

## DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 70 submitted to the Central Election Commission on September 10, 2024 in the early Elections to the Milli Majlis, appointed to September 1, 2024

Regarding the early Elections to the Milli Majlis on September 1, 2024, Hajibayli Javid İbrahim, registered candidate on Aghjabadi Con.EC # 86 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on September 10, 2024, claiming that the law violations were committed in some polling stations of that Con.EC and challenging the Decision # 31/76 of that constituency dated September 7, 2024, therefore requested to annul that decision and to consider the results of election to be invalid.

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.

In connection with the investigation, the complainant was contacted, he was explained to participate in the investigation and the meeting, as well as his other rights, and the participation of the authorized representative in the meeting of the Commission was ensured.

Candidate J. I. Hajibeyli claimed that obstacles were created for observers in some polling stations, additional ballots were thrown into the ballot boxes in favor of another candidate, the votes given to him were not counted correctly and there were other violations of the law, claiming that the results of the voting at those polling stations were invalid and the elections by constituency invalidation, as well as by that election commission regarding the appeal to the district election commission with the same content requested the annulment of the adopted decision. He added an electronic information carrier to his application.

The Constituency Election Commission based its decision on the fact that on the voting day, the alleged violations of the law in some polling stations of Aghjabadi constituency No. 86 were not confirmed, and during the voting and determination of the results, the violations of the law that did not allow voters to freely express their will were not detected.

During the investigation, the documents that were the basis for the adoption of the disputed decision were obtained from the constituency election commission, added to the research materials and repeatedly examined. Among the other candidates registered in connection with the investigation, various who observed the contested polling stations of the electoral district explanations were received from observers representing candidates, commission members.

In order to thoroughly and impartially examine the application, an electronic data carrier attached to the application, the protocols of the voting results at the polling stations, and

the election results obtained from the election subjects were reviewed, after examining the documents, it was determined that on the voting day, except for polling station 7 of Aghjabadi electoral district 86, the violations alleged to have occurred in other contested polling stations were not confirmed, there were no cases that did not allow to determine his will. From this point of view, although the district election commission came to the right conclusion based on the relevant decision, it did not come to the right conclusion in relation to the specified polling station. On voting day no images related to alleged violations in the polling stations of that electoral district were found on the social networks.

During the review of the submitted video material, as well as as a result of the analysis of the received explanations and other election materials, violations of the law that could affect the outcome of the elections in one way or another were found in polling station No. 7. Since the identified violations of the law are considered as a case that does not allow determining the will of the voters according to the requirements of the election legislation, the legal grounds for invalidating the results of the voting at the mentioned polling station has arisen.

Therefore, the results of the voting in polling station No. 7 of Aghjabedi electoral district No. 86 should be considered invalid.

Article 170.2 of the Election Code states that the district election commission or the Central Election Commission shall hold elections in the following cases for a single-mandate electoral district invalidates:

- 170.2.1. voting or voting results if the violations of the law committed in the electoral district during the determination do not allow to determine the will of the voters;
- 170.2.2. during voting in a single-mandate electoral district, when the number of polling stations declared invalid is more than  $\frac{2}{5}$  of the total number of polling stations in that electoral district, or if the number of registered voters in those polling stations is equal to the number of registered voters in the electoral district more than  $\frac{1}{4}$  of the total number.

As a result of the research, it was determined that the number of polling stations in which the results of the voting in Aghjabadi electoral district No. 86 in the early elections to the Milli Majlis of the Republic of Azerbaijan held on September 1, 2024 were considered invalid were more than  $\frac{2}{5}$  of the total number of polling stations in the electoral district, that the number of registered voters in polling stations is more than  $\frac{1}{4}$  of the total number of registered voters in the electoral district since he did not, there were no legal grounds for invalidating the results of the elections for the electoral district.

Thus, the registered candidate from Aghjabadi constituency No. 86 J. I. Hajibeyli's appeal should be partially granted, and the results of the voting in polling station No. 7 of that electoral district should be considered invalid.

Based on the above, the Central Election Commission Election According to Articles 19.4, 28.2, 112, 112-1, 170 of the Code decides:

1. The appeal # 70 submitted to CEC on September 7, 2024 by Hajibeyli Javid İbrahim, registered candidate on Aghjabadi Con.EC # 86 Con.EC in the Elections to the Milli Majlis on September 1, 2024 shall be granted partly and the results of election in polling station no 7 shall be considered invalid.
2. Decision No. 31/76 dated September 7, 2024 in the part regarding polling station no 7 shall be cancelled and other parts shall be kept unchanged.
3. The decision shall be enforced upon its publication.

CEC Chairman      Mazahir Panahov

CEC Secretary     Arifa Mukhtarova

CEC Secretary     Mikayil Rahimov