

DECISION

of Central Election Commission of the Republic of Azerbaijan

**on consideration of the appeal # 96 submitted to the Central Election Commission
on October 14, 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 14, 2015, Mubariz Aghasala Salayev nominated to deputy on “Musavat” Party on Khatai third Con.EC # 35, challenged the decision of Con.EC # 20/2, dated October 12, 2015, on refusal to register him as a candidate and requested to cancel the same 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 M.A.Salayev noted in his appeal that, he was nominated on “Musavat” Party on Khatai third Con.EC # 35 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting 482 voters’ signatures in the territory of the same constituency, signatures sheets and other necessary documents attached to them were submitted to the Con.EC, but Con.EC did not give him information on examining of signatures and conduct of session, at the result, it was refused to register him as a candidate by the decision # 17/2 of Con.EC, dated October 7, 2015. In the same decision it was informed that candidate was nominated on “Musavat” Party. The above-mentioned decision of the Con.EC was cancelled by the decision # 32/242 of Central Election Commission, dated October 11, 2015 and the matter on reconsideration of registration of M.A. Salayev as a candidate was entrusted to the Commission who made decision.

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, take part in meeting and investigation and his participation in session was ensured.

At present, in decision of Con.EC, substantiated by a candidate are shown that M.A. Salayev nominated on "Musavat" Party was invited to take part in session, but refused to participate there. At the same time, it was defined by act, dated October 4, 2015, that the information on submitting of non-confirmed amendments in the election documents was given to the candidate and the authorized representative of the party, but they did not use these rights.

During investigation, it was defined that the basis of decision # 20/2 (dated October 12, 2015) of Con.EC on refusal to register M.A. Salayev as a candidate nominated on "Musavat" Party was the following: 35 of submitted voters signatures was considered invalid.

This issue indicated and substantiated by a candidate was submitted for the support of a candidate to deputy in the process of investigation, 482 voters' signatures in 10 signature sheets were submitted to the working group under Central Election Commission for their examining. At the result of consideration of necessary documents for the registration of a candidate by working group complied protocols and opinions, dated October 16, 2015, are shown that 35 signatures submitted by M.A. Salayev for the registration him as a candidate were considered to be invalid on various basis. The number of valid signatures was not enough for the registration of a candidate and thus, there were no basis for disaffirmation of substantiated decision of Con.EC on refusal to register him as a candidate.

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, complaint being invalid shall not be implemented; decision # 20/2, dated October 12, 2015 on refusal to register M.A. Salayev as a candidate on Khatai third Con.EC # 35 shall be kept in force without being amended.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 60, 112, 112-1, 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 # 96 of Mubariz Aghasala Salayev nominated on “Musavat” Party on Khatai third Con.EC # 35 as a candidate on October 14, 2015, being invalid, shall not be implemented; the decision # 20/2 of the Con.EC, dated October 12, 2015 shall be kept in force without being amended.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov