

## **DECISION**

### **of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 132 received by the Central Election Commission on January 5, 2015 regarding the Municipal Elections held on December 23, 2014**

Ildirim Kamil Nazarov, registered candidate and others on Arkivan municipality of Masalli village Con.EC # 71 appealed to CEC on January 5, 2015 regarding the Municipal elections on December 23, 2014 and requested to annul the relevant Con.EC decision # 23/88 dated December 31, 2014, to cancel the election results on the polling stations of the municipality and to consider the election results on Arkivan municipality invalid.

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 the investigation that I.K.Nazarov registered candidate and others on Arkivan municipality had appealed to Masalli village Con.EC # 71 and requested to annul the relevant Con.EC decision # 23/88 dated December 31, 2014, to cancel the election results on the polling stations of the municipality and to consider the election results on Arkivan municipality invalid. That Con.EC adopted a decision on not implementing the appeal upon consideration.

Explanations by some candidates registered on Arkivan municipality but not elected, PEC members and observers representing different political parties and on their own initiatives, other documents of special importance to investigation were available in the process of investigation and relevant state bodies were distributed enquiries.

The complainants who participated in the investigation presented valid evidences only one polling station out of eight which had been disputed for law violations included in their appeals.

The claimed cases included in the appeal have not been justified through collected explanations and other investigation materials regarding the law violations in the polling stations # 1, 2, 3, 5, 6, 37 and 38 of that Con.EC in the elections to Arkivan municipality. Any legal ground was not found to implement the complaint on law violations claimed to have been committed in those polling stations, to annul the disputed decision of Masalli village Con.EC # 71 and the voting results upon considering invalid.

As the cases hindering the determination of voters' will as a result of offending the election legislation in the polling station # 4 of Masalli village Con.EC # 71 have been found out during investigation, the complaint on that polling station shall be implemented in comply with the Election Code of the Republic of Azerbaijan and there are legal grounds to annul the voting results upon considering them invalid.

And the Municipal Elections shall be considered invalid pursuant to Article 240.2.1 of the Election Code of the Republic of Azerbaijan if the number of the polling stations in which the voting results have been considered invalid or cancelled constitutes more than 2/5 part of the total number of the polling stations of that municipality and the voters' number in those polling stations exceeds ¼ part of the general registered voters' number in those polling stations.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 25.2.2, 25.2.22, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 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 # 132 dated January 5, 2015 by Ildirim Kamil Nazarov, registered candidate and others on Arkivan municipality of Masalli village Con.EC # 71 regarding the annul of the decision # 23/88 dated December 31, 2014 by Masalli village Con.EC # 71 shall be partly implemented.
2. The voting results on the PEC # 4 of Masalli village Con.EC # 71 shall be annulled upon considering invalid.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov