

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 63 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 8, 2015, Karimli Nemat Agha, nominated by Musavat Party on Binagadi second Con.EC # 9 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 the candidate N.A.Karimli informed that his candidacy had been nominated by Musavat Party on Binagadi second Con.EC # 9 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, his participation in the investigation and session of the Central Election Commission was provided.

The Con.EC substantiated its argued decision on the refusal from registering the candidacy of N.A.Karimli on the grounds that 78 out of 500 voters’ signatures submitted by the candidate were invalid.

The protocol and opinions dated October 10, 2015, compiled by the Working Group under the Central Election Commission during the investigation process reveal that 78 voters’ signatures out of 500 in 10 signature sheets submitted by N.A.Karimli for registration of his candidacy were considered invalid according to the Article # 59.7.1 of Election Code. Since the number of valid signatures is not sufficient for the registration of candidate, the argued decision of the Con.EC on the refusal from registering his candidacy shall be considered grounded.

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.

Pursuant to Article # 59.12 of Election Code, the Con.EC correctly concluded on refusal to register N.A.Karimli as a candidate.

Pursuant to Article # 60.2.4 of Election Code of the Republic of Azerbaijan, if the number of submitted valid (correct) voters' signatures presented in support of a candidate is less than required, it is a ground for refusal of registration.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 25/2 of Binagadi second Con.EC # 9, dated October 7, 2015 on the refusal from registering the candidacy of the candidate shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112, 112-1, 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 # 63 submitted by Karimli Nemat Agha, nominated by Musavat Party on Binagadi second Con.EC # 9 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 # 25/2 of that Con.EC dated October 7, 2015 shall be remained in force.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov