

## DECISION

of Central Election Commission of the Republic of Azerbaijan  
on consideration of the appeals # 21 and 22 submitted to the Central Election  
Commission on December 25, 2019 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, Ismayilov Asef Panah, Javadov Tayyar Javad, Mirzeyev Abuzer Miri, Ismayilov Rafiq Manaf and other registered candidates to Aghdash municipality of Jalilabad-Masalli-Bilasuvur Con.EC # 69 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on December 25, 2019 and claimed that having attached the approved copy of the voting results protocols of the PECs # 8 and 10 in the elections to Jalilabad-Masalli-Bilasuvur Con.EC # 69, the data in the protocols provided to them by the PECs did not coincide with the data in the final protocols of Con.EC compiled basing on the PEC protocols, therefore requested to undertake relevant measures.

Since the final voting results protocols on the municipalities by Jalilabad-Masalli-Bilasuvur Con.EC # 69 have been compiled including Aghdash municipality within the relevant manner, the appeal was investigated by the Central Election Commission.

The period of investigating the appeal was extended for 3 days by the CEC decisions # 24/125 and 24/128, dated 28 December 2019, basing on the substantiated petition presented by the members of the Expert Group in comply 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", an investigation was conducted upon summarizing them in one implementation, relevant opinion was provided on this issue and considered at the Commission session.

Through checking the approved copies of the voting results protocols of the PECs # 8 and 10 submitted by the registered candidates to membership of Aghdash municipality with the final voting results protocol and other documents submitted on 4 polling stations in elections to Aghdash municipality of Jalilabad-Masalli-Bilasuvur Con.EC # 69 it was determined that on E-day counting of votes and the protocols compiled by the PECs # 8 and 10 were accompanied with the violation of the Election Code, thereby avoiding many voters to define the expression of their will independently by violating their rights.

As it was impossible to define the will of voters while determining the election results as a result of the law violations committed in the process of compiling the PEC voting results protocols by counting the votes in the PECs # 8 and 10 on Aghdash municipality of Jalilabad-Masalli-Bilasuvur Con.EC # 69, the legal grounds have been found out to annul the voting results on those municipalities as in compliance with Articles 106.10 and 240 of the Election Code.

Meanwhile, it should be noted that due to the impossibility of defining voters' will on 4 polling stations within Aghdash municipality of Jalilabad-Masalli-Bilasuvur Con.EC # 69, as well as on the PEC # 8 in Aghdash village, PEC # 9 in Soyugbulag village, PEC # 10 in Chunzali village and PEC # 11 in Vanlik village on two of the PECs (# 8 and 10), the legal grounds have been found out to annul the voting results protocols and to regard elections held on the municipalities as invalid.

Thus, pursuant to Article 240.2.1 of the Election Code, in the case when the number of the polling stations where the voting results have been regarded invalid during the voting on the municipalities constitutes more than 2/5 of general number of the polling stations within that municipality or annulled, providing that the number of voters in those polling stations shall constitute more than 1/4 of general number of the registered voters on the municipality, then the municipal elections shall be regarded as invalid.

As there are legal grounds to annul the voting results protocols of the PECs # 8 and 10 in the elections to Aghdash municipality of Jalilabad-Masalli-Bilasuvar Con.EC # 69 and the number of the foregoing polling stations constitutes the half of the general number of the polling stations within the municipality and also, the number of in those polling stations constitutes more than 1/4 of general number of the registered voters on the municipality, the results of the elections to municipalities shall be regarded as invalid.

Pursuant to 19.4, 28.2, 23.2, 106.10, 112, 112-1, 237 and 240 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 appeals # 21 and 22 submitted to CEC on December 25, 2019 by Ismayilov Asef Panah, Javadov Tayyar Javad, Mirzeyev Abuzer Miri, Ismayilov Rafiq Manaf and other registered candidates to Aghdash municipality of Jalilabad-Masalli-Bilasuvar Con.EC # 69 in the Municipal Elections on December 23, 2019 shall be implemented.
2. The voting results on the PECs # 8 and 10 on Aghdash municipality of Jalilabad-Masalli-Bilasuvar Con.EC # 69 shall be annulled and the elections to Aghdash municipality shall be invalidated.
3. The protocol of Jalilabad-Masalli-Bilasuvar Con.EC # 69 on Aghdash municipality shall be annulled.
4. The decision shall be enforced upon its publication

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov