

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 63 submitted to the Central Election Commission on September 8, 2024 in the early Elections to the Milli Majlis, appointed to September 1, 2024

Regarding the early Elections to the Milli Majlis on September 1, 2024, Azizov Azizkhan İman, registered candidate on Lankaran village Con.EC # 78 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on September 11, 2024, claiming that the law violations were committed in some polling stations of that Con.EC, challenged the decision 23/83 dated September 6, 2024 of the constituency election commission and therefore requested to annul that decision, to consider election results invalid and to take relevant measures.

The appeal was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) and relevant opinion was provided on filing the appeal upon violating the rules for destination by a member of the Expert Group under CEC and considered at the Commission session.

In A.I.Azizov's appeal, during election day observation that obstacles are created to the observers, the intervention of unauthorized persons in the election process, the election that more than one ballot was thrown into the boxes, without the observers observing the votes counted outside the voting room, drawn up on the voting results that although a copy of the protocol was requested, it was not submitted to them, the precinct election commission that their chairmen left the precinct without submitting copies of the minutes, votes with the results announced during the counting on the official website of the Central Election Commission alleging that the given results do not match and that there are other violations of the law that the results of the voting at those polling stations be considered invalid and the election invalidating the district elections, as well as the same to the district election commission was accepted by the election commission of that constituency demanded the annulment of the decision. It is only one electronic information carrier added, and in the research process, in addition, one more electronic information carrier also presented.

The Constituency Election Commission based its decision on the fact that on voting day the law that allegedly happened in the polling stations of the Lankaran village Con.EC #78 since the violations were not confirmed, the voting and the results allow voters to freely express their will during the determination. The appeal was not granted because no violations of the law were found.

The candidate who applied for the study was contacted, the study and to participate in the meeting, as well as to have other rights explained, in his investigation and participation in the meeting of the Commission was ensured.

It was the basis for issuing the disputed decision from the constituency election commission the documents were received and added to the research materials and re-examined.

In connection with the investigation, the election of the two candidates registered for that electoral district various candidates who observed the contested polling stations of the district, from observers representing political parties and non-governmental organizations, as well as explanations were received from the members of the precinct election commissions.

On voting day for the purpose of thorough and impartial examination of the application which is alleged to have happened in the polling stations of that electoral district on the social networks two numbers attached to the posted footage of the violations, as well as the appeal on the electronic data carrier, on the results of voting at polling stations the protocols were reviewed, the election documents received from the election subjects were studied, it was determined that on voting day of Lankaran village constituency No. 78 head in other disputed polling stations, except polling stations no 29 and 32.

The alleged violations of the law have not been confirmed, the will of the voters cases that did not allow identification were not detected. From this point of view, although the contested decision of the Commission came to the correct conclusion, it did not come to the correct conclusion regarding the polling stations.

So, the images published on social networks and presented as a result of reviewing video materials and analyzing other election materials elections in one way or another during the counting of votes in polling stations no 29 and 32 violations of the law that may affect the result have been detected. Established law violations to determine the will of the voters according to the requirements of the election legislation on the mentioned polling stations as it is considered as a situation that does not allow there are legal grounds for invalidating the voting results.

Therefore, the results of the elections voting in the precincts No. 29 and 32 of Lankaran village Con.EC # 78 should be considered invalid.

Article 170.2 of the Election Code of the Republic of Azerbaijan states that the constituency election commission or the Central Election Commission for the following one-mandate constituencies invalidates elections in the following cases:

- 170.2.1. voting or voting results violations of the law committed in the electoral district during the determination of voters if it does not allow to determine its will;
- 170.2.2. results of voting during voting in single-mandate constituencies the number of invalid polling stations in that electoral district when it constitutes more than 2/5 of the total number of its stations or is canceled, it provided that the number of voters registered in those polling stations is for the electoral district make up more than 1/4 of the total number of registered voters.

As a result of the investigation, it was determined that the results of the voting in the elections held on September 1 in the Lankaran village Con.EC # 78 were considered invalid, the number of polling stations is 2/5 of the total number of polling stations in the constituency and the number of registered voters in those polling stations does not make up more than 1/4 of the total number of voters registered in the district.

Thus, a registered candidate from Lankaran village constituency # 78 A.I.Azizov's appeal should be partially granted, elections of that electoral district the results of voting on the precincts No. 29 and 32 should be considered invalid, the Decision No. 23/83 of the constituency election commission dated September 4, 2024 concerning polling stations No. 29 and 32 should be canceled in part, and it should be kept unchanged in other parts.

Taking the above mentioned as a basis, pursuant to 19.4, 28.2, 112, 112-1 and 170 of Election Code of the Republic of Azerbaijan the Central Election Commission **decides**:

1. The appeal #63 dated September 8, 2024 of a candidate registered in Lankaran village Con.EC # 78 in early elections to the Milli Majlis of the Republic of Azerbaijan held on September 1, 2024, Azizov Azizkhan Iman was partially granted, the results of voting on polling stations No. 29 and 32 of the electoral district shall be considered invalid.
2. Cancellation of decision No. 23/83 dated September 4, 2024 in the part related to polling stations No. 29 and 32 of Lankaran village Con.EC # 78 shall be done, and the other parts should be kept unchanged.
3. The decision shall be enforced upon its publication.

CEC Chairman Mazahir Panahov

CEC Secretary Arifa Mukhtarova

CEC Secretary Mikayil Rahimov