

## **DECISION**

### **of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 18 received by the Central Election Commission on December 11, 2014 regarding the Municipal Elections on December 23, 2014**

Mubariz Isag Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 on his own initiative appealed to CEC in written form on December 11, 2014 regarding the Municipal elections on December 23, 2014 and informed that although he had submitted the signature sheet and attached documents to the Con.EC upon collecting the necessary voters' signatures for his registration to candidacy, he had not been submitted a decision on registration or refusal from registering his candidacy and therefore requested to restore his offended rights and undertake relevant measures on the heads of the Con.EC.

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.

It is determined through a copy of the Act on investigation submitted to the Con.EC on November 23, 2014 that M.I.Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 on his own initiative submitted the signature sheet and other attachments for the registration to the Con.EC on November 23, 2014. M.I.Ismayilov refused to sign a relevant act on this.

Pursuant to Article 58.1 of the Election Code of the Republic of Azerbaijan, a candidate or authorized representative of the political party, bloc of political parties shall submit the election documents for the registration of nominees to the relevant Con.EC till 18.00 at most 50 and at least 30 days prior to the voting day. The deadline for submitting signature sheets and other attached documents to the Con.EC in Municipal elections on December 23, 2014 ended at 18.00 on November 22, 2014.

Pursuant to the item # 2.2 of the Instruction "On the rules for collection of voters' signatures in support of a candidate to municipality membership and submission of signature sheets and the documents attached to them to the Constituency Election Commission in Municipal Elections", the signature sheets and the attached documents submitted after the above-mentioned time period do not form the same legal consequences as the relevant documents submitted within the legally defined period. The Con.EC shall make official this case by its decision.

By the decision # 14/37 of Zagatala-Balaken Con.EC # 111, dated November 24, 2014, the documents submitted by M.I.Ismayilov, nominee on his own initiative through offending the requirements of Article 58.1 of the Election Code of the Republic of Azerbaijan were sent back.

It is worth noting that by sending a telegram to CEC on December 4, 2014, M.I.Ismayilov confessed that he had submitted the documents later and condiering the late submission, he requested to be registered.

To inform the applicant on the investigation and inviting him to the Commission session was impossible due to his absence in the country.

Through a full, comprehensive, fair and impartial investigation legal grounds were found to keep in force the argued decision of the Con.EC without any amendments.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors and the decision # 14/37 of Zagatala-Balaken Con.EC # 111, dated November 24, 2014 on sending back the documents for the registration of M.I.Ismayilov, submitted through offending the Article 58.1 of the Election Code of the Republic of Azerbaijan 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,.58.1, 112, 112-1 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 # 18, dated December 11, 2014 by Mubariz Isag Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 on his own initiative shall not be implemented due to its groundless factors.
2. The decision # 14/37 of Zagatala-Balaken Con.EC # 111 on Mubariz Isag Ismayilov, dated November 24, 2014 shall be kept in force without being amended.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Deputy Chairman

Natig Mammadov

CEC Secretary

Arifa Mukhtarova

CEC members

Shaitdin Aliyev

Fuad Javadov

Ramiz Ibrahimov

Valida Kazimova

Gabil Orujov

Tofiq Hasanov

Ilham Mammadov

Azer Taghiyev

Tamam Jafarova

Bakhsheyish Asgarov

Etibar Guliyev