

## **C O M M E N T**

### **on the rule for completing protocol of the Constituency Election Commission on the voting results in Presidential Elections of the Republic of Azerbaijan**

The rule for completing final protocol on the voting results compiled by Constituency Election Commissions (Con.ECs) (Appendix # 1 made to Comment) in Presidential Elections of the Republic of Azerbaijan shall be defined by Articles 100, 107 and 202 of Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code), as well as by this Comment.

#### **1. General provisions**

1.1. Con.EC protocol shall be compiled only by the members of these commission having decisive rights.

1.2. After Chairman and two members of the Precinct Election 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, 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 voting results shall be included in the Con.EC protocol on the voting results.

1.3. Con.EC protocol shall be compiled based on the generalization of all information included in the PEC protocol after 2 days since the voting day. Generalization of the above-mentioned information shall be conducted incessantly.

**Note:** *while compiling 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 write the protocol by pencil and make some any amendments in 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.*

## 2. Sequence of filling the protocol

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

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

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

2.1.3. 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 protocols submitted by PECs where the voting results were invalid);

2.1.4. 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;

2.1.5. 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 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;

2.1.6. . **Item #1 of the protocol – Number of voters in voters lists on election constituency**

**(1=1a+1b):**

2.1.6.1.a) number of voters in voters list;

2.1.6.2. 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).*

2.1.7. **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).*

2.1.8. **Item #3 of the protocol** – number of ballot papers provided to PEC 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).*

2.1.9. **Item #4 of the protocol** – the number of the voters who got ballot papers

**(4=4a+4b+4c):**

2.1.9.1. a) outside of the voting rooms;

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

2.1.9.3. 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).*

2.1.10. **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).*

2.1.11. **Item #6 of the protocol** – number of spoilt ballot papers

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

2.1.12. **Item #7 of the protocol** – number of ballot papers not in ballot boxes *(excluding those not in the defined form):*

**(7=7a+7b); (7≤4); (7=8+9)**

2.1.12.1. a) in mobile ballot boxes **(7a≤4a);**

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

*(Relevant semi-items of item # 7 of the protocol should contain the sum of figures in semi-items “a” and “b” 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. Figures in semi-items 7a and 7b should be less than or equal to the 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. As in the calculation in the brackets ( $7=8+9$ ), the figure of item # 7 should be equal to the sum of figures in item # 7 (number of invalid votes) and item # 8 (number of valid votes).*

2.1.13. **Item #8 of the protocol** – number of invalid votes *(number of the ballot papers without any sign in squares on the right of the candidates’ surnames or the ballot papers in the defined form with the signs in more than one square)*

*(Sum of figures in the item # 8 of PEC protocols should be indicated in this item).*

2.1.14. **Item #9 of the protocol** – number of valid votes *(number of the ballot papers in the defined form with the signs put only in one square on the right of the candidates’ surnames)*

**(9=10)**

*(Sum of figures in the item # 9 of PEC protocols should be indicated in this item).*

2.1.15. **Item #9 of the protocol** – distribution of valid votes among candidates to presidency

*(In this item of the protocol, surname, name and patronymic of the candidate to presidency included in the ballot paper should be written in succession as in the ballot paper, in alphabetical order and the number of votes cast for each candidate should be indicated in words and figures. Sum of votes cast for each candidate in the PEC protocol should be indicated in words and in figures in the column for the number of votes cast for this candidate of the Con.EC protocol item # 9 (sum of valid votes). If there is not equation in this number, then the protocol considers invalid).*

<sup>1</sup> *If surname, name and patronymic of candidates included in ballot papers are the same, their day, month and year of birth shall also be indicated.*

2.2. Compiling date and time of the protocol should be indicated after the whole completion of the protocol..

2.3. Final protocol on the voting results shall be signed by at least 2/3 of the Con.EC members having decisive rights. It should be prohibited to sign the protocol incomplete or not fully completed protocols. 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 should contain relevant note on this.

### **3. Submission of the protocol together with the documents for attachment to Central Election Commission**

3.1. Pursuant to Article 107.4 of Election Code, the following election documents should 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, should be sent to Central Election Commission under the accompany of the Con.EC Chairman and two members representing various political parties:

3.1.1. first copy of the Con.EC protocol;

3.1.2. 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;

3.1.3. act on receiving ballot papers by the Con.EC (Appendix # 2);

3.1.4. act on the cancel of the unused ballot papers (Appendix # 3);

3.1.5. act on the issuance of de-registration (voting) cards and cancel of unused voting cards (Appendix # 4).

3.2. The acts indicated in items 3.1.4 and 3.1.5 shall be signed by Con.EC chairpersons and secretaries.

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

**Note: 1.** *If any mistake (erroneously inclusion of the information, erasing, blacken and so on) was allowed while compiling the protocol of Precinct Election Commission and if it made impossible to determine voters' will, then after receiving the protocol, relevant Con.EC shall make decision on re-count of votes at this polling station. Re-counting of votes shall be implemented by Con.EC members having decisive rights, they shall compile and sign protocol on the voting results on that polling station and this protocol shall include the phrase "re-count of votes". This protocol shall also be attached the protocol of Precinct Election Commission. Con.EC final protocol shall include the information compiled by the Con.EC on this polling station.*

**Note: 2.** *If any mistake (erroneously inclusion of the information, erasing, blacken and so on) was allowed while compiling the Con.EC protocol, the Con.EC shall make the case official by its decision, compile relevant act on this and submit the protocol together with this act to Central Election Commission within the period defined by law.*

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