

INSTRUCTION

on the participation of military servants in elections (referendum)

Rules for the participation of military personnel in elections (referendum) of the Republic of Azerbaijan (hereafter referred to as - elections), establishment of polling stations in military units and activity of election commissions of these polling stations shall be regulated by Articles 12.1, 13.1, 14.2.1, 35.5, 36.7, 46.6, 46.9, 47.3 and 104 of the Election Code of the Republic of Azerbaijan (hereafter referred to as- Election Code), as well as, Article 6.1 of Law of the Republic of Azerbaijan “on status of military servants”.

1. General provisions

1.1. Military servant refers to citizens of the Republic of Azerbaijan who are on real temporary or permanent military service at Armed Forces of the Republic of Azerbaijan and in military units implied by the legislation.

1.2. Military servants shall also have active and passive suffrage as other citizens of the Republic of Azerbaijan and carry equal rights and duties in the implementation of these rights.

1.3. By carrying out the terms to be abided by them in the elections (to be released temporarily from the execution of service duties, to report directly to the commander-in-chief in subordination manner and so on), military servants may participate as observers in the nomination of candidates, collection of voters' signatures, pre-election campaign for ensuring transparency in the election process.

1.4. When a military servant votes, he/she shall be issued a ballot paper (ballot paper in referendum) upon submission of ID document¹ by him/her.

2. Implementation of military servants' election rights

2.1. Active suffrage of military servants

2.1.1. Military servants are voters with active suffrage and vote in general polling stations established within the territory of the military unit.

2.1.2. The rules for taking the citizens of the Republic of Azerbaijan on limited military service to the polling stations shall be determined by Central Election Commission.

¹ Note: “Private card of an officer or military ID card for the military servants on real or limited military service according to the item 1.3 of the “List of identification documents used on the voting day in elections (referendum)”

2.1.3. Military servants of frontier troops and military servants located in zones of military conflict, as well as, military servants of the military units unable to vote in general polling stations basing on the submission of the relevant executive authorities (who serve under specific regime) shall vote in the polling stations established in military units in comply with Article 104 of the Election Code.

2.2. Passive suffrage of military servants

2.2.1. Military servants shall use² their eligibility by complying with Article 14.2.1 of the Election Code².

2.2.2. If the military servant is nominated on his/her own initiative or by other empowered persons, then the military servant shall report on this to his/her direct commander in comply with legislation.

3. Establishment of polling stations in the military units located outside of the residences

3.1. Establishment of the polling stations in the military units located outside of the residences shall be allowed only when taking the military servants to general polling stations requires more time than an hour and total number of the military servants exceeds 50.

3.1.1. In these cases, the polling stations shall be established by the commanders of the military units at least 50 days, in exceptional cases, at least 5 days prior to the voting day in accordance with the decision of the relevant Constituency Election Commission.

3.2. Precinct Election Commission (PEC) established within the military unit shall be organized by the relevant Constituency Election Commission (Con.EC).

3.3. If the number of the family members having active suffrage of military servants, military servants settled in military units, military servants living within the military unit and other voters is less than 100 and more than 50, then the general meeting of voters on the precinct consists 6 persons established within the military unit shall be conducted and PEC shall be elected out of them by open voting. Requirements for the activity of the commission, formation in competent structure and voting rules shall be equal with the polling stations established on general grounds. After organizing PEC, its composition shall be approved by the relevant Con.EC pursuant to Article 36.7 of Election Code.

4. Requirements for the establishment of polling stations and voting organization within military units

4.1. Polling station in military unit shall be arranged by the commander of the military unit in such a place for ensuring normal working regime that entry to these polling stations is easy and entry and exit of the persons indicated in item 4.2 of the Instruction from the polling station independently and implementing their authorities fully while presence in the polling stations is possible without breaking service and working regime.

² Note: Military servants cannot be deputy of the Milli Majlis, President and municipality member due to their post for the period of their military service.

4.2. Members of precinct and superior election commissions, registered candidates and their authorized representatives and agents, authorized representatives and agents of political parties, blocs of political parties, as well as, agents of referendum campaign groups, representatives of mass media and observers shall be facilitated free access to the voting rooms in the polling stations established in military units in a manner defined by the Election Code. These persons shall wear relevant badges which allow to identify their status (which indicates surname, name, patronymic, position and photo, in the form defined by Central Election Commission) during the presence in the polling station on the voting day.

4.3. Counting of votes and completing final protocol of PEC in precincts established within the military unit shall be implemented pursuant to Articles 100 and 106 of Election Code, as well as the relevant Instruction adopted by Central Election Commission.

5. Final provisions

5.1. Since the enforcement of this Instruction, the “Instruction on organization of voting in military units in Presidential elections in the Republic of Azerbaijan” approved by CEC Decision # 4/27 dated 27 June 2003, “Instruction on the participation of military servants in elections to the Milli Majlis of the Republic of Azerbaijan” approved by CEC Decision # 21/89 dated 15 August 2005, “Instruction on organization of voting in military units in referendum in the Republic of Azerbaijan” approved by CEC Decision # 1/4-5 dated 8 January 2009, shall be invalidated.
