

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 32 submitted to the Central Election Commission on August 27, 2024 in the early Elections to the Milli Majlis, appointed to September 1, 2024

By applying to the Central Election Commission (CEC) on August 27, 2024, Mahmudov Mahmud Avdi, registered candidate on Surakhani second Con.EC # 31 in the early Elections to the Milli Majlis of the Republic of Azerbaijan, appointed to September 1, 2024 challenged the Con.EC decision #20/74 dated 26 August, 2024 and argued that pre-election campaign rules were violated by another registered candidate, and thus, requested to annul that decision and adopt relevant measures regarding this.

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 "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.

The applicant was contacted in connection with the investigation, he was explained to participate in the investigation and meeting, as well as his other rights, and his participation in the meeting was ensured.

In his appeal, M.A. Mahmudov stated that he applied in writing to Surakhani Con.EC # 31 On August 24, 2024, arguing that the requirements of Articles 87.3 and 87.5 of the Election Code were violated in pre-election print campaign materials - flyers by another registered candidate Gaya Mammad Mammadov and therefore in accordance with Article 87.9 of the Code stated that he requested measures to be taken.

The appeal was not ensured by the decision of the Constituency Election Commission dated August 26, 2024. The constituency election commission based its decision on the fact that candidate G.M.Mammadov submitted a copy (copies) of pre-election campaign materials printed during the pre-election campaign to the constituency election commission of Surakhani second Con.EC # 31 in accordance with the requirements of the election legislation. During the investigation the materials submitted were revised and it was determined that the name of the customer in the promotional materials, the producer of the materials the name of the organization, the circulation and the date of issue were indicated. As a result of research, violation of the requirements of the legislation when preparing pre-election campaign materials had not been confirmed.

The participation of the registered candidate M.A. Mahmudov at the meeting of the constituency election commission was ensured.

In connection with the investigation, the investigation materials of the complaint by M.A. Mahmudov, as well as officially pre-election campaign materials presented by G.M. Mammadov to the constituency election commission copies were examined.

In connection with the examination of the appeal based on the explanations received from the chairman, secretaries, chief adviser of the secretariat of Surakhani second Con.EC # 31, it was determined that G.M. Mammadov submitted printed copies (copies) of pre-election campaign materials and other necessary documents in accordance with the requirements of the election legislation to the constituency election commission within the period specified by the legislation.

Also according to Act dated August 24, 2024 compiled in the constituency election commission, it is obvious that during the investigation conducted by the constituency election commission during the inspection with the presence of the complainant M.A. Mahmudov to the copies of printed campaign materials submitted to the constituency election commission by the candidate G.M. Mammadov according to Article 87.4 of the Election Code, it is determined that necessary information on the materials had been confirmed.

The report dated August 28, 2024, prepared as a reply to the reference on the order of G.M. Mammadov indicated relevant requisites on the printed campaign materials (the person who ordered the materials, on August 9, 2024, (the name of the producing organization, circulation and date of issue) were printed and handed over to the customer, and the corresponding one presented at the same time on the basis of invoices, it is certain that the cost of those printed promotional materials had been paid.

Pre-election printout materials related to the registered candidate G.M. Mammadov in accordance with the requirements of Article 87.3 of the Election Code has been confirmed once again.

Thus, the investigation determines that the claim of the registered candidate M.A. Mahmudov about another registered candidate from the same electoral constituency, G.M. Mammadov's violation of requirements of articles 87.3 and 87.5 of the Election Code in pre-election campaign print materials – flyers was not confirmed, and on this basis, by not implementing M.A.Mahmudov's complaint, the election commission has reached the correct legal conclusion.

Based on the above, the appeal of the registered candidate M.A. Mahmudov shall not be implemented due to groundlessness and the disputed decision of the constituency election commission should be remained in force.

Basing on the above-mentioned and pursuant to Articles 19.1, 19.4, 19.14, 28.2, 87, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6 and 7 of the "Instruction on the rules for filing complaints and appeals to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" the Central Election Commission **d e c i d e s**:

1. The appeal # 32, dated August 27, 2024 by Mahmudov Mahmud Avdi, registered candidate on Surakhani second Con.EC # 31 in the early Elections to the Milli Majlis of the Republic of Azerbaijan, appointed to September 1, 2024 shall not be implemented due to groundlessness and the Con.EC Decision # 20/74, dated August 26, 2024 shall be remained enforced.

2. The decision shall be enforced upon its publication.

CEC Chairman Mazahir Panahov

CEC Secretary Arifa Mukhtarova

CEC Secretary Mikayil Rahimov