

## **DECISION**

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

**on consideration of the appeal # 73 submitted to the Central Election Commission  
on October 9, 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 9, 2015, Fikrat Faramaz Ibishbayli nominated to deputy on its own initiative on Yardimli-Masalli Con.EC # 72 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 F.F. Ibishbayli noted in his appeal that, he was nominated on his own initiative on Yardimli-Masalli Con.EC # 72 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 Con.EC did not give information on examining of signatures by working group to candidate, his participation was not ensured during checking of signatures, 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, his participation in CEC session was ensured.

Con.EC substantiated the decision on rejection for registration of F.F. Ibishbayli as a candidate basing on the following: 146 of 550 voters' signatures, submitted by candidate, are considered to be invalid. Thus, 135 of these voters in their written apply addressed to the Central Election Commission indicated that during process of giving signatures they were deceived and did not know that the same signatures were for the support of a candidate. As information in other 11 voters' signatures was indicated to be incorrect they considered to be invalid.

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 F.F. Ibishbayli as a candidate to deputy.

During investigation process, carried out in Central Election Commission, for the registration of F.F. Ibishbayli as a candidate, it was submitted 550 voters' signatures in 11 signature sheets but 135 voters making written apply to the Constituency Election Commission confirmed that they were cheated in process of giving 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 135 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 415 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, complaint being invalid shall not be implemented; decision #21/64 of Yardimli-Masalli Con.EC # 72, dated October 8, 2015 on rejection for registration of candidacy of F.F. Ibishbayli 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 # 73, dated October 9, 2015, on nomination to deputy of Fikrat Faramaz Ibishbayli on its own initiative on Yardimli-Masalli Con.EC # 72 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, being invalid shall not be implemented, decision # 21/64 of Con.EC, dated October 8, 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