

INSTRUCTION

on participation of stateless persons and foreigners in elections (referendum)

The rules for the participation of stateless persons and foreigners in elections (referendum) shall be regulated by the Election Code of the Republic of Azerbaijan (hereafter referred to as - Election Code) and the Instruction.

1. General provisions

1.1. The persons aged 18 on the day of conducting elections (including this day) and stateless persons living permanently within the Republic of Azerbaijan for not less than 5 years shall have the right to vote in elections (referendum) (hereafter referred to as - elections), and foreigners shall have the right to vote only in elections to municipalities excluding the cases implied by Article 56 of the Constitution and Article 14 of the Election Code of the Republic of Azerbaijan.

1.2. The foreigners who live within the territory of the Republic of Azerbaijan when aging 18 on the day of conducting elections to municipalities (including this day) and residing within the territory of a relevant municipality for no less than 5 years till the appointment of elections to municipalities (including the year of appointing elections) shall have the right to vote in municipal elections, providing that the same rights of the foreigners shall be respected during elections to municipalities in the states, which these foreigners are citizens of.

1.3. The stateless persons and foreigners who do not abide any of the requirements implied by the items # 1.1 and 1.2 of the Instruction, can not participate in elections.

1.4. Stateless persons with permanent residence within the territory of the Republic of Azerbaijan and foreigners shall not participate in the implementation of other election actions excluding the participation in the voting during elections.

2. Including and excluding the entries of stateless persons and foreigners in voters' lists

2.1. Including the entries of the stateless persons and foreigners shall be implemented upon the fact that these persons have lived permanently within the relevant election precinct (during 6 of 12 months since the day of official publication of the decision (order) on the appointment of elections) in comply with Article 12 of the Election Code. This fact shall be defined by the body implementing registration of the stateless persons and foreigners.

2.2. The list of the stateless persons attaining 18, who permanently live in the Republic of Azerbaijan for not less than 5 years shall be submitted to the relevant Con. EC by the State Migration Service of the Republic of Azerbaijan, Ministry of Interior Affairs of the Republic of Azerbaijan in the case and time defined for the citizens of the Republic of Azerbaijan by the Election Code.

2.3. The list of the countries providing foreign citizens the right to vote shall be submitted to Constituency Election Commissions by the State Migration Service of the Republic of Azerbaijan, relevant registration and ID cards departments of the Ministry of Interior Affairs of the Republic of Azerbaijan or its city and district offices at least 30 days prior to the voting day.

2.4. The Con.EC shall ensure providing the Precinct Election Commissions (PECs) on the places of residences of stateless persons who permanently live within the Republic of Azerbaijan and foreigners with their list at least 25 days prior to the voting day.

2.5. Specification of the names of the persons indicated on the lists and making relevant amendments shall be implemented by the PEC in the case defined by Election Code at least 25 days prior to the voting day.

2.6. The stateless persons attained 18 who permanently live in the Republic of Azerbaijan for not less than 5 years and foreigners shall be included in permanent list of voters by PECs in the case defined by Article 46 of Election Code and the secretary of the election commission shall make special note before the names of stateless persons and foreigners.

2.7. The inclusion of the stateless persons attained 18 who permanently live in the Republic of Azerbaijan for not less than 5 years and foreigners in voter lists, their exclusion from these lists, providing them with de-registration cards and making them familiar with voter lists shall be regulated by the rules for the citizens of the Republic of Azerbaijan having suffrage defined by Election Code.

2.8. After the approval of the voters' list, the above-stated persons shall be excluded from the voters' list upon the voting card provided to the voter in accordance with official documents, as well as, Article 101 of the Election Code and the voter shall be informed on this. In this case, the voters' list shall include the date and reason of excluding the citizen from the list. The fact shall be verified by the signature of the chairman and secretaries of the Precinct Election Commission and when the deregistration card for voting has been provided, then it shall be approved by the signature of the election commission members who have provided it.

3. Rights related to the participation of stateless persons and foreigners in elections

3.1. Stateless persons and foreigners shall have the following rights concerning the participation in elections:

3.1.1. to take part in the voting as a voter within the relevant polling station on the voting day;

3.1.2. to familiarize with the voters' lists in a manner defined by Article 48 of the Election Code, to inform on not including in the voters' list, mistakes or irregularities in the information about him/her or others included in the voters' list;

3.1.3. to apply to the relevant election commission with a complaint on the violation of election right within the period and manner defined by Article 112 of the Election Code.

4. Duties of the stateless persons and foreigners on the participation in elections

4.1. Stateless persons and foreigners shall have the following duties regarding participation in elections:

4.1.1. respect freedom of press;

- 4.1.2. not to prevent representatives of mass media engaged in his/her occupation, not to interfere in election campaigns of candidates, political parties (political party blocs) and not to break it;
- 4.1.3. not to prevent dissemination of pre-election (pre-referendum) (hereafter referred to as – pre-election) campaign materials;
- 4.1.4. not to destroy pre-election posters and other similar campaign materials;
- 4.1.5. not to hinder the conduct of pre-election mass activities;
- 4.1.6. to cooperate with election bodies and their officials for free, independent, quiet and organized conduct of elections;
- 4.1.7. not to prevent voters from expressing their will in free and independent form;
- 4.1.8. respect and cooperate with the authorized persons and observers;
- 4.1.9. to keep and help keeping secrecy of the voting;
- 4.1.10. not to make voters to support him/her by illegal actions;
- 4.1.11. not to interfere in the activities of election commissions on the groundless reasons and not to violate the process of vote counting;
- 4.1.12. to respect the results of elections approved by law, to submit each complaint on elections to the authorized body and abide the decision on this complaint by this body;
- 4.1.13. not make speeches calling for menace, slander and violence and not to disseminate such materials;
- 4.1.14. not to reward voters and not to menace them by penalty;
- 4.1.15. not to use national, municipal and other public resources in the cases not implied by the Election Code;
- 4.1.16. not to involve voters to vote or prevent from voting by making pressures upon them or offer presents or by illegal methods;
- 4.1.17. not to make voters to participate or not to participate in campaign groups on referendum, to nominate or not to nominate their candidacies, to withdraw or not to withdraw their candidacies, to participate or not to participate in pre-election (referendum) campaign by making pressures upon them or offer presents or by illegal methods;
- 4.1.18. not to use assistance or activity of any incumbent in the support of the issue put in referendum or support of the candidate.

5. Bans in the activity of stateless persons and foreigners

- 5.1. The followings shall be prohibited for stateless persons and foreigners during the organization and conduct of elections:
 - 5.1.1. to participate in the nomination and registration of candidates and election campaigns during elections;
 - 5.1.2. to conduct campaign in favor or against the issues put in referendum, to be a member to referendum campaign groups, as well as, an initiator of their establishment or to participate in any

form in their activity;

5.1.3. to render voluntary donations, or assistance in kind or services to election funds of candidates, registered candidates, political parties, blocs of political parties, referendum campaign groups.

5.2. Not abiding by the requirements causes liability defined by legislation.

5.3. Bans implied in items 5.1.1.-5.1.3 of the Instruction should not restrict freedom of speech and free assembly for stateless persons and foreigners.

6. Participation of stateless persons and foreigners in the voting

6.1. Voting of stateless persons and foreigners in the elections shall be organized generally and regulated by Articles 104 and 105 of the Election Code.

6.2. These persons shall have equal rights and duties with citizens of the Republic of Azerbaijan during the implementation of suffrage.

7. Final provisions

7.1. Since the enforcement of this Instruction, the "Instruction on participation of stateless persons with permanent residence in Presidential elections in the Republic of Azerbaijan" approved by CEC Decision # 4/26 dated 27 June 2003, the "Instruction on participation of stateless persons with permanent residence in elections to the Milli Majlis in the Republic of Azerbaijan" approved by CEC Decision # 18/72 dated 24 July 2005, the "Instruction on participation of stateless persons with permanent residence and foreigners in Municipal elections in the Republic of Azerbaijan" approved by CEC Decision # 30/117 dated 24 June 2006, the "Instruction on participation of stateless persons with permanent residence in referendum in the Republic of Azerbaijan" approved by CEC Decision # 1/4-2 dated 8 January 2009, shall be invalidated.