

## **DECISION**

### **of Central Election Commission of the Republic of Azerbaijan**

#### **on consideration of the appeal # 32 submitted to the Central Election Commission on October 5, 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 5, 2015, Ahmadov Yasin Ahmad, authorized representative of Azerbaijan National Independence Party challenged the decision of Con.EC on not reviewing signature sheets and election documents of Ahmadli Dunyamin Ahmad, nominee by that political party on Sumgayit first Con.EC # 41 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 his appeal the authorized representative informed that signature sheets with voters' signatures collected in support of D.A.Ahmadli, nominee by Azerbaijan National Independence Party on Sumgayit first Con.EC # 41 and other election documents were submitted to the Con.EC at 9.00 on October 2, 2015, a relevant reference on this was provided, but the Con.EC refused from reviewing the submitted documents groundlessly upon substantiating its decision # 60/67, dated October 3, 2015 on the grounds of missing the deadline due to groundless reasons.

The Con.EC substantiated its relevant decision that since the authorized representative of Azerbaijan National Independence Party had filed the signature sheets and other election documents upon missing the deadline implied in Article 58.1 of the Election Code of the Republic of Azerbaijan, the Con.EC did not review them.

It was determined in the investigation process that authorized representative Y.A.Ahmadov submitted the signature sheets and other election documents to the Con.EC on October 2, 2015, he was provided with a relevant reference on this, but the reference did not contain the time (hour) of receiving the documents. As this case is the object of dispute, it shall be settled in favour of the candidate to deputy.

In this case, since the signature sheets and the attached election documents are regarded as submitted within the period defined by legislation, the appeal shall be considered grounded and implemented, the Con.EC decision # 20/67, dated October 3, 2015 shall be annulled and the relevant Con.EC shall be commissioned with the duty of examining the documents submitted for the registration of the candidacy of D.A.Ahmadli within the shortest period as possible.

Pursuant to Article 112.9 of the Election Code, a superior election commission shall have the right to annul the decision of lower election commission, to adopt a decision on the object of the issue and to give instruction to re-consider the matter.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 28.4, 112-1 and 112.9 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 # 32 submitted by Ahmadov Yasin Ahmad, authorized representative of Azerbaijan National Independence Party on October 5, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be implemented due to grounded factors and the decision # 20/67 of Sumgayit first Con.EC # 41 dated October 3, 2015 shall be annulled.
2. The relevant Con.EC shall be commissioned with the duty of examining the documents submitted for the registration of the candidacy of Ahmadli Dunyamin Ahmad within the shortest period as possible
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov