

C O M M E N T

on the rule for completing final protocol of the Constituency Election (Referendum) Commission on the voting results in referendum

The rule for completing final protocol on the voting results compiled by Constituency Election (Referendum) Commissions (Con.ECs) (Appendix # 1 made to Comment) in nationwide voting (referendum) shall be defined by Articles 107 and 137 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code), as well as by this Comment.

After Chairman and two members of the Precinct Election (Referendum) Commission (PEC) representing various political parties provide Chairman of the Con.EC with the first copy of the final protocol of the PEC on the voting results and other election documents attached to it, upon the request of the Con.EC chairman, the commissioners of the Con.EC shall examine if the submitted documents meet requirements of Article 106.7 of the Election Code and if there is any incompatibility in the voting results. Afterwards, the information on the vote counting shall be included in the Con.EC protocol on the voting results.

Con.EC protocol shall be compiled based on summarizing all the information included in the PEC protocol after 2 days since the voting day. Summarize of the foregoing information shall be conducted incessantly.

***Note:** while compiling the protocol, the information of each item should be written separately, the numbers should be indicated in words and figures. It shall not be allowed to fill out the protocol by pencil and make any amendments on it. As it is prohibited to make amendments in the official protocol, firstly, its **d r a f t c o p y** shall be compiled.*

While compiling protocol of the Con.EC, the following items should be completed in succession after the line “The Con.EC has summarized all the information included in the PEC protocols on the voting results and determined voting results on the constituency”.

The line “Number of Precinct Election Commissions (PEC) on the constituency” should contain the number of the precincts on the relevant constituency and precincts newly established.

“Number of protocols submitted by PECs” should contain the number of protocols submitted by other PECs excluding precincts where the voting was

invalid.

The line “Number of PEC protocols adopted as basis for compiling Con.EC protocol” should contain the number of protocols received by precincts where the voting was valid (*excluding the protocols submitted by PECs where the voting results were invalid*).

The line “Number of precincts where the voting results were considered invalid” should contain the number of precincts where the voting was valid, but the results were considered invalid.

The line “Number of precincts where the voting was invalid” should contain the number of precincts where the voting was invalid because of natural calamities, other inevitable events, as well as if law violations committed during the conduct of referendum or determination of the voting results and conduct of elections doesn't allow voters to define their will or final protocol isn't compiled by court decision.

Item # 1 of the protocol – Total number of voters in voters lists on election constituency

$$(1=1a+1b)$$

a) number of voters in voters list;

b) number of voters included in supplementary voters list.

(Sum of the figures in semi-items # “a” and “b” of the first item of the PEC protocols should be indicated in relevant semi-items of the first item of the protocol. Sum of these figures should be equal to the figure in the first item of this protocol and this figure should be written at the relevant column).

Item # 2 of the protocol - number of the voters who got de- registration cards

Sum of the figures in the item # 2 of PEC protocols should be indicated in this item.

Item # 3 of the protocol - number of ballot papers provided to PECs by the Con.EC

$$(3=4+5+6)$$

Sum of the figures in the item # 3 of PEC protocols should be indicated in this item. This figure should be equal to the number of ballot papers given to PECs by the Con.EC, by compiling relevant act (if while compiling Con.EC protocol, protocols received from the precincts of constituencies were taken as basis.

As in the equitation in the brackets (3=4+5+6), the figure in this item should be equal to the sum of figures in items # 4 (the number of the voters who got ballot papers), # 5 (the number of the ballot papers cancelled without having been used) and # 6 (the number of the spoilt ballot papers).

Item # 4 of the protocol - the number of the voters who got ballot papers

$$(4=4a+4b+4c)$$

a) outside of the voting rooms;

b) in the voting rooms – based on voters' lists (permanent or temporary) and the number of the signatures included in supplementary voters' lists);

c) in the voting rooms with de-registration cards.

Sum of the figures in "a", "b" and "c" semi-items of the item # 4 of PEC protocols should be indicated in relevant semi-items of item # 4 of the protocol. Sum of these figures should be equal to the figure in item # 4 of the protocol and this figure should be written in the relevant column.

Item # 5 of the protocol - number of ballot papers cancelled without having been used

This item should include the sum of figures in item # 5 of PEC protocols.

Item # 6 of the protocol - number of spoiled ballot papers

This item should include the sum of figures in item # 6 of PEC protocols.

Item # 7 of the protocol - number of ballot papers in ballot boxes (excluding those not in the defined form¹)

$$(7=7a+7b); (7\leq 4)$$

a) in mobile ballot boxes ($7a \leq 4a$);

* During the vote count the ballot papers not in defined form found in the ballot boxes shall be counted and included in an act, which is added to the protocol.

b) in stationary ballot boxes (**7b≤4b+4c**).

Relevant semi-items of item # 7 of the protocol should contain the sum of figures in relevant semi-items of this item of the PEC protocol. The sum of these figures should make figure of item # 7 of the protocol and this figure should be written at relevant column. The figure in semi-item 7a should be less than or equal to the figure in semi-item 4 and the figure in semi-item 7 b should be less than or equal to sum of figures in semi-items # 4a and 4b. As in small equation in brackets ($7\leq 4$), item # 7 should be less than or equal to figure in item # 4.

Item # 8 of the protocol - results of vote count on the referendum draft act put in nation-wide voting

Sum of the data in item # 8 of the PEC protocols should be indicated in this item.

1.1.1. **Item #9 of the protocol** - distribution of valid votes among candidates to presidency

Date and time of the protocol should be indicated after the full completion of the protocol.

Final protocol on the voting results shall be signed by the Con.EC members having decisive rights. It shall be prohibited to sign the incomplete or not fully completed protocols. The Con.EC member who does not agree with the protocol in whole or its separate parts can attach to it his/her specific opinion by signing the protocol. At this time, the protocol shall contain relevant note on this.

Pursuant to Article 107.4 of Election Code, the following election documents shall be attached to final protocol of the Con.EC on the voting results and immediately, but not later than 2 days since the voting day, shall be sent to Central Election Commission under the accompany of the Con.EC Chairman and two members representing various political parties:

- 1) first copy of the Con.EC protocol;
- 2) complaints (applications) related to the violation of the Election Code, entered the Con.EC on the voting day and decisions concerning these adopted by the Con.EC;
- 3) act on receiving ballot papers by the Con.EC (Appendix # 2 made to the Comment);
- 4) act on the cancel of the unused ballot papers (Appendix # 3 made to the Comment);
- 5) act on the issuance of voting cards and cancel of unused voting cards (Appendix # 4 made to the Comment).

The above-mentioned acts shall be signed by Con.EC chairpersons and secretaries.

Approved copies of the complaints (applications), Con.EC decisions and the foregoing acts should be attached to the second copy of the protocol.

ACT

**on providing the Constituency Election (Referendum) Commission
with ballot papers by Central Election (Referendum) Commission
in referendum**

_____ “ _____ ” _____ 20
(district, town, region, settlement, village)

At _____

According to item # 6 of Article 99 of the Election Code of the Republic of Azerbaijan, the Central Election (Referendum) Commission provided the

_____ Con.EC # _____
(name of the constituency)

with _____ ballot papers for referendum
(in words) (in figures)

in accordance with the total number of voters included in the voters' list on the constituency.

**Secretary of Central Election (Referendum) Commission
of the Republic of Azerbaijan**

(signature)

(initial and surname)

P.S.

Con.EC Chairman

(signature)

(initial and surname)

Con.EC Secretary

(signature)

(initial and surname)

Con.EC Secretary

(signature)

(initial and surname)

P.S.

ACT

on the cancel of unused ballot papers in referendum

_____ “ _____ ” _____ 20
(region, city, district of city, settlement, village)

At _____

We who signed below, compiled the act because
_____ unused ballot papers
(in words) (in figures)

were canceled by cut line in the case defined by law in the
_____ Con.EC # _____.
(name of the constituency)

Con.EC Chairman _____
(signature) (initial and surname)

Con.EC Secretary _____
(signature) (initial and surname)

Con.EC Secretary _____
(signature) (initial and surname)

P.S.

ACT

on issuing de-registration (voting) cards for voting and the cancel of unused cards in referendum

_____ “ _____ ” _____ 20
(region, city, district of city, settlement, village)

At _____

We who signed below, compiled the act because _____
(in words)

_____ de-registration (voting) cards out of _____
(in figures) (in words)

_____ issued to _____ Con.EC _____
(in figures) (name of constituency)

by Central Election Commission of the Republic of Azerbaijan were submitted to voters.

Unused _____
(in words) (in figures)

voting cards were canceled by cutting half.

Con.EC Chairman _____
(signature) (initial and surname)

Con.EC Secretary _____
(signature) (initial and surname)

Con.EC Secretary _____
(signature) (initial and surname)

P.S.
