

*Approved by Decision 7/27-1
dated on July 18, 2008 of the
Central Election Commission
of the Republic of Azerbaijan,*

*Amendments were made by
Decision 6/59 dated on June
18, 2013 and Decision # 1/2-6,
dated March 15, 2019*

INSTRUCTION

on the status of the agents in elections (referendum) of the Republic of Azerbaijan

Status of agents shall be determined by Articles 72, 152, 186, 220 of Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and this Instruction.

I. The rule for appointing agents and bases for their activity

1.1. The registered candidate to deputy can appoint agents up to 10, registered candidate to presidency can appoint agents up to 50 and registered candidate to municipality membership can appoint agents up to 3. When appointing an agent, Articles 74.4.2 and 90.2 of Election Code should be abided¹.

¹ According to Article 74.4.2 of Election Code, while implementing their duties and using their post or service priority, incumbents in state authorities, organizations or municipalities, civil and municipal servants, military men, as well as members of election commissions having decisive rights and other officials shall be prohibited to conduct pre-election campaign and disseminate any campaign material.

According to Article 90.2 of Election Code, the following persons shall be prohibited to conduct pre-election campaign:

- foreign states and foreign legal entities;*
- excluding the organizations implied by Article 77.1 of Election Code, TV and radio organizations belonging to the state;*
- foreign citizens;*
- citizens under 18;*
- as to the state on the day of official publication of the decision (order) on appointing elections, if the participation (property) percentage of foreign states, foreign citizens or stateless persons in the charter capital of legal entities of the Republic of Azerbaijan exceeds 30 %, then legal entities of the Republic of Azerbaijan;*
- international organizations and international public movements;*
- state authorities and municipalities;*

- *state and municipal organizations and offices;*

-*legal entities in the charter capital of whose the participation percentage of state or municipality exceeds 30 % as to the state on the day of official publication of the decision (order) on appointing elections;*

- *military divisions;*

- *charitable organizations, religious unions, offices and organizations;*

- *while implementing their duties and using their post or service priority, incumbents in state authorities, organizations or municipalities.*

1.2. Agents of the candidate, political party, political party bloc shall be appointed by the application of the candidate, decision of the convention, conference by political party, political parties that enter the bloc, session of the leading body, decision of the joint session by the representatives of political parties and agents of campaign groups on referendum shall be appointed by the decision of the session of this group.

Agents of political parties, political party blocs shall implement their functions in accordance with this decision which indicates their authorities, surname, name, patronymic, date of birth, main working or service place, position (if not any, then type of activity), address of residence, serial number of ID card or its substitute document and agents of the candidate and campaign group on referendum shall implement according to the powers of attorney provided to them by the candidate and group.

1.3. Within 3 days since the day of receiving written application of the registered candidate on appointing the agents or presentation on providing agents of political parties, political party blocs, campaign groups on referendum with a badge (Appendixes # 1, 2 and 2a made to Instruction), as well as application on consent of each agent appointed by political parties, political party blocs, campaign groups on referendum (Appendixes # 3 and 3a made to Instruction), these persons shall be registered by Central Election Commission of the Republic of Azerbaijan (hereafter referred to as the CEC) or Constituency Election Commission (hereafter referred to as the Con.EC) (2 colored photos at 3X4 should be attached to the application and applications on consent).

The apply of the agent on appointment shall be rejected only when the information included in the application is incorrect.

1.4. The application or presentation should contain each agent's surname, name, patronymic, date of birth, main working or service place, position (if not any, then type of activity), address of residence, serial number of ID card or its substitute document and date of issue.

1.5. Relevant election commission shall provide this person with badge containing of his/her surname, name, patronymic and photo which allows to identify his/her status (Appendixes # 4, 4a, 5, 5a, 6, 6a and 7 made to Instruction). Agents shall have this badge while being in the voting room on the voting day.

1.6. List of agents appointed by political parties or political party blocs, campaign groups on referendum shall be submitted to relevant election commission (Appendix # 8 made to Instruction).

List of agents appointed by political parties or political party blocs, campaign groups on

referendum should contain surname, name, patronymic, date of birth, serial number of ID card or its substitute document and date of issue, address of residence, main working or service place (if not any, type of activity), telephone number of each agent. Written application of each person on the consent to be an agent shall be attached to the relevant list submitted to the relevant election commission².

² *Like other participants of elections (referendum), agents shall also abide the following terms mentioned by Article 2.6 of Election Code:*

- *respect freedom of press;*
- *not to prevent representatives of mass media engaged in his/her occupation, not to interfere in election (referendum) campaigns of candidates, political parties (political party blocs) and not to break it;*
- *not to prevent dissemination of pre-election campaign materials;*
- *not to destroy pre-election (referendum) posters and other similar campaign materials;*
- *not to hinder the conduct of pre-election (pre-referendum) mass activities;*
- *to cooperate with election (referendum) bodies and their officials for free, independent, quiet and organized conduct of elections (referendum);*
- *not to prevent voters from expressing their will in free and independent form;*
- *respect and cooperate with the authorized persons and observers;*
- *to keep and help keeping secrecy of the voting;*
- *not to make voters to support him/her by illegal actions;*
- *not to interfere in the activities of election (referendum) commissions on the groundless reasons and not to violate the process of vote counting;*
- *to respect the results of elections (referendum) approved by law, to submit each complaint on elections (referendum) to the authorized body and abide the decision on this complaint by this body;*
- *not make speeches calling for menace, slander and violence and not to disseminate such materials;*
- *not to reward voters and not to menace them by penalty;*
- *not to use national, municipal and other public resources in the cases not implied by Election Code;*
- *not to involve voters to vote or prevent from voting by making pressures upon them or offer presents or by illegal methods;*
- *not to make voters to participate or not to participate in campaign groups on referendum, to nominate or not to nominate their candidacies, to withdraw or not to withdraw their candidacies, to participate or not to participate in pre-election (referendum) campaign by making pressures upon them or offer presents or by illegal methods;*
- *not to use assistance or activity of any incumbent in the support of the issue put in*

referendum or support of the candidate.

II. Rights of agents and actions banned for them

2.1. Agents of the candidate, political parties, political party blocs and campaign groups on referendum shall have the following rights and duties:

- 2.1.1. to participate in pre-election campaign of the registered candidate;
 - 2.1.2. to apply to the relevant executive authority with an application for allocating place for registered candidate to hold meetings with voters;
 - 2.1.3. to get the list of places allocated for locating pre-election campaign materials from the Con.EC;
 - 2.1.4. to be familiarized with voters' lists;
 - 2.1.5. to be in the voting room of the relevant polling station on the voting day at any time he/she wants;
 - 2.1.6.. to observe the inking of voters' fingers and inspecting via ultraviolet lamps before providing with ballot papers;
 - 2.1.7. to observe issuing ballot papers to the voters;
 - 2.1.8. to observe voters' voting outside the polling station;
 - 2.1.9. to observe the counting of the voters, ballot papers and canceled ballot papers;
 - 2.1.10. to require including the results of the observation in the protocol of the election commission;
 - 2.1.11. to observe the counting of the voters' votes without interfering in legal activity of election commissions, in a condition providing the conduct of observation and at a certain distance, during counting the votes to eye each ballot paper completed or incomplete in order to check the validness of the vote, be familiarized with the voting returns and the protocol of the election commission on the election returns and other election documents;
 - 2.1.12. to apply to the chairman of the precinct election commission or in the case of his absence the person who substitutes him/her with suggestions and comments related to the arrangement of the voting;
 - 2.1.13. to get free of charge and make a copy of the approved singles of the documents of election commissions, protocols on the electoral returns and voting results, included attachment documents adopted and compiled by the election commissions since the start of the work of the election commission on the voting day and locking of the ballot boxes up to adoption of the protocols on the voting results by the election commissions, to buy and make a copy of the additional copies with the payment defined by the CEC³;
- ^o *Election commission shall approve the copies of the above-mentioned documents with the request of the person who conducts observation.*
- 2.1.14. to be familiarized with the list of the persons participated in the voting⁴;

⁴ *On the voting day, the list of the persons who are in the voting room and observe implementation of election actions shall be conducted by Secretary of the Precinct Election Commission.*

2.1.15. to observe re-counting of the voters' votes in the relevant election commissions;

2.1.16. to observe providing upper election commissions with the election documents;

2.1.17. to observe implementation of election actions in election commissions;

2.1.18. to observe determination of voting results and electoral returns;

2.1.19. to observe compiling of protocols on the voting results and electoral returns (general results)⁵;

⁵ *When the opinions compiled on the results of observation is submitted to the chairmen of the relevant commissions, this opinion should be attached to the protocol on general electoral results or on the voting results*

2.1.20. to observe counting or re-counting of votes;

2.1.21. to take part in parallel counting of votes;

2.1.22. to observe sending the first copy of PEC protocol on the voting results to the Con.EC⁶;

2.1.23. other actions not prohibited by law.

2.2. Agents appointed by the candidate, political party, political party blocs and campaign groups on referendum shall be prohibited to do the following actions:

2.2.1. usage of their posts and service positions by agents having certain posts in state and municipal bodies during election procedure;

2.2.2. to impede implementation of authorities of election commissioners on the voting day, to force voters to vote for this or another candidate;

2.2.3. to provide the voters with ballot papers;

2.2.4. to inquiry to the voter about how he/she voted or will vote;

2.2.5. to sign on getting ballot paper instead of the voter with his/her own request;

⁶ *During the observation, the agent shall certainly abide the principles of conducting observation (not to influence election process in the interest of a candidate or political party, consideration of all cases and facts on the observed actions, fair conduct of observation and basing the results of observation on facts). He/she shall make official the revealed facts in the defined case (by compiling relevant act on this) and draw attention of the interested persons to making these facts official as possible. In order to ensure fairness in election process, elimination of the presumed incompatibilities and consequences of the allowed incompatibilities, expediency of drawing the attention of the relevant commission to these cases shall be permanently kept under attention.*

- 2.2.6. to complete the ballot paper with the request of the voter;
- 2.2.7. to act or call directed in support of this or other candidate and political party, political party bloc, campaign group on referendum or that can be valued as their support;
- 2.2.8. to interfere the work of election commissions;
- 2.2.9. to campaign among voters during the period when the conduct of campaign is prohibited by law (the voting day and the day before it);
- 2.2.10. to interfere in the adoption of the decisions of relevant election commission;
- 2.2.11. to reply to the questions of voters (excluding questions related to his/her own status);
- 2.2.12. to do other actions (inaction) prohibited by law.

III. Term of office and termination of authorities of agents

3.1. Authorities of the agents shall commence since their registration by the relevant election commission and end not later than the day of official publication of general electoral (referendum) results, as well as if the court investigation is held on the complaint on violating Election Code, then not later than the day of adoption of court's decision and by excluding the cases implied by Article 72.4 of Code when candidates(campaign groups on referendum), political parties or political party blocs that agents represent lose their status.

3.2. By warning the relevant election commission, the registered candidate, political party, bloc of political parties, campaign groups on referendum can call the appointed agents back at any time and appoint others instead of them. The copy of the adopted decision on this shall be sent to the relevant election commission. If there is such warning, the card of the agent shall be considered invalid.

3.3. The agent can refuse from his/her authorities and return the card submitted to him on own initiative to the relevant election commission at any time by warning the subject who appointed him/her.

3.4. The authorities of the agent can be also terminated in other cases implied by legislation.