

## **DECISION**

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

#### **on consideration of the appeal # 11 submitted to the Central Election Commission on September 25, 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 September 25, 2015, the authorized representative of Musavat Party Elkhan Evdil Rustamov challenged the decision of Con.EC on refusal to register Arzu Habib Samadbayli nominated by Musavat Party from Binagadi first Con.EC # 8 as a candidate and requested for making a relevant decision on restoration of the offended rights of a candidate.

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.

The authorized representative of Musavat Party was invited to the process of investigation conducted by the Central Election Commission, he participated in the investigation and session minute of Commission.

The authorized representative of Musavat Party E.E.Rustamov noted in his appeal that, A.H.Samadbayli was nominated by Musavat Party on Binagadi first Con.EC # 8 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, submitted signature sheets with collected signatures of voters in this constituency and other necessary documents to the Con.EC, but it was unreasonably refused to register his candidacy due to the relevant decision of Con.EC, a copy of protocol of the working group and opinion was not submitted to the authorized representative.

The Con.EC justified the decision on the refusal to register A.R.Isayev, nominated to deputy as a candidate that it was determined on the basis of official documents issued by the relevant government agencies, the information noted on identification card in the signature sheets about 153 out of 547 voters included to the signature sheets was incorrect. Thus, 48 persons noted in the signature sheets have not registered in the country generally, the number of identification card of 103 voters does not belong to persons who signed, 1 person passed away on 18.08.2013. In spite of the validity of voters' signatures defined by checking, it was not enough for registration of candidate and the process of verification of information was halted.

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 of the working group under CEC, it seems from the protocol compiled as a result of checking the necessary documents for the registration of candidate dated on September 27, 2015 and opinion that, 547 voters' information on identification was incorrect and 117 voters' signatures were considered invalid.

Pursuant to Articles # 59.7 and 59.7.1 of Election Code of the Republic of Azerbaijan, reference of the relevant executive authorities or pursuant to Article # 59.2 of Election Code, on the basis of the expert's opinion involved in election commission the signatures of voters without the right to vote and with incorrect information is considered incorrect.

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 A.H.Samadbayli as a candidate.

Based on the foregoing, the complaint is unjustified and shall not be implemented, the decision # 18/3 of Binagadi first Con.EC # 8 on refusal to register A.H.Samadbayli as a candidate submitted on September 23, 2015 should remain 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 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 appeal # 11 submitted by authorized representative of Musavat Party Elkhan Evdil Rustamov on September 25, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 is unjustified and shall not be implemented and the decision # 18/3 adopted by Binagadi first Con.EC # 8 on refusal to register A.H.Samadbayli as a candidate submitted on September 23, 2015 on shall be remain in force.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov