

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeals # 10 dated 31 January 2025 and # 24 dated 1 February 2025 submitted to the Central Election Commission in the Municipal Elections held on January 29, 2025

Regarding the Municipal elections held on January 29, 2025, registered candidates on Bajirevan municipality of Imishli Con.EC # 81 - Tehmirov Niyameddin Mammad - on 31 January 2025 and Guliyev Barat Alişirin on 1 February 2025 applied to the Central Election Commission of the Republic of Azerbaijan (CEC), claiming that on the election day the final protocols of the voting results were compiled and the certified copies were provided to them at the end of the voting day in the in the polling stations # 42, 43, 44, 45, 46 of the foregoing Con.EC. However, it was later claimed that the votes of the voters were falsified in favor of another registered candidate and as a result, Jabrayilov Yusif Khalig was declared the elected municipality member despite receiving fewer votes. They also alleged that other serious violations of election legislation occurred, therefore requested to investigate those violations and undertake relevant measures as to restore their violated rights.

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 candidates who had submitted the request for the investigation were contacted made with and they were informed about their right to participate in the investigation and the session, as well as other related rights. Their participation in the investigation and the session was ensured.

Candidate N.M. Tehmirov presented the certified copy of the protocol the from the polling stations # 42, 43, 44, 45, 46 which are part of the election district covering the mentioned municipality.

Candidate B.A. Guliyev attached the certified copy of the protocol of the polling station election commission regarding the results of the voting obtained from the polling stations # 42, 43, 44, 45, 46 to his appeal.

Protocols regarding the voting results from the polling stations covering the Bajirevan municipality were obtained from the Con.EC and these protocols, which were approved at the relevant polling stations, were compared with the copies of the protocols presented to the candidate for investigation.

The alleged violations in the complaint were thoroughly and objectively investigated. A comparative analysis was conducted between the certified copies of the protocols submitted by the candidates, the protocols provided by the Con.EC and the protocol data received by the Central Election Commission based on those protocols. It was found out that during the compilation of the protocol regarding the voting results in the polling stations # 42, 43, 44 and 46 covering the Bajirevan municipality in the constituency, violations of the law that could affect the election results in one way or another were

detected.

Since the legal violations identified during the investigation in those polling stations were considered to prevent the determination of the will of the voters according to the requirements of the election legislation, legal grounds were established for declaring the voting results in the mentioned polling stations as invalid.

According to Article 240.2 of the Election Code, the Constituency Election Commission or the Central Election Commission considers the Municipal elections invalid in the following cases:

- 240.2.1. When the number of polling stations where the voting results were declared invalid constitutes more than $\frac{2}{5}$ of the total number of polling stations in the municipality or when they are canceled, provided that the number of voters in those polling stations exceeds $\frac{1}{4}$ of the total number of registered voters in the municipality.

There are 5 polling stations in the territory of the Bajirevan municipality within the Imishli Con.EC # 81 and 3494 voters are registered in those polling stations. In the polling stations where the voting results were declared invalid, 2727 voters were registered.

The number of polling stations where the results of the voting were declared invalid exceeds $\frac{2}{5}$ of the total number of polling stations covering the Bajirevan municipality in the electoral constituency and the number of voters registered in those polling stations exceeds $\frac{1}{4}$ of the total number of registered voters in the municipality. Therefore, legal grounds were established for declaring the election results in the municipality as invalid.

Therefore, the requests of the registered candidates N.M. Tehmirov and B.A. Guliyev from the Imishli Con.EC # 81 shall be implemented. The voting results in the polling stations # 42, 43, 44 and 46 covering the Bajirevan municipality within that electoral constituency shall be declared invalid and the results of the Municipal elections in Bajirevan municipality shall be considered invalid.

Pursuant to 19.4, 19.14, 28.2, 112, 112-1 and 240 of Election Code of the Republic of Azerbaijan the Central Election Commission decides:

1. The appeals # 10 dated 31 January 2025 and # 24 dated 1 February 2025 submitted to CEC by registered candidates on Bajirevan municipality of Imishli Con.EC # 81 - Tehmirov Niyameddin Mammad - and Guliyev Barat Alişirin in the Municipal Elections held on January 29, 2025 shall be implemented and the voting results in the polling stations # 42, 43, 44 and 46 covering that municipality within the foregoing electoral constituency shall be considered invalid.
2. The Municipal elections held on Bajirevan municipality on Imishli Con.EC # 81 on January 29, 2025 shall be invalidated.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov