

## **DECISION**

### **of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 06 received by the Central Election Commission on November 22, 2014 regarding the Municipal Elections on December 23, 2014**

Musa Burjubay Ismayilov, nominee on Boyuk Bahmanli municipality of Fuzuli Con.EC # 84 on his own initiative appealed to CEC by telegram, on November 22, 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 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.

By justifying his complaint, M.B.Ismayilov informed that he had nominated his candidacy on on his own initiative on Boyuk Bahmanli municipality of Fuzuli Con.EC # 84 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 34 voters' signatures within that municipality instead of 30 voters' signatures, but his candidacy was refused from registration by the Con.EC decision # 16/3 dated November 17, 2014 without any reason.

The applicant was informed on the investigation, also noted on his right of presenting additional evidences and documents on the complaint and invited to take part in the investigation. He informed that he had included October instead of November on dates of signature as a technical mistake and requested the Con.EC to provide him with signature sheets to re-collect signatures for rectifying that mistake, but as the Con.EC informed him about impossibility of doing that, he edited it himself.

By justifying its decision # 16/3 dated November 17, 2014 on the refusal from registering the candidacy of M.B.Ismayilov, the Con.EC informed that date of 32 signatures out of 34 signatures included in the signature sheet submitted by the candidate were edited and although those amendments had to be verified by a person approving them, they had not been approved.

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 23, 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 by M.B.Ismayilov for the candidacy registration had been collected in comply with the Election Code. All of 34 voters' signatures collected by nominee Musa Ismayilov 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 215.1.5 of the Election Code, every nominated citizen shall collect 30 valid voters' signatures to be registered to the municipality membership within a territory with more than 4.999 and less than 9.999 populations. The population number within the territory covered by Boyuk Bahmanli municipality is within the limits defined by the above-mentioned Article of the Election Code.

Regarding the amendments made to the signatures date by the nominee, the explanation of the Con.EC chairperson and the applicant's appeal proves that the amendments in the submitted signature sheets have been made by the nominee.

Pursuant to Article 60.4 of the Election Code, in a case that mistakes and erases can be avoided by making edits by a candidate, then the election commission shall warn the candidate within 24 hours and register the candidate after he had made relevant editing. While adopting a decision on the refusal from registering the candidacy of M.B.Ismayilov, the Con.EC had not taken into consideration the requirements of that article.

According to the above-mentioned, the complaint shall be implemented due to its grounded factors, the decision # 16/3 of Fuzuli Con.EC # 84, dated November 17, 2014 on the refusal from registering the candidacy of M.B.Ismayilov on Boyuk Bahmanli 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 # 06, dated November 22, 2014 by M.B.Ismayilov nominated on Boyuk Bahmanli municipality of Fuzuli Con.EC # 84 on his own initiative shall be implemented and the Con.EC decision # 16/3 dated November 17, 2014 on the refusal from registering his candidacy shall be annulled.
2. The candidacy of Musa Burjubay Ismayilov, nominee on Boyuk Bahmanli municipality of Fuzuli Con.EC # 84 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