

## **DECISION**

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

#### **on consideration of the appeal # 17 submitted to the Central Election Commission on September 27, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015**

The appeal of Rashid Mikayil Najafli nominated to deputy on "Musavat" Party on Aghjabadi Con.EC # 82 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 was submitted to the Central Election Commission on September 27, 2015

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 candidate R.M. Najafli noted in his appeal that, he was nominated on "Musavat" Party on Aghjabadi Con.EC # 82 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signatures of voters in the territory of the same constituency he submitted to the Con.EC signature sheets and other important documents attached to it, but Con.EC did not give him information on checking of signatures, his participation in checking signatures was not ensured, at the result being invalid registration of his candidacy was rejected by appropriate decision of the Con.EC.

During investigation, it was kept in touch with a candidate nominated to deputy and it was explained that he have right to submit additional documents and materials, participate in meeting and investigation, his participation in investigation and meeting was ensured.

In its substantiated decision Con.EC rejected to register candidate basing on that nominated R.M. Najaflii submitted 550 voters' signatures but 224 of them are

considered to be invalid, 5 voters' signatures are alike and even patronymic of one voter was not indicated.

At the same time, candidate did not come to the meeting in connection with checking of signatures in signature sheets and this fact is shown in decision. R.M. Najafli was personally invited to the investigation process of signature sheets and other relevant documents for the registration of a candidate and that are seen from certificate submitted on behalf of Con.EC.

Conducted investigation showed that even if Con.EC did not exactly reflect all determined cases and basis in its decision, at the basis of indicated it made right conclusion in connection with rejection for registration of R.M. Najafli as a candidate to deputy at the b

So, for the registration of a candidate on behalf of a candidate, it was submitted 550 voters' signatures in 11 signature sheets but 224 voters making written apply to the Constituency Election Commission showed that they were cheated in process of giving signatures and they did not know that the same signatures were for the support of the applicant. During investigation, voters applying with application where signatures are considered to be invalid confirmed the fact of giving application to Con.EC in connection with the mentioned case.

Pursuant to the Article 113.1.1 of Election Code, the election commission can refuse registration of a candidate if the information they submit according to this Code is not true or their invalidity is of great importance (except the cases mentioned in Article 60.3 of this Code.)

On behalf of a candidate for the registration of a candidate 224 submitted signatures at the basis of mentioned are considered to be invalid and have important meaning and after exclusion of the same signatures the rest of 326 signatures were not enough for the registration of a candidate, so on behalf of working group acting under Central Election Commission there were no necessity in checking of signatures that were considered to be invalid by Con.EC on other basis.

Pursuant to Article 147.1 of Election Code of the Republic of Azerbaijan at least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

Pursuant to the mentioned, complaint being invalid shall not be implemented; decision #11/29, dated September 25, 2015 on rejection for registration of candidacy on Aghjabadi Con.EC # 82 shall be kept in force without changes.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 112, 112-1, 113-1.1, 147 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 # 17, dated September 27, 2015, on nomination of Rashid Mikayil Najafli on "Musavat" Party on Aghjabadi Con.EC # 82 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 being invalid shall be not ensured, decision # 11/29 of the same Con.EC, dated September 25, 2015 shall be kept in force without changes.

3. The decision shall be enforced upon its publication

CEC Chairman

Mazahir Panahov

CEC Deputy Chairman

Natig Mammadov

CEC Secretary

Arifa Mukhtarova