

## **DECISION**

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

#### **on consideration of the appeal # 25 submitted to the Central Election Commission on October 2, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015**

In the written apply addressed to the Central Election Commission on October 2, 2015, Rustamkhanli Tanzila Yolchu, nominated on own initiative on Sumgayit second Con.EC # 42 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 challenged the decision of Con.EC on refusal to register her candidacy and requested for the annul of the relevant decision and registration of her candidacy.

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.

In her appeal candidate T.Y.Rustamkhanli informed that she had been nominated on own initaitve on Sumgayit second Con.EC # 42 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 from registering her candidacy without any grounds.

During the investigation process the candidate to deputy and her authorized representative were contacted, informed on their rights to submit additional documents and materials, also to participate in the investigation and session, inter alia, the participation of the authorized representative was provided by the Central Election Commission.

The Con.EC substantiated its argued decision # 22/48, dated October 2, 2015 on the refusal from registering the candidacy of T.Y.Rustamkhanli on the grounds that 183 voters who have provided to 550 voters' signatures submitted to the candidate had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those signatures were in support of the plaintiff.

The evidences submitted by the Con.EC reveal that the authorized representative of the candidate to deputy was informed on the session a day before, invited to the session and he took part at the session on October 2, 2015.

It was determined through the investigation that the Con.EC investigated and embodied all the cases in its decision basing on the appeals of the voters who had applied with the appeal on considering the signatures invalid and pursuant to Article 113.1.1 of the

Election Code, the Con.EC arrived in correct conclusion to refuse from registering the candidacy of T.Y.Rustamkhanli.

Thus, 183 voters who have provided to 550 voters' signatures submitted for the candidate registration had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those signatures were in support of the plaintiff. During the investigation process held at the Central Election Commission those voters justified that they had appealed to the Con.EC on considering the voters' signatures invalid.

Pursuant to Article 113.1.1 of the Election Code, the election commission shall refuse from registering the candidate when the information submitted by them is not accurate or their invalidity is of great importance (excluding the cases implied by Article 60.3 of the Election Code).

Since the invalidity of 183 signatures out of those submitted for the registration of the candidate carries vital importance due to the above-mentioned grounds and after those signatures are excluded, the remaining 367 signatures were not sufficient for the candidate's registration, the Working Group under the Central Election Commission did not need to examine the other signatures.

Pursuant to Article # 147.1 of Election Code of the Republic of Azerbaijan, at least 450 voters' signatures shall be collected in support of the candidate within the constituency the candidate has been nominated on.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 22/48 of Sumgayit second con.EC # 42, dated October 2, 2015 on the refusal from registering the candidacy shall be remained in force without making amendments.

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 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 # 25 submitted by Rustamkhanli Tanzila Yolchu, nominated on own initiative on Sumgayit second Con.EC # 42 on October 2, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness and the decision # 22/48 of that Con.EC dated October 2, 2015 shall be remained in force without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov