

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 79 submitted to the Central Election Commission dated
September 11, 2024 in the Elections to the Milli Majlis on September 1, 2024

Regarding the Elections to the Milli Majlis on September 1, 2024, Jafarov Rasul Aghahesen, registered candidate from Real Alternative Party (Real) on Yevlakh Con.EC # 52 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on September 11, 2024, claiming that inaction of that Con.EC and the law violations were committed in polling stations of that Con.EC, therefore requested to undertake relevant measures and requested to cancel the voting of the results for that Con.EC.

The appeal was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) and relevant opinion was provided on filing the appeal upon violating the rules for destination by a member of the Expert Group under CEC and considered at the Commission session.

It was determined that the candidate sent an unconfirmed application with an electronic signature to the Constituency Election Commission of Yevlakh Con.EC# 52 on September 4, 2024. Verifying an electronic application in order to adapt this application to the requirements of Article 112.5 of the Election Code, candidate R.A. Jafarov was repeatedly requested to confirm the application with an electronic signature or to personally sign the application, but he refused.

Since the application was not signed in accordance with the requirements of the legislation, it was accepted by the Constituency Election Commission as an anonymous application in accordance with paragraph 2.6 of the "Instruction on the Rules for Filing and Considering Complaints and Appeals to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions Regarding Violations of Electoral Rights".

Thus, based on the above, the inaction of the Constituency Election Commission was not justified. It was established that the complaint about violations of the law that allegedly took place on voting day at polling stations was filed after the deadline stipulated by the electoral legislation, in connection with which a member of the expert group expressed the opinion that the application shall be returned to the person who sent it in this part.

According to Article 112.1 of the Election Code, election subjects may file complaints against decisions and actions (inaction) that violate the electoral rights of citizens within 3 days from the date of publication or adoption of the decision, the date of the action (inaction) or the date of receipt of information about it by the interested party.

According to Article 112-1.14.1 of the Election Code, the complaint must be filed within 3 days after the decision, action (inaction) or notification of the interested party in the manner and within the period established by law. The Central Election Commission, in accordance with Articles 19.4, 19.14, 28.2, 112, 112-1 of the Election Code and Part 2 of the Instruction "On the Rules for Filing and Considering Complaints and Appeals Regarding Violations of Electoral Rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" decides:

1. The appeal # 79 dated September 11, 2024 by Jafarov Rasul Aghahasan, registered candidate from the Republican Alternative (Real) Party for Yevlakh Con.EC# 52 in the early elections to the Milli Majlis of the Republic of Azerbaijan held on September 1, 2024 shall not be implemented in the part regarding the inaction of the Yevlakh Con.EC#52, as it is ungrounded and in another other part, since it was submitted after the deadline for filing a complaint, it shall be sent back to the person who submitted it.

2.The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov