

COMMENT

on the rule for completing the voting results protocol of the Constituency Election Commission in the Municipal Elections

The rule for completing the voting results protocol of the Constituency Election Commission (Con.EC) (hereafter referred to as – the protocol) in Municipal Elections shall be determined according to Articles 100, 107 and 238 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and by this Comment.

1. General provisions

1.1. The voting results on the election constituencies shall be included in the protocol in handwriting (Appendix # 1 made to the Comment) compiled in the format approved by the Central Election Commission of the Republic of Azerbaijan (hereafter referred to as - CEC) and in the form of a booklet of carbonized papers in 3 copies with each copy in different colors.

1.1.1. The protocol shall be compiled only by the members with decisive right of these commissions.

1.1.2. While compiling the protocol, all information on each of the items shall be written separately, numbers shall be written in words and numbers.

1.1.3. It shall not be allowed to write in pencil and make any amendments to the protocol. Therefore, a *draft copy* of the protocol shall be completed initially.

1.2. Immediately after providing the Con.EC chairman with the first copies of the protocols of Precinct Election Commissions (PEC) and other appropriate documents attached to them by the PEC chairpersons and two members representing various political parties, the Con.EC commissioners shall examine the compatibility of the submitted documents with the requirements of Article 106.7 of the Election Code of the Republic of Azerbaijan and any irregularities in the voting results upon the request of the Con.EC chairman. Later, the information on the vote calculation shall be included in the Con.EC final protocol on the voting results of the relevant municipalities.

1.3. The Con.EC protocol shall be compiled 2 days after the voting day upon summarizing all the information included in the PEC protocols on the voting results. The summarization of the above-mentioned information shall be held incessantly.

2. Sequence of filling out the protocol

2.1. While compiling the final voting results protocol of the Con.EC, the following items shall be completed in succession after the sentence included in the protocol - “The Con.EC has determined the voting results on the relevant municipality

within the Con.EC by generalizing all the information included in the PEC protocols on the voting results”.

2.1.1. the line “**number of Precinct Election Commissions (PEC) on the municipality**” should contain the number of precincts existing and recently established on relevant municipalities.

2.1.2. the line “**number of protocols submitted by PECs**” should contain the number of protocols submitted by other PECs excluding the precincts where the voting was invalid on the relevant municipality.

2.1.3. the line “**number of PEC protocols adopted as basis for compiling Con.EC protocol**” should contain the number of protocols received by precincts where the voting on the relevant municipality was valid (*excluding protocols submitted by PECs where the voting results have been considered invalid*).

2.1.4. the line “**number of precincts where the voting results have been considered invalid**” should contain the number of precincts where the voting on the relevant municipality was valid, but the results were considered invalid.

2.1.5. the line “**number of precincts where the voting was invalid**” should contain the number of precincts where at the result of natural calamities, other inevitable events, as well as law violations committed during the conduct of elections or determining voting results did not allow to define voters’ will or when the final protocol wasn’t compiled because of the court decision.

2.2. The protocol should be completed in the following order:

2.2.1. Item # 1 of the protocol – total number of voters included in the voters list on the municipality.

(1=1a+1b)

2.2.1.1. number of voters included in voters list;

2.2.1.2. number of voters included in supplementary voters’ lists.

(The sum of the figures in “a” and “b” semi-items of the first item of the PEC protocols shall be indicated in the relevant semi-items of the first item of this protocol. The sum of these figures shall form the figure in the first item of this protocol and this figure shall be written in the relevant column).

2.2.2. Item # 2 of the protocol – number of voters who got de-registration cards

(The figures in the item # 2 of PEC protocols are summed up and indicated in this item.

2.2.3. Item # 3 of the protocol – number of ballot papers provided to PEC by the Con.EC on the municipality.

(3=4+5+6)

(Sum of the figures in the item # 3 of PEC protocols on the relevant municipality should be indicated in this item. This figure should be equal to the number of ballot papers given to PECs on the relevant municipality by the Con.EC, upon compiling relevant act (if while compiling Con.EC protocol, protocols received from the precincts of constituencies on the relevant municipality were taken as a basis).

As in the equitation in the brackets (3=4+5+6), the figure in this item should be equal to the sum of figures in items # 4 (the number of the voters who got ballot papers), # 5 (the number of the ballot papers canceled without having been used) and # 6 (the number of the spoiled ballot papers).

2.2.4. Item # 4 of the protocol - the number of the voters who got ballot papers

(4=4a+4b+4c)

2.2.4.1. a) outside of the voting rooms;

2.2.4.2. b) in the voting rooms - based on voters' lists (permanent or temporary) and the number of the signatures included in supplementary voters' lists

2.2.4.3. c) in voting rooms with de-registration cards.

(Sum of the figures in "a", "b", "c" semi-items of the item # 4 of PEC protocols should be indicated in relevant semi-items of item # 4 of this protocol. Sum of these figures should be equal to the figure in item # 4 of the protocol and this figure should be written in the relevant column).

2.2.5. Item # 5 of the protocol - number of ballot papers canceled without having been used

(This item should include the sum of figures in item # 5 of PEC protocols).

2.2.6. Item # 6 of the protocol - number of the spoiled ballot papers

(This item should contain the sum of figures in item # 6 of PEC protocol).

2.2.7. Item # 7 of the protocol - number of ballot papers t in ballot boxes (with the exception of undefined¹ ballot papers*)

(7=7a+7b); (7≤4); (7=8+9)

2.2.7.1. a) in portable ballot boxes (7a≤4a);

2.2.7.2. b) in stationary ballot boxes (7b≤4b+4c).

(Relevant semi-items of item # 7 of the protocol should contain the sum of figures in semi-items "a" and "b" of this item of the PEC protocol. The sum of these figures should

¹ An act on the number of undefined ballot papers taken from ballot boxes while counting the votes shall be prepared and this act shall be attached to the protocol.

make figure of item # 7 of the protocol and this figure should be written at relevant column. The figure in semi-item # 7a shall be less or equal to the figure in semi-item # 4a and the figure in semi-item # 7b shall be less or equal to the sum of the figures in semi-items # 4b and 4c. According to the equality shown in brackets ($7 \leq 4$), the figure of item # 7 should be equal to or less than the number of item # 4. The figure of the item # 7 shall be equal to the sum of the figures in the item # 8 (the number of invalid ballot papers) and in the item # 9 (the number of valid ballot papers) ($7=8+9$).

2.2.8. Item # 8 of the protocol – number of invalid ballot papers (number of the undefined ballot papers without any sign or with more signs than the number of the municipality members to be elected in squares on the right of the candidates' surnames).

(The sum of the figures in the item # 8 of PEC protocols shall be indicated in this item).

2.2.9. Item # 9 of the protocol – number of valid ballot papers (number of the ballot papers in the defined form with the signs in squares on the right of the candidates' surnames for equal or less than the number of the municipality members to be elected).

(The sum of the figures in the item # 9 of PEC protocols shall be indicated in this item).

2.2.10. Item # 10 of the protocol – number of valid votes (the number of the votes in valid and legally completed ballot papers in the defined form) (10=11)

(The sum of the figures in the item # 10 of PEC protocols shall be indicated in this item. As in the equitation in the brackets ($10=11$), the figure in this item shall be equal to the sum of the item # 11 (distribution of the valid votes among the candidates to municipality membership)).

2.2.11. Item # 11 of the protocol – distribution of valid votes among candidates to the municipality membership

(In this item of the protocol, surname, name and patronymic² of the candidate to municipality membership included in the ballot paper should be written in succession as in the ballot paper, in alphabetical order and the number of votes for each candidate should be indicated in words and figures. Sum of votes for each candidate in the PEC protocol should be indicated in words and in figures in the column for the number of votes for this candidate of the Con.EC protocol. Sum of the votes shall be written in the end of the tabulation and this figure shall be equal to the item # 10 (number of valid votes). In the absence of this equity in this number, the protocol shall be considered invalid).

2.2.12. Item # 12 of the protocol – candidates elected to the municipality membership

² *When the surnames, names and patronymics of the candidates included in the ballot papers are the same, then their date, month, day of birth shall also be indicated.*

2.2.12.1. This item should contain the surname, name and patronymic of the candidate elected municipality member.

2.2.12.2. The candidates who participated in elections and collected much votes of the voters shall be considered elected members of the relevant municipality equal to the number of the municipality members.

2.3. Completing date and time of the protocol should be indicated after the whole completion of the protocol.

2.4. Final protocol on the voting results shall be signed by at least 2/3 part of the total number of the Con.EC members having decisive rights. It should be prohibited to sign the incomplete or not fully completed protocols. Con.EC member who does not agree with the protocol in whole or its separate parts can attach their specific opinion to it upon signing the protocol and the protocol should contain relevant note on this.

3. Submission of the protocol with the attached documents to Constituency Election Commissions

3.1. Pursuant to Article 107.4 of Election Code, the following election documents should be attached to final protocol of the Con.EC on the voting results and should be sent to Central Election Commission under the accompany of the Con.EC Chairman and two members representing various political parties immediately, but not later than 2 days since the voting day:

3.1.1. first copy of the Con.EC protocol;

3.1.2. complaints (applications) related to the violation of the Election Code, entered the Con.EC on the voting day and decisions adopted by the Con.EC concerning these;

3.1.3. act on the submission of the ballot papers to Con.ECs by the Central Election Commission in Municipal elections (Appendix # 2 made to the Comment and Appendix # 5 made to the Instruction "On the rules for the preparation and submission of the ballot papers (referendum ballot papers), the voting protocols of Con.ECs and PECs and de-registration (voting) cards for the voting to relevant election commissions);

3.1.4. act on the cancel of the unused ballot papers in Municipal Elections (Appendix # 3 made to the Comment);

3.1.5. act on the cancel of the unused of de-registration (voting) cards in Municipal Elections (Appendix # 4).

3.2. the acts indicated in the items # 3.1.4 and 3.1.5 should be signed by the Con.EC chairman and secretaries.

3.3. Approved copies of the complaints (applications), Con.EC decisions and the above-mentioned acts should be attached to the second copy of the protocol.

Note: 1. If any mistakes have been committed due to carelessness (erroneously inclusion of the data, erasing and other) while compiling the PEC protocol and consequently, it became impossible to define the voters' will, then the relevant Con.EC

shall adopt decision on re-count of votes in this precinct upon receiving the protocol. Re-count of votes shall be conducted by the Con.EC members having decisive rights, they compile and sign the protocol on the voting results on this polling station, the protocol shall be sealed by the Con.EC stamp and the words “re-count of votes” should be included in the protocol. This protocol shall also be attached the PEC protocol. The final Con.EC protocol shall include the information in the protocol on this precinct compiled by the Con.EC.

Note: 2. *If any mistakes have been committed (erroneously inclusion of false information, erasing and other) while compiling the Con.EC protocol, then the Con.EC shall make this case official by its decision, compile a relevant act on this and submit the protocol together with this act to the Central Election Commission within the period implied by law.*

4. Final provisions

4.1. “The Comment on the rules for filling out the voting results protocols of Constituency Election Commissions in Municipal Elections”, approved by Decision # 23-9 of the Central Election Commission of the Republic of Azerbaijan, dated August 24, 2014 shall be considered invalid upon the enforcement of this Comment.

Appendix # 2 made to the Comment, Appendix # 5 made to the Instruction "On the rules for the preparation and submission of the ballot papers (referendum ballot papers), the voting protocols of Con.ECs and PECs and de-registration (voting) cards for the voting to relevant election commissions

ACT

on submission of ballot papers (referendum ballot papers) to the Precinct Election Commission by the Constituency Election Commission

(name of the elections (referendum))

Baku " _____ " _____ 200 _____

At _____

According to Article # 99.6 of Election Code of the Republic of Azerbaijan the Central Election Commission submitted ballot papers (referendum ballot papers) to _____

(name of the constituency election commission)

Constituency Election Commission # _____ in the amount

of _____ from _____ up to _____
(in words) (in figures)

according to the total number of voters included in the voters' lists.

CEC Secretary

(signature) (initial and surname)

CEC Member

(signature) (initial and surname)

Head of CEC Secretariat

(signature) (initial and surname)

P.S.

**Chairman of Constituency
Election Commission**

(signature)

(initial and surname)

**Secretary of Constituency
Election Commission**

(signature)

(initial and surname)

**Secretary of Constituency
Election Commission**

(signature)

(initial and surname)

P.S.

Note: while conducting referendum, the election commissions shall be appropriately indicated as referendum commissions in this document sample.

ACT

**on the cancel of the unused ballot papers
in Municipal Elections**

(region, city, settlement, village)

“ _____ ” _____ 200 _____

At _____

We who signed below, compiled this act because

_____ unused ballot papers,
(in words) (in figures)

at _____ Con.EC # _____ were canceled by being cut in the
(name of the election constituency)

case defined by legislation.

Con.EC Chairman

_____ (signature) _____ (initial and surname)

Con.EC Secretary

_____ (signature) _____ (initial and surname)

Con.EC Secretary

_____ (signature) _____ (initial and surname)

P.S.

ACT

**on cancel of the unused de-registration (voting) cards for voting
in Municipal Elections**

(region, city, settlement, village)

“ _____ ” _____ 200 _____

At _____

We who signed below, compiled this act because

_____ voting cards
(in words) (in figures)

out of the voting cards _____
provided to _____
(in words) (in figures)

_____ Con.EC # _____ by the Central Election
(name of the constituency)

Commission, were used. Unused _____
(in words)
_____ (in figures)

voting cards were canceled by being cut half.

Con.EC Chairman

_____ (signature) _____ (initial and surname)

Con.EC Secretary

_____ (signature) _____ (initial and surname)

Con.EC Secretary

_____ (signature) _____ (initial and surname)

P.S.