

## **DECISION**

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

**on consideration of the appeal # 37 submitted to the Central Election Commission on October 6, 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, Bakhshialiyev Agashirin Tarverdi, nominated on own initiative on Narimanov first Con.EC # 19 challenged the decision of the Con.EC on refusal to register his candidacy 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 the appeal nominee A.T.Bakhshialiyev 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.

The Con.EC substantiated its decision on the refusal from registering nominee A.T.Bakhshialiyev on the grounds that the number of valid voters' signatures to register the candidate had not been sufficient.

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

The protocol and opinions compiled by the Working Group under the Central Election Commission reveal that 117 voters' signatures out of 139 considered invalid by the Con.EC were considered invalid. The remaining valid signatures to register the candidate had not been sufficient.

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 A.T.Bakhshialiyev as a candidate with the grounds.

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

Pursuant to Article # 59.12 of Election Code, since the number of valid signatures submitted for registration of A.T.Bakhshialiyev is less than the number of signatures required, the candidate shall not be registered.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 30/67 of Narimanov first Con.EC # 19, dated October 5, 2015 on the refusal from registering the candidacy of A.T.Bakhshialiyev shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59.7.4, 59.12, 60, 112, 112-1, 147, 148.1 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 # 37 submitted by Bakhshialiyev Agashirin Tarverdi, 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 # 30/67 of that Con.EC dated October 5, 2015 shall be remained in force.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov