



ENSURING THE ELECTORAL RIGHTS OF CITIZENS DURING THE REGISTRATION AND COMPILATION OF VOTER LISTS

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Article history:	Abstract:
Received: 11 th February 2024 Accepted: 20 th March 2024	This article examines the social relations developing in the field of the realization of the electoral rights of citizens of the Republic of Uzbekistan during elections. It is the exercise of citizens' electoral rights that ensures the sovereignty of the people, a democratic, political regime and control over the political elite by the population.

Keywords: electoral law, ensuring the rule of law, ensuring the electoral rights of citizens, international electoral standards.

The electoral registration procedure is one of the important components of the electoral process, demonstrating the effectiveness of organizing such events. The success of the elections depends on the correct and timely organization of voter registration.

The basis for the inclusion of a citizen in the list of voters at a polling station is the fact that his place of residence is located on the territory of this precinct, and in cases provided for by federal law – the fact of a citizen's stay (temporary stay, stay) on the territory of this precinct (if the citizen has an active voting right).

The Republic of Uzbekistan, as a full member of the world community, is gradually improving its electoral legislation, creating favorable conditions for citizens to exercise their electoral rights.

Thus, article 27 of the Electoral Code states that the list of voters includes citizens who have reached the age of eighteen by the day or on the day of the election, permanently or temporarily residing at the time of drawing up the list on the territory of this polling station. The permissive norm on the right to vote upon reaching the age of majority by election day, as well as the norm on the right to participate in elections with temporary residence, are aimed at creating favorable conditions for citizens, which meets international standards [1].

The list of voters acts as one of the key mechanisms in the procedure for the implementation of active suffrage of citizens, designed, among other things, to ensure protection from distortion of the expression of will through double voting in the implementation of several forms of voting, and is one of the documentary factors guaranteeing the realization by a citizen of his active suffrage [2].

The degree of scientific research of electoral law by legal scholars is due to the importance of constitutional and legal guarantees of one of the key political rights of citizens - the right to vote.

Guarantees of ensuring the rights of citizens in the field of the electoral process are an important element of constitutional guarantees. Considering the meaning of this term, we note that there is no single doctrinal interpretation, to which the legal scholar S.S. Babanyan draws attention. [3].

In accordance with the point of view of another scientist L.D. Voevodin, guarantees are needed so that individuals have the opportunity to fully realize their freedoms and rights, as well as to have the means by which such rights can be protected from violations, and these violations can be committed by both other citizens and government agencies [4].

The scientist V.V. Viskulova points out that in the modern legal literature devoted to elections, it is mainly said about laws and other normative acts, which contain provisions on guarantees, but there is no doctrinal interpretation of them, therefore guarantees in relation to the peculiarities of the state-power mechanism are not considered [5].

The concept of "citizens' electoral rights" belongs to the number of legal categories, the definition and content of which is directly disclosed by legislation.

In accordance with the Electoral Code of the Republic of Uzbekistan, the names of citizens who have reached the age of eighteen by the day or on the day of elections, permanently or temporarily residing in the territory of this polling station at the time of the formation of the list are included in the list of voters.

Voter lists are compiled by precinct election commissions. The surname, first name, patronymic, date of birth and address of residence of each voter are entered in the list of voters. The voter lists are compiled on the basis of data from the information system for the formation of a Unified Electronic Voter List (UESL).

On election day, voter lists from the UESL are used at polling stations. Thus, there are no cases when



one voter is registered in not one, but several polling stations.

The UESL is formed through the Electoral Process Management Information System (EPMIS) and is part of it. EPMIS combines four directions:

- Unified electronic list of voters;
- database of election commissions at all levels;
- database of buildings where the election commissions will be located;
- database of deputies from political parties.

Citizens are provided with the opportunity to familiarize themselves with the list of voters at the premises of the precinct election commission, as well as with data concerning them from the list of voters through the official website of the Central election commission.

Voter lists are submitted for public inspection fifteen days before the elections, and at polling stations established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries, in sanatoriums and rest homes, in hospitals and other inpatient medical institutions, at the locations of citizens located in remote and hard-to-reach areas, in places of detention and imprisonment, – three days before the elections.

Lists of military personnel stationed in military units, as well as family members of military personnel and other voters, if they live in the areas where military units are located, are compiled on the basis of data provided by the commanders of military units. Military personnel living outside military units are included in the voter lists at their place of residence on a general basis. Lists of voters by precincts formed in sanatoriums and rest homes, in hospitals and other inpatient medical institutions, in places of detention and deprivation of liberty are compiled on the basis of data provided by the heads of these institutions [6].

Voter lists for polling stations established at diplomatic and other missions of the Republic of Uzbekistan in foreign countries, in sanatoriums and rest homes, in hospitals and other inpatient medical institutions, in places of detention and deprivation of liberty, are compiled on the basis of data provided by the heads of these institutions.

A voter who is not included in the list for any reason, on election day, on the basis of a document certifying identity, citizenship and place of residence, is included in the appendix to the list of voters.

At polling stations established at diplomatic and other representative offices of the Republic of Uzbekistan abroad, voter lists are compiled on the basis of information provided by the heads of these institutions.

Previously, only citizens on the consulate's list were included in the list of foreign voters. This means that many Uzbek citizens did not participate in the electoral process.

Citizens staying in foreign countries are given the opportunity to familiarize themselves with the data concerning them from the voter list, including through the official websites of the Ministry of Foreign Affairs, diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries.

Voters temporarily or permanently residing abroad may apply in writing for inclusion in the voter list to the precinct election commission in their country of residence or submit an appropriate application in electronic form on the website of the Ministry of Foreign Affairs no later than fifteen days before the election. In turn, the Ministry of Foreign Affairs provides generalized information about citizens included in the voter lists at foreign polling stations to the State Personalization Center for making appropriate adjustments to the UESL.

It should be noted that a number of opinions and recommendations were also expressed by the OSCE Office for Democratic Institutions and Human Rights election observation mission in Uzbekistan on the participation of citizens abroad in the elections.

In particular, in the conclusions of the Mission of the Bureau for Election Observation in 2014, 2015 and 2016, it was noted that several million citizens live outside Uzbekistan, for which the legal framework is insufficient to ensure their constitutional rights. The expediency of creating sufficient conditions in accordance with the legislation for the widespread use of the right to vote by citizens living abroad was emphasized.

By Resolution of the Central Election Commission of the Republic of Uzbekistan No. 966 dated 10/22/2019, the "Regulation on the procedure for the formation of polling stations at diplomatic missions and consular offices of the Republic of Uzbekistan in foreign countries" was developed [7].

The regulation stipulates that the Central Election Commission, in coordination with the Ministry of Foreign Affairs, assigns polling stations abroad to the relevant electoral districts for elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

Previously, in elections to the Legislative Chamber, polling stations abroad were assigned to the electoral district in the territory where the Ministry of Foreign Affairs is located. This may lead to a violation of the rule that when forming electoral districts, the maximum allowable deviation in the number of voters in electoral districts should not exceed ten percent.



Therefore, we considered it inappropriate to assign foreign polling stations to one district.

Prior to that, only citizens on the consulate's list were included in the list of voters living abroad.

According to article 27¹ of the Electoral Code, voter lists at polling stations established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries are compiled on the basis of data provided by the heads of these institutions.

Precinct election commissions established at the diplomatic and other representations of the Republic of Uzbekistan in foreign countries inform citizens located in foreign countries about the method, place and time of familiarization with the voter lists.

Precinct election commissions established at the diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries verify the personal data indicated in the appeals of citizens residing in foreign countries for their inclusion in the voter list and decide on the inclusion of a citizen in the voter list.

Precinct election commissions established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries immediately submit to the Ministry of Foreign Affairs of the Republic of Uzbekistan information about citizens included in the voter list.

The Ministry of Foreign Affairs of the Republic of Uzbekistan immediately submits information about citizens included in the voter list to the authorized state body in the field of personal data for making appropriate amendments to the Unified electronic list of voters [8].

To do this, they must indicate the surname, first name and patronymic, date of birth, address of the last permanent place of residence in the Republic of Uzbekistan, address of the place of residence abroad, contact phone number and personal identification number of an individual.

The voter has the opportunity to get acquainted with information about the polling station assigned to him, the location (dislocation) of the polling station through the official website of the Central Election Commission by entering the personal identification number of an individual or the series and number of a passport or identification ID card.

In case of absence of a citizen-voter in the UESL or inconsistency of his polling station, a citizen-voter has the right to apply to the precinct election commission with an application for making appropriate changes in

writing or electronically on the official website of the Central Election Commission and through the Unified Portal of Interactive Public Services.

Within 24 hours, the precinct election commission is obliged to check the appeal and either eliminate the error or inaccuracy, or give the applicant a reasoned response about the rejection of the appeal.

Voters who are unable to stay at their place of residence on election day have the right to vote in advance. In addition, voters who are unable to arrive at the polling station for health reasons or for other reasons have the right to apply to the precinct election commission, which is obliged to organize voting at the place of residence of these voters.

In recent years, as part of the ongoing democratic reforms to build a democratic New Uzbekistan, a lot of work has been done in the field of electoral legislation.

Consistent measures are being taken to improve the electoral system and strengthen the legal foundations for holding free, democratic and fair elections based on universal, equal, direct suffrage by secret ballot, which is a prerequisite for building a democratic rule of law State.

