

OPINION

of Mr. Ilkin Shahbazov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

on the appeal 21 submitted to CEC on October 01, 2015

Baku

02 October 2015

Having investigated the appeal 21 submitted to CEC on October 01, 2015 by Fikrat Novruz Jafarli, nominated on his own initiative on Masalli city Con.EC # 70 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group Ilkin Shahbazov, I have determined that:

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", and within the specified time period for submitting a complaint, it was accepted for implementation by me.

In his appeal candidate F.N.Jafarli informed that he had been nominated on own initiative on Masalli city Con.EC # 70 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 with, informed on the right to submit additional documents and materials, to participate in the investigation and session.

The Con.EC refused from registering nominee F.N.Jafarli upon adopting the invalidity of 208 voters' signatures out of 548 presented by the candidate as a basis in the challenged decision.

It was determined through the investigation that although the Con.EC did not cover all the cases and grounds thoroughly in its decision, it arrived in correct conclusion to refuse from the registration of candidate F.N.Jafarli.

Thus, 3 (three) persons who had collected 548 voters' signatures included in 11 signature sheets submitted by the candidate to deputy appealed to the Con.EC and informed that they had not participated in the collection process of F.N.Jafarli and the signatures put in their names did not belong to them.

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 200 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 348 signatures were not sufficient for the candidate's registration, the Working Group under the Central Election Commission did not need to examine the signatures considered invalid by the Con.EC due to other grounds.

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 # 23/70 of Masalli city con.EC # 70, dated September 29, 2015 on the refusal from registering the candidacy shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 112, 112-1, 113-1.1, 147 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", **I have determined that:**

1. The appeal # 21 submitted by Fikrat Novruz Jafarli, nominated on his own initiative on Masalli city Con.EC # 70 on October 1, 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 # 23/70 of that Con.EC dated September 29, 2015 shall be remained in force without making amendments.
2. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Ilkin Shahbazov