

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 35 submitted to the Central Election Commission on January 21, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020

In the written apply addressed to the Central Election Commission on January 21, 2020, DilgamSabirAliyev, self-nominee to deputy onShamkir city Con.EC # 98 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 challenged the decision # 06/19, dated 13 January 2020 of Shamkir city Con.EC # 98 and requested to annul that decision and to register his candidacy.

The complaint was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and “Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session upon the investigation of the appeal by the Expert Group member.

In the appeal nominee D.S.Aliyev informed that his candidacy had been nominated on own initiative on Shamkir city Con.EC # 98 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020, voters' signatures within that election constituency and other attached election documents were submitted to the Con.EC. But she was refused to be registered as a candidate by the # 06/19, dated 13 January 2020 of Shamkir city Con.EC # 98 basing due to the collection of 100 signatures in 2 signature sheets by the official working at Communal Utility Office and the failure of submitting the information on the property belonging to him based on the right to property. The plaintiff also informed that he had not been informed on the examination of the signatures, not invited to the session of the Working Group and Con.EC during the examination of signatures, the commission had not waited for the reply to the inquiry on whether Ch.Y.Verdiyeva worked or not at the Communal Utility Office, who had a post at that organization and that was the indicator of the Con.EC decision to be partial and groundless. He also stated that the Con.EC had to inform on the real estate belonging to his relatives, which it had no information on the lack of relation to him.

The applicant was contacted in connection with the investigation, was informed on his rights to participate in the investigation and the session, his participation was ensured at the session and investigation.

The Con.EC substantiated its argued decision on the refusal from registering the candidacy of D.S.Aliyev basing on that 100 signatures in 2 signature sheets out of 10 had been collected by Ch.Y.Verdiyeva, official working at Communal Utility Office # 3, located in Shamkir city of Ganja Communal Utility Office upon violating the requirements of Article 57.1 of the Election Code and the information on real estate belonging to the candidate together with family members based on the right to property had not been indicated in the information on property.

The signature sheets, attached documents and other materials regarding the investigation submitted by nominee D.S.Aliyev were required from the Con.EC and through the investigation it was determined that as the signatures collected by Ch.Y.Verdiyeva, official working at Communal Utility Office was not justified to have violated the requirements of Article 57.1 of the Election Code, the appeal in this part shall be implemented.

The documents attached to signature sheets for the registration of candidacy by candidate D.S.Aliyev were submitted to the Working Group under the Central Election Commission. It is determined from an opinion of the CEC Working Group, dated 22 January 2020, a fact was revealed regarding the agricultural land belong to nominee D.S.Aliyev, which he had not indicated in the information on property.

Not providing correct information on real estate belonging to him by D.S.Aliyev to the Con.EC is the legal ground for refusal of registering the candidacy as in compliance with 60.2.3 of the Election Code.

The claims of D.S.Aliyev on not ensuring his participation in the examination of signature sheets contrary to Article 59.3 of the Election Code was not justified. So that, an act compiled by the Con.EC Working Group members refer that though the candidate had been invited to take part in the examination of the signatures, he did not come to the process.

Basing on the above-mentioned, the Con.EC decision # 06/19, dated 13 January 2020 on the refusal from registering the candidacy of D.S.Aliyev in the part on the irregularities allowed in the collection of voters' signatures for the registration of the candidacy shall be excluded from the substantiation part as a ground of refusal, but the decision in other part shall be remained enforced without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 57, 58, 59, 60, 112, 112-1 and 148 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", the Central Election Commission decides:

1. The appeal # 35 submitted on January 21, 2020 by DilgamSabirAliyev, self-nominee to deputy on Shamkir city Con.EC # 98 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall be partly implemented; the Con.EC # 06/19, dated 13 January 2020 on the refusal from registering the candidacy of D.S.Aliyev in the part on the irregularities allowed in the collection of voters' signatures for the registration of the candidacy shall be excluded from the substantiation part as a ground of refusal, but the decision in other part shall be remained enforced without making amendments.

The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov