

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 98 received by the Central Election Commission on January 1, 2015 regarding the Municipal Elections held on December 23, 2014

Rovshan Ismayil Gasimov, registered candidate on Sitalchay municipality of Sumgayit-Khizi Con.EC # 44 appealed to CEC on January 1, 2015 regarding the Municipal elections on December 23, 2014, complaining against the decision # 28/606 of Sumgayit-Khizi Con.EC # 44, dated December 30, 2014 and requested to annul that decision and election results of Sitalchay municipality.

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.

During the investigation the applicant was informed on the conduct of investigation and explained on his right to participate at the investigation.

It was determined during full, detailed, impartial investigation of the appeal that Rovshan Ismayil Gasimov, registered candidate on Sitalchay municipality of Sumgayit-Khizi Con.EC # 44 submitted his complaint against the alleged violations in the PEC # 32 to the Con.EC on December 29, 2014. The appeal was adopted to investigation by the Expert Group member under the Con.EC and it was revealed that the complaint had been submitted upon offending the Article 112 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", i.e. by missing the deadline for filing complaints. Due to that reason, an opinion was provided to send the complaint to the sender in comply with legislation. According to the above-mentioned, the argued decision# 28/606 of the Con.EC dated December 30, 2014 was sent back together with the appeal due to the missed deadline.

Pursuant to Article 112.1 of the Republic of Azerbaijan, voters, candidates, registered candidates, political parties, political party blocs, referendum campaign groups, agents of registered candidates, political parties, political party blocs, referendum campaign groups, as well as, election commissions may submit a complaint against a decision and action (inaction) violating citizens' election rights within 3 days since the day of publication or adopting that decision and committing that action (inaction) or informing the interested person on that.

Pursuant to Article 7.1 of 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", when an expert finds out that the complaint has been submitted upon offending the rules defined by the Election Code and this Instruction, then by informing the group coordinator on that, he/she shall provide an opinion on sending the complaint to the submitted person.

Through full, detailed, fair and impartial investigation of the appeal, any legal grounds were not found to annul the argued decision of the Con.EC and to implement the complaint.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 and 8 of "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", CEC **decides**:

1. The appeal # 98 dated January 1, 2015 by Rovshan Ismayil Gasimov, registered candidate on Sitalchay municipality of Sumgayit-Khizi Con.EC # 44 shall not be implemented due to its groundless factors and the decision # 28-606 of that election constituency dated December 30, 2014 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