

## **DECISION**

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

**on consideration of the appeal # 74 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 Salayev Mubariz Aghasala, nominated by Musavat Party on Khatai third Con.EC # 35 challenged the decision #17/2.1 dated October 6, 2015, of the Con.EC on refusal to register his candidacy and requested for the redress of his violated rights upon making a relevant decision.

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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", 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.

During the investigation process the applicant was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session, his participation in the investigation and session of the Central Election Commission was provided.

In the appeal M.A.Salayev informed that his candidacy had been nominated by Musavat Party on Khatai third Con.EC # 35 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 by relevant decision from registering his candidacy without any grounds.

The Con.EC substantiated its decision on the refusal from registering nominee M.A.Salayev on the grounds that the number of valid voters' signatures to register the candidate had not been sufficient.

It was defined at the result of investigation that, Khatai third Con.EC # 35 committed incorrectness while determining in considering the registration of a person as a candidate and making a decision. This ensures a basis to implement a complaint partly, to annul argued decision and to review an issue on to registr M.A.Salayev or not by the Con.EC.

Pursuant to Article # 112.9 of Election Code the superior election commission shall have the right to cancel the decision of a subordinate election commission, to make a decision regarding the substance of the matter or order reexamination of the issue.

Basing on the above-mentioned, the complaint of Salayev Mubariz Aghasala, nominated by Musavat Party on Khatai third Con.EC # 35 shall be implemented partly, the decision # 17/2.1 of that Con.EC, dated October 6, 2015 shall be annulled and taking into account the start of pre-election campaign, review of an issue as soon as possible on to registr M.A.Salayev or not shall be charged to that Con.EC.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 112-1 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", the Central Election Commission **decides**:

1. The appeal # 74 submitted by Salayev Mubariz Aghasala, nominated by Musavat Party on Khatai third Con.EC # 35 on October 9, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be implemented and the decision # 17/2.1 of that Con.EC dated October 6, 2015 shall be annulled.
2. Review of an issue as soon as possible on to registr Salayev Mubariz Aghasala, nominated by Musavat Party or not shall be charged to Khatai third Con.EC # 35.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov