

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 07 received by the Central Election Commission on November 22, 2014 regarding the Municipal Elections on December 23, 2014

Jafar Mazahir Jafarov, nominee on Arkivan municipality of Masalli village Con.EC # 71 on his own initiative appealed to CEC in written form on November 22, 2014 regarding the Municipal elections on December 23, 2014 and informed on illegal refuse from registering his candidacy by the above-mentioned Con.EC and requested to undertake relevant measures defined by law on this.

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration", 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.

The applicant was informed on the investigation, also noted on his right to take part in the investigation.

By justifying his complaint, J.M.Jafarov informed that he had nominated his candidacy on his own initiative on Arkivan municipality of Masalli village Con.EC # 71 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 without any reason. According to his information, the Con.EC indicated that the reason for refusal had been empty columns in the signature sheets and invalidity of 32 signatures. But he did not agree by explaining that 71 signatures had been collected by him, the signatures had been put by citizens themselves and the relevant Con.EC had not provided him yet with the decision on the refusal from registering his candidacy.

By justifying its decision # 17/63 dated November 21, 2014 on the refusal from registering the candidacy of J.M.Jafarov, the Con.EC informed that he had not included the full necessary information on candidate in the signature sheet (name, surname, patronymic, serial number of ID card or its substitute document, date of issue, date of signature, place of work (type of activity), address of residence). The signature sheet # 02 had not been signed by the candidate to municipality membership and although Elmir Miralam Aliyev was indicated as a person collecting signatures in the signature sheet, the signature, as well as, serial number of ID card did not belong to him.

It is also pointed out that 3 persons of those who have signed the signature sheets live outside the republic and the expiry date of 2 voters' ID cards have terminated. During the checking of signatures by the Con.EC Working Group 36 out of 71 signatures were considered valid. Consequently, as the signatures necessary for the candidate's registration were not sufficient, the candidacy of J.M.Jafarov was refused to be registered.

Furthermore, the Con.EC noted that J.M.Jafarov was contacted with and though he had been invited to the session on consideration of his candidacy registration, he did not participate at the session explaining that he was in Baku.

During the investigation process the documents which have led to the adoption of the argued decision by the Con.EC and submitted for the candidate registration were requested to be sent by the Con.EC to the Working Group under CEC for opinion providing upon the conduct of relevant investigation. The opinion and protocol dated November 23, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted by J.M.Jafarov, candidate to municipality membership for the candidacy registration had not been collected in comply with the Election Code. 15 voters' signatures out of 71 voters' signatures collected by the candidate were considered valid. Since the number of the valid signatures was not sufficient for the registration of the candidacy on that municipality and other documents on the candidate had not been compiled in accordance with the Election Code, not any legal grounds were found to register his candidacy.

So, pursuant to Article 215.1.4 of the Election Code, every nominated citizen shall collect 50 valid voters' signatures to be registered to the municipality membership within a territory with more than 9.999 population number. It is justified through a reference submitted by the relevant executive authority that the population number within the territory covered by Arkivan municipality is 17136 persons, i.e. within the limits defined by the above-mentioned Article of the Election Code.

Pursuant to Article 57.4 of the Election Code of the Republic of Azerbaijan and item # 1.6 of the Instruction "On the rules for collection of voters' signatures in support of candidates and submission of signature sheets and the attached documents to the Constituency Election Commission in the Municipal Elections", approved by the decision # 29/11 of the Central Election Commission dated June 14, 2006, a voter shall include their surname, name, patronymic, date of birth, address of residence, serial number of ID card or its substitute document, date of issue and date of signature while signing the signature sheet. The information on the voter may be included by a person collecting signatures in the signature sheet upon the voters' agreement (excluding signature). Only a voter shall have the right to sign.

It was also determined through investigation that while approving the signature sheet # 01 by a person collecting signatures and signing it by the candidate to municipality membership, date of signature was not mentioned in both cases. And both the first and second pages of the signature sheet # 02 did not contain fully the necessary information on the candidate (name, surname, patronymic, serial number of ID card or its substitute document, date of issue, date of signature, place of work (type of activity), address of residence).

Meanwhile, the explanation by Elmir Miralam Aliyev who has been mentioned as a person collecting signatures in the signature sheet # 02, data on ID card and the relevant act compiled at the Con.EC reveal that he had not collected signatures in support of J.M.Jafarov, nominee on his own initiative to the membership of Arkivan municipality and the signature put in column "Person approving signature" and data on the ID card included in the signature sheet did not belong to him. That signature sheet was not signed by the person nominated to the municipality membership.

Thus, legal consequences were formed as implied by Article 59.9 of the Election Code. So, according to that norm, if the signature sheets have not been approved by signatures put in handwriting by a person collecting signatures, as well as, by a candidate, all the signatures included in signature sheets shall be considered invalid.

It was determined through investigation of the information on not providing J.M.Jafarov with the decision # 17/63 of Masalli village Con.EC # 71 dated November 21, 2014 that that decision had been sent by post to his address by the Con.EC on 21.11.2014.

So, through a full, comprehensive, fair and impartial investigation not any legal ground was 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 its groundless factors and the decision # 17/63 of Masalli village Con.EC # 71 dated November 21, 2014 on the refusal from registering the candidacy of J.M.Jafarov on Arkivan municipality shall be remained in force.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 28.4, 59, 60, 112, 112-1, 215.1.4, 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 # 07, dated November 22, 2014 by Jafar Mazahir Jafarov nominated on Arkivan municipality of Masalli village Con.EC # 71 on his own initiative shall not be implemented due to its groundless factors.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov