

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 121 received by the Central Election Commission on January 3, 2015

Farrukh Taghiyev, Natig Ibrahimov, registered candidates and others on Musakucha municipality of Masalli city Con.EC # 70 appealed to CEC on January 3, 2015 regarding the Municipal elections on December 23, 2014 and requested to annul the decision # 21/104 of Masalli city Con.EC # 70, dated December 28, 2014 and to annul the voting results on the polling stations # 34 and 35 of that election constituency upon considering the election results invalid on Musakucha municipality.

The complaint was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration", relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session upon the investigation of the appeal by the Expert Group member.

It was determined during investigation that Farrukh Taghiyev, Natig Ibrahimov, registered candidates and others on Musakucha municipality of Masalli city Con.EC # 70 appealed to CEC on January 3, 2015 regarding the Municipal elections on December 23, 2014 and requested to annul the voting results on the polling stations # 34 and 35 of that election constituency upon considering the election results invalid on Musakucha municipality.

By decision # 21/104 of Masalli city Con.EC # 70, dated December 28, 2014, that appeal was not implemented.

During the investigation registered candidates on Musakucha municipality Farrukh Taghiyev, Natig Ibrahimov, Hidayat Aghayev, Terlan Abbaszadeh, Allahshukur Abiyev, Rafiq Eynullayev, Yusif Gambarov and Shirmammad Abuzarov, as well as, chairman of the PEC # 34 Suraddin Gulamov, chairman of the PEC # 35 Rizvan Rzayev and other election actors provided explanations, acts compiled regarding the law violations committed during vote count after the voting ended and other evidences were obtained.

It was revealed basing on the collected explanations and other investigation materials that after the voting has ended on December 23, 2014 some registered candidates and voters made efforts to offend public order in the polling stations # 34 and 35 during vote counting, the relevant PECs stopped the vote counting due to that reason and having called the police, they took the ballot papers and other election documents to the Con.EC under the police security and continued the process at the Con.EC, a;so compiled the voting results protocol.

The above-mentioned cases were also included in the argued decision # 21/104 of Masalli city Con.EC # 70, dated December 28, 2014.

The law violation committed during the vote counting in the polling stations # 34 and 35 on Election Day obstructed to determine many voters' will, thereby offending registered candidates' and observers' rights defined by the Election Code.

Pursuant to Article 106.5 of the Election Code of the Republic of Azerbaijan, the PEC chairman shall conduct the vote counting incessantly until ending the voting with the participation of the PEC members. Each ballot paper used at this time shall be stamped. All the PEC members and observers shall be made familiar with the voting results.

Since the voters' will has been impossible to determine in defining the election results due to the law violations in the process of vote counting in the polling stations # 34 and 35 on Musakucha municipality of Masalli city Con.EC # 70, the voting results on those polling stations shall be annulled and legal grounds are found to consider the election results on that municipality invalid pursuant to Articles 106.10 and 240 of the Election Code of the Republic of Azerbaijan.

Pursuant to Article 240.2.1 of the Election Code of the Republic of Azerbaijan, the Municipal Elections shall be considered invalid when the number of the polling stations results of which have been considered invalid constitutes more than 2/5 of the total number of the polling stations within that municipality or annulled if the voters' number in those polling stations constitutes more than 1/4 of the total number of the registered voters on the municipality.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 23.2, 106.5, 106.10, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 and 8 of "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration", CEC **decides:**

1. The appeal # 121 dated January 3, 2015 by Farrukh Taghiyev, Natig Ibrahimov, registered candidates and others on Musakucha municipality of Masalli city Con.EC # 70 shall be implemented and the decision # 21/104 of that election constituency, dated December 28, 2014 shall be annulled.
2. The voting results on the polling stations # 34 and 35 of Masalli city Con.EC # 70 shall be annulled.
3. The election results on Musakucha municipality of Masalli city Con.EC # 70 shall be considered invalid.
4. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov