

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 66 submitted to the Central Election Commission on
January 6, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, AlikSuvladdinRahimkhanov, registered candidate on Mujugmunicipality of Gusar Con.EC # 51 appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 6, 2020 and arguing the decision # 24/128, dated 28 December 2019 of Gusar Con.EC # 51 on the investigation of the law violations in the PECs # 41 and 42 of that election constituency, and therefore, requested to annul the election results on those polling stations.

The appeal was adopted to investigation in accordance with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) 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" and relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

The plaintiff indicated in the appeal that the voting and vote counting was not conducted legitimate in the PECs # 41 and 42, the observers representing his interests were not fully facilitated, mobile voting was not ensured and he also added an electronic data carrier to his complaint.

During the investigation process the applicant was contacted with, informed on the rights to take part at the investigation and session, also to submit any document or material.

Therewith, the argued decision of the Con.EC and other documents were attached to the investigation materials.

The Con.EC substantiated its decision basing on that since the claims on the law violations supposed to have been committed in the polling stations on the voting day were not the law violations which did not allow to determine voters' will on the PECs # 41 and 42 during the conduct of voting and determination of the voting results, the appeal of registered candidate A.S.Rahimkhanov shall not be implemented due to groundlessness.

It was defined through the investigation that the voters could express their will by coming to the PECs # 41 and 42, the process of vote counting was conducted properly and the PEC voting results protocol was compiled in accordance with the Election Code. Thus, the law violations claimed to have been committed on the voting day were not justified and the case is proved by the reports provided by the observers who observed the vote count and got the copy of the voting results protocol of the PEC # 41 - D.E.Aslanov, F.V.Abdiyev, A.A.Amiraliyev, B.D.Rzayev, Z.M.Niftiyev, M.M.Movlanov, observers on the PEC # 42 -N.G.Aliyarova, P.D.Baloghlanova, K.A.Dadashov, registered, but not elected candidates - A.N.Nurmatov, Ş.S.Muradov, also the PEC members.

Meanwhile, it was defined that not any appeal was filed by the voter regarding the voting of voters outside the voting room and the mobile voting was not used. The

information in the voice recording included in the electronic data carrier added to the appeal was not justified to have any relation to the contested law violations on the voting day.

Thus, no legal ground was established to ensure the appeal and to cancel the decision # 24/128, dated 28 December 2019 of the Con.EC, therefore, the appeal shall not be implemented upon being considered groundless and that decision of the Con.EC shall be remained enforced without making amendments.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 of the "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" the Central Election Commission **decides:**

1. The appeal # 66, dated January 6, 2020 filed by AlikSuvladdinRahimkhanov, registered candidate on Mujug municipality of Gusar Con.EC # 51 in the Municipal Elections held on December 23, 2019 shall not be implemented due to groundlessness and the Con.EC decision # 24/128, dated 28 December 2019 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov