

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 112 submitted to the Central Election Commission on October 28, 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 28, 2015, Sultanov Yusif Nabi, nominated on his own initiative on Zardab-Ujar Con.EC # 92 challenged the decision of the Con.EC on refusal to register his candidacy and requested for the redress of his violated rights upon cancelling a 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 Y.N.Sultanov, nominated on his own initiative on Zardab-Ujar Con.EC # 92 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 with a biased decision.

The basis for decision # 16/53 of the Con.EC, dated on October 6, 2015, on refusal to register candidacy of Y.N.Sultanov is that the candidate did not open a special election account, the number of submitted valid (correct) signatures in support of a candidate was less than required, the lack of proper documents on the amount and sources of income, the property belonging to him on the basis of ownership referring to Articles # 58.1.4, 58.1.5 and 60.2.2 of Election Code. Thus, proper documents on the amount and sources of income, the property belonging to him on the basis of ownership and the initial financial report was not submitted to the Con.EC by him.

During the investigation process the applicant was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session. He informed that defended his application and could not attend the session for a respectful reason.

The protocol and opinions compiled by the Working Group under the Central Election Commission on October 29, 2015, upon the examination of the necessary documents for the registration of the candidate reveal that 419 voters’ signatures out of 500 included in 10 signature sheets submitted for the registration of Y.N.Sultanov were considered valid. Since the number of valid voters’ signatures had not been sufficient, there were legal grounds on refusal to register him as a candidate.

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.

It is seen from the documents submitted by Zardab-Ujar Con.EC # 92 during the investigation process, Y.N.Sultanov did not submit proper documents on the amount and sources of income, the property belonging to him on the basis of ownership and the initial financial report based on Articles # 58.1.4, 58.1.5 and 58.1.6 of Election Code to the Con.EC, in despite of warning, while his nomination was approved by the Con.EC on September 12, 2015, also while election documents were submitted for registration to the Con.EC on October 1, 2015, before the session on October 4, 2015, which will be considered his registration according to the requirement of Article # 58.2 of Election Code.

Y.N.Sultanov had violated the requirements of Articles # 58.1.4, 58.1.5 and 58.1.6 with his inaction. Therefore, there was appeared another legal ground for refusal to register his candidacy. Thus, pursuant to Article # 60.2.2 of Election Code, incorrect formalizing or absence of documents mentioned in Articles 57 and 58 of this Code is a basis for refusal of registration.

It can be seen from the act compiled by members of Zardab-Ujar Con.EC # 92 with participation of the candidate Y.N.Sultanov dated on October 6, 2015, he was invited to the Con.EC for submission the protocol and opinions compiled by the Working Group under the Con.EC on October 5, 2015, and for giving information on time of session which will be considered the issue of his registration as a candidate on October 6, 2015. But he informed that he was outside of the region and could not attend the session, and will pick up above-mentioned documents the day after, in the session day. Those documents were submitted to Y.N.Sultanov on October 6, 2015, in the session day. This case also shows that the complaint was groundless.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 16/53 of Zardab-Ujar Con.EC # 92 on refusal to register the candidacy of Y.N.Sultanov, 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, 58, 60, 112, 112-1 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 # 112 submitted by Sultanov Yusif Nabi, candidate registered on nominated on his own initiative on Zardab-Ujar Con.EC # 92 on October 28, 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 # 16/53 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