

## DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 72 submitted to the Central Election Commission on September 10, 2024 in the early Elections to the Milli Majlis, appointed to September 1, 2024

Regarding the early Elections to the Milli Majlis on September 1, 2024, Majidzade Shahriyar Sardar, registered candidate on Tartar – Aghdara - Goranboy Con.EC applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on September 7, 2024, claiming that the law violations were committed in some polling stations of that Con.EC and challenging the Decision # 30/144 of that constituency dated September 8, 2024, therefore requested to annul that decision and to consider the results of election to be invalid.

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.

Sh.S. Majidzade's application carries out that on election day in Tartar – Aghdara-Goranboy Con.EC obstacles were created for free observation in 12 of the 62 polling stations included in the district, that two voters entered the booths at the same time, constituency election commission regarding the non-transparency of ballot boxes in a number of polling stations that he did not conduct any investigation, the votes in a number of polling stations transparent not counted, the Central Election with the results announced during the counting of votes the results given on the Commission's official website do not match the election that more than one ballot was thrown into the boxes, without the observers observing the votes counted outside the voting room, drawn up on the voting results. Although a copy of the protocol was requested, it was not submitted to them, precinct election that the chairpersons of the commission left the station without presenting copies of the protocols, the interference of unauthorized persons in the election process in a number of polling stations that the violations that have occurred have not been investigated by the district election commission and others of voting in that electoral district, claiming that there were violations of the law invalidation of the results, as well as the same content to the district election commission annulment of the decision taken by the election commission of that district regarding his application requested. He submitted one electronic information carrier, 35 documents and a copy of the protocol of the constituency election commission on the results of the elections attached a photocopy.

The constituency election commission based its decision on the fact that on voting day 97, the alleged violation occurred in polling stations 3, 4, 7, 8, 16, 18, 19, 20, 28, 33, 42 and 45 of Tartar-Aghdara-Goranboy electoral district. confirmation of violations because he did not find it, during the voting and determining the results violations of the law that do not allow voters to freely express their will are evident as it was not done, the appeal was not granted.

The candidate who applied for the study was contacted, the study and to participate in the meeting, as well as to have other rights explained, in his investigation and participation in the meeting of the Commission was ensured. Grounds for issuing the disputed decision from the District Election Commission documents, including those drawn up at the polling stations specified on the voting day the originals of the acts were obtained and added to the research materials and repeatedly examined.

During the investigation carried out by the District Election Commission, from the observers, as well as received from the members of the precinct election commissions of those polling stations in addition to explanations, explanations from 2 candidates registered for that electoral district received.

In order to conduct a comprehensive and impartial investigation of the application, on the day of voting, the images published on social networks related to alleged violations at the polling stations of that electoral district, as well as an electronic data carrier attached to the application, protocols on the results of the voting at the polling stations, and submitted acts were reviewed. After studying the received election documents, it was determined that on the day of voting, Tartar-Aghdara-Goranboy electoral district No. 97 with the exception of polling stations No. 3, 4 and 18, the alleged violations of the law in other contested polling stations have not been confirmed, and no cases have been found that do not allow determining the will of the voters. From this point of view, although the district election commission came to the right conclusion in the contested decision, it did not come to the right conclusion in relation to the mentioned polling stations.

So, the images published on social networks and presented review of video materials, analysis of other election materials and information obtained from alternative sources of information, as well as in a number of polling stations, which S.S. Majidzade claims were not investigated by the district election commission as a result of the investigation of alleged violations of the law, violations of the law that could affect the outcome of the elections in one way or another during voting in polling stations No. 3, 4, and 18 were discovered. Since the identified violations of the law are considered as a case that does not allow to determine the will of the voters according to the requirements of the election legislation, there are legal grounds for invalidating the voting results of the mentioned polling stations.

Therefore, the results of the voting on the 3rd, 4th and 18th polling stations of Tartar-Aghdara-Goranboy electoral district No. 97 should be considered invalid.

Article 170.2 of the Election Code of the Republic of Azerbaijan states that the constituency election commission or the Central Election Commission considers the elections in the single-mandate constituency invalid in the following cases:

- 170.2.1. voting or voting results if the violations of the law committed in the electoral district during the determination do not allow to determine the will of the voters;
- 170.2.2. during the voting for a single-mandate electoral district, when the number of polling stations deemed invalid constitutes more than 2/5 of the total number of polling

stations in that electoral district, or when the voting results are cancelled, provided that the number of registered voters in those polling stations is more than 1/4 of the total number of registered voters in the constituency.

As a result of the research, it was determined that the number of polling stations in which the results of voting in Tartar – Aghdara - Goranboy electoral district No. 97 in the extraordinary elections to the Milli Majlis of the Republic of Azerbaijan held on September 1, 2024 were considered invalid were 2/5 of the total number of polling stations in the electoral district. more than half, and the number of registered voters in those polling stations is equal to the total number of registered voters in the constituency Since it did not make up more than 1/4, there were no legal grounds for invalidating the election results for the electoral district.

Thus, the application of Sh.S. Majidzade, a registered candidate from the Tartar-Aghdara-Goranboy electoral district No. 97, should be partially granted, the results of the voting on polling stations No. 3, 4 and 18 of that electoral district should be considered invalid, the constituency election commission's decision on September 8, 2024 Decision No. 30/144 of should be canceled and kept unchanged in other parts.

Based on the above, the Central Election Commission Election According to Articles 19.4, 19.14, 28.2, 112, 112-1, 170 of the Code decides:

1. The appeal # 62 submitted to CEC on September 7, 2024 by Majidzade Shahriyar Sardar, registered candidate on Tartar – Aghdara - Goranboy Con.EC in the Elections to the Milli Majlis on September 1, 2024 shall be granted partly and the results of election in polling stations no 3, 4, 18 shall be considered invalid.
2. Decision No. 30/144 dated September 2024 in the part regarding polling stations no 3, 4 and 18 shall be cancelled and other parts shall be kept unchanged.
3. The decision shall be enforced upon its publication.

CEC Chairman      Mazahir Panahov

CEC Secretary     Arifa Mukhtarova

CEC Secretary     Mikayil Rahimov