

COMMENT

on the rule for completing protocol of the Precinct Election Commission on the voting results in the Elections to the Milli Majlis of the Republic of Azerbaijan

The rule for completing the protocol of the Precinct Election Commission (PEC) on the voting results in Elections to the Milli Majlis of the Republic of Azerbaijan (hereinafter referred to as – the protocol) shall be defined in comply with Articles 100, 106 and 168 of Election Code of the Republic of Azerbaijan (hereinafter referred to as – the Election Code), as well as with the Comment.

1. General provisions

1.1. The voting results on the election precinct shall be included in handwriting in the protocol (Appendix # 1 to the Comment) prepared in the form of a booklet which consists of 3 carbonized copies (each copy of different color) according to the form defined by the Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as – the Central Election Commission).

1.1.1. The PEC protocol shall be compiled only by the members of that commission with decisive rights.

1.1.2. During the compilation of the protocol the data of each item shall be indicated both in words and figures in separate rows.

1.1.3. It is prohibited to complete the protocol by pencil and make any corrections on it. Initially, a **draft** copy of the protocol shall be compiled due to the prohibition of making corrections on the official protocol.

1.2. Persons indicated in Article 40.2 and 40.4 of the Election Code (members of election commissions, registered candidates on the relevant election commission and their authorized representatives and agents, the authorized representatives and agents of political party, blocs of political parties, as well as, citizens of the Republic of Azerbaijan with an observer status and international observers) may observe the compilation of protocol.

2. Succession of completing the protocol

2.1. The protocol shall be completed as follows:

2.1.1. Item # 1 of the protocol – total number of voters included in the voters list on the precinct

(1=1a+1b):

2.1.1.1. a) number of voters in voters list;

2.1.1.2. b) number of voters in supplementary voters' lists.

The item # 1 shall include the number of voters included in the voters' list of the precinct election commission (1a) and the number of voters in the supplementary voters' list whose suffrage was ensured on voting day due to the decision of the precinct election commission (1b) (based on the (permanent or temporary) and supplementary voters' lists). At the same time, the sum of the figures in semi-items # 1a and 1b shall be equal to the number indicated in item # 1 and there should be relevant equation.

2.1.2. Item # 2 of the protocol – number of voters who got de-registration cards

This item includes the number of voters included in permanent (or temporary) voters' lists, but who got de-registration cards within the period defined by law.

2.1.3. Item # 3 of the protocol – number of ballot papers provided to PEC by the Con.EC

$$(3=4+5+6)$$

This item includes the number of ballot papers submitted to the PEC by ConEC upon an act. The act should be taken as a basis to entering this figure.

As in the equitation in the brackets (3=4+5+6), the figure in this item should be equal to the sum of figures in items # 4 (the number of the voters who got ballot papers), # 5 (the number of the ballot papers canceled without having been used) and # 6 (the number of the spoiled ballot papers).

2.1.4. Item # 4 of the protocol - the number of the voters who got ballot papers

$$(4=4a+4b+4c)$$

2.1.4.1. a) outside of the voting rooms;

2.1.4.2. b) in the voting rooms - based on voters' lists (permanent or temporary) and the number of the signatures included in supplementary voters' lists

2.1.4.3. c) in voting rooms - with de-registration cards.

These semi-items include the number of voters who got ballot papers outside the voting room of relevant PEC (4a), the number of voters who got ballot papers in the voting room based on the voters' lists (4b) and who got ballot papers with de-registration cards (4c). The sum of these figures shall be equal to the number of the item # 4 and this figure should be indicated in the relevant column.

2.1.5. Item # 5 of the protocol - number of ballot papers canceled without having been used

The number of the canceled ballot papers without being used shall be included in this item based on the relevant act (unused ballot papers are counted by the commissioners of the PEC under the observation of observers in the voting room before opening ballot boxes and are cancelled by cutting their right corner. The number of these ballot papers shall be declared and indicated in the protocol. The cancelled ballot papers are

separately collected and packed. An act on cancellation of unused ballot papers shall be compiled).

2.1.6. Item # 6 of the protocol - number of the spoiled ballot papers

This item includes the number of spoiled ballot papers on the basis of relevant act (If the voter appeals to the PEC member on the spoil of the ballot paper for any reason, the member of commission shall cut-off the spoiled ballot paper, put it in the special envelope and compile a relevant act. After the voting, and additional act shall be compiled on the total of the spoiled ballot papers and these ballot papers shall be separately packed).

2.1.7. Item # 7 of the protocol - number of ballot papers in ballot boxes (with the exception of the ballot papers in indeterminate form)

(7=7a+7b); (7≤4); (7=8+9)

2.1.7.1. a) in portable ballot boxes (**7a≤4a**);

2.1.7.2. b) in importable ballot boxes (**7b≤4b+4c**).

The number of the ballot papers in determinate form in portable and importable ballot boxes shall be included separately to the semi-items "a" and "b" (firstly portable, then importable ballot boxes).

The sum of these numbers shall be included in the item # 7 and relevant equality should be between them (7=7a+7b). The figure in semi-item # 7a shall be less or equal to the figure in semi-item # 4a and the figure in semi-item # 7b shall be less or equal to the sum of the figures in semi-items # 4b and 4c. According to the equality shown in brackets (7≤4), the figure of item # 7 should be equal to or less than the number of item # 4. The figure of the item # 7 shall also be equal to the sum of the figures in the item # 8 (the number of invalid ballot papers) and in the item # 9 (the number of valid ballot papers) (7=8+9).

Note: *Ballot papers in determinate form mean the ballot papers in the form approved by the Central Election Commission, numbered, with cut-off upper left corner and right corner sealed by the relevant PEC stamp.*

2.1.8. Item # 8 of the protocol – number of invalid ballot papers (number of the ballot papers without any sign in squares on the right of the candidates' surnames or the ballot papers in the determinate form with the signs in more than one square)

According to the above-mentioned, this item shall include the number of the invalid ballot papers due to the impossibility of determining voters' will, as well as the signs put.

2.1.9. Item # 9 of the protocol – number of valid ballot papers (number of the ballot papers in the determinate form with the signs put in square on the right of only one candidate's surname).

(9=10)

This item shall include the number of the ballot papers considered valid due to the above-mentioned bases. As in the equitation in the brackets (9=10), the figure in this item shall be equal to the sum of the item # 10 (distribution of the valid votes among the candidates). If this number does not form equitation, then the protocol shall be considered invalid.

2.1.10. Item # 10 of the protocol – distribution of valid votes among candidates

In this item of the protocol, surname , name and patronymic¹ of the candidate to the membership of the Milli Majlis of the Republic of Azerbaijan included in the ballot paper should be written in succession as in the ballot paper, in alphabetical order by considering the requirements of Article 168.2.1 of Election Code and the number of votes for each candidate should be indicated in words and figures. Distribution of the valid votes among the registered candidates shall be implemented due to the valid votes only implied by the item # 9 of the protocol.

The sum of the votes shall be written at the end of the table and this figure shall be equal to the item # 9 (number of valid votes). Otherwise, protocol shall be considered invalid.

2.2. Date and time of completing the protocol should be indicated after the whole process of completing the protocol.

2.3. Final protocol on the voting results shall be signed by at least two thirds of the PEC members with decisive voting rights. The commission members are prohibited to sign incomplete or not fully completed protocols. The PEC member who does not agree with the protocol in whole or various parts thereof shall enclose their special opinion to the protocol upon signing it and shall make relevant notes in the protocol in this regard.

3. Submission of the protocol with the enclosed documents to the Constituency Election Commission

3.1. Pursuant to Article 106.7 of Election Code, the following election documents shall be enclosed to the final protocol on the voting results and sent to the Constituency Election Commission under the accompany of the PEC Chairman and two members representing various political parties immediately, but not later than 24 hours:

3.1.1. the first copy of the PEC protocol;

3.1.2. complaints (applications) related to the violation of the Election Code, entered the PEC on the voting day and decisions on these appeals adopted by the PEC;

3.1.3. act on providing ballot papers to the PEC by the Constituency Election Commission in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 2);

3.1.4. act on the cancel of the unused ballot papers in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 3);

3.1.5. act on the issuance of de-registration (voting) cards for voting and cancel of unused voting cards in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 4).

3.1.6. act on the number of cut-off left corners of the ballot papers in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 5);

3.1.7. act on the number of the ballot papers spoilt due to the errors of the citizens who voted in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 6);

3.1.8. act on the number of the ballot papers taken related to the voters' applications for voting outside the voting room, used and returned without having been used in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 7);

3.1.9. ballot papers;

3.1.10. voters' lists on the precinct (attaching the de-registration (voting) cards).

3.2. The acts indicated in the items # 3.1.3-3.1.8 shall be signed by the PEC chairman and secretaries.

3.3. The approved copies of the complaints (applications), PEC decisions and the above-mentioned acts shall be enclosed to the second copy of the protocol.

Note: *If any mistake was committed due to carelessness during compiling the protocol, (inclusion of false information, erasing and other), the relevant PEC shall make this case official by its decision, compile a relevant act on this and submit the protocol together with this act to the Con.EC within the period implied by law.*

4. Final provision

4.1. The Comment "On the rules for completing the protocol of the Precinct Election Commission on the voting results in Elections to the Milli Majlis of the Republic of Azerbaijan", approved by the decision # 23/97-1, dated September 18, 2010 shall be invalidated upon the enforcement of the foregoing Comment.

ⁱ If the surname, name and patronymic of candidates included in the ballot papers are the same, then their day, month and year of birth shall also be indicated.