

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 97 submitted to the Central Election Commission on October 14, 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 13, 2015, Aghazada Bakhtiyar Rafiq, nominated on his own initiative on Lankaran Con.EC # 73 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.

In the appeal nominee B.R.Aghazada informed that his candidacy had been nominated on his own initiative on Lankaran Con.EC # 73 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 Con.EC substantiated its decision on the refusal from registering the candidacy of B.R.Aghazada on the grounds that 83 voters' signatures out of 495 submitted by the candidate were considered invalid, the number of valid signatures had not been sufficient for the registration of a candidate.

The candidate was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session.

During the investigation process was defined that, 30 voters who have provided to 495 voters' signatures refused from their signatures and had appealed to the Con.EC on consideration invalidity of their signatures, 9 of voters' names were not on voters' lists of that Con.EC and did not live within the territory of the Con.EC.

The protocol and opinions dated October 15, 2015, compiled by the Working Group under the Central Election Commission upon the examination of signatures considered invalid by the Con.EC reveal that, 29 signatures out of those voters' signatures were invalid. After invalid signatures are excluded, the remaining 427 valid signatures were not sufficient for the candidate's registration, the argued decision of the Con.EC on refusal to register his candidacy shall be considered grounded.

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).

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 # 15/59 of Lankaran Con.EC # 73, dated October 6, 2015 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, 113.1.1, 147.1, 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 # 97 submitted by Aghazada Bakhtiyar Rafiq, nominated on his own initiative on Lankaran Con.EC # 73 on October 14, 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 # 15/59 of that Con.EC dated October 6, 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