

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 91 submitted to the Central Election Commission on October 12, 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 9, 2015, Ulvi Faxraddin Hasanov nominated to deputy on its own initiative on Binagadi second Con.EC # 9 challenged the decision of Con.EC on refusal to register as a candidate and requested to restore violated rights by adopting appropriate decision in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015.

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration”, 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.

The candidate U.F. Hasanov noted in his appeal that, she was nominated on its own initiative on Binagadi second Con.EC # 9 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signatures of voters in the territory of the same constituency he submitted to the Con.EC signature sheets and other important documents attached to it, but at the results being invalid, registration of his candidacy was rejected by decision of the Con.EC.

The candidate U.F. Hasanov submitted 544 voters' signatures. Con.EC refused to register his candidacy at the basis of the following facts: 61 voters' signatures considered to be invalid and written application of 73 persons who were deceived during making signature for the support of candidate.

During investigation, it was kept in touch with candidate nominated to deputy and he was informed on his rights to submit additional documents and materials, take part in meeting and investigation and his participation in session of Central Election Commission was ensured.

During investigation it was defined that for the registration of a candidate on behalf of a candidate, it was submitted 544 voters' signatures in 11 signature sheets but 73 voters making written apply to the Constituency Election Commission showed that they were cheated in process of giving signatures and they did not know that the same signatures were for the support of candidate to deputy. During investigation, carried out in Central Election Commission the same voters confirmed the fact of applying to Con.EC with application on considered invalid signatures.

Pursuant to the Article 113.1.1 of Election Code, the election commission can refuse registration of a candidate if the information they submit according to this Code is not true or their invalidity is of great importance (except the cases mentioned in Article 60.3 of this Code).

Con.EC examined 61 voters' signatures and thus, they considered to be invalid. At the result of the above-mentioned, protocols and opinions, dated October 12, 2015, compiled by working group under Central Election Commission confirmed that the same 61 voters' signatures are invalid.

Decision of Con.EC on refusal to register him as a candidate shall be considered to be valid for the following reasons: 544 signatures were submitted by candidate for the registration of his candidacy but according to the above mentioned basis 134 of these signatures are considered to be invalid. Thus, the rest of 410 signatures were not enough for the registration of a candidate.

Pursuant to Article 147.1 of Election Code of the Republic of Azerbaijan at least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

So, pursuant to the Articles 59.12 and 113.1.1 of election Code, Con.EC made right conclusion on refusal to register U.F. Hasanov as a candidate.

Pursuant to the mentioned, complaint being invalid shall not be implemented; decision # 26/3, dated October 8, 2015 on refusal to register candidacy on Binagadi second Con.EC # 9 shall be kept in force without being amended.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112, 112-1, 113.1.1, 147.1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 of the” Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration” the Central Election Commission decides:

1. The appeal # 91 of Ulvi Faxraddin Hasanov nominated to deputy on its own initiative on Binagadi second Con.EC # 9, on October 12, 2015, is considered to be invalid and shall not be implemented; the decision # 26/3 of the Con.EC, dated October 8, 2015 shall be kept in force without being amended.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Deputy Chairman

Natig Mammadov

CEC Secretary

Arifa Mukhtarova