

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 12 received by the Central Election Commission on November 25, 2014 regarding the Municipal Elections on December 23, 2014

Bahman Abdulhasan Huseynov, nominee on Sapnakaran municipality of Lankaran-Astara Con.EC # 76 on his own initiative appealed to CEC in written form on November 25, 2014 regarding the Municipal elections on December 23, 2014 and requested to annul the Con.EC decision on the refusal from registering his candidacy and to adopt a relevant decision on the registration of his candidacy.

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 applicant was informed on the investigation, also noted on his right to take part in the investigation.

By justifying his complaint, citizen B.A.Huseynov informed that he had nominated his candidacy on Sapnakaran municipality of Lankaran-Astara Con.EC # 76 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, but his candidacy was refused from registration by the Con.EC without any reason.

By justifying its decision # 11/30-1 dated November 20, 2014 on the refusal from registering the candidacy of B.A.Huseynov, the Con.EC informed that he had not included the information on candidate in the signature sheet fully and only 13 out of 25 collected signatures included in the signature sheet were considered valid. Therefore, the number of valid signatures included in the signature sheet was not sufficient for the candidate's registration.

During the investigation process the documents which have led to the adoption of the argued decision by the Con.EC and submitted for the candidate registration were requested to be sent by the Con.EC to the Working Group under CEC for opinion providing upon the conduct of relevant investigation. The opinion and protocol dated November 25, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted for the registration of B.A.Huseynov had been collected in comply with the Election Code. 24 out of 25 voters' signatures collected by the candidate were considered valid. Since the number of the valid signatures was sufficient for the registration of the candidacy on that municipality and other necessary documents had been compiled in accordance with the Election Code, there were legal grounds to register his candidacy.

So, pursuant to Article 215.1.6 of the Election Code, every nominated citizen shall collect 15 valid voters' signatures to be registered to the municipality membership within a territory with less than 4.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Sapnakaran municipality is within the limits as defined by the above-mentioned Article of the Election Code.

So, through a full, comprehensive, fair and impartial investigation legal grounds were determined to annul the argued decision of the Con.EC and to implement the complaint.

According to the above-mentioned, the complaint shall be implemented due to its grounded factors, the decision # 11/30-1 of Lankaran-Astara Con.EC # 76, dated November 20, 2014 on the refusal from registering the candidacy of B.A.Huseynov on Sapnakaran municipality shall be annulled and his candidacy to the municipality membership on that election constituency shall be registered.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 28.4, 59, 60, 112, 112-1, 215.1.5, 216.1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6 and 7 of "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", CEC **decides:**

1. The complaint # 12, dated November 25, 2014 by Bahman Abdulhasan Huseynov nominated on Sapnakaran municipality of Lankaran-Astara Con.EC # 76 on his own initiative shall be implemented and the Con.EC decision # 11/30-1 dated November 20, 2014 on the refusal from registering his candidacy shall be annulled.
2. The candidacy of Bahman Abdulhasan Huseynov nominated on Sapnakaran municipality of Lankaran-Astara Con.EC # 76 on his own initiative shall be registered to municipality membership.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov