

## **DECISION**

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

**on consideration of the appeal # 43 submitted to the Central Election Commission on October 6, 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 6, 2015, Mammadov Mazahir Zahid, nominated by Musavat Party on Nasimi first Con.EC #21 challenged the decision 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 were contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session, inter alia, the participation of the candidate was provided by the Central Election Commission.

In the appeal nominee M.Z.Mammadov informed that his candidacy had been nominated by Musavat Party on Nasimi first Con.EC #21 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 his candidacy without any grounds, the copy of the protocol and opinion compiled by Working Group were not submitted.

The Con.EC substantiated its argued decision on the refusal from registering the candidacy of M.Z.Mammadov on the grounds that 219 of 550 voters' signatures submitted by the candidate were valid, this number of valid voters' signatures to register the candidate had not been sufficient.

Verification of signature sheets and necessary documents for registration of applicant, not being invited to participate in the meeting of Con.EC and claims on not given results of protocol on verification of signature by Working Group were not justified.

During the investigation process of the CEC was defined that, 227 voters' signatures out of 331 were considered invalid (225 voters' information was incorrect, 2 persons other than the right to vote were signed), 99 of the voters included in signature sheets did not live, were not registered within the territory of Nasimi first Con.EC #21 and their names

were not on voters' lists of that Con.EC. 224 valid signatures are not sufficient for the registration of candidate.

Pursuant to Article # 59.12 of Election Code, if the number of signatures is less than the number required for registration after deduction of invalid signatures, a candidate shall not be registered.

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

So pursuant to Article # 59.12 of Election Code, the Con.EC correctly concluded on refusal to register M.Z.Mammadov as a candidate.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 17/50 of Nasimi first Con.EC #21, dated October 5, 2015 on the refusal from registering the candidacy of M.Z.Mammadov shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112, 112-1, 147, 148.1 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 # 43 submitted by Mammadov Mazahir Zahid, nominated by Musavat Party on Nasimi first Con.EC #21 on October 6, 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 # 17/50 of that Con.EC dated October 5, 2015 shall be remained in force.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov