

OPINION

of Gabil Orujov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Municipal Elections on December 23, 2014

on the appeal 20 submitted to CEC on December 12, 2014

Baku

13 December 2014

Having investigated the appeal # 20 submitted to CEC on December 12, 2014 by Mammadagha Bandali Eynullayev, nominee on Musakucha municipality of Masalli city Con.EC # 70 on his own initiative in the Municipal elections on December 23, 2014 regarding the annul of the Con.EC decision on the refusal from registering his candidacy and adoption of a relevant decision on the registration of his candidacy, as a member of Expert Group, I have determined that:

Since the appeal had been submitted in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" approved by the CEC decision # 11/53-2 dated August 12, 2008 (amended by decisions # 15/58-6 dated July 23, 2010 and # 5/16 dated October 19, 2012), it was accepted for implementation and relevant investigation was held on this.

By justifying his complaint, citizen M.B.Eynullayev informed that he had nominated his candidacy on Musakucha municipality of Masalli city Con.EC # 70 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, but his candidacy was refused from registration by the Con.EC decision # 15/88 dated 22 November 2014 without any reason.

By justifying its decision on the refusal from registering the candidacy of M.B.Eynullayev, the Con.EC informed according to the opinion provided by an expert of the Working Group to check the signature sheets and the attached documents, 6 of 20 voters' signatures were considered invalid and the number of signatures was not sufficient for the candidate's registration.

It was determined during investigation that 6 of 20 voters whose entries had been included in the signature sheet in support of the candidacy of M.B.Eynullayev appealed to the Con.EC and informed that they had not signed in support of the candidate.

The explanations by the persons whose signatures had been argued revealed that the signatures had not been put by them in support of the candidacy of M.B.Eynullayev.

Pursuant to Article 57.4 of the Election Code of the Republic of Azerbaijan, while signing in the signature sheet, a voter shall include surname, name, patronymic, date of birth, address of residence, serial number and date of issue of ID card or its substitute document, date of signature. The information on the signing persons may be included in

signature sheets by a person collecting signatures. The above-mentioned information shall be in handwriting and ensured to not be disseminated.

So, pursuant to Article 215.1.6 of the Election Code, every nominated citizen shall collect 15 valid voters' signatures to be registered to the municipality membership within a territory with less than 4.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Musakucha municipality is within the limits as defined by the above-mentioned Article of the Election Code.

Through a full, comprehensive, fair and impartial investigation legal grounds were not found to annul the argued decision of the Con.EC and to implement the complaint.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors and the decision # 15/88 of Masalli city Con.EC # 70, dated November 22, 2014 on shall be kept in force without being amended.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 28.4, 59, 60, 112, 112-1, 215.1.5, 216.1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6 and 7 of "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", CEC **decides:**

1. The appeal # 20, dated December 12, 2014 by Mammadagha Bandali Eynullayev, nominee on Musakucha municipality of Masalli city Con.EC # 70 on his own initiative shall not be implemented due to its groundless factors.
2. The decision # 15/88 of Masalli city Con.EC # 70, dated November 22, 2014 on the refusal from registering the candidacy of Mammadagha Bandali Eynullayev shall be kept in force without being amended.
3. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Gabil Orujov