

Approved by Decision 6/23-1 dated on July 4, 2008 of the Central Election Commission of the Republic of Azerbaijan amendments were made by Decision 15/58-5 dated on 23 July 2010, by Decision 2/8 dated on April 2, 2013, Decision # 8/32, dated June 3, 2016 and Decision 1/2-5, dated March 15, 2019

INSTRUCTION

on the working rules with voters lists of election commissions

Compliance, specification and publication of voters' lists by election commissions shall be regulated by Articles 45-48 of Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and the Instruction.

1. Integrated voters' list

1.1. Voters' lists are the lists of the citizens of the Republic of Azerbaijan living within the relevant election (referenda) precinct of relevant election (referenda) constituency and having suffrage. Voters' lists shall be considered one of official election documents. The information on the specification of voters' lists shall be submitted to the Central Election Commission of the Republic of Azerbaijan (hereafter referred to as CEC) by Precinct Election Commissions (PECs) via Constituency Election Commissions (Con.ECs) every year. Accordingly, CEC compiles integrated voters' lists. Integrated voters' list on the Republic of Azerbaijan shall be compiled by CEC via State Automated Information System.

1.2. Integrated voters' lists should not contain the information of the voters' list approved by PECs established outside of the Republic of Azerbaijan. This information shall be submitted in the order defined CEC and be summarized in temporary lists of voters. Temporary lists of voters are attached to integrated voters' lists.

2. The rule for compiling permanent and temporary voters' lists

2.1. Voters' lists are compiled in the forms of permanent and temporary voters' lists. Permanent voters' lists should contain the information on the voters having suffrage submitted by relevant executive bodies (the Ministry for Interior Affairs of the Republic of Azerbaijan, Ministry of Justice of the Republic of Azerbaijan, local executive bodies), heads of municipalities and commanders of military units.

2.2. Permanent voters lists shall be approved by the PEC on each polling station till May 30 every year and shall be specified at least 25 days prior to the voting day.

2.3. Temporary voters' lists should contain the information on the voters having

suffrage submitted by the heads of consulates and diplomatic representatives, as well as of the heads of the institutions temporarily settled by voters.

2.4. Voters lists should be compiled in 2 copies. The information on the voters included in voters' lists should be located in the list on the alphabetical order or in other order (on settlements, streets, apartments, buildings). Lists should contain name, surname, patronymic, date of birth (for the people aged 18 -including birth month and day), address of permanent residence (number of street, apartment and flat, if it its temporary residence-address of the hospital, sanatorium, rest home and other places) of the voter and number of polling station.

2.5. First copy of the primary voters list compiled on the polling station shall be preserved in the PEC by compiling relevant act, the second copy shall be submitted to the Con.EC no later than February 5 each year, but at least 25 days prior to the voting day. Voters lists on polling stations shall be signed by the chairman and secretaries of the PEC and verified by the seal of the commission.

2.6. Primary voters lists on the constituency should be compiled in 2 copies no later than March 5 each year and signed by the chairman and secretaries of the Con.EC and submitted to the Central Election Commission till April 5 after being verified by the seal of the election commission.

2.7. If incompatibilities are revealed in voters lists by Central Election Commission, then amendments are made to them and then, are approved by PECs and Con.ECS till May.

2.8. If voters lists on polling stations established in remote districts are compiled by PECs according to the information on voters submitted by heads of relevant executive authorities and municipalities at least 25 days prior to the voting day and polling stations are established 5 days prior to the voting day, then voters lists shall be specified 2 days after the establishment of the PEC.

2.9. Lists of voters (military officials in military units, families of military officials living within the territory located by the military units, the persons accused and kept in the institutions of confinement and other voters) shall be specified by the PECs at least 20 days prior to the voting day according to the information of the commanders of the military units and institutions of confinement on voters. If any polling station is not established in the military unit, the commander of the military unit and heads of institutions of confinement shall collect and specify the information on voters in the case defined by Central Election Commission and if not any other case is implied by the Election Code of the Republic of Azerbaijan, they submit this information to the relevant PEC at least 35 days prior to the voting day. The citizens kept in administrative order and about who the arrest is drastic measure during the investigation shall be included in the voters' lists individually by the PEC. Such information shall be submitted to the PEC by relevant courts which adopted decision on the arrest of the citizen or the relevant executive authority which adopted decision in administrative order at least 2 days prior to the voting day. This information should contain full indications of ID cards or their substitute documents.

2.10. The voters' lists on the precincts established in places temporarily settled by voters (hospitals, sanatoriums, rest-homes), in ships swimming on the voting day shall be approved by the PEC on the basis of the information on the voters checked

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PEC and submitted by the head of the temporary place, captain of the ship at least 5 days prior to the voting day.

2.11. The voters' lists on the precincts established outside of the Republic of Azerbaijan shall be approved by the PEC on the basis of the information on the voters submitted by the heads of the diplomatic representations or consulates at least 25 days prior to the voting day.

3. Bases for including in and exclusion of citizens from permanent voters' lists

3.1. In order to include the citizen in the voters list on the polling station, the fact that this citizen lives permanently in the area of the relevant polling station defined by the authority on the registration of his/her residence or place settled by him/her (that he/she lives in the area of the polling station within 6 months of early 12 months after the official publication of the decision (order) on the appointment of elections) shall be adopted as a basis. The voter can be included in the voters' list on only one precinct. In the case when the election commission discovers that the voter was included in the voters' list in more than one voter, then it shall investigate reasons and ensure keeping the voter in one list. The inclusion of the voter in more than one voters' list deliberately causes administrative liability according to the Code Administrative Offences of the Republic of Azerbaijan.

Note: *the issues on the registration of the citizen on his/her registration shall be regulated by Law of the Republic of Azerbaijan "on the registration on the residence or settled place".*

Residence of the person means permanently settled house, apartment, official residence, hostels, home for the old and disabled and other residences of the person with the ability of activity as an owner on rent and hire contracts or other bases implied by the legislation of the Republic of Azerbaijan.

According to Article 5 of the Law, the citizen shall be registered on his/her residence when being provided with ID card of citizen for the first time. The place where the person stays means the place which is not considered his/her residence, temporarily settled hotels, sanatoriums, rest homes, camping tourist basis, hospitals and other public places, as well as dwelling houses (his/her own, relative's and so on).

According to the Law, the citizen intending to live temporarily outside of the residence more than 60 days, then he/she shall fill the application form during 7 days (excluding Sunday and holidays) after arriving at this place and shall submit it to the relevant state body. This body shall register the citizen on the place settled by him/her.

When the citizen leaves the place or the period for settling ends and the period is not extended, then the relevant state body shall de-register him/her on the place settled by him/her. Termination of the period and not extending it points to the termination of this registration.

Not registering the person on his/her place or not following the rules for registering and de-registering can cause administrative liability according to Article 563.1 of the

Code for Administrative Offences of the Republic of Azerbaijan.

3.2. According to the legislation of the Republic of Azerbaijan, the basis for exclusion of citizens from the voters' lists was considered changing permanent residence (de-registering from permanent residence, registering in another place or choosing permanent residence outside of the country) and inclusion in voters' lists when living during at least 6 months of early 12 months after the day of official publication of the decision (order) on the appointment of elections on the places temporarily settled by the citizen.

3.3. Excluding bases implied by the item # 2.2 of the Instruction, excluding the names of the citizens from the voters' lists on the places where they are registered on shall be prohibited.

3.4. After the approval of voters lists, a citizen is excluded from voters lists according to official documents and the voter is informed of this by letter. In this case, the voters list should contain the date and reason of exclusion of the citizen. This fact shall be approved by the sign of the chairman and secretaries of the PEC.

3.5. The relevant PEC shall include the name of the citizen who lived during 6 months of early 12 months after the day of official publication of the decision (order) on the appointment of elections within this PEC by indicating temporary registration period immediately after getting information according to the information submitted by the bodies conducting registration of citizens on their places and shall make special notes on this. Then this information should be included in information table of the person (the table shall be prepared in accordance with the indications in voters' list; Appendice # 1 made to Instruction) and this table should be attached to the voters' list, its one copy shall be sent to the Con.EC situated within the territory where he/he is registered on and another copy to the "Sechkilar" Information Center for conducting control upon this process in the centralized order. The Con.EC and PEC on the place where the person is registered shall conduct relevant registration no later than the day of getting information on the basis of the table and exclude him/her from the voters' list. The Con.EC and PEC functioning on the person's permanent and temporary residence shall pay special attention to the place where he/she will be (in the place where he/she is temporarily registered or where is permanently registered) on the day of voting and to the period of election while including in or excluding the person from the voters' list.

3.6. When the citizen returns to the place where he/she is permanently registered, he/she shall be included in the voters' list previously including his/her name by the relevant Con.EC and PEC no later than the day of applying on the basis of the reference approving his/her temporary de-registration and the relevant election commission shall be informed on this. If the person doesn't get such reference, then the termination of the period indicated in the inquiry form shall be adopted as a basis for including his/her name in the voters' list on this residence (in place where he/she is registered). At the same time, the relevant election commission shall inform the Con.EC on the place where the person is registered for excluding from the voters' list.

Note: *the provision refers to the persons having active suffrage and to the stateless persons living within the Republic of Azerbaijan no less than 5 years up to the appointment of Presidential elections of the Republic of Azerbaijan (including this*

day).

3.7. If the person applied for participating in the voting on the place settled by him/her and the application was ensured, then the PEC shall inform the Con.EC on this where the precinct belongs. The Con.EC shall inform the Con.EC on the place where the voter is permanently registered and the relevant PEC within this Con.EC and shall provide it with the copy of the decision by the relevant PEC. The Con.EC or PEC that included the voter who got information in the list shall make special notes on the participation of this person in the voting on temporarily settled place in the voters' list.

3.8. The PEC decision shall be immediately published by being located on information board and its copy shall be delivered to the applicant.

3.9. In the case when the apply on the inclusion of the citizen in the voters' list isn't ensured by the relevant PEC, then he/she is explained on the right to complain against the PEC decision to upper election commission directly by the person himself/herself or via the PEC which received decision in the case and time implied by law.

4. Bases and rules for amending voters' lists

4.1. After the specification of the voters' lists, the PEC shall consider the amendments made on the basis of the citizens' personal applies or to be made after checking them, as well as shall investigate them according to relevant documents submitted by the officials, municipalities, organizations conducting state registration of citizenship acts and organizations conducting registration of citizens on their residences or settled places.

4.2. After the submission o the voters' lists for common acquaintance, the voter settled within the precinct and not included in the voters' list for any reason can apply to the PEC for being included in the voters' list. The apply is made official by submitting the application written by himself/herself, as well as by filling the application prepared in the form defined by CEC (Appendices # 2, 2a, 3, 3a made to Instruction) and provided to the citizen by the Con.EC and PEC, is considered at the session of the commission during 3 days and the decision is adopted on its adoption or rejection. If the PEC ensures the citizen's apply, then his/her name is included in the voters' list, in other case, the citizen shall be entitled to complain against this decision to upper election commission by himself/herself or via the PEC that received the decision.

4.3. On the voting day, the voter who found out that his/her name was not included in the voters' list can apply to the relevant PEC. In the case of the citizen's request, his/her apply shall be made official by filling the application form provided to him/her by the PEC (Appendices # 2, 2a, 3, 3a made to Instruction) and shall be considered at the session of the commission without delay. If the bases indicated in the apply are legal, then decision is adopted on the inclusion of the voter's name in the voters' list and the participation of the person in the voting on the voting day is ensured. In the case when there are not legal bases for including the person's name in the voters' list, then the citizen's apply shall not be ensured. In this case, the citizen shall be entitled to complain against this decision to upper election commission by himself/herself or via the PEC that received the decision.

4.4. In the case of finding out that the name of the citizen applied to the relevant PEC for voting outside of the voting room is not included in the voters' list and in the case of the person's request, the PEC shall inspect the bases for including his/her name in the list. When there are legal bases for including the citizen in the list, the PEC shall adopt decision on this and take relevant measures to realize his/her suffrage. In the case when the PEC doesn't ensure the citizen's apply, then he/she shall be explained to complain according to the item # 4.3 of the Instruction.

5. Making the voters familiar with voters' lists

5.1. According to the inquiry of each citizen, the relevant election commission shall inform on his/her inclusion in or rejection from inclusion in the voters' list.

5.2. The PEC shall submit the voters' lists at least 35 days prior to the voting day by informing voters on this for making voters familiar with the lists and conducting additional specifications. Voter lists shall be located on information boards in the places well seen by voters and easy for traffic. While placing the information, the possibility of its fully and detailed coverage and protection against the threat of environmental effects should be certainly ensured. The size of the information boards shall match with the amount of the voter lists to be located there, therewith, these boards shall be useful for re-using

According to election legislation of the Republic of Azerbaijan, voters' lists shall be located on CEC web page.

6. Liability for inaccurate compliance of voters' lists

6.1. Heads of executive authorities who submitted the information on voters shall carry liability defined by legislation for the accuracy, completeness and providence in time of the relevant information.

6.2. The persons accused for the inclusion of the voter in more than one voters' list deliberately can be subjected to administrative liability according to the Code for Administrative Offences of the Republic of Azerbaijan.