

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 102 submitted to the Central Election Commission on October 23, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In her written apply addressed to the Central Election Commission on October 23, 2015, Safarova Gunel Maharram, nominated by Umid (Hope) Party on Nasimi first Con.EC # 21 challenged the decision of the Con.EC on refusal to confirm the members with consultative voting rights appointed by her and requested for the redress of her violated rights upon making a relevant decision.

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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", 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.

In the appeal nominee G.M.Safarova informed that she appointed commission members with consultative voting rights to the existing Election Commissions on Nasimi first Con.EC # 21, since she appealed to the Con.EC for confirmation of those persons, the Con.EC refused from confirmation of the members with consultative voting rights without any grounds.

The Con.EC substantiated its argued decision on the grounds that the appointment of the members with consultative voting rights by G.M.Safarova was in contrary to the requirements of the Election Code and those persons shall not be confirmed as members with consultative voting rights.

During the investigation process the candidate was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session, her participation in the investigation and session of the Central Election Commission was provided.

During the investigation process was defined that, G.M.Safarova, nominated by Umid (Hope) Party appointed the members with consultative voting rights to the Nasimi first Con.EC # 21 and Precinct Election Commissions on that Con.EC on her own initiative, submitted relevant documents for their confirmation. Since the decision of the Con.EC on refusal to confirm those persons as members with consultative voting rights was compiled with some faults, the Con.EC concluded correctly on refusal to confirm the members with consultative voting rights appointed by G.M.Safarova with above-mentioned grounds and the basis to annul this decision was not appeared.

Thus, pursuant to the Articles # 21.2 and 148.6 of the Election Code of the Republic of Azerbaijan election commission members with consultative voting rights, representing candidates nominated by a political party or bloc of political parties, shall be appointed by the respective political party or bloc of political parties, and political parties and blocs of political parties, which have nominated or registered candidates in more than 60 single-mandate constituencies, may appoint a member with consultative voting rights to each election commission.

Pursuant to the items # 1.2 and 2.1 of the “Instruction on status of members of election commissions with consultative rights” of the Central Election Commission, during elections to the Milli Majlis, relevant presentation based on the decision on the appointment of the member with consultative right adopted in the joint meeting, convention and conference of political party shall be submitted to relevant election commission by authorized representative of political party, which have nominated or registered candidates in more than 60 single-mandate constituencies.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 21/62 of Nasimi first Con.EC # 21, dated October 19, 2015 on the refusal to confirm the members with consultative voting rights appointed by G.M.Safarova shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 21.2, 28.2, 148.6 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the “Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, the Central Election Commission **decides**:

1. The appeal # 102 submitted by Safarova Gunel Maharram, a candidate registered on Nasimi first Con.EC # 21 on October 23, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness and the decision # 21/62 of that Con.EC dated October 19, 2015 shall be remained in force without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov