

## **INSTRUCTION**

### **on rules for local observation in elections (referendum)**

#### **of the Republic of Azerbaijan**

During elections (referendum) conducted in the Republic of Azerbaijan, the rules for observation by citizens of the Republic of Azerbaijan shall be regulated pursuant to Articles 36.6 and 40-43 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and this Instruction.

During elections (referendum) conducted in the Republic of Azerbaijan, each citizen of the Republic of Azerbaijan having active suffrage can conduct observation within the republic or election (referendum) constituency on his/her own initiative, on the initiative of the registered candidate, political parties, political party blocs, campaign groups on referendum and non-governmental organizations functioning in the field of elections.

The observation can be conducted in the whole territory of the republic, within one constituency, as well as sessions of relevant election (referendum) commissions (hereafter referred to as election commissions) in accordance with specific permission.

#### **I. The rule for registering the citizen who applied for conducting observation in the whole territory of the Republic of Azerbaijan**

1.1. A citizen of the Republic of Azerbaijan having active suffrage who intends to conduct observation within the whole territory of the Republic of Azerbaijan can submit an application on this to the Central Election Commission of the Republic of Azerbaijan (hereafter referred to as CEC) since the day of official publication of the decision (order) on the appointment of elections up to 10 days prior to the conduct of elections (Appendix # 1 made to Instruction). The application should contain surname, name, patronymic, address of residence, serial number of ID card or its substitute document of the person intending to observe, if necessary, name of the candidate whose interests will be represented, name and legal address of campaign group on referendum, non-governmental organization and political party, bloc of political parties. Two colored photos of 3X4 size should be attached to the application. Decision on each application should be adopted within 3 days since the date of its submission. The conduct of observation can be rejected only if the information indicated in the application is not approved. When the Central Election Commission does not permit the conduct of observation, then this citizen shall have the right to apply to Baku Court of Appeals from this decision by the CEC.

1.2. If the conduct of observation is permitted, then the Central Election Commission should provide the observer with ID card (Appendixes # 2, 2a, 2b, 2c, 5, 5a, 5b, 5c, 9, 9a, 9b, 9c, 13, 13a, 13b, 13c made to Instruction).

## **II. The rule for registering the citizens who applied for conducting observation within the constituency**

2.1. Application on the observation in the territory of the constituency (Appendix # 1a made to Instruction) shall be submitted to the relevant Constituency Election Commission (Con.EC) since the day of official publication of the decision (order) on the appointment of elections up to 5 days prior to the conduct of elections. The application should contain surname, name, patronymic, address of residence, serial number of ID card or its substitute document of the person intending to observe, if necessary, name of the candidate whose interests will be represented, name and legal address of campaign group on referendum, nongovernmental organization and political party, bloc of political parties. Two colored photos of 3X4 size should be attached to the application. Decision on each application should be adopted not more than 2 days since the date of its submission. The conduct of observation can be rejected only if the information indicated in the application is not approved. When the Con.EC does not permit the conduct of observation, then this citizen shall have the right to apply to the CEC from this decision by the Con.EC.

2.2. When the conduct of observation is allowed, the relevant Con.EC shall provide the observer with the ID card prepared in the form defined by the Central Election Commission (Appendixes # 3, 3a,3b, 3c, 6, 6a, 6b, 6c, 10, 10a, 10b, 10c, 14, 14a, 14b, 14c made to Instruction).

2.3. Pursuant to Article 36.6 of Election Code, the registered candidate, political parties, blocs of political parties and voters' initiative group shall have the right to appoint an observer for the PEC since the PEC commences its work till the formalizing the voting results. These observers apply to the Con.EC with the application with 2 colored photos at 3X4 (Appendix 2 to the Instruction) on which has been attached to the copy of the decision on their appointment as observers (Appendixes # 8, 8a, 8b, 12, 12a, 12b, 16, 16a, 16b made to Instruction). The apply can be rejected only if the included information has not been approved.

## **III. The rule for registering the citizens who applied for getting the status of observer having specific permission**

3.1. To observe sessions of election commissions up to the voting day shall belong only to the observers who got specific permission by applying to Central Election Commission with an application (Appendix # 1c made to Instruction) to be registered for gaining this right at order defined by this Instruction and Article 40.13 of Election Code. This right should be indicated in the badge (Appendixes # 4, 4a, 4b, 7, 7a, 7b, 11, 11a, 11b, 15, 15a, 15b made to Instruction) provided by Central Election Commission. Each person in the introduction part of this Instruction (registered candidate, political parties, blocs of political parties, campaign groups on referendum, non-governmental organizations functioning in the field of elections) shall have one observer separately for each election commission. Central Election Commission appoints them by drawing lots not being more than 10 persons in each election commission.

**Note:** *Observers are not required specific permission to observe the session of the election commission on the voting day.*

## **IV. Principles of conducting observation**

4.1. The conduct of observation should based on the following principles:

- 4.1.1. not to influence election process for the interests of a candidate or political party;
- 4.1.2. all cases and facts on the observed actions should be taken into account;
- 4.1.3. the observation should be conducted openly;
- 4.1.4. results of the observation should be based on the facts;
- 4.2. the above-mentioned principles should be indicated in the back side of the observer's card.
- 4.3. during the observation, the observer shall certainly abide the principles of conducting observation, 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.

**Note:** Like other participants of elections (referendum), observers 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.*

## **V. Rights and duties of observers**

**5.1.** Local and foreign observers shall have equal rights and carry equal duties.

### **5.2. Observers shall have the following rights:**

- 5.2.1. to be familiarized with voter lists;
- 5.2.2. to be in the voting room of the relevant precinct at any time on the voting day and observe checking the inking of voters' fingers via ultraviolet lamps;
- 5.2.3. to observe the inking of voters' fingers and inspecting via ultraviolet lamps before providing with ballot papers;
- 5.2.4. to observe issuing ballot papers to the voters;
- 5.2.5. to observe voters' voting outside the polling station;
- 5.2.6. to observe the counting of the voters, ballot papers and canceled ballot papers;
- 5.2.7. to require including the results of the observation in the protocol of the election commission;
- 5.2.8. 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;
- 5.2.9. 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;
- 5.2.10. 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 CEC;

*Note: election commission shall approve the copies of the above-mentioned documents with the request of the observer.*

- 5.2.11. to be familiarized with the list of the persons participated in the voting;
- 5.2.12. to observe re-counting of the voters' votes in the relevant election commissions;
- 5.2.13. to observe providing upper election commissions with the election documents;
- 5.2.14. to observe implementation of election actions in election commissions;
- 5.2.15. to observe determination of voting results and electoral returns;
- 5.2.16. to observe compiling of protocols on the voting results and electoral returns (general results);
- 5.2.17. to observe counting or re-counting of votes;
- 5.2.18. to take part in parallel counting of votes;
- 5.2.19. to observe sending the first copy of PEC protocol on the voting results to the Con.EC;
- 5.2.20. other actions (inaction) not prohibited by law.

**5.3. Observers shall be prohibited to do the following actions:**

- 5.3.1. to provide the voters with ballot papers;
- 5.3.2. to inquiry to the voter about how he/she voted or will vote;
- 5.3.3. to sign on getting ballot paper instead of the voter with his/her own request;
- 5.3.4. to complete the ballot paper with the request of the voter;
- 5.3.5. to participate directly in the counting of ballot papers together with members of election commissions with decisive rights;
- 5.3.6. to interfere in the work of election commissions;
- 5.3.7. to campaign among voters;
- 5.3.8. to act or call directed in support of this or other candidate and political party, political party bloc (question put under referendum) or that can be valued as their support;
- 5.3.9. to interfere in the adoption of the decisions of relevant election commission;
- 5.3.10. the inking of voters' fingers and inspecting via ultraviolet lamps;
- 5.3.11. to reply to the questions of voters (excluding questions related to his/her own status);
- 5.3.12. to do other actions (inaction) prohibited by law.

**Note:** 1. When the opinions compiled on the results of observation are submitted to the chairmen of relevant commissions, this opinion should be attached to the protocol on general electoral results or on the voting results.

*2. The PEC shall adopt decision on the observer intending impede the voter to express his/her will in free manner and to violate secret voting and shall make him/her to leave the room without delay.*

*3. 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.*

## **VI. Term of office and termination of authorities of observers**

6.1. Term of office of the observer shall commence since providing him/her with this status by the relevant election commission and end on the day of official publication of electoral (referendum) returns (general results) after considering all disputes related to elections (referendum) in relevant courts.

6.2. The registration of the observer who does not meet the requirements implied by the item # 5.3 of thin Instruction can be canceled by the relevant court according to the appeal of the election commission that has registered him/her.

6.3. Authorities of the observer shall be terminated in other cases and manner defined by legislation.