

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 17 submitted to the Central Election Commission on January 31, 2025 in the Municipal Elections held on January 29, 2025

In the municipal elections held on January 29, 2025, Babayev Gismat Majid, a candidate registered for membership in the Khalfali municipality from Imishli Con.EC # 81, submitted a written application to the Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as the Central Election Commission) on January 31, 2025, claiming that the votes in the polling stations covering the Khalfali municipality were falsified by the Constituency Election Commission and requesting a recount of the votes.

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.

The complainant was contacted regarding the investigation, explained his rights to participate in the investigation and the meeting, as well as other rights, although the applicant participated in the investigation, he refused to participate in the Commission meeting.

During the investigation, candidate G.M. Babayev noted in his written explanation that out of the polling stations # 30, 31, 32 and 33 where the elections to the Khalfali municipality were held, he conducted observations at different hours of the election day only at polling stations # 30, 31 and 32, and did not encounter any violations of the law during voting at those polling stations. He claimed that after the voting was over, the protocols of the precinct election commission on the results of voting in the mentioned polling stations were taken to Imishli Con.EC # 81 without being compiled. In addition, candidate G.M. Babayev also stated that copies of the precinct election commission protocols on the results of voting were not provided to him and his observers.

During a full, comprehensive, and objective investigation conducted by the Central Election Commission, the allegations of vote falsification in the Constituency Election Commission were not confirmed by the explanations provided by the chairman, members of the Imishli Con.EC # 81 and the relevant election subjects of the polling stations contested by the candidate, as well as by observers who observed the voting process, vote counting, and protocol compilation at those polling stations on voting day, other registered but not elected candidates, chairmen, secretaries, and members of the polling stations. As a result of the investigation of the protocols on the voting results of the contested polling stations and based on the explanations provided by various election subjects, it was determined that there was no need for a recount of votes. As a result of the investigation, it was concluded that the protocols on the voting results were compiled by the polling stations in accordance with the Election Code and delivered to the Constituency Election Commission of the relevant polling station.

The investigation also revealed that two observers appointed by candidate G.M. Babayev to protect his interests observed the voting process, vote counting and protocol compilation at different times of the day only at polling stations # 30 and 31 on the voting day, but did not provide written or verbal information to the relevant election commissions about the violation alleged in the appeal and left the polling station without taking copies of the protocols of the precinct election commission on the voting results.

It was determined that neither the candidate nor his observers received a copy of the protocol on the results of voting in polling stations 30, 31, 32 and 33 of Imishli Con.EC # 81 from the precinct election commissions.

According to Article 40.2 of the Election Code, candidates registered in the relevant constituency and their authorized representatives or authorized persons have the right to receive a copy of the protocols on the results of voting. According to the requirements of Article 100.11 of the Election Code, copies of the protocols of election commissions provided to persons entitled to this must be certified by the chairman or secretary of the commission upon their request.

Thus, the application of Q.M. Babayev, a registered candidate for membership in the Khalfali municipality from Imishli Con.EC # 81, should be partially granted, the provision of a copy of the protocol of the precinct election commissions of precincts # 30, 31, 32 and 33 on the results of the vote to the candidate and his observers should be entrusted to the constituency election commission of that constituency, and the other part should not be granted as it is unfounded.

Based on the above, in accordance with Articles 19.4, 19.14, 112 and 112-1 of the Election Code the Central Election Commission **decides**:

1. The appeal # 17 made by Babayev Gismat Majid, a candidate registered for membership in the Khalfali municipality from Imishli Con.EC # 81 in the municipal elections held on January 29, 2025, dated January 31, 2025, shall be partially granted, the provision of copies of the protocols of the precinct election commissions of precincts # 30, 31, 32 and 33 of the constituency on the results of the voting to the candidate and his observers shall be entrusted to the constituency election commission of that constituency, and the other part shall not be granted as it is unfounded.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov