

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 56 submitted to the Central Election Commission on
January 4, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, TazagulRzaNazarli, registered candidate to Saatli municipality of Saatli Con.EC # 62 appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 4, 2020 and arguing the Con.EC decision # 39/93, dated 27 December 2019, therefore requested to undertake relevant measures.

The appeal was adopted to investigation in accordance with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) 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 relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

In her appeal the candidate stated that the votes put for her were concealed, due to that reason she appealed to Saatli Con.EC # 62 on December 25 and 26, 2019 and the commission examined those appeals on December 27, 2019 and adopted a decision on not implement the appeals.

During the investigation process T.R.Nazarli was contacted with, informed on her rights to take part at the investigation and session, also on the date of the session.

The Con.EC substantiated its decision basing on that registered candidate T.R.Nazarli did not agree with the voting results on the PEC 3 10 within Saatli municipality, informed that the votes gained did not satisfy her, therefore required to re-count the votes, but did not submit any fact on the claimed law violations to the Con.EC, on the voting day and the proceeding day the plaintiff or other persons did not file written or verbal complaint to the commission on the claimed law violations in the voting and tabulation processes in those polling stations, the voting was held by high voter turnout in all polling stations in Saatli municipality, the webcams in 3 polling stations did not record any law violation during the observations, the PEC voting results protocols were compiled in accordance with the Election Code and delivered to the Con.EC within timeframe and manner defined by law.

During the investigation it was determined that registered candidate T.R.Nazarli did not appoint an authorized representative, observer or agent to support her interests and implement other election actions in the Municipal Elections held and the violations claimed to have been committed in the polling stations were not observed by the candidate herself or stakeholders representing her interests. This case neglects legal grounds of the candidate's claims. The reports provided by the chairmen of the PECs # 1, 2, 3, 4, 5, 6, 7, 8, 37 and 38 of that election constituency indicated that T.R.Nazarli was not in the polling stations up to the end of the voting and vote tabulation processes, she visited the PEC # 6 to vote at 16:00 on that day, left there after voting and did not require any PEC voting result protocol.

It was disclosed basing on the above-mentioned that the appeal of T.R.Nazarli did not contain the evidences of the supposed violation, even the description of the violation.

Basing on these, due to the lack of legal grounds to implement the complaint and to annul the Con.EC decision # 39/93, dated 27 December 2019, the appeal shall not be implemented due to groundlessness and that decision of the Con.EC shall be remained enforced without making amendments.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 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 # 56, dated January 4, 2020 by TazagulRzaNazarli, registered candidate to Saatli municipality of Saatli Con.EC # 62 in the Municipal Elections on December 23, 2019 shall not be implemented due to groundlessness and the Con.EC decision # 39/93, dated 27 December 2019 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov