

Agreed with:

Approved by Decision [10/49-3](#) dated May 6, 2010 of the Central Election Commission of the Republic of Azerbaijan Amended by 15/58-11 dated July 23, 2010

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INSTRUCTION

on the rules for receipt of monetary resources to election funds, accounting and reporting of expenses in Elections to the Milli Majlis of the Republic of Azerbaijan

The Instruction has been prepared pursuant to Article 90-94 and 156 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and defines rules for receipt of monetary resources to election funds in Elections to the Milli Majlis, conducting accounting of expenses and reporting rules pursuant to Law "On Banks" of the Republic of Azerbaijan.

1. The sources of election funds of candidates, registered candidates and maximum limit of funds:

1.1. Election funds of candidates, registered candidates on single-mandate constituencies shall be formed only through the following monetary resources:

1.1.1. Special funds of a candidate, registered candidate, under the provision not to exceed 500 000 (fifty thousand) manats;

1.1.2. funding of the political party which nominated candidate, registered candidate, political parties entering the bloc under the provision not to exceed 150 000 (one hundred and fifty thousand);

1.1.3. **Excluded.**

1.1.4. Voluntary donations of citizens and legal entities (for citizens the limit of voluntary donations shall not exceed 3, 000 (three thousand) manats, for legal entities – 50, 000 (fifty thousand) manats).

1.2 The maximum limit of the funding of candidates to deputy (hereafter referred to as - candidate) shall not exceed 500 000 (five hundred thousands).

2. Sources of election funds of political parties, blocs of political parties and maximum limit of the funding

2.1. Election funds of political parties, blocs of political parties shall be formed only by the following monetary resources:

2.1.1. Special funds of political parties, blocs of political parties, under the provision not to exceed 500 000 (fifty thousand) manats (this specific funding of political party blocs is formed by the funding allocated by the political parties which established the election bloc);

2.1.2. **Excluded.**

2.1.3. Voluntary donations of citizens and legal entities (for citizens the limit of voluntary donations shall not exceed 3, 000 (three thousand) manats, for legal entities – 50, 000 (fifty thousand) manats)

2.2 The maximum limit of the funding of political parties, blocs of political parties shall be defined by multiplying the amount implied by the item # 1.2 of the Instruction (500 000 (five hundreds thousand)) to the number of the candidates nominated or registered by these political parties, blocs of political parties. Meanwhile, spent amount for each candidate shall not exceed 500 000 (five hundreds thousand). Financial reports of the political parties, blocs of political parties shall contain compliance with this requirement.

2.3. The political parties, blocs of political parties which nominated candidates or the candidates of which have been nominated in more than 60 constituencies may establish single election funds.

3. Rendering voluntary donations to election funds or assistance in a state of nature or through service shall be prohibited for the following persons:

3.1.1. Foreign countries and foreign legal entities;

3.1..2. Foreign citizens;

3.1.3. Persons without citizenship;

3.1.4. Citizens who are under 18 years of age;

3.1.5. Legal entities of the Republic of Azerbaijan, if on the day of official publication of the decision to define elections, the participation (property) share of the persons indicated in the items # 3.1.1-3.1.3 is more than 30% in the charter (property) capital of the legal entity of the Republic of Azerbaijan;

3.1.6. International organizations and international public movements;

3.1.7. State bodies and municipalities;

3.1.8. State and municipal organizations and offices;

3.1.9. If on the day of official publication of the decision to define elections, legal entities, with more than 30% of the charter capital belonging to state or municipality;

3.1.10. Military units;

3.1.11. Charity organizations, religious associations, offices and organizations;

3.1.12. Anonymous donor who does not indicate any part of the information (for a citizen – name, surname, patronymic, batch and serial number, date of issue, of his/her identification document or a document substituting it; for a legal entity – identification number of taxpayer, name, date of registration, bank account, state and municipal share in the charter capital, and in case, there are such shares - their proportion, as well as proportion of a foreign share in the charter capital or providing of incorrect information about such proportion.

4. Rules for transferring and spending of election funds

4.1. Voluntary donations shall be transferred through post offices and banks only from the citizens of the Republic of Azerbaijan on the basis of submission of identification document or a document, which substitutes it and should contain information about surname, name, patronymic and date of birth.

4.2. Voluntary donations of legal entities shall be received by bank transfer to the election fund and contain information about whether legal entities have state, municipal or foreign share in their charter capital or not, in case, there are such shares, their proportion, the name of a legal entity, date of registration, identification number of taxpayer and bank account information.

4.3. Voluntary donations of physical and legal entities shall be transferred to the specific election account through post offices and banks not later than 2 days after they receive the relevant payment document.

4.4. If donations are transferred to the election funds of candidates, registered candidates, political parties, blocs of political parties by the subjects who do not have right to do that pursuant to Article 90.2 of Election Code and Article 3 of this Instruction, or if amount of donation is more than the amount mentioned in Election Code, the relevant bank shall inform the relevant election commission in accordance with Addendum 1 to this Instruction.

4.5. If donations are transferred to the election funds of candidates, registered candidates, political parties, blocs of political parties by physical and legal entities who do not have right to do that, or if amount of donation is more than the amount mentioned in Article 156 of Election Code, the candidate, registered candidates, political parties, blocs of political parties should return the whole amount or a part of it which exceeds the required amount to the donor within 10 days after its receipt, indicating the reasons for bank transfer and deducting expenses for transfer. If the amount of donation is not returned to the donor within the mentioned period, the relevant bank should return the whole amount of donation to the donor and inform about this the Constituency Election Commission in writing.

4.6. Anonymous donations shall be transferred to the state budget by candidates, registered candidates, political parties, blocs of political parties within 10 days after

entering specific election accounts in accordance with Article 93.7 of the Election Code. If anonymous donations are not transferred to the state budget within the mentioned period, the bank should transfer this donation as a whole to the state budget and inform the Constituency Election Commission about this in writing.

4.7. All financial transactions on specific election accounts of the registered candidates shall be stopped within 3 days after the voting day.

4.8. The relevant bank upon the instruction of the relevant election commission shall stop the financial transactions related with reimbursement of the expenses from specific election accounts of candidates, registered candidates, political parties, blocs of political parties in other cases mentioned in Article 91.4 of Election Code.

4.9. The Central Election Commission can prolong the period of financial operations in following cases and on bases defined by Article 92.1:

4.9.1. For the reimbursement of the implemented activities of candidate, political party with registered candidate and bloc of political parties, before they received refusal from registration;

4.9.2. If a candidate withdraws his/her application on his/her consent to be a candidate, or his/her candidacy is withdrawn by a political party and bloc of political parties;

4.9.3. For the reimbursement of expenses of a registered candidate who withdraws his/her registration or if his /her registration is withdrawn by a political party and bloc of political parties as well as if his/her registration is cancelled, before receiving of decision on cancellation of registration.

4.9.4. Other cases, which require reimbursement of the expenses spent for the activities up to the Election Day by a registered candidate, political party or bloc of political parties.

4.10. Candidates shall use money transferred to their election funds accounts for the purpose to finance organizational-technical actions for collection of signatures, to support nomination of candidates as well as to pay for relevant persons collecting voters' signature, to pay expenses regarding pre-election campaign, as well as information and consulting services, expenses regarding other works during the pre-election campaign performed by legal entities and citizens (Appendix # 1 of this Instruction). It is prohibited to use these funds for the purposes of election campaign if it violates the requirements of Article 88.2- 88.5 of Election Code.

5. Report on Election Funds

5.1. The relevant bank shall submit a report to the Constituency Election Commission on circumstances mentioned in the Election Code and items # 3, 4.8, 4.9, 4.10 of this Instruction.

5.2. Candidates, registered candidates, political parties, blocs of political parties shall submit their financial report to the relevant election commission as follows (Appendix # 2 made to Instruction):

5.2.1. First preliminary financial report shall be submitted to the Constituency Election Commission in accordance with the rules defined by Election Code together with required documents for registration; this report shall contain information for the period two days prior to the date indicated in report;

5.2.2. Second preliminary financial report shall be submitted at earliest 20 days and at latest 10 days prior to the Election Day; this report shall contain information for the period of 7 days prior to the date indicated therein;

5.2.3. Final financial report shall be submitted at latest 10 days after final results of elections officially published; initial financial documents on the collection and expenditure of election funds shall be attached to the final financial report.

5.3. If a candidate, registered candidate loses his/her status, the duties for financial reporting shall be assumed by citizens who have been candidates, registered candidates or the authorized representative on financial issues of the political party, blocs of political parties.

5.4. The relevant bank shall inform the relevant election commission about the funds entered and spent from the election funds of candidates, registered candidates, political parties, blocs of political parties not less than once a week, and if there are 10 days remaining until the Election Day – not less than once in 3 banking days in the manner determined by Appendix 1 to this Instruction.