

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 72 submitted to the Central Election Commission on October 9, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In his written apply addressed to the Central Election Commission on October 9, 2015, Gafarli Nadir Azim, nominated by Musavat Party on Shabran-Siyazan Con.EC # 54 challenged the decision of the Con.EC on refusal to register his candidacy and requested for the redress of his violated rights upon making a relevant decision.

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.

In the appeal nominee N.A.Gafarli informed that his candidacy had been nominated by Musavat Party on Shabran-Siyazan Con.EC # 54 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, signature sheets and other necessary documents attached to them were submitted to the Con.EC upon collecting voters' signatures within that constituency, but the Con.EC refused from registering his candidacy without any grounds.

During the investigation process the applicant was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session.

The Con.EC substantiated its argued decision # 23/74, dated October 8, 2015 on the refusal from registering the candidacy of N.A.Gafarli, nominated by Musavat Party on the grounds that 150 voters who have provided to 549 voters' signatures submitted by the candidate had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those signatures were in support of the plaintiff.

During the investigation process was defined that, the Con.EC, examining all the circumstances reflected in its decision on the basis of voters' appeals applied on invalidity of their signatures and pursuant to Article # 113.1.1 of Election Code correctly concluded on refusal to register N.A.Gafarli as a candidate.

Thus, 150 voters who have provided to 549 voters' signatures in 11 signature sheets submitted for the candidate registration had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those

signatures were in support of the plaintiff. During the investigation process held at the Central Election Commission those voters justified that they had appealed to the Con.EC on considering the voters' signatures invalid.

Pursuant to Article 113.1.1 of the Election Code, the election commission shall refuse from registering the candidate when the information submitted by them is not accurate or their invalidity is of great importance (excluding the cases implied by Article 60.3 of the Election Code).

Since the invalidity of 150 signatures out of those submitted for the registration of the candidate carries vital importance due to the above-mentioned grounds and after those signatures are excluded, the remaining 399 signatures were not sufficient for the candidate's registration, the Working Group under the Central Election Commission did not need to examine the other signatures.

Pursuant to Article # 147.1 of Election Code of the Republic of Azerbaijan, at least 450 voters' signatures shall be collected in support of the candidate within the constituency the candidate has been nominated on.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 23/74 of Shabran-Siyazan Con.EC # 54, dated October 8, 2015 on the refusal from registering the candidacy shall be remained in force.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 112, 112-1, 113.1.1, 147.1 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 # 72 submitted by Gafarli Nadir Azim, nominated by Musavat Party on Shabran-Siyazan Con.EC # 54 on October 9, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness and the decision # 23/74 of that Con.EC dated October 8, 2015 shall be remained in force without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov

