

## DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 85 submitted to the Central Election Commission on February 12, 2020 in the Elections to the Milli Majlis on February 9, 2020

Fuad Malik Abbasov, registered candidate on Khatai first Con.EC # 33 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 majority of polling stations of that election constituency on the voting day during the voting and vote counting processes 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 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.

Candidate F.M.Abbasov informed that law violations were committed during the voting procedures, vote counting and vote tabulation processes in different times from the opening of polling stations in the PECs # 4, 7, 8, 9, 14, 20, 24, 25, 26, 29, 31, 32, 33, 34, 36, 37 and 38 of Khatai first Con.EC # 33, therewith, the PEC members violated the legislation while fulfilling their duties and a person not included in the voters' list or not registered within that area had participated in the voting or a person had voted several times and therefore, they requested to annul the voting results on those polling stations. A number of acts and video records, photos by observers regarding the claims indicated in the appeal were added to the appeal.

For full, inclusive and fair investigation, different available information sources, as well as, materials posted on social pages regarding the elections, the webcam views and other materials have been used.

Through the examination of the posts on social pages, submitted acts, also the video views and photos, 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, failure of declaring the voting results in polling stations and not providing observers with copies of protocols and interfering in elections were justified.

The argued voting results protocols of the PECs were requested from the Con.EC for investigation and the violations which could allow to determine voters' will were revealed in the voting results protocols of the PECs # 6, 11, 15, 19 and 26 were revealed.

Thus, insupportable corrections and differences in writing of votes in words and figures in the voting results protocols of the PECs # 6, 11, 15, 19 and 26, valid votes for candidates not to be compatible with general number of votes in the PECS # 19 and 26, 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.

Basing on the above-mentioned violations established legal grounds to invalidate the voting results on the PECs # 4, 6, 7, 8, 9, 11, 14, 15, 19, 20, 24, 25, 26, 29, 31, 32, 33, 34, 36, 37 and 38 of the election 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 21, the number of registered voters on those polling stations is 25386, general number of polling stations on the election constituency is 40 and the number of registered voters on those polling stations is 47614.

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.

Basing on the above-mentioned, legal grounds were established to invalidate the voting results on the PECs # 4, 6, 7, 8, 9, 11, 14, 15, 19, 20, 24, 25, 26, 29, 31, 32, 33, 34, 36, 37 and 38 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 appeal # 85, submitted on February 12, 2020 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 # 4, 6, 7, 8, 9, 11, 14, 15, 19, 20, 24, 25, 26, 29, 31, 32, 33, 34, 36, 37 and 38 of Khatai first Con.EC # 33 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

CEC Secretary

Arifa Mukhtarova

Mikayil Rahimov