

Agreed with:

Chairman of Central Bank
of the Republic of Azerbaijan

_____ E.S.RUSTAMOV

Approved by Decision 6/39 dated on 18 June
2013 of Central Election Commission of the
Republic of Azerbaijan
Chairman of Central Election Commission

_____ M.M.PANAHOV

INSTRUCTION
on the rules for receipt of monetary resources to election funds,
conducting of records of expenses and reporting rules in the
President Elections of the Republic of Azerbaijan

This Instruction was prepared in accordance with Articles # 90, 94 and 191 of Election Code of the Republic of Azerbaijan (thereupon – Election Code) in the aim of determining rules for entering finances in election fund, implementation of expenditure record and accounting of this funding in Presidential Elections of the Republic of Azerbaijan.

1. General provisions

1.1. Rules for entering finances in election fund, implementation of expenditure record and accounting of this funding in Presidential Elections of the Republic of Azerbaijan shall be regulated by Articles # 90, 94, 191 of Election Code, Law of the Republic of Azerbaijan on “Banks” and this Instruction.

1.2. Election funds for financing the activity of candidates to the presidency, registered candidates (thereupon - candidates) are created.

1.3. The maximum limit of the election fund of a candidate cannot be more than 10 million manats.

2. The sources of election funds of candidates

2.1. Election funds of candidates shall be formed only from the following monetary means:

2.1.1. Special funds of a candidate (*these special funds for candidates for Presidency nominated by political parties or block of political parties shall be formed from the funds contributed by political parties or political parties which have created bloc of political parties*) of candidates for Presidency, with a condition it cannot be more than 250 000 (two hundred and fifty thousand) manats;

2.1.2. Voluntary donations of citizens and legal entities (*for citizens the limit of voluntary donations for cannot be more than 3, 000 (three thousand) manats, for legal entities – more than 50, 000 (fifty thousand) manats*).

2.2. The following shall be prohibited from rendering voluntary donations and assistance in natural form or through service provision to election funds of the candidates:

2.2.1. Foreign countries and foreign legal entities;

2.2.2. Foreign citizens;

2.2.3. Persons without citizenship;

2.2.4. Citizens who are under 18 years of age;

2.2.5. Legal entities of the republic of Azerbaijan, if on the day of official publication of the decision to define elections, more than 30% of the charter (property) capital of the legal entity of the Republic of Azerbaijan belongs to the persons mentioned above;

2.2.6. International organizations and international public movements;

2.2.7. State bodies and municipalities;

2.2.8. State, municipal organizations and offices;

2.2.9. 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;

2.2.10. Military units;

2.2.11. Charitable organizations, religious associations, offices and organizations;

2.2.12. Anonymous donation provider who does not indicate one of the following pieces of 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*).

3. Rules for transferring and spending of election funds of candidates

3.1. Voluntary donations shall be transferred through post offices and banks. These donations shall be accepted 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.

3.2. 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.

3.3. 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.

3.4. If donations are transferred to the election funds of candidates by citizens and legal entities who do not have right to do that pursuant to Article 90.2 of Election Code and Article 2.2 of this Instruction, or if amount of donation is more than the amount mentioned in Election Code, the relevant bank shall inform the Central Election Commission in accordance with Addendum 1 to this Instruction.

3.5. If donations are transferred to the election funds of candidates by citizens and legal entities who do not have right to do that, or if amount of donation is more than the amount mentioned in Article 191 of Election Code, the candidate should return the whole amount or a part of it which exceeds the required amount to the donator 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 donator within the mentioned period, the relevant bank should return the whole amount of donation to the donator and inform about this the Central Election Commission in writing.

3.6. Anonymous donations entered in special election account are transferred to state budget by candidates, political parties, blocs of political parties within 10 days after the day of their entering.

3.7. 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 about this the Central Election Commission in writing.

3.8. All financial transactions of registered candidates shall be stopped within 3 days after the voting day.

3.9. The relevant bank with the instruction of the Central Election commission shall stop other financial transactions mentioned in Article 91.4 of Election Code to pay expenses from the specific election accounts of candidates.

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

3.10.1. For covering expenses of candidate, political party with registered candidate and bloc of political parties for the implemented activities, before they received refusal of registration;

3.10.2. 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;

3.10.3. For covering 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;

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

3.11. 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 (Addendum 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, 88.4 and 88.5 of Election Code.

4. Report on Election Funds

4.1. The relevant bank shall submit an information to the Central Election Commission on circumstances mentioned in the Election Code and paragraph 2.2, 3.9, 3.10 and 3.11 of this Instruction..

4.2. Candidates shall submit their financial report (Appendice #2 made to Instruction) to the Central Election Commission as follows:

4.2.1. First initial financial report shall be submitted to the Central 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;

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

4.2.3. 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.

4.3. If a candidate loses his/her status, the duties for financial reporting shall be assumed by citizens who have been a candidate.

4.4. The relevant bank shall inform the Central Election Commission about the funds entered to and spent from the election funds of candidates to presidency 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 Addendum 1 to this Instruction.

5. Final provisions

5.1. Since the enforcement of this Instruction, "Instruction on the rules for entering finances in election fund, implementation of expenditure record and accounting of this funding in Presidential Elections of the

Republic of Azerbaijan” approved by Decision # 6/23-12 dated July 4, 2008 of the Central Election Commission, shall be considered invalid.

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