

## DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeals # 86 and 87 submitted to the Central Election Commission on February 12, 2020 in the Elections to the Milli Majlis on February 9, 2020

Razim Malikajdar Amirasnali and Hikmet Ikhtiyar Shirinov, registered candidates on Imishli-Beylagan Con.EC # 80 in the Elections to the Milli Majlis on February 9, 2020 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on February 12, 2020, claiming on the law violations committed in the polling stations of that election constituency on the voting day and requested to invalidate the voting results on the PECs of that Con.EC and to invalidate the elections on that Con.EC upon adopting a relevant decision.

The appeals were summarized in one implementation due to containing the same content and covering the polling stations of the same Con.EC, received in connection with the violations supposed to have been committed on E-Day.

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 registered candidates substantiated their appeal basing on that the observation was not facilitated in an appropriate manner in polling stations, observation of the vote counting process was obstructed, the lock of a ballot box was broken in the PEC # 36, ballot box stuffing was committed in polling stations, some voters were issued several ballot papers and a voter voted for sever times and the voting results protocol was not displayed on the billboard. The acts and two electronic data carriers were attached to the appeal by the plaintiffs.

For full, inclusive and fair investigation, different available information sources, as well as, materials posted on social pages regarding the elections, the webcam views installed by CEC in 6 polling stations on Imishli-Beylagan Con.EC # 80, and other materials have been used.

Through the examination of the posts on social pages, submitted acts, also the video views, the claims on the violation of the election legislation in certain form which could affect the election results in the voting process, vote counting and protocol compilation, and not providing observers with copies of protocols were justified.

It was determined that the Election Code was strictly violated in the voting process and vote counting in the PECs # 6, 8, 9, 10, 11, 12, 14, 15, 19, 31, 32, 36, 41, 44, 45, 46, 47 and 48. Consequently, it was possible to determine voters' will in those polling stations.

Thus, the cases which could not allow to determine voters' will in the voting process, cutting off left corners of ballot papers, not declaring the voting results in polling stations, not providing observers and other interested persons with protocol copies and violation of election legislation which could affect the election results were justified.

The voting results protocols of the PECs were requested for investigation and the violations which could allow to determine voters' will were revealed in the voting results protocols of the PECs # 5, 16, 18, 20, 22, 26, 27, 29, 30, 33 and 43.

Thus, insupportable corrections in writing of votes in words and figures in the voting results protocols, valid votes for candidates not to be compatible with general number of votes, violation of balance, differences between the ballot papers issued to voters and number of ballot papers inside ballot boxes and correction of votes for some candidates were determined.

Pursuant to Article 170.2 of the Election Code of the Republic of Azerbaijan, a Constituency Election Commission or Central Election Commission invalidates elections on single-mandate election constituency in the following cases:

- 170.2.1. if violation occurred in the election constituency during the conduct of voting or determination of the voting results, that make it impossible to determine voters' will;
- 170.2.2. if the number of election precincts, during the elections in a single-mandate constituency, where voting results are considered invalid or where they are cancelled is more than two fifths of all the precincts in the same election constituency, provided that the number of registered voters in the election precincts exceeds  $\frac{1}{4}$  of all voters registered in the constituency

The number of the polling stations the results of which will be invalidated constitutes two fifth of total number of polling stations on the election constituency. The number of registered voters on those polling stations constitutes more than  $\frac{1}{4}$  of general number of registered voters on that election constituency. The number of the polling stations the results of which will be invalidated is 29, the number of registered voters on those polling stations is 24644, general number of polling stations on the election constituency is 49 and the number of registered voters on those polling stations is 43 080.

Basing on the above-mentioned, legal grounds were established to invalidate the voting results on the PECs # 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 22, 26, 27, 29, 30, 31, 32, 33, 36, 41, 43, 44, 45, 46, 47 and 48 of the election constituency and regard the elections invalid on that election constituency.

Pursuant to 19.4, 28.2, 112, 112-1 and 170 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 of the "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" the Central Election Commission **decides:**

1. The appeals # 86 and 87, submitted on February 12, 2020 by Razim Malikajdar Amiraslnali and Hikmet Ikhtiyar Shirinov, registered candidates on Imishli-Beylagan Con.EC # 80 in the Elections to the Milli Majlis of the Republic of Azerbaijan, appointed to February 9, 2020 shall be implemented and the voting results on the PECs # 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 22, 26, 27, 29, 30, 31, 32, 33, 36, 41, 43, 44, 45, 46, 47 and 48 of Imishli-Beylagan Con.EC # 80 shall be invalidated, the Elections to the Milli Majlis on that Con.EC shall be regarded invalid.

2. The decision shall be enforced upon its publication

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov