

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 77 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, Naghiyeva Vafa Jamalladin, registered candidate on Neftchala Con.EC # 70 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 # 44/109 of that constituency dated September 7, 2024, therefore requested to annul that decision and the results of voting in 23 polling stations of the electoral district requested to be invalidated and to make a decision on the recalculation of the voting results by excluding the results of the polling stations where the voting results were requested to be invalidated.

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.

V. J. Naghiyeva's complaint stated that violations occurred during the pre-election campaign, obstacles were created for observers during the observation on the voting day, voter turnout was low, more than one ballot was thrown into the ballot boxes, people came to the polling stations in groups, with portable ballot boxes, that there were violations of the law during the voting, that the votes were counted outside the voting room without the observation of observers, that he was not given a copy of the protocols drawn up on the results of the voting in a number of polling stations, that the results announced during the counting of votes did not match the results posted on the official website of the Central Election Commission, and other laws to invalidate the voting results of those polling stations claiming that there were violations, and to recalculate the voting results by excluding the results of the polling stations where the voting results were requested to be invalidated required to be calculated. The applicant attached to the application an electronic information carrier containing 86 short-term video images, as well as photocopies of 47 protocols on the voting results, all in PDF format.

The candidate who applied for the investigation was contacted, she was explained to participate in the investigation and the meeting, as well as his other rights, and his participation in the investigation was ensured. Although the candidate V.J.Naghiyeva was invited to the meeting of the Commission, she did not come to the meeting.

The documents that were the basis for the adoption of the contested decision were obtained from the district election commission, added to the research materials and repeatedly examined.

Since the part of the application related to the pre-election campaign was submitted by passing the appeal period, this part was not investigated.

The decision of the Constituency Election Commission to reject the complaint of the candidate V. J. Nagiyeva was based on the fact that on the voting day, voter turnout was active in most of the polling stations of the electoral district, members of the polling stations with decisive voting rights and various political parties who observed the voting process on their own.

According to the explanations of the observers representing the registered candidates and other subjects who have the right to monitor the voting process, the alleged violations in the disputed polling stations have not been confirmed.

In order to investigate the appeal written by V. J. Naghiyeva, a member of the expert group operating under the District Election Commission, about the existence of contradictions between the protocols presented to the observers at the polling stations 5, 6, 10, 22, 27, 34 and 35 and the official protocols published on the website of the Central Election Commission. Submission of a copy of the protocols issued by the precinct election commissions in 2024 even though he appealed to him about it, he refused to submit the protocols refused. In this regard, the relevant act was drawn up by the members of the expert group. In the decision, on the cases that prevented the correct reflection of the will of the voters in a number of polling stations specified in the application, and on the failure to provide protocols to observers in polling stations No. 3, 9, 14, 20, 26, 27, 28, 38, 40, 41, 42 and 49 it was shown that the allegations were not confirmed.

It was determined that observers representing various political parties and candidates who observed the polling stations contested by the constituency election commission in connection with the investigation of the candidate's complaint, also, more than 200 explanations were received from the members of those precinct election commissions.

During the research process, the candidate submitted copies of protocols of precinct election commissions for 7 polling stations on the results of voting.

During the investigation, with the participation of the candidate V. C. Naghiyeva and her lawyer S. Abbas, 86 video images in one electronic data carrier attached to the complaint were reviewed, and also the protocols of 7 polling stations submitted to the investigation by the candidate were examined.

In order to comprehensively and objectively investigate the violations alleged in the application, the recorded images of the web cameras installed in 5 polling stations of the electoral district from the beginning to the end of the voting, on the day of the voting in social networks the published images related to alleged violations in the polling stations of that electoral district, the images contained in an electronic data carrier attached to the application, and the results of the voting at the polling stations were reviewed

A comparative analysis of the protocol data submitted to the Central Election Commission with the copy of the protocols submitted by the candidate was carried out, and on the voting day, a protocol was drawn up on the voting process, counting of votes, voting results in polling stations No. 24, 27, 34, 35, 48 and 49 of Neftchala constituency No. 70 violations of the law that could affect the results of the elections in

one way or another were discovered during the process. For this reason, legal grounds for invalidating the voting results of the said polling stations have been established, since the violations of the law determined in those polling stations are considered as a case that does not allow determining the will of the voters according to the requirements of the electoral legislation.

With the investigation, the violations alleged to have occurred in other polling stations disputed in the appeal were not confirmed, and no cases were found that did not allow determining the will of the voters. From this point of view, the district election commission reached the correct conclusion for most of the polling stations in the contested decision, but it did not reach the correct conclusion regarding the above mentioned polling stations.

Article 170.2 of the Election Code states that the district election commission or the Central Election Commission shall hold elections in the following cases for a single-mandate electoral district invalidates:

- 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 voting in a single-mandate electoral district, when the number of polling stations declared invalid is more than $\frac{2}{5}$ of the total number of polling stations in that electoral district, or if the number of registered voters in those polling stations is equal to the number of registered voters in the electoral district more than $\frac{1}{4}$ of the total number.

As a result of the research, it was determined that the number of polling stations where the results of the voting in the Neftchala electoral district No. 70 in the extraordinary elections to the Milli Majlis of the Republic of Azerbaijan held on September 1, 2024 were considered invalid were more than $\frac{2}{5}$ of the total number of polling stations in the electoral district, that election and the number of voters registered in their precincts is $\frac{1}{4}$ of the total number of voters registered in the electoral district since it does not constitute the majority, there are no legal grounds for invalidating the results of the elections.

Thus, the appeal by registered candidate V. J. Naghiyeva for Neftchala constituency No. 70 should be partially granted, the results of the voting on polling stations Nos. 24, 27, 34, 35, 48 and 49 of that electoral district should be considered invalid. Decision No. 44/109 of the Constituency Election Commission dated September 7, 2024 24, 27, 34, 35, part related to polling stations No. 8 and 49 should be canceled, in other parts should be kept unchanged.

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 # 70 submitted to CEC on September 10, 2024 by Naghiyeva Vafa Jamaladdin, registered candidate on Neftchala Con.EC # 70 Con.EC in the Elections to the Milli Majlis on September 1, 2024 shall be granted partly and the

results of election in polling station 24, 27, 34, 35, 48 and 49 shall be considered invalid.

2. Decision No. 44/109 dated September 7, 2024 in the part regarding polling station no 24, 27, 34, 35, 48 and 49 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