

COMMENT

on the rules for completing the voting results protocol of Precinct Election Commissions

Rules for completing the voting results protocol of the Precinct Election Commission (hereafter referred to as – the protocol) shall be defined by Articles 100, 106 and 237 of the Election Code of the Republic of Azerbaijan (hereafter referred to as Election Code) and the Comment.

1. General provisions

1.1. The voting results on the polling stations shall be included in the protocol in handwriting (Appendix # 1 made to the Comment) compiled in the format approved by the Central Election Commission of the Republic of Azerbaijan (hereafter referred to as - CEC) and in the form of a booklet of carbonized papers in 3 copies with each copy in different colors.

1.1.1. The protocol shall be compiled only by the members with decisive right of these commissions.

1.1.2. While compiling the protocol, all information on each of the items shall be written separately, numbers shall be written in words and numbers. The information in the items # 1-6 of the protocol shall be written before opening the ballot boxes.

1.1.3. It shall not be allowed to write in pencil and make any amendments to the protocol. Therefore, a *draft copy* of the protocol shall be completed initially.

1.2. Persons indicated in Article 40.2 and 40.4 (members of election commissions, registered candidates on the relevant election commission and their authorized representatives/agents, the authorized representatives/agents of the political party, the bloc of political parties, as well as, citizens of the Republic of Azerbaijan who got the status of observer and international observers) may observe the compiling of protocol.

2. Sequence of filling out the protocol

2.1. A protocol shall be completed according to following rules:

2.1.1. Item # 1 - the total number of voters in voters' lists on the precinct (1=1a+1b)

2.1.1.1. the number of voters in the voter list;

2.1.1.2. the number of voters in the supplementary voter list;

The item # 1 shall include the number of voters included in the voters' list of the precinct election commission (1a) and the number of voters in the supplementary voters' list

whose suffrage was ensured on voting day due to the decision of the precinct election commission (1b) (based on the relevant approving documents (permanent or temporary) and supplementary voters' lists). At the same time, the sum of the figures in semi-items # 1a and 1b shall form the number indicated in item # 1 and there should be relevant equation. ($1=1a+1b$).

2.1.2. Item # 2 - the number of voters who got de-registration cards
(This item includes the number of voters included in permanent (or temporary) voters' lists, but who got de-registration cards within the period defined by law).

2.1.3. Item # 3 - the number of ballot papers submitted by ConEC to PEC
($3=4+5+6$)

(This item includes the number of ballot papers submitted to the PEC by the act of the ConEC. This act should be adopted as the basis for including these numbers. As in the the equation in the brackets ($3=4+5+6$), the figure of item shall be equal to the sum of item # 4 (the number of voters who got ballot papers), the item # 5 (the number of cancelled ballot papers without being used) and the item 6 (the number of spoilt ballot papers)).

2.1.4. Item # 4 - the number of voters who got ballot papers
($4=4a+4b+4c$)

2.1.4.1. outside the voting room;

2.1.4.2. in the voting room - based on voters' lists (permanent or temporary (and the number of signatures in supplementary voters' lists))

2.1.4.3. in the voting room - with de-registration card.

(These semi-items include the number of voters who got ballot papers outside the voting room of relevant PEC (4a), the number of voters who accepted ballot papers in the voting room based on the voters' lists (4b) and who got ballot papers with de-registration cards (4c). The sum of these figures provides the number of the item 4 and this number should be entered to the relevant line).

2.1.5. Item # 5 - the number of cancelled ballot papers without being used

(The number of the canceled ballot papers without being used shall be included in this item based on the relevant act (unused ballot papers are counted by the commissioners of the PEC by the observation of observers in the voting room before opening ballot boxes and are cancelled by cutting their right corner. The number of these ballot papers shall be declared and indicated in the protocol. An act on cancellation of unused ballot papers is compiled and the cancelled ballot papers are separately collected and packed.)).

2.1.6. Item # 6 - the number of the spoilt ballot papers

(This item includes the number of spoilt ballot papers on the basis of the relevant act (if the voter appeals to the PEC member on the spoil of the ballot paper for any reason, then upon cutting half the spoilt ballot paper, the member of commission shall compile the relevant act immediately and put in the separate envelope. After the voting, the

additional act shall be compiled on the total amount of the spoilt ballot papers and these ballot papers shall be separately packed)).

2.1.7. Item # 7 - the number of ballot papers in ballot boxes (with the exception of undefined ballot papers¹)

($7=7a+7b$) ($7 \leq 4$) ($7=8+9$)

2.1.7.1. in portable ballot box (**$7a \leq 4a$**);

2.1.7.2. in the stationary ballot box (**$7b \leq 4b+4c$**).

(The ballot boxes shall be opened one by one and the number of defined ballot papers in portable and stationary ballot boxes shall be included separately to the semi-item "a" and "b" (firstly portable, then importable ballot boxes). The sum of these numbers shall be included in the item # 7 and relevant equality should be observed between them ($7=8+9$). The figure in semi-item # 7a shall be less or equal to the figure in semi-item # 4a and the figure in semi-item # 7b shall be less or equal to the sum of the figures in semi-items # 4b and 4c. According to the equality shown in brackets ($7 \leq 4$), the figure of item # 7 should be equal to or less than the number of item # 4. The figure of the item # 7 shall be equal to the sum of the figures in the item # 8 (the number of invalid ballot papers) and in the item # 9 (the number of valid ballot papers) ($7=8+9$).

Note: *Ballot papers in defined form mean the ballot papers in the form approved by the Central Election Commission, numbered, the upper left corner should be cut and right corner be sealed by the relevant PEC stamp.*

2.1.8. Item # 8 of the protocol – number of invalid ballot papers (number of the ballot papers without any sign or with more signs than the number of the municipality members to be elected in squares on the right of the candidates' surnames on the ballot papers in the defined form).

(This item shall include the number of the invalid ballot papers due to the impossibility of determining voters' will the signs put, based of the above-mentioned reasons).

2.1.9. Item # 9 of the protocol – number of valid ballot papers (number of the ballot papers in the defined form with equal or less signs in squares on the right of the candidates' surnames than the number of the municipality members to be elected).

(This item shall include the number of the invalid ballot papers due to the above-mentioned reasons).

2.1.10. Item # 10 of the protocol – number of valid votes (the number of the votes in valid and legally completed ballot papers in the defined form)

¹ *An act on the number of undefined ballot papers taken from ballot boxes while counting the votes shall be prepared and this act shall be attached to the protocol.*

(10=11)

*(This item shall include the number of the votes in the ballot papers in the defined form and legally completed (with equal or less signs put in the squares on the right off the candidates' surnames than the number of the municipality members to be elected included and these signs allow to determine voters' will). As in the equitation in the brackets **(10=11)**, the figure in this item shall be equal to the sum of the item # 11 (distribution of the valid votes among the candidates to municipality membership)).*

2.1.11. Item # 11 of the protocol – distribution of valid votes among candidates to the municipality membership

(In this item of the protocol, surname, name and patronymic² of the candidate to municipality membership included in the ballot paper should be written in succession as in the ballot paper, in alphabetical order by considering the requirements of Article 237.2.1 of Election Code of the Republic of Azerbaijan and the number of votes for each candidate should be indicated in words and numbers. Distribution of the valid votes among the registered candidates shall be implemented due to the valid votes implied by only the item # 10 of the protocol).

Sum of the votes shall be written in the end of the tabulation and this figure shall be equal to the item # 10 (number of valid votes). Otherwise, then protocol shall be considered invalid).

2.2. Date and time of completing the protocol should be indicated after the whole completion of the protocol.

2.3. Final protocol on the voting results shall be signed by at least 2/3 part of the PEC members having decisive rights. It should be prohibited to sign the incomplete or not fully completed protocols. PEC member who does not agree with the protocol in whole or its separate parts can attach their specific opinion to it upon signing the protocol and the protocol should contain relevant note on this.

3. Submission of the protocol with the attached documents to Constituency Election Commissions

3.1. Pursuant to Article 106.7 of the Election Code, the following election documents should be attached to the voting results protocol and should be sent to the Con.EC immediately but not later than 24 hours under the accompany of the PEC Chairman, two members representing various political parties and the observers:

3.1.1. first copy of the PEC protocol;

3.1.2. complaints (applications) related to the violation of the Election Code, entered the PEC on the voting day and decisions concerning these adopted by the PEC;

3.1.3. act on the submission of the ballot papers to PECs by Con.ECs in Municipal elections (Appendix # 2 made to the Comment and Appendix # 8 made to the

² *When the surnames, names and patronymics of the candidates included in the ballot papers are the same, then their date, month, day of birth shall also be indicated.*

Instruction “On the rules for the preparation and submission of the ballot papers (referendum ballot papers), the voting protocols of Con.ECs and PECs and de-registration (voting) cards for the voting to relevant election commissions);

3.1.4. act on the cancel of the unused ballot papers in Municipal Elections (Appendix # 3);

3.1.5. act on the cancel of the unused de-registration (voting) cards in Municipal Elections (Appendix # 4);

3.1.6. act on the number of cut left corners of the ballot papers in Municipal Elections (Appendix # 5);

3.1.7. act on the number of the spoilt ballot papers due to the errors of the citizens who voted in Municipal Elections (Appendix # 6);

3.1.8. act on the number of the ballot papers related to the voters’ applications for voting outside the voting room in Municipal Elections, used and returned without having been used (Appendix# 7);

3.1.9. ballot papers;

3.1.10. voters’ lists on the precinct (by adding the de-registration (voting) cards).

3.2. The acts indicated in the items # 3.1.4 – 3.1.8 should be signed by the PEC chairman and secretaries.

3.3. Approved copies of the complaints (applications), PEC decisions and the above-mentioned acts should be attached to the second copy of the protocol.

Note: When compiling the protocol, if there any mistakes have been committed due to carelessness (erroneously inclusion of the data, erasing and other), then the relevant PEC shall make this case official by its decision, compile relevant act on this and submit the protocol with this act to the Con.EC within the period implied by law.

4. Final provisions

4.1. “The Comment on the rules for filling out the voting results protocols of Precinct Election Commissions in Municipal Elections”, approved by Decision # 23-8 of the Central Election Commission of the Republic of Azerbaijan, dated August 24, 2014 shall be considered invalid upon the enforcement of this Comment.

Appendix # 2 made to the Comment, Appendix # 8 made to the Instruction "On the rules for the preparation and submission of the ballot papers (referendum ballot papers), the voting protocols of Con.ECs and PECs and de-registration (voting) cards for the voting to relevant election commissions

ACT

on submission of ballot papers (referendum ballot papers) to the Precinct Election Commission by the Constituency Election Commission _____

(name of the elections (referendum))

_____ " ____ " _____ 20
(district, city, district in the city, settlement, village)

At _____

According to Article # 99.6 of Election Code of the Republic of Azerbaijan ____ # _____

(name of the constituency election commission)

Constituency Election Commission # _____ submitted ballot papers (referendum ballot papers) to the Precinct Election Commission #

_____ in the amount of _____, less than 90
(in words) (in figures)

(ninety) of this number not exceeding 0.5 %, from
up to _____
(in words) (in figures)

according to the total number of voters included in the voters' lists.

Chairman of the Constituency

Election Commission

(signature) (initial and surname)

P.S.

Chairman of Precinct

Election Commission

(signature) *(initial and surname)*

Secretary of Precinct

Election Commission

(signature) *(initial and surname)*

Secretary of Precinct

Election Commission

(signature) *(initial and surname)*

P.S.

Note: while conducting referendum, the election commissions shall be appropriately indicated as referendum commissions in this document sample.

ACT

On the cancel of the unused ballot papers in Municipal Elections

_____ " ____ " _____ 20
(district, city, district in the city, settlement, village)

At _____

We, below signed persons, compiled this act because on the voting day in Municipal Elections, _____ unused ballot

_____ *(in words)* _____ *(in figures)*
papers were cancelled on Precinct Election Commission # _____ of
Constituency Election Commission _____ #

(name of ConEC)

by cutting the cancel line in accordance with the rules established by legislation.

**Chairman of Precinct
Election Commission**

(signature) (initial and surname)

**Secretary of the Precinct
Election Commission**

(signature) (initial and surname)

**Secretary of the Precinct
Election Commission**

(signature) (initial and surname)

P.S.

ACT

**on the cancel of the unused de-registration (voting) cards for the
voting in Municipal Elections**

_____ " ____ " _____ 20
(district, city, district in the city, settlement, village)

At _____

We, below signed persons, compiled this act because Constituency
Election Commission _____

(name of election constituency)

_____ submitted voting cards in the amount of _____
(in words)

(in figures)

to Precinct Election Commission # _____
of this constituency and the same Precinct Election Commission

submitted voting cards in the amount of _____
(in words) (in figures)

to the voters.

The unused voting cards _____ were cancelled
(in words) (in figures)
by cutting _____ them in half.

**Chairman of Precinct
Election Commission**

(signature) *(initial and surname)*

**Secretary of Precinct
Election Commission**

(signature) *(initial and surname)*

**Secretary of Precinct
Election Commission**

(signature) *(initial and surname)*

P.S.

ACT

**on the number of cut left corners of the ballot papers
in Municipal Elections**

_____ " " _____ 20
(district, city, district in the city, settlement, village)

At _____

We, below signed persons, compiled this act because,
Precinct Election Commission # _____ of Constituency Election
Commission # _____ counted the number of cut left corners of the ballot
papers, determined their number was _____ and put
(in words) (in figures)
cut corners into the envelope.

**Chairman of Precinct
Election Commission**

_____ _____
(signature) (initial and surname)

**Secretary of Precinct
Election Commission**

_____ _____
(signature) (initial and surname)

**Secretary of Precinct
Election Commission**

_____ _____
(signature) (initial and surname)

P.S.

ACT

on the number of the spoilt ballot papers due to the errors made by voters on the voting day in Municipal Elections

_____ " ____ " _____ 20
(district, city, district in the city, settlement, village)

At _____

We, below signed persons, compiled this act because during the voting in Precinct Election Commission # _____ of Constituency Election Commission _____ (name of election constituency)

_____ of ballot papers were spoilt
(in words) (in figures)

due to the errors made by voters and these ballot papers were put into envelopes and separately packed.

Chairman of Precinct Election Commission

(signature) (initial and surname)

Secretary of Precinct Election Commission

(signature) (initial and surname)

**Secretary of Precinct
Election Commission**

(signature)

(initial and surname)

P.S.

Note: This act is compiled on the basis of the total of acts on each of the spoiled ballot paper due the errors of voters.

ACT

on the number of ballot papers submitted on the basis of voters' applications in order to vote outside the voting room, ballot papers which have been used and which have returned without being used

_____ " " _____ 20
(district, city, district in the city, settlement, village)

At _____

We, below signed persons, compiled this act because

_____ ballot papers were submitted for Precinct
(in words) (in figures)

Election Commission # _____ of the Constituency Election Commission
_____ # _____ in order to vote outside the voting
(name of election constituency)
room.

_____ of ballot papers were returned after
(in words) (in figures)
being using, _____ of ballot papers were returned without being.
(by words) (by figures)

used.

**Chairman of Precinct
Election Commission**

(signature) (initial and surname)

**Secretary of Precinct
Election Commission**

(signature) (initial and surname)

**Secretary of Precinct
Election Commission**

(signature) (initial and surname)

P.S.