The improvement and development of national electoral law in accordance with democratic requirements and generally recognized international standards contributes to the implementation of the principle of voluntary and free participation of Uzbek citizens in voting, openness and transparency of elections, and ensuring further democratization of the country's electoral system as a whole. Harmonization with international standards and further strengthening of the national electoral system are being carried out in direct connection with the deepening of systemic reforms in Uzbekistan aimed at building a democratic rule of law and a strong civil society.

Over the years of independence, a national electoral regulatory framework has been created that meets international standards and democratic requirements. This became possible due to the gradual reform and modernization of the political, state and legal systems of the New Uzbekistan.

Next, let's look at the comparative table with some foreign countries on voter registration, which is presented in the table.

A comparative table with some foreign countries on voter registration

Countries	Conditions for voter registration
The Republic of Uzbekistan	Article 27. The list of voters shall include the names of citizens who have reached the age of eighteen by the day or on the day of the election,



	<p>permanently or temporarily residing at the time of drawing up the list in the territory of this polling station.</p> <p>Article 27¹. Voter lists at polling stations established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries are compiled on the basis of data provided by the heads of these institutions. Citizens residing in foreign countries may apply in writing to precinct election commissions established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries or in electronic form through the official website of the Ministry of Foreign Affairs of the Republic of Uzbekistan for their inclusion in the voter list fifteen days before the election. Precinct election commissions established at the diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries verify the personal data indicated in the appeals of citizens residing in foreign countries for their inclusion in the voter list and decide on the inclusion of a citizen in the voter list. Precinct election commissions established at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries immediately submit to the Ministry of Foreign Affairs of the Republic of Uzbekistan information about citizens included in the voter list. The Ministry of Foreign Affairs of the Republic of Uzbekistan immediately submits information about citizens included in the voter list to the authorized state body in the field of personal data for making appropriate amendments to the Unified electronic voter list.</p> <p>Article 28. The Unified Electronic List of Voters is a state information resource containing information about citizens-voters, addresses of their permanent and temporary places of residence in accordance with the information bases of authorized state bodies. The unified electronic list of voters is formed and updated on the basis of information provided by authorized state bodies, as well as clarified by election commissions. Each precinct election commission, within three days after its formation, receives a preliminary list of voters of this precinct, distributed in a Single electronic list of voters. The list of voters is compiled by the precinct election commission for each polling station and signed by its chairman and secretary. On election day, voter lists from the Unified Electronic Voter List are used at polling stations.</p>
<p>The Republic of Kazakhstan</p>	<p>Article 24. The basis for the inclusion of a citizen in the list of voters at a particular polling station is the fact of his registration at his place of residence on the territory of this polling station</p>
<p>Iceland</p>	<p>Article 22. The list of voters in parliamentary elections is the responsibility of the municipal authorities, who compile these lists on the basis of information provided by the National Registration Office.</p> <p>Article 33 of the Constitution of Iceland. Persons who meet the qualifications for active suffrage and who live in the relevant municipality are included in the voter list on the basis of information from the National Registration Office for 5 weeks preceding the voting day. In local elections, active suffrage also belongs to foreign citizens who have been permanently residing in Iceland for 5 years prior to polling day. However, the qualification for residence in the country is reduced to 3 years in respect of foreigners who have citizenship of one of the states belonging to the Nordic Council: Denmark, Norway, Sweden or Finland.</p>



<p>The Republic of Azerbaijan</p>	<p>Article 45.1. The unified List of voters (citizens who have the right to participate in the referendum) (hereinafter – the list of voters) is maintained by the Central Election Commission.</p> <p>Article 45.2. Annually, information related to the clarification of the voter list, in accordance with Article 46.12 of this Code, is submitted by precinct election commissions to the Central Election Commission through district election commissions.</p> <p>Article 47.1. All citizens who have the active right to vote are included in the voter lists.</p> <p>Article 47.2. The basis for the inclusion of a citizen of the Republic of Azerbaijan in the list of voters at a polling station is the fact of his permanent residence in the territory of the relevant polling station (residence in the territory of the polling station for at least 6 months in the last 12 months preceding the day of the announcement of elections) established by the body conducting the registration of this citizen at the place of residence or place of stay.</p> <p>Article 47.3. Military personnel residing outside the military unit are included in the voter lists at their place of residence on a general basis. The basis for inclusion in the voter lists of military personnel, members of their families who are in military units, and other 38 voters living within military units is the fact of permanent or frequent residence, established by the order of the bodies conducting registration of citizens of the Republic of Azerbaijan at the place of residence or place of stay, or military units or the commander of a military unit on inclusion citizens who are on duty in connection with military service or military conscription, in the staffing of a military unit.</p>
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In general, the gradual improvement of the national electoral legislation, its increasingly complete harmonization with international standards and further strengthening of the national electoral system were carried out in direct connection with the deepening of systemic reforms in Uzbekistan aimed at building a democratic rule of law and a strong civil society.

"Over the years of independence, a democratic system of electoral legislation has been created in Uzbekistan that meets international electoral standards, which is manifested in the following:

firstly, the Constitution and laws of the country, on the basis of generally recognized principles and norms of international law, ensure the protection of democratic principles and norms of electoral law, the rights of all participants in the electoral process, the democratic nature of elections, the free expression of citizens' will in elections, the validity of the requirements relating to the recognition of elections as held, valid and legitimate;

secondly, laws on elections in Uzbekistan are adopted exclusively by the legislative authority – the Oliy Majlis of the Republic of Uzbekistan; normative legal acts ensuring the conduct of elections are not established by executive authorities;

thirdly, in Uzbekistan, parliamentary mandates are the object of free competition of candidates during

equal and direct elections on a multiparty basis. A system of legal, organizational, and informational guarantees has been created to ensure the electoral rights and freedoms of citizens in the preparation and conduct of elections; women have been provided with real opportunities, on an equal basis with men, to exercise the right to elect and be elected to representative bodies of state power; necessary legislative measures have been taken to create legal guarantees and conditions for all voters to participate in voting;

fourthly, a system of independent election commissions has been established to organize free, fair, genuine and periodic elections in accordance with the country's legislation and its international obligations.

Legal conditions have been created for voter registration on the basis of a legally established non-discriminatory procedure providing for such registration criteria as age, citizenship, place of residence, and the availability of a basic identity document of a citizen. The responsibility of persons providing information about voters for the accuracy of information, the full scope of relevant information and the timeliness of their transmission, ensuring the confidential nature of personal data in accordance with the legislation is enshrined in law;



fifthly, the legal foundations have been created for the formation of political parties and their free legitimate activities, the financing of political parties and the electoral process of conducting election campaigns in an atmosphere of freedom and honesty, which facilitates parties and candidates to freely express their views and assessments, provisions of election programs, and voters to get acquainted with them, discuss them and vote for or against freely;

sixth, the legislation provides for measures to guarantee impartiality in the coverage of the election campaign by the media, the inability to establish legal or administrative barriers to access to the media on a non-discriminatory basis for political parties and candidates, to form a unified information database of the results of public opinion polls related to elections, the data of which must be provided to participants in the electoral process. the process, as well as international observers at their request for review, to introduce new information technologies that ensure the open nature of elections, increasing the degree of confidence of voters in the results of voting and election results;

seventh, there is a system of organizing legal education that provides conditions for familiarization and training of citizens and other participants in the electoral process in electoral procedures and rules, improving their electoral culture and professional qualifications of election organizers;

eighth, there is a mechanism for legislative regulation of the list of violations of electoral rights and freedoms of citizens, as well as the grounds and procedure for bringing to justice persons who, through violence, deception, threats, forgery or otherwise, impede the free exercise by a citizen of the right to elect and be elected, the realization of other electoral rights and freedoms enshrined in the Constitution and laws.

Thus, in Uzbekistan, election laws have consolidated the basic provisions and international standards of free democratic elections and guarantees for the implementation of the constitutional right of citizens to elect and be elected to representative bodies of state power» [9].

The Electoral Code increases the clarity and accessibility of electoral legislation, contributes to the systematization and streamlining of the norms of national electoral law, creates a stable legal basis for the creation of independent election commissions with broad powers and modern technical equipment, as well as expands guarantees of citizens' electoral rights, ensuring their free expression of will.

The first President of the Republic of Uzbekistan, I.A. Karimov, noted: "As world practice

shows, the electoral system is important in a legal civil society. Based on this, we are constantly improving our legislation in this regard in accordance with modern requirements» [10]. At the same time, "raising the political consciousness of people and voters on the basis of national legislation and international standards, raising the political level and culture of voters, and their deep awareness of their constitutional rights is an important and urgent task" is of particular importance [11]

FOOTNOTES:

1. Article 27 of the Electoral Code of the Republic of Uzbekistan. – Tashkent, Uzbekistan, 2019 <https://lex.uz/ru/docs/4386846>
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6. Article 27 of the Electoral Code of the Republic of Uzbekistan. – Tashkent, Uzbekistan, 2019 <https://lex.uz/ru/docs/4386846>
7. Resolution of the Central Election Commission of the Republic of Uzbekistan dated 10/22/2019 No. 966 "On approval of the Regulations on the procedure for the formation of polling stations at diplomatic and other representative offices of the Republic of Uzbekistan in foreign countries" <https://old.lex.uz/ru/docs/4583489>
8. Article 27 of the Electoral Code of the Republic of Uzbekistan. – Tashkent, Uzbekistan, 2019 <https://lex.uz/ru/docs/4386846>
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10. Karimov I.A. We build our future with our own hands. Tashkent, "Uzbekistan", 1999. Vol. 7. Page 300.
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12.