

## DECISION

of Central Election Commission of the Republic of Azerbaijan  
on consideration of the appeal # 78 submitted to the Central Election Commission on  
January 10, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, Boyukkishiyev Mahammad Husu, registered candidate on Gizilhajili municipality of Goranboy-Agdam-Terter Con. EC # 97 appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 10, 2020, argued the decision # 32/72, dated December 27, 2019 by Goranboy-Agdam-Terter Con. EC # 97.

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.

When considering the submitted appeal and documents attached to the appeal, it was determined that the complaint was not filed with the deadline provided by the election legislation. Thus, in the appeal approved in notary order on January 3, 2020, M.H. Boyukkishiyev indicated that the constituency election commission's decision # 32/72 dated December 27, 2019 was received by post on December 30, 2019. The appeal and attachment documents were submitted by the post on January 4, 2020. Thus, the appeal against that decision was filed by missing the period for complaint. Based on the above-mentioned, a member of the expert group provided an opinion on the return of the complaint to the complainant.

Pursuant to Article 112.1 of the Election Code of the Republic of Azerbaijan and semi-item # 4.1.2 of the above-mentioned Instruction, election actors may submit a complaint against a decision or action (inaction) offending citizens' election rights within 3 days since the day of publication or getting of that decision, committing that action (inaction) or informing the interested person on that.

Pursuant to Article 112-1.5.3 of Election Code of the Republic of Azerbaijan and item 7.1 of the relevant Instruction, if a complaint has been filed through violating the defined rules, then an opinion shall be provided to return that complaint to the person who submitted the complaint.

Pursuant to 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and item 7.1 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 appeal # 78 submitted to CEC on January 10, 2020 by Boyukkishiyev Mahammad Husu, registered candidate on Gizilhajili municipality of Goranboy-Agdam-Terter Con. EC # 97 in the Municipal Elections on December 23, 2019 shall be sent to the applicant as the application is filed with the legally-defined deadline.
2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov