

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 88 submitted to the Central Election Commission on
September 12, 2024 in the Elections to the Milli Majlis on September 1, 2024

Regarding the Elections to the Milli Majlis on September 1, 2024, Shukurova Ulviyya Mammad, registered candidate from Nizami first Con.EC # 24 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on September 12, 2024 challenged decision # 23/71 on September 8, claiming that the law violations were committed in polling stations of that Con.EC, therefore requested to undertake relevant measures and to cancel the voting of the results for that Con.EC.

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 candidate was contacted and the rights to participate in the meeting and investigation were explained to him and participation in the investigation was ensured.

Candidate U.M.Shukurova claimed that the election process and the counting of votes in polling stations of the Nizami first Con.EC # 24 were not conducted in accordance with requirements and requested the cancellation of the results on that constituency.

In connection with the alleged violations, candidate U.M.Shukurova's complaint was investigated by Nizami first constituency Con.EC # 24, as a result of the investigation, the appeal was not implemented by the Con.EC decision # 23/71 due to groundlessness. Thus, the Con.EC substantiated its decision on that the argued violations on the day of the election and the alleged violations were not confirmed.

The documents that were basis for the Con.EC to adopt the argued decision by the Con.EC were attached to the investigation materials and were re-investigated.

The investigation involved obtaining and reviewing the protocols of the polling station election commissions, which were disputed, from the district election commission. A comparative analysis was conducted between the 26 protocol copies (certified in accordance with the legal requirements) provided by the petitioner and the official protocols, along with an investigation of images posted on social media regarding alleged violations at the polling stations of that election district on election day, and other materials submitted in the case. During this investigation, various violations were identified at polling stations 4, 6, 28, 31, and 33, which could affect the election results.

As a result, the identified legal violations at the mentioned polling stations are considered to have created a situation in which the will of the voters could not be properly determined, according to the requirements of election legislation. Therefore, legal grounds have arisen for declaring the election results at the specified polling stations invalid.

The investigation did not confirm the alleged legal violations at other polling stations disputed in the complaint and no circumstances were found that would prevent the determination of the will of the voters.

Article 170.2 of the Election Code stipulates that the Con.EC or the Central Election Commission shall declare the elections invalid in the following cases within a single-member election constituency:

-170.2.1. When the conduct of the voting or determination of voting results during the election period, the violations committed in the constituency could not allow to determine the will of the voters;

-170.2.2. In a single-member election district, if the number of polling stations where the election results are declared invalid exceeds two-fifths of the total number of polling stations in that district, or if they are annulled, provided that the number of voters registered at those polling stations constitutes more than one-fourth of the total number of registered voters in the constituency, the election shall be considered invalid.

As a result of the investigation, it was determined that in the early parliamentary elections of the Republic of Azerbaijan held on September 1, 2024, the number of polling stations in the 24th Nizami first single-member electoral constituency, where the election results were declared invalid, did not exceed two-fifths of the total number of polling stations in that constituency. Additionally, the number of registered voters at those polling stations did not exceed one-fourth of the total number of registered voters in the constituency. Therefore, no legal grounds were found to declare the election results in the constituency invalid.

As a result of the investigation, it was determined that in the early parliamentary elections of the Republic of Azerbaijan held on September 1, 2024, the number of polling stations in the 24th Nizami first single-member electoral constituency, where the election results were declared invalid, did not exceed two-fifths of the total number of polling stations in that district. Additionally, the number of registered voters at those polling stations did not exceed one-fourth of the total number of registered voters in the district. Therefore, no legal grounds were found to declare the election results in the constituency invalid.

Thus, the complaint of the registered candidate in the 24th Nizami first electoral constituency, U.M.Shukurov shall be partially implemented. The election results at polling stations 4, 6, 28, 31, and 33 in that constituency shall be declared invalid and the decision of the Con.EC dated September 8, 2024 under protocol number 23/71 shall be annulled in the parts related to these polling stations. The remaining parts of the decision should be upheld without changes.

1. Thus, regarding the Elections to the Milli Majlis on September 1, 2024, the appeal # 88 dated September 12, 2024 by Ulviyya Mammad Shukurova, registered candidate from Nizami first Con.EC # 24 shall be partly implemented and the results of the voting polling stations # 4, # 6, # 28, # 31 and # 33 of the same constituency shall be considered invalid relating to polling stations # 4, # 6, # 28, #31 and # 33.

2. The decision # 23/71 of the Nizami first constituency Con. EC # 24 dated September 8, 2024 shall be annulled in the part relating the polling stations # 4, # 6, # 28, # 31 and # 33, in regard with other parts it shall b remained without being amended.

3. The decision shall be enforced upon its publication.

CEC Chairman Mazahir Panahov

CEC Secretary Arifa Mukhtarova

CEC Secretary Mikayil Rahimov