

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 10 submitted to the Central Election Commission on June 3, 2016 in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016

In his written complaint filed to the Central Election Commission on June 3, 2016, Baybala Ashraf Aliyev, nominated on own initiative in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 requested to annul the decision of the Con.EC # 17/57, dated May 25, 2016 on the refusal to register his candidacy and to adopt a relevant decision to register 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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, 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.

It was determined during the examination of the submitted appeal that the complaint against the above-mentioned Con.EC decision by nominee B.A.Aliyev had been filed by missing the deadline implied in the election legislation. So, he indicates in his appeal that he got the decision of the Con.EC on May 27, 2016. The complaint was filed on June 3, 2016. The Con.EC was contacted to clarify the issue and it was determined that the Con.EC decision # 17/57, dated May 25, 2016 was registered on May 27, 2016 upon signing officially in the register book of the commission. This case is verified by an extract from the register book of the Con.Ec on sending documents and the letter # 55 of that commission, dated June 3, 2016. Therewith, it should be noted that the argued decision of the Con.EC was also posted to the nominee on May 26, 2016. Since the Con.EC decision had been received by the nominee in person officially on May 27, 2016, the deadline for filing complaints shall be estimated from that date. The complaint was filed upon missing the deadline and due to that reason, the Expert Group member provided an opinion on sending the appeal back.

Pursuant to Article 112.1 of the Election Code of the Republic of Azerbaijan and item # 4.1.2 of the above-mentioned Instruction, election actors shall file complaints against the decisions and actions (inactions) violating citizens' election rights within 3 days since that decision is published or made, action (inaction) is committed or the interested person is informed on that.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 6, 7 and 4.1.2 of the “Instruction on the rules for submission and investigation of the appeals and complaints

filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, the Central Election Commission **decides**:

1. The appeal # 10 submitted on June 3, 2016 by Baybala Ashraf Aliyev, nominated on own initiative in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 shall be returned back to the plaintiff due to its submission after the deadline has passed.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov