

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeals # 69 submitted to the Central Election Commission on October 9, 2015 and # 77, submitted on October 10, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

Authorized representative, Nizami Maharram Alakbarov made written apply addressed to the Central Election Commission on October 10, 2015, and challenged the decision of Con.EC on rejection for registration Shohrat Asad Mammadzada nominated on "AZADLIG-2015" bloc of political parties on Gazakh Con.EC # 107 as a candidate on October 9, 2015 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 appeals were 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 of the Republic of Azerbaijan and considered at the Commission session upon the investigation of the appeal by the Expert Group member.

In his appeal, candidate Sh.A. Mammadzada requested to reexamine voters' signatures submitted to Con.EC for the support of his candidacy.

The authorized representative N.M. Alakbarov noted in his appeal that, Sh.A. Mammadzada nominated on "AZADLIG-2015" bloc of political parties on Gazakh Con.EC # 107 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, signature sheets and other important documents attached to it was submitted to the Con.EC, but being invalid registration of his candidacy was rejected by appropriate decision 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 session and investigation.

Con.EC substantiated the decision on rejection for nomination of Sh.A. Mammadzada as a candidate basing on the following: 493 voters' signatures were submitted by candidate, but 106 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 Con.EC even if Con.EC did not exactly reflect all determined cases and basis in its decision, pursuant to the Article 113.1.1 of Election Code of it made right conclusion in connection with rejection for registration of Sh.A. Mammadzada as a candidate to deputy.

So, for the registration of a candidate on behalf of a candidate, it was submitted 550 voters' signatures in 11 signature sheets but 128 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 106 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 387 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.

Pursuant to the mentioned, complaints being invalid shall not be implemented; decision # 31/77, dated October 7, 2015 on rejection for registration of candidacy on Gazakh Con.EC # 107 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 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 appeals # 69 and 77 of Shohrat Asad Mammadzada nominated on "AZADLIG-2015" bloc of political parties on Gazakh Con.EC # 107 as a candidate on October 9, 2015, submitted by authorized representative Nizami Maharram Alakbarli, dated October 10, 2015, are considered to be invalid and shall not be implemented, the decision # 31/77 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