

*Agreed with:
E.S.Rustamov, Chairman of Central Bank*

*M.M.Panahov, Chairman of Central
Election Commission*

*Approved by Decision #23-6 dated on August 24, 2009,
amended by Decisions 6/15-7 dated on August 23, 2011*

and 3/14 dated on April 11, 2013

*of Central Election Commission
of the Republic of Azerbaijan*

INSTRUCTION

on the rules for returning of monetary units entered election funds in Municipal Elections

1. The rules for returning of monetary funds received by candidates, registered candidates, political parties, political party blocs during Municipal Elections of the Republic of Azerbaijan, shall be regulated by Articles 90.5 – 90.7, 226.4, 230, 232 and 233 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code).
2. The candidate that has not been registered with the relevant election commission, political parties, political party blocs the candidates of which have not been registered can pay back the unused amount of the election funds to the donor citizens and legal entities, in the amount appropriate to proportional correlation of the transferred donations, until the final financial report is submitted. If the unregistered candidate, political parties, political party blocs the candidates of which have not been registered do not use this right, then the unused money shall be transferred correspondingly to the state or municipal budget.
3. Unless the monetary funds allocated by the relevant election commission for the registered candidate, political parties, political party blocs are returned, and TV and radio companies, editorial offices of periodicals are reimbursed for free air time and space in periodicals, it shall be prohibited to return the unused amount of the election funds to the citizens and legal entities that donated money to their election funds. In such case, the candidate shall firstly return the funds of the election commission.
4. When the municipality where the candidate, registered candidate has been nominated changed, then he/she shall return the remaining funding of specific election account to the voluntary donator, legal entities in the proportional order.
5. A candidate who participated in the voting and collected at least 3 percent of the votes considered valid or who is considered to be elected, as well as a registered candidate who withdrew candidacy due to compelling reasons specified in Article 73-1.3

of the Election Code, political parties, political party blocs the candidates of which have been registered in more than the half part of municipalities shall be obliged to return the unexpended part of the election fund transferred by the relevant election commission to this election commission within 15 days municipality to their election fund after the election day.

When this period finishes a relevant bank should without any dispute transfer the money mentioned in the letter of relevant municipality, to the account of the latter.

6. The relevant bank, on the basis of written instructions of the relevant election commission, should transfer money remaining in special accounts of election funds of candidates, to the account of the budget of the relevant municipality 30 days after the Election Day.

7. If there is no money in the election fund or it is short of money, the return of municipality money by a registered candidate, political party, political party bloc, as well as the cost of free airtime and space in periodicals allocated for the political party, political party bloc, shall be implemented from their personal funds.

8. If the registered candidate not implied in Article 230 of Election Code and item 5 of the Instruction undertakes obligations to return relevant funds in addition to submitting the final financial report, he/she can return the funds to be returned to the municipality budget within a 6 months period effective from voting day.

9. If the political party, political party bloc not implied in Article 230 of Election Code and which did not implement the requirements till submitting final financial report undertook the obligations to reimburse relevant funding for Central Election Commission, public TV and radio organizations and periodical editorial offices within the period defined by the Election Code, then they shall be provided with time to reimburse for the used free airtime and free space in periodicals within 6 months since the voting day.

10. When the obligations specified in items 8 and 9 are not implemented and the period implied in the obligation on returning the funding ends, then the subsidy shall be returned in the court order.

11. When the candidate, political party, political party bloc not implied in Article 230 of Election Code and which did not implement the requirements specified in items 8 and 9 of the Instruction did not undertake the mentioned obligation till submitting final financial report, the funding shall be returned in the court order until the period of submitting final financial report ends.

12. If a candidate or registered candidate loses his/her candidacy status, the obligations imposed on the candidates and registered candidates shall be imposed on the candidate, citizen who is considered to be registered candidate.

If the candidate or the registered candidate has been nominated by political parties, political party blocs, when the elections end, the commitments posted upon the political party and political party bloc shall be undertaken by the political party, political parties which had participated in elections within the political party bloc.