

## DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 79 submitted to the Central Election Commission on February 11, 2020 and the appeals # 88 and 89 submitted to the Central Election Commission on February 12, 2020 in the Elections to the MilliMajlis on February 9, 2020

On February 11, 2020 Rafail Ali Taghizadeh, authorized representative of the Hope Party and on February 12, 2020 Iqbal Fehruz Agha-zadeh, registered candidate on Khatai third Con.EC # 35 and other authorized representative of the Hope Party, Taleh Mahammad Aliyevin the Elections to the MilliMajlis on February 9, 2020 applied to the Central Election Commission of the Republic of Azerbaijan (CEC), claiming on different law violations committed in the polling stations of that election constituency on the voting day and requested to undertake relevant measures.

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 and authorized representatives substantiated their appeal basing on that the voter turnout had been observed to be low in the majority of polling stations of the Con.EC in the voting process, serious law violations were committed in the vote counting and tabulation processes and the number of voters who had participated in the voting was increased. So that, there appeared discrepancy between the figures declared during the vote counting on ballot papers of the voters who had participated in the voting with the figures included in the official protocols compiled. Although copies of the voting results protocols on the voting results had been required, they were not provided with the copies and the unused ballot papers had not been counted properly, therewith, preliminary results declared by the election commission could not express voters' will. Basing on the above-mentioned, they requested to recount the votes and legal remedy of the violated rights.

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 10 polling stations on Khatai third Con.EC # 35, webcam views functioned incessantly on E-Day and other materials have been used.

Regarding the investigation the PEC official protocols on the voting results received by Con.EC were also examined. During the examination violations which could not allow to determine voters' will in any form were revealed in the PEC protocols on the voting results as a result of comparative investigation. So, discrepancies between statistic data on the voters who had participated in the voting and information on the distribution of votes among candidates were defined basing on the comparative research via the materials in electronic data carriers submitted.

It was determined through the investigation that the law violations committed during the conduct of voting and determination of results in the PECs # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of the Con.EC did not allow to determine voters' will, the re-count of votes are excluded.

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 more than 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 30, the number of registered voters on those polling stations is 39882, general number of polling stations on the election constituency is 33 and the number of registered voters on those polling stations is 42516.

Basing on the results of investigating the materials posted on social pages regarding the voting in the Elections to the MiliMajlis, views of webcams installed by CEC in 10 polling stations covered by Khatai third Con.EC # 35, that functioned incessantly on E-Day and other materials, legal grounds were established to implement the appeal partly, to invalidate the voting results in 1-30 polling stations and regard elections on that Con.EC invalid. Thus, the voting results on the PECs # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of Khatai third Con.EC # 35 shall be invalidated and the Elections to the MiliMajlis of the Republic of Azerbaijan shall be regarded invalid.

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 # 79, 88 and 89 submitted in regard with the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020 shall be partly implemented and the voting results on the PECs # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of Khatai third Con.EC # 35 shall be invalidated, the Elections to the MilliMajlis on that Con.EC shall be regarded invalid.
2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov