

INSTRUCTION

on the rules for the establishment of Precinct Election Commission

Rules for the formation of Precinct Election Commissions shall be determined by Articles 19.7, 22, 36 of Election Code of the Republic of Azerbaijan (hereafter referred to as – Election Code) and this Instruction.

1. Organization and term of office for Precinct Election Commissions

1.1. Precinct Election Commissions, comprising of 6 members, shall be formed by the relevant Constituency Election Commission.

1.2. If Precinct Election Commissions are created directly before the elections (referendum), they should be organized at least 40 days prior to Voting Day.

1.3. On oil platforms located in the Azerbaijani sector of the Caspian Sea, ships at sea on Election Day (if more than 50 voters are on), and in facilities where voters are temporarily present (hospitals, sanatoriums and rest homes) and in facilities where voters are temporarily present (hospitals, sanatoriums and rest homes) precinct election commissions may be created at least 40 days prior to voting day in conformity with the rules defined by the Central Election Commission (hereinafter referred as Central Election Commission), but in exceptional cases at least 5 days prior to voting day. Such Precinct Election Commissions shall be established in these places by Constituency Election Commissions only during referendum and Presidential elections.

1.4. It is allowed to create precinct election commissions in the military units located outside of settlements only in the cases where the number of military servants is over 50 and more than an hour is required to transport the military servants to the general polling station by public transportation. In these cases, Precinct Election Commissions shall be established at least 40 days prior to the voting day and in exceptional cases, at least 5 days prior to the voting day by the relevant Constituency Election Commissions.

These rules also refer to the election precincts created within the military units established for the military servants from frontier troops, military servants served in areas of military conflict, and military servants serving

under special regime, as well as, in the cases established by the Central Election Commission.

1.5. The Precinct Election Commission in the polling stations the voters less than 100 and more than 50, implied in items 1.3 and 1.4 of this Instruction, as well as, in the precincts located in the impassable places shall be elected by open voting in general meeting of voters. In this case, the structure of the Precinct Election Commissions shall be verified by Constituency Election Commissions.

1.6. On the voting day, Precinct Election Commissions for the voting of voters settled in foreign countries and for vote counting, shall be established in the places settled by voters at least 30 days prior to the voting day for the conduct of only referendum and Presidential elections by the voters and the officials of diplomatic representations and consulates of the Republic of Azerbaijan when the number of the voters registered by the heads of these institutions exceeds 50.

1.7. The term of precinct election commission's authority shall be 5 years.

1.8. Authorities of the Con.EC members shall commence since enforcement of the decision on his/her appointment and limited by the term of office of the commission.

1.9. The PEC members should be provided with the relevant card by the Con.EC.

2. Nomination of candidates to the membership of Precinct Election Commissions

2.1. Candidacies of 2 members of the PEC shall be nominated by commissioners representing the political party at the CEC, deputies of which constitute majority in the Milli Majlis, candidacy of 2 members shall be nominated by the commissioners representing the political parties at the CEC, deputies of which constitute minority in the Milli Majlis, another 2 members shall be nominated by the commissioners representing non-party deputies of the Milli Majlis at the Con.EC.

2.2. Candidates should be citizens of the Republic of Azerbaijan, permanently residing within the territory of the relevant election constituency. No more than 2 members of the Precinct Election Commission may be in municipal service.

2.3. Local organizations of relevant political parties can define candidates to the PEC membership and substituting members together with them pursuant to the charter of the political party and can submit to the commissioners representing political parties at the Con.EC. After the adoption of decisions by local organizations of political parties, the approved decisions, protocols and candidates' applications on consent shall be sent to the relevant Con.EC together with the apply and

accordingly, shall be submitted to commissioners of the Con.EC, deputies of which constitute majority and minority in the Milli Majlis.

2.4. Candidates to the PEC membership can be offered to the Con.EC members representing non-party deputies of the Milli Majlis by voters (voters' initiative groups).

2.5. For nominating candidate to the PEC membership on each precinct, voters' initiative group consisting of 10 persons shall be established. In this aim, they should hold their own session. All members of the initiative group shall live within the relevant precinct. Members of voters' initiative groups and candidates to the PEC membership shall be independent. The voters intending to establish initiative group shall apply to the relevant institutions with a written application on the allocation of place for holding meeting. Sessions of voters' initiative group can be held on voters' residences, as well as, in areas and buildings of other legal entities. After determining appropriate place, the voters intending to establish initiative group should be informed on the place and time of the session.

2.6. The following issues shall be discussed at the session:

2.6.1. establishment of voters' initiative group;

2.6.2. nomination of candidate to the relevant PEC membership;

2.6.3. nomination of candidate to substituting membership of the PEC.

2.7. surname, name, patronymic, address of residence, serial number and date of issuance of ID card or its substitute document of each voter participating in the session should be indicated in the session minutes.

2.8. At the session, decision should be adopted on nomination of candidate to the PEC membership and substituting membership. The adopted decision and session minute shall be signed and approved by the head of session and secretary.

2.9. Session minutes and decision of the voters' initiative group should be verified by the seal of the stamp of office, institution or organization when conducted there and by the stamp of communal services or municipality when conducted on residences of voters. Decision and session minute can be approved in the notary order, as well.

2.10. The voters' initiative group shall send the approved decision, session minute and candidates' applications on consent to the ConEC together with the apply. The documents on the candidates nominated in this way shall be submitted to the members of Constituency Election Commissions, representing non-party deputies.

2.11. Candidacy of the substituting members should be nominated under the same conditions together with the PEC members having decisive rights.

2.12. The following persons are not allowed to act as the PEC member:

2.12.1. initiators of establishing campaign groups on referendum, authorized representatives of candidates, registered candidates, political

parties that nominated candidates, blocs of political parties, agents, observers, members of election commissions having consultative rights, as well as close relatives under subjection of candidates, registered candidates and pursuant to Code of Family of the Republic of Azerbaijan, husbands or wives, their close relatives (children, parents, brothers, sisters, grandchildren, grandparents);

2.12.2. elected persons and incumbents of state authorities and municipalities;

2.12.3. Citizens of the Republic of Azerbaijan whose citizenship has been terminated;

2.12.4. citizens of foreign states;

2.12.5. persons having verdict of guilty in force by court about them;

2.12.6. persons unable to act based on the enforced decision of the court about them or with limited ability of activity;

2.12.7. members of other election commissions (concurrently, being members of other commission);

2.12.8. members of political parties;

2.12.9. persons previously violated election legislation and dismissed from the composition of election commission by the decision of upper election commission;

2.12.10. persons whose violation of election legislation was approved by court decision;

2.12.11. persons under age 18.

3. Rule for the appointment of candidates to the membership of Precinct Election Commissions

3.1. Commissioners representing political parties that constitute majority and minority in the Milli Majlis, as well as non-party deputies at the Con.EC shall investigate the submitted documents, nominate their candidacies at the Con.EC when agreed and put under the session of Con.EC for the adoption of decision. At the result of discussing the issue at the Con.EC session, commission shall adopt relevant decision on this.

4. Final provisions

4.1. Since the enforcement of this Instruction, the "Instruction on the rules for the establishment of Precinct Election Commission" approved by Decision # 10/49-2 dated August 9, 2008 of the Central Election Commission shall be considered invalid.