

## DECISION

### **of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 4 submitted to the Central Election Commission on January 3, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020**

In his written apply addressed to the Central Election Commission on January 3, 2020, GabilSabirMammadov, self-nominee to deputy onLankaran city Con.EC # 73 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 challenged the Con.EC decision # 28/225, dated 2 January, 2020 on refusal to register his candidacy and requested for the redress of his violated rights upon making a relevant decision.

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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, 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.

In the appeal nominee G.S.Mammadov informed that his candidacy had been nominated on own initiative Lankaran city Con.EC # 73 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020, signature sheets and other necessary documents attached to them were submitted to the Con.EC upon collecting voters' signatures within that constituency, but the Con.EC refused from registering his candidacy by the relevant decision because he had not submitted information on the property belonging to him based on the right to property, i.e. the land (0,95 ha) and 5 transportation means in his property, meanwhile, 100 out of voters'signatures in signature sheets collected in the support of the candidate caused suspicion and 38 of them had been collected by Goysaban municipality.

The applicant was contacted in connection with the investigation, was informed on his rights to participate in the investigation and the session, by he refused to take part at the session.

The Con.EC substantiated its argued decision on the refusal from registering the candidacy of G.S.Mamamdov on the grounds of not indicating the information on another property belonging to the candidate based on the right to property, consideration of 100 out of the signatures invalid, which had been included in signature sheets submitted, also the participation of Goysaban municipality in the collection of 38 of these signatures, the different dates of signatures in signature sheets, inaccurate indication of the data on voters' ID cards in the signature sheet, collection of voters' signatures outside the election constituency and complete difference between the voters' signatures with those included in the database of Registration Department.

The relevant documents related to the inquiry were required from the Con.EC and it was determined that the Con.EC did not apply legally some provisions of the election legislation in the process of checking the signature sheets and election documents attached to them, submitted by candidate G.S.Mammadov.

So that, the candidate did not provide accurate information on the real estate and movable property based on the right to property. In this regard, it is determined from the opinion of the Working Group under the Central Election Commission dated January 7, 2020 that according to a reference from the State Register Service of Real Estate under the State Committee on Property Issues, another property except the property indicated in the information on property belonging to candidate G.S.Mammadov had been registered by the state.

Therewith, basing on the opinion of the Working Group under the Central Election Commission dated January 8, 2020, regarding the check of the accuracy of the information on 496 signatures included in signature sheets and submitted to the CEC Working Group, the cases of collection of 38 voters' signatures included in signature sheets by Goyshaban municipality, indicating inaccurate data of 19 voters' ID cards and collection of signatures outside the election constituency.

Thus, after excluding the signatures considered invalid, which had been submitted in support of the candidate, as the remaining signatures were not sufficient to register the candidacy, legal grounds were established by Article 147.1 of the Election Code to refuse from registering the candidacy.

Basing on the above-mentioned, the appeal shall be partly implemented and the parts on indicating inaccurate information on the candidate's property, putting different dates of signatures in signature sheets and complete difference of voters' signatures with the signatures included in the database of the Registration department shall be excluded from the substantiation part of the decision # 28/225 dated 2 January, 2020 of that Con.EC on the refusal from registering the candidacy of G.S.Mammadov, the decision in other parts shall be remained enforced without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 57.1, 60.2.4, 147, 112, 112-1 and 148 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", the Central Election Commission decides:

1. The appeal # 3 submitted on January 2, 2020 by GabilSabirMammadov, self-nominee to deputy on Lankaran city Con.EC # 73 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall be partly implemented and the parts on indicating inaccurate information on the candidate's property, putting different dates of signatures in signature sheets and complete difference of voters' signatures with the signatures included in the database of the Registration department shall be excluded from the substantiation part of the decision # 28/225 dated 2 January, 2020 of that

Con.EC, the decision in other parts shall be remained enforced without making amendments.

2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov