

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 89 submitted to the Central Election Commission on October 11, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In her written apply addressed to the Central Election Commission on October 9, 2015, Aynur Gafar Baghirzada nominated to deputy on "Umid" Party on Sabunchu third Con.EC # 28 challenged the decision of Con.EC on refusal to register as a candidate and requested to restore violated rights by adopting appropriate decision in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015.

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration", 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.

The candidate A.G. Baghirzada noted in her appeal that, she was nominated on "Umid" Party on Sabunchu third Con.EC # 28 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signatures of voters in the territory of the same constituency he submitted to the Con.EC signature sheets and other important documents attached to it, but being invalid, registration of his candidacy was rejected by conclusion of the Con.EC.

During investigation, it was kept in touch with candidate nominated to deputy and he was informed on his rights to submit additional documents and materials, participate in meeting and investigation.

Con.EC substantiated the decision # 14/42 dated October 7, 2015, on rejection for nomination of the candidacy of A.G. Baghirzada, basing on the following: 500 voters' signatures were submitted by candidate, but 77 of these voters in their written apply

addressed to Central Election Commission indicated that giving signatures they were deceived and did not know that the same signatures were for the support of applicant.

During conducted investigation it was defined that in its decision, Con.EC exactly reflected all determined cases at the basis of voters' appeals on invalidity of their signatures, pursuant to the Article 113.1.1 of Election Code it made right conclusion in connection with rejection for registration of A.G. Baghirzada as a candidate to deputy.

So, for the registration of a candidate on behalf of a candidate, it was submitted 500 voters' signatures in 10 signature sheets but 77 voters making written apply to the Constituency Election Commission showed that they were cheated in process of giving signatures and they did not know that the same signatures were for the support of candidate to deputy. During investigation, carried out in Central Election Commission the same voters confirmed the fact of applying to Con.EC with application on considered invalid signatures.

Pursuant to the Article 113.1.1 of Election Code, the election commission can refuse registration of a candidate if the information they submit according to this Code is not true or their invalidity is of great importance (except the cases mentioned in Article 60.3 of this Code.)

On behalf of a candidate for the registration of a candidate 77 submitted signatures at the basis of mentioned are considered to be invalid and have important meaning and after exclusion of the same signatures the rest of 423 signatures were not enough for the registration of a candidate, so on behalf of working group acting under Central Election Commission there were no necessity in checking of signatures that were considered to be invalid by Con.EC on other basis.

Pursuant to Article 147.1 of Election Code of the Republic of Azerbaijan at least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

In addition, claims on submitting protocol on results of checking signatures by working group, as well as examining of applicant's necessary documents for registration and signature sheets, invitation to participation in CEC session.

Pursuant to the mentioned, complaints being invalid shall not be implemented; decision # 14/42, dated October 7, 2015 on rejection for registration of candidacy on Sabunchu third Con.EC # 28 shall be kept in force without being amended.

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration” the Central Election Commission decides:

1. The appeal # 89 of Aynur Gafar Baghirzada nominated on “Umid” Party on Sabunchu third Con.EC # 28 as a candidate on October 11, 2015, is considered to be invalid and shall not be implemented; the decision # 14/42 of the Con.EC, dated October 7, 2015 shall be kept in force without being amended.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Deputy Chairman

Natig Mammadov

CEC Secretary

Arifa Mukhtarova