local organization staff, and GEC – that of a foreign observer respectively.

2.6. In case, once the mandate of an observer or local organization staff is terminated in accordance to Article 2.5 of this procedure, then the party, coalition, or independent shall not appoint his/her replacement.

Three. Observer Appointed by Party, Coalition, or Independent

3.1. An election division committee shall register and issue credentials to an observer at least 3 days prior to polling day on the basis of the documents stipulated in Article 3.3 of this procedure.

3.2. An observer shall present the following documents to get registered with an election division committee:

3.2.1. Observer's application form, approved as per Appendix 1 of this procedure;

3.2.2. Decision of a political party or coalition designating him/her as observer and a request made by an independent;

3.2.3. Copy of the ID card.

3.3. An observer shall exercise the following legal rights in the process of observation:

3.3.1. Access to an electoral roll;

- 3.3.2. Access to status of sealing ballot papers;
- 3.3.3. Access to independent's form of signature collection of his/her supporters-voters
- 3.3.4. Access to an electoral roll of voters to cast through mobile ballot box and the guideline and schedule;
- 3.3.5. Access to polling booths, ballot boxes, and polling stations to see their compliance with legislations;
- 3.3.6. To have sufficient seats in polling station to observe whole polling process;
- 3.3.7. To observe polling and counting process;
- 3.3.8. To accompany a team for sealed mobile ballot box and to observe the process;
- 3.3.9. To notify a chairman of the election division committee of the occurrence of any violation in the polling process and forward a request for its rectification and to take a note on occurred incident and to verify it by recording and get signed by witness;
- 3.3.10. To obtain corresponding information from election division members;
- 3.3.11. To disclose observation report to public and publish it.

3.4. Duties of an observer in observing election process:

- 3.4.1. To respect and comply with Constitution of Mongolia and election legislation;
- 3.4.2. Non-interference in the operations of election committees and exercise neutral observance;

3.4.3. Respect voters' privacy and do not create any disturbance;

3.4.4. No disturbance to counting and sum-up;

3.4.5. To adhere to regulations of polling station and to be polite and respectful towards election committee members and voters;

3.5. After the completion of polling, ballot counting report shall be pulled out of the machine and shall be handed over one representative from each party, coalition and an independent;

3.6. An observer from each party, coalition, or independent may take an electronic copy of the image and digital statistics of ballot paper after the completion of polling.

3.7. An observer designated by a party, coalition or independent shall make a written request to the Information Technology Center, affiliated to GEC to obtain information, specified in Article 3.6 of this procedure.

Four. Observation of Election Process by International Organization

4.1. An international organization shall make a formal request for registration of a person designated to observe an election process of the State Great Hural to the GEC and get registered prior to polling day.

4.2. A foreign observer shall observe an election process freely within the framework of the provisions of the legislation of Mongolia.

4.3. To obtain visa, permission of stay in Mongolia and all expenses of an observer shall be the responsibility of the inviter or the sending party or an observer.

4.4. The following documents shall be prepared to get registered as a foreign observer:

4.4.1. Foreign observer's application form, approved as per Appendix 2 of this procedure;

4.4.2. Copy of his/her identification (passport or ID card);

4.4.3. One photo (4 x 6);

4.4.4. Request to observe an election;

4.5. A foreign observer shall have the right to submit his/her report, proposals and conclusion to the GEC and publicize through mass media after the completion of the polling.

4.6. An organization inviting a foreign observer shall have the following obligations:

4.6.1. To register the observer;

4.6.2. To be responsible for all services for the observer;

4.6.3. To provide assistance to them in exercising their mandate.

4.7. Interpreter to foreign observer shall be registered and obtain credentials, the same way as observer.

4.8. In case a foreign observer violates provisions of election legislation in the process of observing an election, the election division committee shall take a justified decision to confiscate his/her credential and hand over a copy of the decision to the observer and confiscate his/her credential and notify the GEC thereof immediately.

Five. Observation of Election Process by Domestic Organization

5.1. A local organization shall make a formal request to the GEC to register to observe an election of the State Great Hural at least 30 days prior to polling date and get registered.

5.2. A local organization shall make a written request to observe an election process and attach the following documents:

- 5.2.1. Number of staff to work in each electoral district;
- 5.2.2. Notarized copy of its state registration certificate;
- 5.2.3. Copy of its charter;
- 5.2.4. Information on financial sources;
- 5.2.5. Names and titles of its managers;
- 5.2.6. Profile including detailed information on its experience as to elections in particular.

5.3. The GEC shall take a decision on acceptance or refusal to register a local organization within 5 working days after the receipt of the request. Following are the criteria for registration:

- 5.3.1. No political party affiliation and funding;
- 5.3.2. None of the managers of that particular organization to be candidate, if a candidate then should be suspended from his/her office;
- 5.3.3. To have a code of ethics to be independent from any political party and candidate, to be honest and free, to uphold rule of law, and adhere principles of neutrality;
- 5.3.4. To have an experience in performing independent observation or been engaged in training conducted by an experienced organization.

5.4. A domestic organization shall designate up to 5 staff for a single electoral district and get registered with electoral district committees within the timeline set forth in Article 44.2 and Article 44.3 of law on the election of the State Great Hural of Mongolia.

5.5. Staff from a domestic organization shall present the following documents for registration:

5.5.1. Copy of a GEC decision on registration of the organization;

5.5.2. Copy of identification (civil ID card and business ID card);

5.5.3. Observer application approved as per Appendix 3 of this procedure.

5.6. An electoral district committee shall consider the following criteria in registering staff designated by a domestic organization:

5.6.1. Designated staff shall not be a member of any political party;

5.6.2. No family relationship to running candidate or electoral district committee members.

5.7. It is prohibited for district committee to reject the registration of the domestic organization staff on any grounds other than those criteria set out in Article 5.7 of this procedure.

5.8. In the event an electoral district committee rejects the registration of staff from a domestic organization, it shall deliver its decision thereon to the domestic organization. If the domestic organization does not agree with the decision, it has the right to file a complaint with the superior committee for further resolution.

5.9. A domestic organization shall conduct and enroll its designated staff in training on approaches and method to observe election process within the framework of election legislation.

5.10. Designated staff of the domestic organization shall bear the same obligations as those observers of political parties and coalition, set forth in Article 3.5 of this procedure

5.11. Staff from a domestic organization shall exercise the following rights:

- 5.11.1. To observe the polling and to be present at polling units according to schedules;
- 5.11.2. To have access to election preparation and polling;
- 5.11.3. To have access to arrangements at polling stations;
- 5.11.4. To have access to electoral rolls displayed at sub-district committees;
- 5.11.5. To obtain information on polling through sealed mobile ballot boxes and observe the polling;
- 5.11.6. To have access to activities such as polling, vote counting, sum-up, reporting, and transfer of information and data;
- 5.11.7. To submit his/her report and opinion on election observation to the GEC and publish them after the polling ends.

Six. Reporting of Election Process by Media Reporter

- 6.1. A media reporter shall strictly follow journalists' ethics, and to be independent, honest and upholding rule of law and reporting shall be evidence based and accurate.
- 6.2. Election committees shall provide the following opportunities for reporters:
 - 6.2.1. To obtain information on the process of elections preparations;
 - 6.2.2. To have access to organizational work and performance of committees;
 - 6.2.3. To obtain information and data in relation to polling arrangements;
 - 6.2.4. To obtain information concerning sealed mobile ballot boxes and to interview;

6.2.5. To obtain information and reporting, regarding polling process, ballot counting and airing the result and etc;

6.3. A reporter shall fulfill the following duties:

6.3.1. To respect and comply with Constitution and election legislation of Mongolia;

6.3.2. Non-interference into the election committee activities;

6.3.3. To respect the voting privacy of voters and should not create any hurdles;

6.3.4. No hurdles for vote counting and sum-up process;

6.3.5. No clothing either supporting or opposing a party, coalition, or candidate and should not carry ad materials on the polling day;

6.3.6. To observe polling station regulations and treat election committee members and voters properly;

6.3.7. To distribute accurate information on election committees and election activities efficiently.

6.4. A reporter shall have a valid business ID card with his/her photo and clothing with a media logo and equipment.

6.5. A foreign media reporter shall make a request for observation of the election of State Great Hural to the GEC through the Ministry of Foreign Relations.

Seven. Prohibited Acts by Observer and Reporter

7.1. An observer or reporter observing and reporting an election process shall be forbidden to do the following:

7.1.1. To sign an electoral roll on behalf of a voter;

7.1.2. To be with a voter in a voting booth;

7.1.3. To cast vote on behalf of voter neither at a voter's request nor on his/her own initiative;

7.1.4. To ask and talk with a voter regarding his/her voting;

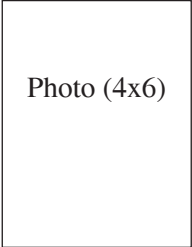
7.1.5. Neither wear or use clothing or items intended to support or oppose any political party, coalition, or candidate nor carry any promotion materials in this respect in observing and reporting an election process;

7.1.6. To use any illegal means such as use of force for voters and election committee members, intimidation, and distribution of false information to the public.

7.1.7. To demand any additional rights not set forth in the law on the election of the State Great Hural of Mongolia and in this procedure.

*Appendix 2. Procedure for Observation and Reporting on
the Election of the State Great Hural of Mongolia*

**Application of Foreign Observer on
the Election of the State Great Hural
of Mongolia**



Date: (month) (day), 2012

1	Last name	
2	First name	
3	Age and gender	
4	Nationality	
5	Current occupation and title	
6	Profession	
7	Names of country and organization he/ she represents	
8	Inviting organization	
9	Contact details – address and phone/ mobile number	
10	Name, address, and phone/mobile number of observer’s interpreter or/and assistant	

Application filled out by: /..... /
(Signature)