

COMMENT

on the rule for completing protocol of the Constituency Election Commission on the voting results in the Elections to the Milli Majlis of the Republic of Azerbaijan

The rule for completing the protocol of the Constituency Election Commission (Con.EC) on the voting results in Elections to the Milli Majlis of the Republic of Azerbaijan (hereinafter referred to as – the protocol) shall be defined in comply with Articles 100, 107 and 169 of Election Code of the Republic of Azerbaijan (hereinafter referred to as – the Election Code), as well as with the Comment.

1. General provisions

1.1. The voting results on the election constituency shall be included in handwriting in the protocol (Appendix # 1 to the Comment) prepared in the form of a booklet which consists of 3 carbonized copies (each copy of different color) according to the form defined by the Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as – the Central Election Commission).

1.1.1. The Con.EC protocol shall be compiled only by the members of that commission with decisive rights.

1.1.2. During the compilation of the protocol the data of each item shall be indicated both in words and figures in separate rows.

1.1.3. *It is prohibited to complete the protocol by pencil and make any corrections on it. Initially, a **draft** copy of the protocol shall be compiled due to the prohibition of making corrections on the official protocol.*

1.2. Immediately after the first copies of the protocols of Precinct Election Commissions (PEC) on the voting results and other necessary documents attached to them have been provided to the Con.EC chairman by the PEC chairpersons and two members representing different political parties, upon the request of the Con.EC chairman the Con.EC commissioners shall check the compatibility of the submitted documents with the requirements of Article 106.7 of the Election Code and any irregularities in the voting results. Afterwards, the information on the vote calculation shall be included in the Con.EC final protocol on the voting results.

1.3. The Con.EC protocol shall be compiled basing on summarizing all the information included in the PEC protocols within to 2 days after the voting. Summarizing the foregoing information shall be carried on incessantly.

2. Succession of completing the protocol

2.1. While compiling final Con.EC protocol on the voting results, the following items preceding the sentence “The Con.EC has determined the voting results on the relevant constituency by summarizing all the information included in the PEC protocols on the voting results” shall be completed in the following succession:

2.1.1. The line “**Number of Precinct Election Commissions (PEC) on the constituency**” should contain the number of the existing precincts and recently established precincts on relevant constituency;

2.1.2. The line “**Number of protocols submitted by PECs**” should contain the number of protocols submitted by other PECs excluding precincts where the voting was invalid;

2.1.3. The line “**Number of PEC protocols taken as basis for compiling the Con.EC protocol**” should contain the number of protocols entered by precincts where the voting was valid (*excluding protocols submitted by PECs where the voting results were invalid*);

2.1.4. The line “**Number of precincts where the voting results were considered invalid**” should contain the number of precincts where the voting was valid, but the results were considered invalid;

2.1.5. The line “**Number of precincts where the voting was invalid**” should contain the number of precincts where at the result of natural calamities, other inevitable events, as well as where the law violations committed during the conduct of elections or determining voting results made impossible to define voters’ will or where the final protocol has not been compiled if there is a court decision.

2.2. The protocol should be completed in the following order:

2.2.1. Item # 1 of the protocol – total number of voters included in the voters list on the constituency

(1=1a+1b):

2.2.1.1. a) number of voters in voters list;

2.2.1.2. b) number of voters in supplementary voters’ lists.

The sum of the figures in “a” and “b” semi-items of the first item of the PEC protocols shall be indicated in the relevant semi-items of the first item of this protocol. The sum of these figures shall be equal to the figure in the first item of this protocol and this figure shall be included in the relevant column.

2.2.2. Item # 2 of the protocol – number of voters who got de-registration cards

The figures in the item # 2 of PEC protocols are summed up and indicated in this item.

2.2.3. Item # 3 of the protocol – number of ballot papers provided to PEC by the Con.EC

(3=4+5+6)

The sum of the figures in the item # 3 of PEC protocols should be indicated in this item. This figure should be equal to the number of ballot papers given to PECs by the Con.EC, by compiling a relevant act (if protocols received from the precincts of constituencies were taken as a basis while compiling the Con.EC protocol).

As in the equitation in the brackets (3=4+5+6), the figure in this item should be equal to the sum of figures in items # 4 (the number of the voters who got ballot papers), # 5 (the number of the ballot papers canceled without having been used) and # 6 (the number of the spoilt ballot papers).

2.2.4. Item # 4 of the protocol - the number of the voters who got ballot papers

$$(4=4a+4b+4c)$$

2.2.4.1. a) outside of the voting rooms;

2.2.4.2. b) in the voting rooms - based on voters' lists (permanent or temporary) and the number of the signatures included in supplementary voters' lists

2.2.4.3. c) in voting rooms with de-registration cards.

The sum of the figures in "a", "b", "c" semi-items of the item # 4 of PEC protocols should be indicated in relevant semi-items of item # 4 of the protocol. Sum of these figures should be equal to the figure in item # 4 of the protocol and this figure should be written in the relevant column.

2.2.5. Item # 5 of the protocol - number of ballot papers canceled without having been used

This item should include the sum of figures in item # 5 of PEC protocols.

2.2.6. Item # 6 of the protocol - number of the spoilt ballot papers

This item should contain the sum of figures in item # 6 of PEC protocol.

2.2.7. Item # 7 of the protocol - number of ballot papers in ballot boxes (with the exception of the ballot papers in indeterminate form)

$$(7=7a+7b); (7\leq 4); (7=8+9)$$

2.2.7.1. a) in portable ballot boxes ($7a\leq 4a$);

b) in importable ballot boxes ($7b\leq 4b+4c$).

Relevant semi-items of item # 7 of the protocol should contain the sum of figures in semi-items "a" and "b" of this item of the PEC protocol. The sum of these figures should make figure of item # 7 of the protocol and this figure should be written at relevant column. The figure in semi-item # 7a shall be less or equal to the figure in semi-item # 4a and the figure in semi-item # 7b shall be less or equal to the sum of the figures in semi-items # 4b and 4c. According to the equality shown in brackets ($7\leq 4$), the figure of item # 7 should be equal to or less than the number of item # 4. The figure of the item # 7 shall be equal to the sum of the figures in the item # 8 (the number of invalid ballot papers) and in the item # 9 (the number of valid ballot papers) ($7=8+9$).

2.2.8. Item # 8 of the protocol – number of invalid ballot papers (number of the ballot papers without any sign in squares on the right of the candidates'

surnames or the ballot papers in the determinate form with the signs in more than one square)

The sum of the figures in the item # 8 of PEC protocols shall be indicated in this item.

2.2.9. Item # 9 of the protocol – number of valid ballot papers (number of the ballot papers in the determinate form with the signs put in square on the right of only one candidate's surname).

(9=10)

The sum of the figures in the item # 9 of PEC protocols shall be indicated in this item.

2.2.10. Item # 10 of the protocol – distribution of valid votes among candidates

In this item of the protocol, surname, name and patronymic of the candidate to membership of the Milli Majlis of the Republic of Azerbaijan included in the ballot paper should be written in succession as in the ballot paper, in alphabetical order and the number of votes for each candidate should be indicated in words and figures. Sum of votes for each candidate in the PEC protocol should be indicated in words and in figures in the column for the number of votes for this candidate of the Con.EC protocol. Sum of the votes shall be written at the end of the table and this figure shall be equal to the item # 9 (number of valid votes). Otherwise, the protocol shall be considered invalid.

2.2.11. Item # 11 of the protocol – Candidate elected a member of the Milli Majlis of the Republic of Azerbaijan

2.2.11.1. This item should contain the surname, name and patronymic of the candidate elected member of the Milli Majlis of the Republic of Azerbaijan.

2.2.11.2. The candidate who participated in elections and gained most votes of the voters shall be considered a deputy elected on single-mandate constituency.

2.3. Date and time of completing the protocol should be indicated after the whole process of completing the protocol.

2.4. Final protocol on the voting results shall be signed by at least two thirds of the Con.EC members with decisive voting rights. The commission members are prohibited to sign incomplete or not fully completed protocols. The Con.EC member who does not agree with the protocol in whole or various parts thereof shall enclose their special opinion to the protocol upon signing it and shall make relevant notes in the protocol in this regard.

3. Submission of the protocol with the enclosed documents to the Central Election Commission

3.1. Pursuant to Article 107.4 of Election Code, the following election documents shall be enclosed to the final protocol of the Con.EC on the voting results and sent to the Central Election Commission under the accompany of the Con.EC Chairman and two members representing various political parties immediately, but not later than 2 days since the voting day:

3.1.1. the first copy of the Con.EC protocol;

3.1.2. complaints (applications) related to the violation of the Election Code, entered the Con.EC on the voting day and decisions on these appeals adopted by the Con.EC;

3.1.3. act on providing ballot papers to the Con.EC by the Central Election Commission of the Republic of Azerbaijan in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 2);

3.1.4. act on the cancel of the unused ballot papers in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 3);

3.1.5. act on the issuance of de-registration (voting) cards for voting and cancel of unused voting cards in Elections to the Milli Majlis of the Republic of Azerbaijan (Appendix # 4).

3.2. The acts indicated in the items # 3.1.4 and 3.1.5 shall be signed by the Con.EC chairman and secretaries.

3.3. The approved copies of the complaints (applications), Con.EC decisions and the above-mentioned acts shall be enclosed to the second copy of the protocol.

Note: 1. *If any mistake was committed due to carelessness during compiling the protocol of the PEC, (inclusion of false information, erasing and other) and if consequently it became impossible to define the voters' will, then after receiving the protocol, the relevant Con.EC shall adopt a decision on re-count of votes in this precinct. Re-counting of votes shall be conducted by the Con.EC members with decisive voting rights, they shall compile and sign a protocol on the voting results on this polling station, it shall also be sealed by the Con.EC stamp and this protocol should contain the words "re-count of votes". This protocol shall also be attached the PEC protocol. The final Con.EC protocol shall include the information in the protocol on this precinct compiled by the Con.EC.*

Note: 2. *If any mistake was committed due to carelessness during compiling the protocol of the Con.EC, (inclusion of false information, erasing and other), then the Con.EC shall make this case official by its decision, shall compile a relevant act on this and submit the protocol together with this act to the Central Election Commission within the period implied by law.*

4. Final provision

4.1. The Comment "On the rules for completing the protocol of the Constituency Election Commission on the voting results in Elections to the Milli Majlis of the Republic of Azerbaijan", approved by the decision # 23/97-2, dated September 18, 2010 shall be invalidated upon the enforcement of the foregoing Comment.