

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 20 received by the Central Election Commission on December 12, 2014 regarding the Municipal Elections on December 23, 2014

Mammadagha Bandali Eynullayev, nominee on Musakucha municipality of Masalli city Con.EC # 70 on his own initiative appealed to CEC in written form on December 12, 2014 regarding the Municipal elections on December 23, 2014 and informed that the Con.EC on refusal from registering his candidacy had been groundless and therefore requested to restore his offended rights by adopting 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 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.

By justifying his complaint, citizen M.B.Eynullayev informed that he had nominated his candidacy on Musakucha municipality of Masalli city Con.EC # 70 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, but his candidacy was refused from registration by the Con.EC without any reason.

By justifying its decision on the refusal from registering the candidacy of M.B.Eynullayev, the Con.EC informed according to the opinion provided by an expert of the Working Group to check the signature sheets and the attached documents, 6 of 20 voters' signatures were considered invalid and the number of signatures was not sufficient for the candidate's registration.

It was determined during investigation that 6 of 20 voters whose entries had been included in the signature sheet in support of the candidacy of M.B.Eynullayev appealed to the Con.EC and informed that they had not signed in support of the candidate.

The explanations by the persons whose signatures had been argued revealed that the signatures had not been put by them in support of the candidacy of M.B.Eynullayev.

Pursuant to Article 57.4 of the Election Code of the Republic of Azerbaijan, while signing in the signature sheet, a voter shall include surname, name, patronymic, date of birth, address of residence, serial number and date of issue of ID card or its substitute document, date of signature. The information on the signing persons may be included in signature sheets by a person collecting signatures. The above-mentioned information shall be in handwriting and ensured to not be disseminated.

The opinion and protocol dated December 12, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted for the registration of

M.B.Eynullayev had not been collected in comply with the Election Code. So, 6 of 20 voters' signatures collected by the candidate were considered invalid.

So, pursuant to Article 215.1.6 of the Election Code, every nominated citizen shall collect 15 valid voters' signatures to be registered to the municipality membership within a territory with less than 4.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Musakucha municipality is within the limits as defined by the above-mentioned Article of the Election Code.

Through a full, comprehensive, fair and impartial investigation legal grounds were not found to annul the argued decision of the Con.EC and to implement the complaint.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors and the decision # 15/88 of Masalli city Con.EC # 70, dated November 22, 2014 on 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, 59, 60, 112, 112-1, 215.1.6, 216.1 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 # 20, dated December 12, 2014 by Mammadagha Bandali Eynullayev, nominee on Musakucha municipality of Masalli city Con.EC # 70 on his own initiative shall not be implemented due to its groundless factors.
2. The decision # 15/88 of Masalli city Con.EC # 70, dated November 22, 2014 on the refusal from registering the candidacy of Mammadagha Bandali Eynullayev shall be kept in force without being amended.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov