

## **DECISION**

### **of Central Election Commission of the Republic of Azerbaijan**

#### **on consideration of the appeal # 33 submitted to the Central Election Commission on October 5, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015**

In his written apply addressed to the Central Election Commission on October 5, 2015, Hajizadeh Jamil Malik, nominated on own initiative on Binagadi second Con.EC # 9 challenged the inaction of the Con.EC and requested for the redress of his 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 his appeal candidate J.M.Hajizadeh informed that he had been nominated on own initiative on Binagadi second Con.EC # 9, collected signatures within that election constituency and although attempted to submit signature sheets and other election documents to the Con.EC at 17.38 on October 2, 2015, the Con.EC did not receive the documents and afterwards, refused to receive them stating that the deadline for submitting the documents had passed and a relevant act was also compiled on this.

During the investigation process, the candidate to deputy who has appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session.

It was determined in the investigation process that J.M.Hajizadeh appealed to Binagadi second Con.EC # 9 with a Notification on nomination of his candidacy to deputy on September 23, 2015, his candidacy was approved by the Con.EC decision # 19/2, dated September 27, 2015 and was provided signature sheets on October 1, 2015 to collect voters' signatures in support of the candidacy. Upon his appeal, he was provided with one more signature sheet at 15.55 on October 2, 2015.

An act dated October 2, 2015 and letter dated October 6, 2015 submitted by The Con.EC regarding the investigation, candidate to deputy J.M.Hajizadeh applied to the Con.EC at 18.00 on October 2, 2015 to submit signature sheets and the attached documents. After he was explained on the requirements of Article 58.1 of the Election Code, he refused from submitting relevant documents to the Con.EC.

Pursuant to Article 58.1 of the Election Code of the Republic of Azerbaijan, the election documents necessary for the candidate registration shall be submitted by the candidate or authorized representative of a political party, bloc of political parties to the relevant election commission at most 50 days and at least 30 days, till 18.00 prior to the voting day.

The latest period for submitting the documents for the candidate registration in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 ends at 18.00 on October 2, 2015.

Pursuant to the item # 2.3 of the “Instruction on the rules for the collection and submission of voters’ signatures in support of a verified candidate to deputy to the Constituency Election Commission in the Elections to the Milli Majlis of the Republic of Azerbaijan”, Con.EC shall receive signature sheets from 9.00 to 18.00 as defined in the Election Code. The signature sheets submitted after the defined deadline do not provide the same legal effect as the signature sheets filed within the defined time period do.

Basing on the above-mentioned, the complaint of candidate to deputy J.M.Hajizadeh on the inaction of the Con.EC shall not be implemented due to groundlessness.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 58.1, 112 and 112-1 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 # 33 submitted by Hajizadeh Jamil Malik, nominated on own initiative on Binagadi second Con.EC # 9 on October 5, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov