

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 185 submitted to the Central Election Commission on November 15, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In their appeal addressed to the Central Election Commission on November 15, 2015, Valiyev Ilgar Mahir and Garayev Galib Aslan, registered candidates nominated by the New Azerbaijan Party on Aghdash Con.EC # 90 challenged the Con.EC decision # 23/80, dated November 7, 2015, thereby requesting to regard the voting results as invalid of some polling stations in that Con.EC and to invalidate the election results on that Con.EC.

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.

Registered candidates who had appealed substantiated their complaint on the grounds that the Con.EC did not provided their participation in the investigation and session, the law violations observed by them, agents and appointed observers on the voting day including from opening polling stations in all PECs of the Con.EC to the voting procedures in different time periods, vote counting and tabulation processes, voters' turnout and other election actions were not taken into consideration. Thus, in spite of their claims on the violation of the election legislation that could impact on the election results in certain way in the voting process, vote counting and compilation of protocols in the polling stations # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 19 in Aghdam city, the polling station # 11 in Dahnakhallilli village, the polling station # 12 in Yukhari Aghjayazi village, the polling station # 13 in Golgati village, the polling station # 14 in Shakilli village, the polling station # 15 in Goshagovag village, the polling station # 16 in Guva village, the polling station # 17 in Pirkaka village, the polling station # 18 in Arabojaghi village and the polling station # 22 in other villages of the region, not compiling the protocols in the polling station, not declaring the voting results there, not providing observers with protocol copies and the interference in the election process, the Con.EC did not recount the votes in the polling stations # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 19, 21, 23, 26, 29, 30 and 37 and the voting results on the polling stations # 11, 12, 13, 14, 16, 17, 18, 20, 22, 24, 25, 27, 28, 31, 32, 33, 34, 35, 36, 38, 39 and 40 were not regarded as invalid due to serious law violations.

During the investigation process, the registered candidates who had appealed were contacted and informed on their rights to submit additional documents and materials, their participation in the investigation was provided and in spite of invitation, they did not take part at the session.

It was determined through the investigation that while investigating the appeal at the Con.EC, all PEC chairmen of the election constituency, chairmen of the municipalities administrative premises of which were located by polling stations and territorial executive representatives provided affidavits that violations were not allowed in those

polling stations on the voting day, observers' comments were taken into consideration, the voting and vote count was held in comply with election legislation, the voting results protocols were compiled in the polling station, their copies were distributed to the election actors and local executive representatives did not intervene in the voting, also a decision was adopted on not implementing the appeal upon regarding as groundless.

During the investigation the challenged PEC voting results protocols were reviewed upon getting them from the Con.EC. As a result of the review, the violations that did not allow to determined voters' will in certain way in the voting results protocols of the polling stations # 3, 5, 7, 9, 12, 14, 16, 17, 18, 22, 24, 25, 27, 28, 34, 35. Thus, inadmissible corrections and discrepancy in the writing of votes in words and figures on the polling stations # 3, 9, 14, 17, 18, 22, 24, 28 and 35, incompliance of the number of the valid votes for candidates with the total number in the polling stations # 5, 7, 12, 16, 25, 27, 34 and 39, misbalance, discrepancies between the number of the ballot papers issued to voters and the ballot papers in ballot boxes and the cases of making corrections to the votes for some candidates were found out.

As the above-mentioned violations allows regarding the voting results on the polling stations as invalid according to the election legislation, legal grounds have been determined to invalidate the voting results on the polling stations # 3, 5, 7, 9, 12, 14, 16, 17, 18, 22, 24, 25, 27, 28, 34, 35 and 39.

The number of the polling stations the results of which are to be invalidated constitutes 2/5 of the general number of the polling stations within the election constituency. The number of registered voters in those polling stations constitutes more than ¼ of voters' general number on the Con.EC. Thus, the number of the polling stations the results of which are to be invalidated is 17, number of the registered voters in those polling stations is 14377, general number of the polling stations of the Con.EC is 40 and the number of registered voters in those polling stations is 39994.

Pursuant to Article 170.2 of the Election Code of the Republic of Azerbaijan implies that the Constituency Election Commission or Central Election Commission shall invalidate the elections on the election constituency in the following cases:

- 170.2.1. if the law violations committed on the election constituency during the conduct of voting or determination of the voting results do not allow to define voters' will;
- 170.2.2. the number of the polling stations the voting results of which have been regarded as invalid or annulled, constitutes more than 2/5 of general number of the polling stations within single-mandate election constituency during the voting on that election constituency, providing the number of registered voters in those polling stations to constitute more than ¼ of general number of registered voters on the election constituency.

Basing on the above-mentioned, legal grounds have been determined to implement the appeal, to annul decision # 23/80 of the Con.EC, dated November 7, 2015, invalidate the voting results on the polling stations # 3, 5, 7, 9, 12, 14, 16, 17, 18, 22, 24, 25, 27, 28, 34, 35 and 39 and to regard the elections on that election constituency as invalid.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112 and 112-1 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 # 185 of Valiyev Ilgar Mahir and Garayev Galib Aslan, registered candidates nominated by the New Azerbaijan Party on Aghdash Con.EC # 90, dated November 15, 2015 shall be implemented.
2. The voting results on the polling stations # 3, 5, 7, 9, 12, 14, 16, 17, 18, 22, 24, 25, 27, 28, 34, 35 and 39 shall be regarded as invalid and the elections to the Milli Majlis of the Republic of Azerbaijan shall be invalidated on that election constituency.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov