

INSTRUCTION

on the rules for the establishment of Constituency Election Commission

Rules for the formation of Constituency Election Commissions shall be determined by Articles 19.7, 22, 30 of Election Code of the Republic of Azerbaijan (hereafter referred to as – Election Code) and this Instruction.

1. General provisions

1.1. The Con.EC shall consist of 9 members. Members of the Constituency Election Commission are appointed by the Central Election Commission.

1.2. If election constituencies are organized directly before elections (referendum), they should be formed at least 50 days prior to Voting Day.

1.3. The term of constituency election commission's authority shall be 5 years.

1.4. Authorities of the Con.EC member shall commence since enforcement of the decision on his/her appointment and limited by the term of office of the commission.

1.5. The Con.EC members should be provided with the relevant badge by the CEC.

2. Nomination of a candidate to the membership of Constituency Election Commissions

2.1. Candidacies of 3 members of the Con.EC shall be nominated by commissioners representing the political party at the CEC, deputies of which constitute majority in the Milli Majlis, candidacy of 3 members shall be nominated by the commissioners representing the political parties at the CEC, deputies of which constitute minority in the Milli Majlis, another members shall be nominated by the commissioners representing non-party deputies of the Milli Majlis at the CEC. Candidates for membership of the Constituency Election Commission may be presented by local branches of the relevant political parties to members of the Central Election Commission representing political parties. 2 of the candidates to the Constituency Election Commission nominated by members of the Central Election Commission representing the non-partisan deputies, may be agreed to in the following way: 1 candidate with the members of the Central

Election Commission representing the political party of which the deputies constitute the majority in the Milli Majlis, and another candidate with the members of the Central Election Commission representing the political parties of which the deputies constitute a minority in the Milli Majlis.

2.2. Local organizations of relevant political parties can define candidates to the Con.EC membership and substituting members together with them pursuant to the charter of the political party and can submit to the commissioners representing political parties at the CEC. After the adoption of decisions by local organizations of political parties, the approved decisions, protocols and candidates' applications on consent shall be sent to the CEC together with the apply and accordingly, shall be submitted to commissioners of the CEC, deputies of which constitute majority and minority in the Milli Majlis.

2.3. Candidates to the Con.EC membership can be offered to the CEC members representing non-party deputies of the Milli Majlis by voters (voters' initiative groups).

2.4. For nominating candidate to the Con.EC membership on each constituency, voters' initiative group consisting of 15 persons shall be established. In this aim, they should hold their own session. All members of the initiative group shall live within the relevant constituency. Members of voters' initiative groups and candidates to the Con.EC membership shall be independent. The voters intending to establish initiative group shall apply to the institutions with a written application on the allocation of place for holding meeting. Sessions of voters' initiative group can be held on voters' residences, as well as, in areas and buildings of other legal entities. After determining appropriate place, the voters intending to establish initiative group should be informed on the place and time of the session.

2.5. The following issues shall be discussed at the session:

2.5.1. establishment of voters' initiative group;

2.5.2. nomination of candidate to the relevant Con.EC membership;

2.5.3. nomination of candidate to substituting membership of the Con.EC.

2.6. surname, name, patronymic, address of residence, serial number and date of issuance of ID card or its substitute document of each voter participating in the session should be indicated in the session minutes.

2.7. At the session, decision should be adopted on nomination of candidate to the Con.EC membership and substituting membership. The adopted decision and session minute shall be signed and approved by the head of session and secretary.

2.8. Session minutes and decision of the voters' initiative group should be verified by the seal of the stamp of office, institution or organization when conducted there and by the stamp of communal services or municipality when conducted on residences of voters. Decision and session minute can be approved in the notary order, as well.

2.9. The voters' initiative group shall send the approved decision, session minute and candidates' applications on consent to the CEC together with the apply. Documents on the candidates nominated in this way shall be submitted to the CEC members representing non-party deputies.

2.10. Candidacy of the substituting members should be nominated under the same conditions together with the Con.EC members having decisive rights.

2.11. The following persons are not allowed to act as the Con.EC member:

2.11.1. initiators of establishing campaign groups on referendum, authorized representatives of candidates, registered candidates, political parties that nominated candidates, blocs of political parties, agents, observers, members of election commissions having consultative rights, as well as close relatives under subjection of candidates, registered candidates and pursuant to Code of Family of the Republic of Azerbaijan, husbands or wives, their close relatives (children, parents, brothers, sisters, grandchildren, grandparents);

2.11.2. elected persons and incumbents of state authorities and municipalities;

2.11.3. Citizens of the Republic of Azerbaijan whose citizenship has been terminated;

2.11.4. citizens of foreign states;

2.11.5. persons having verdict of guilty in force by court about them;

2.11.6. persons unable to act based on the enforced decision of the court about them or with limited ability of activity;

2.11.7. members of other election commissions;

2.11.8. members of political parties;

2.11.9. persons previously violated election legislation and dismissed from the composition of election commission by the decision of upper election commission;

2.11.10. persons whose violation of election legislation was approved by court decision;

2.11.11. persons under age 18.

3. Rule for the appointment of candidates to the membership of Constituency Election Commissions

3.1. The documents submitted to the commissioners representing political parties that constitute majority and minority in the Milli Majlis, as well as non-party deputies at the CEC shall be investigated, in the case of agreement and following the relevant procedures, their candidacies shall be put under the session of CEC upon written presentation for the adoption of decision. At the result of discussing the issue at the CEC session, Commission shall adopt relevant decision on this.

4. Final provisions

4.1. Since the enforcement of this Instruction, the “Instruction on the rules for the establishment of Constituency Election Commission” approved by Decision # 10/49-1 dated August 9, 2008 of the Central Election Commission shall be considered invalid.
