

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 42, submitted to the Central Election Commission on October 6, 2015 and the appeal # 55 submitted to the Central Election Commission on October 7, 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 6, 2015, Samadov Parviz Habib, nominated on own initiative on Narimanov first Con.EC # 19 challenged the decision of the Con.EC on refusal to register his candidacy, requested for the annul of the relevant decision and register him as a candidate.

In her written apply addressed to the Central Election Commission on October 7, 2015, Mammadova Gulnara Balakhan, a candidate registered on that election constituency, claiming on violations by the Con.EC in the examination process of signature sheets and other necessary documents attached to them submitted in support of candidacy of Samadov Parviz Habib, requested a detailed review of the documents.

The complaints were 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”, investigated as joint proceedings, 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 P.H.Samadov informed that his candidacy had been nominated on own initiative on Narimanov first Con.EC # 19 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, signature sheets and other necessary documents attached to them were submitted to the Con.EC upon collecting voters' signatures within that constituency, but the Con.EC refused from registering his candidacy without any grounds.

Since the candidate P.H.Samadov had been tried to contact related with investigation, it was not successful.

During the investigation process the registered candidate G.B.Mammadova were contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session, she informed that defended her application and could not attend the session for a respectful reason.

The decision of the Con.EC on refusal to register candidacy of P.H.Samadov, dated October 4, 2015, was based on Article 60.2.4 of Election Code.

During the investigation process was defined that, in spite of the Con.EC did not reflect accurately all the circumstances and procedures in its decision had a correct conclusion on refusal to register P.H.Samadov as a candidate with the grounds.

The protocol and opinions dated October 8, 2015, compiled by the Working Group under the Central Election Commission upon the examination of the necessary documents for the registration of the candidate reveal that the 122 voters' signatures out of 550 included in 11 signature sheets submitted for the registration of P.H.Samadov were considered invalid. Thus, the number of remaining valid voters' signatures to register the candidate had not been sufficient and the challenged decision of the Con.EC should be considered grounded.

Pursuant to Article # 147.1 of Election Code of the Republic of Azerbaijan, at least 450 voters' signatures shall be collected in support of the candidate within the constituency the candidate has been nominated on.

Pursuant to Article # 60.2.4 of Election Code of the Republic of Azerbaijan, if the number of submitted valid voters' signatures presented in support of a candidate is less than required, it is a ground for refusal of registration.

Basing on the above-mentioned, the complaint of the registered candidate G.B.Mammadova shall be implemented, the complaint of the candidate P.H.Samadov shall not be implemented due to groundlessness and the decision # 27/61 of Narimanov first Con.EC # 19, dated October 4, 2015 on the refusal from registering his candidacy shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 60, 112, 112-1, 147 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 # 42 submitted by Samadov Parviz Habib, nominated on own initiative on Narimanov first Con.EC # 19 on October 6, 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 # 27/61 of that Con.EC dated October 4, 2015 shall be remained in force.
2. The appeal # 55 submitted by the registered candidate Mammadova Gulnara Balakhan on Narimanov first Con.EC # 19 on October 7, 2015 shall be implemented.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov