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MAKING DEMOCRACY WORK

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The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.

PD-ABX-697

MAKING DEMOCRACY WORK

Azerbaijan
FINAL REPORT

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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY 1

II. PROGRAM ACTIVITIES 4

A. Legislation Advising 4

B. Seminars and Roundtables 10

C. Technical Support 14

D. NGO Support and Development 25

E. Manuals, Commentaries, Comparative Materials, and Media Products 26

III. SIGNIFICANCE OF ACTIVITIES 30

IV. COMMENTS AND RECOMMENDATIONS 32

IV. PROJECT IMPLEMENTATION 33

V. FIELD OFFICE AND PROGRAM ADMINISTRATION 34

VII. FUTURE PROGRAMMING NEEDS 35

VII. ATTACHMENTS 37

I. EXECUTIVE SUMMARY

In 1995, at the request of USAID, IFES conducted an on-site technical assessment that analyzed the electoral climate in Azerbaijan as the country prepared for the November 12 parliamentary elections and a Constitutional Referendum. As a result of those meetings and based on a review of relevant laws related to the conduct of elections, IFES issued initial conclusions and recommendations regarding the political environment and the status of preparations for elections. Although assistance to the Central Election Commission (CEC) was not possible at that time due to Congressional restrictions on non-humanitarian aid to the Government (Section 907, Freedom Support Act), IFES continued to follow events in Baku after the 1995 elections in anticipation that future technical efforts may be possible.

As IFES observed and the international community reinforced, those elections were flawed, and elections continue to be flawed. During programming from 1998 – 2000 under the Cooperative Agreement, few positive actions were taken by the Azerbaijan government to open up the electoral process to real competition and establish a level playing field for those allowed to compete. During this time electoral practices under President Haydar Aliyev fell short of international democratic standards, even though Azerbaijan made overtures towards addressing these deficiencies in the 2000 parliamentary elections following its admission to the Council of Europe.

Even in this challenging climate, IFES' work in furthering democratic elections and democratic institutions in Azerbaijan achieved measurable, albeit incremental, successes. Planning for IFES' in-country work began in March 1998, after a "carve out" to Section 907 was put in place by Congress. That exemption allowed democracy development assistance to the Azerbaijan government. IFES sent a second technical assessment team to Baku, including a legal advisor and an election administrator, to define activities to be undertaken in support of existing and emerging election systems. During the assessment, IFES met with members of the CEC, representatives from the Office of the President, various ministries, territorial commissions, political parties, non-governmental organizations (NGOs), and international donor organizations. Shortly thereafter IFES provided written legal commentary on the draft Law of Azerbaijan on Presidential Elections. This represented the beginning of what became a permanent IFES in-country presence that supported and pushed for meaningful growth in democratic elections and government structures during the programming period.

IFES established a permanent presence in Baku in August 1998 and undertook activities in support of the October 1998 presidential elections. This on-site effort included support to the CEC to improve the conduct of elections and educate voters. IFES provided technical advice to implement the new election law and, together with the Office for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), wrote an official election day manual. IFES worked with the CEC to train over 500 election officials to administer the election process according to the new law. IFES also conducted a national voter education campaign with the CEC

5

resulting in the distribution of over 180,000 posters and fliers, seven televised voter education spots, and a national televised election law forum.

Over the course of the year following the presidential elections, IFES established itself as a trusted advisor to all involved in furthering democracy in Azerbaijan. IFES solidified its position as the nexus of election and democracy support in Azerbaijan between the opposition and the government, evolving local NGOs, and other international NGOs. IFES Project Manager Alan Wall provided straightforward democracy and election expertise on an equal and transparent basis in order to move both the election and democratization process ahead under difficult conditions.

In support of the December 1999 municipal elections and the establishment of the newly elected local government bodies, IFES provided commentary and advice to the Milli Majlis and other interested parties regarding municipal election legislation and other laws affecting municipalities. IFES also continued to provide technical assistance to the CEC. IFES produced and the CEC distributed a polling station manual ensuring that all precinct election commissions had the necessary information to administer the elections. In collaboration with the CEC and supported by many international organizations, IFES also conducted an encompassing voter education campaign that included both print and electronic media components.

In 2000, IFES continued to assist the Milli Majlis and the CEC, worked with opposition parties and with local democracy NGOs in preparation for the November 5 parliamentary elections. Through the continuation of legislation development advice, IFES provided commentary on each draft of the parliamentary election legislation and worked cooperatively with OSCE/ODIHR to support fairer, more democratic election legislation, both for the CEC and for the parliamentary election. When the legislation was passed, albeit with recognizable flaws, IFES worked with the CEC to develop and implement election regulations resulting from the new legislation.

During the summer of 2000, IFES developed and implemented a civic education program to educate Azeri citizens and assess the training needs of newly elected municipal officials. Discussions and interviews with recently elected municipal leaders formed the base of analysis and identification of their training needs. The lack of popular understanding of basic citizen rights in a democracy has contributed to slow democratic reform Azerbaijan. As a result of IFES' civic education work Azerbaijanis received information about their civic responsibilities in municipal governance. This strengthened their understanding of their rights and responsibilities in the democratic process and what they need to do to hold their elected officials accountable.

In late summer 2000, prior to the end of programming under this agreement, initial work was undertaken to support the fall parliamentary election. IFES conducted follow-on work in support of the election under a separate CEPPS agreement, which included election administration support to the CEC, a joint national voter education campaign, and election official training.

6

Throughout the period of programming under the Cooperative Agreement, IFES consistently pushed to increase the pace of democratic reform in Azerbaijan. This work was reinforced by continued strong, respected relations with the government, opposition and international and local NGOs. IFES concluded its programming under this Cooperative Agreement on September 21, 2000.

As a neutral and non-partisan organization, IFES was able to develop and maintain the trust of those outside the government working to build democracy and democratic elections while maintaining an effective working relationship with the government for the life of the agreement. IFES made solid contributions to the growth of democracy, particularly in legal advising to the government and opposition, introducing transparency though working with all concerned with the growth of democracy, and developing greater public awareness of democratic election standards through vigorous voter education and civic education initiatives. The following final report describes those activities and their impact upon Azerbaijan's continuing interaction with those embracing international democratic standards.

II. PROGRAM ACTIVITIES

A. Legislation Advising

Calendar Year 1998

IFES Provides Commentaries on Presidential Election Legislation

At the request of Shahin Aliyev, Advisor to Azerbaijani President Haydar Aliyev, IFES provided commentary on draft presidential election legislation. IFES Election Administration Consultant Paul DeGregorio analyzed the draft which was part of a series of controversial bills on election issues debated by deputies. Based on these findings IFES drafted its Commentary on Draft Presidential Election Law, May 1998. IFES commentary was presented to Shahin Aliyev, Director of the Department of Legislation and Legal Expertise, of the President's Office, and to U.S. Embassy Baku Political Officer, Michael Bosshart.

In June, IFES legal consultant, Mark Braden prepared second Commentary on Draft Presidential Election Law, June 1998 on revised draft presidential election legislation at the request of Azerbaijan legislation drafters. Following passage of the law in mid-June, the presidential election has been set for October 11th. Again, the IFES commentary was delivered to Shahin Aliyev of the President's Apparatus.

Calendar Year 1999

Although previously scheduled to be held in 1997, municipal elections were re-scheduled for the fall of 1999. IFES Azerbaijan was requested by the President's Apparatus and the Milli Majlis (National Assembly) Committee on Local Government to assist in the development of Municipal and Municipal Election Law and subsequent rules and regulations for implementing the election process.

IFES Discusses Framework for Elected Municipal Government Legislation

With the arrival of Project Manager Alan Wall, IFES Azerbaijan entered into detailed discussions with the Parliamentary Permanent Committee on Local Government. Talks with Committee Chairman Zahid Qaralov focused on the comprehensive legal framework for municipal government in Azerbaijan. The four draft municipal election laws submitted to Parliament included those by:

- The Permanent Commission on the Affairs of Self-government
- The Popular Front of the Azerbaijan Republic
- The Musavat Party
- The Democratic Election Center.

IFES staff developed a comparative analysis of the four draft laws on municipal elections that was provided to the Milli Majlis. The analysis identified the major and minor differences between the various drafts and highlights the electoral concerns of various political forces. The sheer number of laws involved in putting municipal governance in place served to emphasize the amount of work that needed to be done to complete preparations in time for the introduction of the first fully elected local government structures planned for autumn 1999.

The proposed draft legal framework for municipal government included 14 laws and seven regulations, all of which were developed by the Permanent Committee. The laws consisted of four that defined municipal government bodies: on municipal elections; on the status of municipal bodies; on local referendums; and on determining municipal boundaries, amalgamating and creating new municipalities. A further ten laws dealt with the functions and powers of municipal government: management of municipal property; financial systems; municipal taxes; transferring current state property to municipal government; the status of municipal councilors; water supply; municipal lands; municipal services; municipal police; and the principles of mutual relations between municipal councils and organs of state. The seven proposed draft regulations dealt with other important local governance issues: a model charter for a municipal council; a model regulation on territorial self government; the establishment of a permanent Administrative Commission in each municipality; the establishment of a Coordination Council of Municipalities to represent municipalities at the state level; a code for council members; terms of office of municipal counselors; and a regulation on the Department of local Self Government within the President's Office.

IFES Assists Legislation Drafters and Comments on Municipal Government Drafts

IFES Azerbaijan was invited and attended the meetings of the Permanent Parliamentary Committee on Local Government held on April 26 and 29. At these meetings the status of local government and the latest draft laws on local government elections were formally presented and discussed under Chairman Zahid Qaralov.

IFES was the only international organization invited to these discussions. Those attending included: the Speaker and Deputy Speakers of the Milli Majlis; the Chair, Deputy Chair and Secretary of the Central Election Commission (CEC); the Mayor of Baku; representatives from the Department of Justice and the Supreme Court; and other permanent parliamentary committee chairpersons.

At these meetings, the first publicly released draft of the law governing the status of local governments was presented. It outlined a single-tier local government, with citizens determining whether they should have a separate local government, with no minimum restrictions on size, in their area. Significantly, it did not define the powers and functions of local governments, particularly how they would relate to local appointed organs of state that will continue to exist in parallel with elected structures. In addition, it did not address issues such as the determination of local government boundaries, nor fully define

9

the structure of local government in the two major cities – Baku and Gandja. These omissions were the subject of intensive discussion during the committee meetings. In addition, major changes discussed were:

- The election system proposed was to be solely majoritarian, using multi-mandate constituencies from each, of which three representatives would be elected. The previous proposal envisaged local municipal councils made up of representatives elected by a majoritarian system from single-mandate constituencies, and other representatives elected by local government-wide Proportional Representation of candidates from party lists.

- Unlike earlier proposals, political parties would play no part in these elections and have no rights to nominate candidates. The framework for nomination of candidates would allow self-nomination of individual 'independent' candidates, or nomination by local 'initiative groups of voters'. Leading opposition parties strongly indicated that these two significant changes in the framework were not acceptable to them.

Other significant changes included the devolution of operational control of elections to Territorial Election Commissions (TECs) in each local government area. Members of the TECs would be selected by lot from nominees. An open public meeting rather than an election would select representatives for municipal councils in local government areas with a population of less than 500 (estimated at between 10 and 25 percent of all local governments). More detailed findings can be found in IFES' Comments on the April 26 Municipal Election Law.

CEC and IFES Focus on Draft Municipal Election Legislation

During May 1999 IFES Azerbaijan met regularly with the members of the CEC responsible for drafting the legislation – Deputy Chair Nizami Zafarov and CEC member Sayyed Kerimov - to discuss the content. Information on the often-unsatisfactory operation of block vote election systems in the few countries that have used such systems was provided and discussed in detail. Other critical areas of election operations covered by the law, such as transparency of the counting processes, ballot paper design and controls, and regulations election campaigns, were also discussed in detail.

Throughout May several matters of major disagreement between IFES Azerbaijan and the Committee continued to be discussed at length. These focused on four issues:

- The block vote election system that has now been proposed;
- The support given in the legislation to the formation of economically unsustainable local governments based on very small populations;
- The provision that elections for local councils in local government areas with a population of less than 500 to be by open ballot at village meetings, which has been claimed to have been proposed in order to economize on election funding;

- The lack of clarity in the definition of the powers of elected local government councils vis-à-vis the existing appointed executive committees at regional and local levels.

IFES Azerbaijan Clarifies Functions of Municipal Governance

IFES provided more positive definitions of municipal functions and a legislative framework that would provide local power to municipalities; immediate drafting of acceptable subsidiary legislation to fill in the many gaps of the municipal status law; changing the emphasis of the law to creating sustainable municipalities, rather than large numbers of small municipalities; providing that all municipalities will have a municipal council, elected by secret ballot; and reconsideration of the appropriateness of the single tier model proposed for municipal governance.

On June 24, IFES provided consolidated written comments on the draft laws "On Status of Municipalities" and "On Rules for Elections to Municipalities" to the Chair of the Parliamentary Committee on Local Government, with copies to the Chair of the Central Election Commission, the Chief of the Parliamentary Staff, the Speaker and First Deputy Speaker of Parliament and the Director of the Department of Legislation and Legal Expertise in the Office of the President. The IFES analysis can be found in its Comments on Draft Laws of Rules for Municipal Elections, June 1999. Later in June these comments were discussed again, in detail, with the above recipients and members of the Central Election Commission.

A partial implementation of IFES recommendations regarding the direct nomination of political party representatives to TECs and RECs was offered, but insufficient to meet the 'political balance' model for election commissions recommended by IFES. IFES' recommendation that the proposed multi-mandate majoritarian system be discarded was accepted in principle. The law passed in July 1999.

IFES Invited to Present Comments on Reform of CEC Law

In early October 1999 a bill amending the current law on the CEC was introduced into the Milli Majlis. The bill contained amendments to the terms of office of CEC members, specifying a six-year term with one third of the 24 members being replaced every 2 years, and defined and amplified a number of other issues - including the functions of the CEC. The bill did not address the method of appointment or composition of the CEC. IFES provided oral and written comments to the Milli Majlis and to the Presidential Apparatus. A comparison table of CEC draft laws was developed by IFES staff. IFES compiled the draft laws in its Comparative Analysis of Four Draft Laws on the Central Electoral Commission.

<u>Calendar Year 2000</u>

11

During January, IFES Project Manager Alan Wall continued discussions with the presidential apparatus and CEC members on content of the parliamentary elections law, the amendments to the CEC law and proposals from opposition party members to amend the law on political parties.

IFES also had frequent meetings with senior officials of major opposition parties Musavat, Popular Front, and Azerbaijan national Independence Party, to discuss their approach to these elections and legislation. Major issues discussed related to reform of the CEC, and the opposition's proposals for the legal framework for the elections. IFES provided advice on international standards, and methods for ensuring that voting results from all voting stations be made widely and publicly available shortly after election day.

IFES Provides Commentary to Draft Law of the Azerbaijan Republic on Elections to the Milli Majlis

In March 2000, IFES Election Administration Consultant Tony Reissig, serving as Interim Project Manager after Alan Wall's departure, prepared extensive written comments on the draft parliamentary election law at the request of Shahin Aliyev, Director, Department of Legislation and Legal Expertise, Office of the President. Mr. Reissig identified significant. The lack of precise language rendered the draft unclear in aspects where clarity was critical to transparency and correct interpretation of concepts. Unduly restrictive elements to democratic election processes remained as well. The IFES analysis can be found in its Commentary on Draft Parliamentary Election Legislation, May 2000. Trefor Owen, formerly of the Australian Electoral Commission, took over as Project Manager in late April from Tony Reissig.

IFES Advises on the Draft CEC Law

Amendments to the draft reflected discussions between the President's Office, members of Parliament, international organizations and opposition parties. In May Trefor Owen suggested a number of positive amendments that assisted in obtaining final consensus. The final version met with positive responses from the international community.

The version of the 18-person CEC that the government finally supported had 1/3 government appointees, 1/3 opposition appointees with the last 1/3 drawn from independent lawyers with decisions by 2/3rds majority. The opposition did not like this model, but it had the advantage of getting them over the third they needed to block election procedures drafted by the CEC. It left them short of the numbers needed to get their own majority. With the support of 1/3 of the members, they would be able to block election procedures drafted by the CEC. (Later, in a July 19 decree, this balance was nullified.)

On June 28, Azerbaijan was admitted membership into the Council of Europe with the request that the Azerbaijan government continue to release political prisoners, to struggle against corruption, *to progress toward establishing a transparent and accountable system*

of government in preparation for the November Parliamentary elections, and address greater transparency and democratic principles in the legislation development process and election administration. Membership was considered an important step forward towards the sustainability of democracy in Azerbaijan.

IFES Continues Commentary on Passed Legislation: Elections to the Milli Majlis

In considering the admittance Azerbaijan into the Council of Europe, and the requests made to the country upon entrance, it was startling to follow the evolution of the parliamentary election legislation, its passage and subsequent decrees because in many ways the legislation and its implementation regressed following CE membership, particularly in election commission membership and leveling the elections playing field. IFES continued to build upon the work of Tony Reissig and Trefor Owen following Mr. Owen's sudden return to Australia in June. In reviewing the legislation passed July 5 and a Presidential Decree signed July 19, IFES continued to discuss sections of the new parliamentary election law with the president's apparatus, opposition parties and democracy non-governmental organizations. The comments made to the President's Office in Commentary on Parliamentary Election Legislation, August 2000 reflect IFES' view on articles including:

- Proportional (Single Multi-Mandate) candidate thresholds for election
- Party Registration and Nomination of Candidates
- Majority Candidate Signature Requirements
- Election Deposits
- Composition of Precinct Election Commissions.

B. Seminars and Roundtables

Calendar Year 1998

IFES Washington Initiates Roundtable Series

As it began its democracy work in Azerbaijan, in Washington IFES started what evolved into an open door policy for Azeris officials visiting the U.S. In May, the Europe & Asia Division invited a coalition of Azerbaijani opposition parties to discuss the upcoming presidential elections, the draft election law and the conditions in Azerbaijan for the election. Members of the visiting delegation were in the U.S. to gather political support and included representatives of the Musavat and Liberal Parties. Division Director Juliana Pilon, Sr. Advisor/Caucasus Phylis Greenfield, and Program Officer Jeffrey Carlson represented IFES at the roundtable.

IFES Azerbaijan Kicks off Country Involvement

Immediately after arrival in August, Project Manager Bill Damour, in conjunction with the U.S. Embassy, addressed a convocation of the Democratic Election Center. The newly registered NGO was comprised of forty-one participating organizations and parties. It was an opportunity for IFES to begin work on the upcoming elections with Azerbaijan NGOs. Under the new presidential election legislation, only registered Azerbaijani NGOs were able to observe at the presidential elections.

IFES Washington Participates in Meetings on Azerbaijan Elections

As the rhetoric surrounding the presidential elections heated up in both Washington and Baku in the fall, IFES Washington staff participated in meetings at the U.S. Department of State, National Security Council, the U.S.-Azerbaijan Chamber of Commerce, and the Embassy of Azerbaijan. IFES used these forums to explain the potential for increasing election transparency in Azerbaijan.

Calendar Year 1999

IFES Focuses on Legislation and Democracy Building

During the winter of 1999, Program Officer Michael Svetlik, acting as Interim Representative in the absence of a project manager, kept the IFES presence and work plan moving forward through meetings and seminars with Azeri and U.S. government officials, and local opposition and NGOs through meetings focusing on municipal governance and municipal election legislation, the time frame for new election legislation, and methods of election administration.

Meetings with key Azeri officials during this time included Committee Chairman Zahid Qaralov of the Parliament's Standing Committee on Municipal Affairs. IFES and the committee reinforced their commitment to work with each other, specifically with IFES providing legal advice to the committee as it drafted municipal governance and municipal election legislation. In another key meeting, IFES met with Safa Mirzayev, the Chief of Staff of the Milli Majlis, and chief drafter of municipal governance and election legislation to discuss legislation issues.

In March 1999 new IFES Project Manager, Alan Wall continued the dialogue with local democracy and civic NGOs as a means of supporting the municipal elections expected later this year. In addition to supporting their commitment to democratic elections, areas of mutual cooperation were explored with the Support Center for Democratic Elections (SCDE), the Azerbaijan Fund for Democratic Development (AFDD), affiliated with the Popular Front), the Center for Democratic Elections, and the Society for the Protection of Rights of Azerbaijan Women after D. Aliyeva.

Dialogue Opens with Legislation Drafters for Municipal Elections

Alan Wall continued the dialog with governmental bodies through discussions on development of electoral frameworks. These included CEC Chairman Jafar Veliyev, Deputy Chairman Nizami Zafarov, Zahid Qaralov and Huseyn Sevdin (Parliamentary Standing Committee on Local Government). All meetings focused on the progress being made in amending legislation governing the composition and functions of the CEC, and the election and operations of municipal councils.

Washington Seminars with Azeri Political Leaders: on Municipal Governance

IFES Washington conducted a seminar in March for USIS-sponsored Azeri Municipal Governance Program visitors. Held at IFES Headquarters in Washington, the group of twenty election officials, NGO leaders and parliamentarians discussed local governance and democratic election processes with IFES President Richard Soudriette, District of Columbia City Council Member Carol Schwartz, Director of Europe and Asia Juliana Pilon, and Senior Advisor/Caucasus Phylis Greenfield. Later in the month, IFES Washington staff met with opposition leaders Rasul Guiliev, exiled Chairman of the Azerbaijan Democratic Party, and Isa Gambar, Chairman of the Musavat Party.

Meetings Held with Opposition Leaders

During April, IFES Azerbaijan met with leading figures in opposition parties and affiliated NGOs. Alan Wall and Project Assistant Farida Babayeva held highly constructive meetings with Isa Gambar, Chairman of Musavat Party and with Etibar Mamedov, Chairman of the Azerbaijan National Independence Party, as well as with two leading figures allied with the Popular Front Party – Assim Mollazade, President of the NGO Euro Atlantic Center, and Sabit Bagarov, President of the NGO FAR. At these meetings IFES demonstrated its commitment to wide consultation on electoral and governance issues. In turn, these leaders welcomed the involvement of IFES in the preparation for the planned upcoming local government elections.

IFES Washington Briefs Foreign Service Officers

On June 13, at the National Foreign Affairs Training Center outside Washington, DC, Phylis Greenfield and Michael Svetlik briefed Foreign Service Officers assigned to Azerbaijan, Armenia, and Georgia and deploying this the summer. Mrs. Greenfield and Mr. Svetlik presented an overview of IFES election support activities in the Transcaucasus, including on-going support to the Milli Majlis with municipal election legislation in Azerbaijan. This outreach effort provided these State Department officials with additional perspectives regarding programmatic support of U.S. foreign policy goals.

IFES Participates in ODHIR/Milli Majlis Roundtable on Legislation

On November 16, Alan Wall attended the roundtable on the draft amendments to the law on the CEC jointly sponsored by OSCE/ODIHR and the Milli Majlis. The roundtable was attended by senior government and parliamentary officials, senior officials of government-supporting and some opposition political parties, representatives of OSCE/ODIHR, IFES and NDI, and a large number of representatives of local NGOs. This meeting set the stage for the legislative work on the CEC that would take place in 2000.

IFES Presents at ANIP Conference on Local Government

Later in November, Alan Wall presented a paper on the block vote election system to be used for Azerbaijan's first municipal elections to an international conference on Right-Center Perspectives on Local Government, sponsored by the Azerbaijan National Independence Party. Speakers presented other papers at the conference from the UK, Bulgaria and Azerbaijan, on election and governance issues confronting local government.

Calendar Year 2000

Municipal Governance Assistance Discussed

At the beginning of 2000 IFES Project Manager Alan Wall discussed cooperative measures that could be taken to assist new municipal structures to operate effectively and to institute open links between local communities and elected and appointed municipal officers with many government and independent organizations. These included the Azerbaijan President's Office, representatives of the European Commission, the Permanent Parliamentary Commission on Local Government, and other international NGOs such as the Open Society Institute.

IFES Prepares for November 2000 Parliamentary Elections

During February, IFES Washington staff and other international organizations met at the International Republican Institute (IRI) headquarters in Washington with senior officials from major opposition parties -- including Musavat, Popular Front, and Azerbaijan National Independence Party -- to discuss the fall 2000 November parliamentary elections. Talk focused on the need for international assistance in improving the climate for a transparent and fair election process, the parliamentary election framework, CEC and political party laws, opposition cooperation for the parliamentary elections, and effective methods of obtaining accurate election results from the 2000 parliamentary elections.

OSCE/ODHIR Conducts Conference on the Draft CEC Law

In June, new IFES Project Manager Trefor Owen participated in a round table organized by OSCE/ODIHR on the draft Central Electoral Commission Law. The conference included opposition members, Members of Parliament, members of the ruling party and representatives of the President, and focused on the structure of the CEC, a highly controversial element of the legislation. One model put forward included 18 members; 1/3 government, 1/3 opposition and 1/3 selected from a list put forward by independents. IFES continued to work closely with ODHIR Legislative Advisor Nikolai Vulchanov and members of the opposition in discussing elements of the CEC law both before and after the round-table.

IFES Washington Briefs World Bank

In June, Phylis Greenfield met with the World Bank Caucasus team to discuss Azerbaijan fall parliamentary elections, civil society development, election reform and local governance. During the discussion areas of mutual interested were examined, particularly civil society building as the World Bank will be establishing a project in Azerbaijan. The two organizations discussed country needs, cultural considerations in project methodology and training design to disseminate information and develop understanding in citizens outside Baku on democratic principles, citizen rights and responsibilities in addressing reform.

C. Technical Support

Prior to the establishment of the IFES Azerbaijan office and the initiation of the IFES/USAID Cooperative Agreement, IFES deployed an election technical assistance team to Baku. The team consisted of Legal Advisor Mark Braden, Election Administrator Tony Reissig and Senior Advisor/Caucasus Phylis Greenfield. While in country, the team assessed the election environment, analyzed draft election legislation and the state of the Central Election Commission (CEC). They met with U.S. and Azeri governmental officials, opposition parties, local NGOs and the international community. Initial analysis concluded that technical assistance to the presidential elections would assist the evolution of democratic elections. The initial work plan included training for election officials to administer the new Presidential Election Law, voter education and other election support initiatives including the conduct of a National Opinion Survey.

During this assessment, IFES initiated discussions with Shahin Aliyev, Director of the Department of Legislation and Legal Expertise of the President's Office, Fuad Alekserov, Chief of the State Law Department, Ali M. Hasanov, Chairman of the Socio-Political Department, Office of the President, Jafar Veliyev, Chairman of the Central Electoral Committee (CEC), and Zahid Qaralov, Chairman, Parliamentary Standing Committee on Local Government, and leaders of opposition parties and local NGOs.

In August, IFES established a permanent presence in Baku and opened its office. Initial IFES work in country was headed by Project Manager Bill Damour.

1. Election Support

Calendar Year 1998

Support to the October 12 Presidential Elections, 1998

IFES assistance for the conduct of the presidential elections utilized an integrated approach which included election official training, the development of an election day manual, and a national voter education campaign, international election observer training

and election-day observation. To implement this work, IFES put in place an election support team consisting of:

Bill Damour, IFES/Azerbaijan Project Manager
Diana Cepeda, Voter Education Consultant
Gwenn Hofman, Trainer
Juliana Pilon, Director, Europe & Asia
Phylis Greenfield, Sr. Advisor/Caucasus
Chris Holzen Project Manager, Georgia
Farida Babayeva, Project Assistant

Training to Territorial Election Officials

IFES supported the CEC with intense training to Territorial Election Commission officials (TECs) on the administration of the new presidential election law. Gwenn Hofmann and Bill Damour, together with OSCE/ODIHR's Roumen Maleyev and Simon Osborn trained TEC chairmen and secretaries in 80 out of 82 territories. After completion of their training, the officials trained their own TEC members, who in turn trained 45,000 Precinct Election Commission (PEC) members to administer the new election law in a cascading training sequence.

Joint IFES/OSCE Development of an Election Day Manual Support the CEC

Of equal importance to the numbers trained was the development by IFES and OSCE of the election-day manual by Gwenn Hofmann, Bill Damour and OSCE/ODIHR's Roumen Maleyev. Adopted by the CEC as the official operations manual and used by the PECs on election day. The combination of effort in developing the 25-page manual provided the approximately 45,000 PEC officers with their first-ever election-day administration manual.

Voter Education

Beginning in early September and continuing up to election day, IFES Voter Education Consultant Diana Cepeda launched a voter education campaign in consultation with the CEC. The national operation used print and televised messages focused at explaining new voting processes to Azeri citizens under the new presidential election law. Together with local production companies, Ms. Cepeda produced eight 60-second television spots. The spots educated voters on the use of the mobile ballot box, voting procedures for refugees and internally displaced people, the need for individual (not family) voting, proper use of the new ballot, the role of election observers, and the details of the counting process. IFES also worked with the state television channel to conduct a live forum with members of the CEC that was broadcast across Azerbaijan. The hour-long program provided an opportunity for voters to pose questions to the members of the CEC via telephone.

IFES' print campaign included brochures illustrating proper voting procedures for internally displaced persons (IDPs) and documentation required for identification. Distribution of the brochure included IDP camps as well as the cities and regions of Azerbaijan. Other educational materials produced by IFES included two posters for each polling station – one outlining the steps for voting and the other depicting the correct marking of ballots.

IFES Assists Election Observers

IFES Azerbaijan provided training on the election process according to the new law to international observers monitoring the elections. Copies of the election manual were also distributed to the observers. IFES briefed OSCE, the National Democratic Institute (NDI) and the International Republican Institute (IRI), as well as group of Central Asian election officials in an Academy for Educational Development participant training activity.

IFES Observes Presidential Elections

During the election, IFES Azerbaijan observed election officials to assess the implementation of training received and the impact of the IFES voter education campaign. It was clear to all on the observation teams -- Juliana Pilon, Phylis Greenfield, Bill Damour, Chris Holzen, and Farida Babayev -- that the voting process was flawed. However, the IFES team, deployed to both urban and rural precincts, including IDP camps, universally noted that an effort was being made to adhere to the new law in some of the more obvious legal reforms such as family voting, security regulations, posted candidate platforms and secrecy of the ballot.

Post Election Action: Election Complaint Adjudication and Resolution

Following the election in October, continuing through the remainder of the year and into the new year, IFES/Azerbaijan monitored the CEC's handling of election complaints. The CEC was not forthcoming with information about complaints filed following the election or in their resolution. By the end of December, the CEC had provided no information concerning the resolution of complaints.

IFES Assists in Procuring Ballot Numbering Machines

In an effort to increase transparency and confidence in the voting process, the CEC, in September, adopted procedures to consecutively number ballots. The CEC discovered only two weeks before the election that the technical equipment to accomplish the numbering of the ballots was not available in Azerbaijan. Through a joint effort, the CEC, Presidential Apparatus, Customs Office, British and American Embassies, IFES Azerbaijan, Pierce Equipment of Nashville, TN, and the Azerbaijani Government printing house joined together to purchase, transport, and install two rotary numbering machines. While these machines unfortunately arrived too late for use in the October

election, The Azeri government assured the international community they would be used in future elections.

IFES President Richard Soudriette formally conveyed the one of the numbering machines to CEC Chairman Jafar Aliyev in a letter advising that with funds from USAID, IFES had transferred to the CEC $36,600 to cover the cost of a ballot numbering machine purchased in October 1998 by the CEC. The Azeri government stated to both the U.S. and British governments at the time of purchase that it intended to use the machines and number ballots for all future elections in Azerbaijan as an aid to increasing transparency in the election process and decrease fraud. They were not used in any of the succeeding elections in 1999 or 2000.

Calendar Year 1999

Election Complaint Adjudication Pursued

IFES Azerbaijan continued to make requests to CEC provide information concerning the election violation complaints filed by candidates and others following the October 1998 Presidential Election. Despite this sustained monitoring effort, the CEC provided no information concerning the resolution of complaints.

Election Support to the December 12 Municipal Elections, 1999

The first municipal elections in Azerbaijan, due in 1997 under the current Constitution of the Azerbaijan Republic, were held on December 12 1999. Elections were held in 2665 municipalities, for municipal councils varying in size between 5 and 19 members, depending on the population of the municipality. There were 21,087 municipal councilor positions for which these elections were held - under a multi-mandate majoritarian (or block vote) system. On December 13 the CEC announced that 52.6 percent of the voting population had participated in the elections.

In order to enhance transparency of the December election process, IFES Azerbaijan collaborated with the CEC, to develop programs in voter education and training, in addition to providing technical assistance in all aspects of election administration. To implement this work, IFES put in place an election support team consisting of:

Alan Wall, IFES/Azerbaijan Project Manager
Brenda Oppermann, Voter Education Consultant
Catherine Barnes, Voter Education Consultant
Gary Oulette, Begin, Trainer
Michael Svetlik, Program Officer/Caucasus
Farida Babayeva, Project Assistant
Shahla Mahmudova, Office Manager
Afig Jahangirov, Project Assistant
Eldar Babayev, Logistics Coordinator

IFES Wages Voter Education Campaign

IFES Voter Education Consultant Brenda Oppermann together with Alan Wall developed and implemented an extensive education campaign for the December 12 municipal elections. IFES coordinated the efforts of a number of NGOs and worked in conjunction with UNDP to produce a unified education and information campaign in collaboration with the CEC. Voter education products were funded by Internews, the Open Society Institute, the UK government, and IFES.

The first of a series of 10 video PSAs were shown on air beginning in late October. On the same day the first of a series of over 30 print media advertisements was carried by major national newspapers. The initial advertising focus was on the concept and functions of municipalities -- a new institution in Azerbaijan.

IFES voter education activities in support of the local elections concluded in December. Television PSAs were run for up to 25 minutes per day on State and private TV channels. Supplies of pamphlets on municipal functions and voting procedures, election stickers and coasters, and voting procedures posters were distributed to tertiary education institutions, other institutions such as polyclinics and hospitals, and retail establishments in early December. Plastic tote bags printed with voting day reminders were distributed to bazaars and retail establishments throughout Azerbaijan in early December.

The IFES-developed posters showing the voting process in five simple steps, and advising voters how many candidates they could vote for, were prominent in all voting stations on voting day. Many were observed displayed in TEC and PEC premises in the weeks leading up to voting day.

The success of the voter education campaign, especially in regional and rural areas, was exemplified by the high level of knowledge of municipal functions and election procedures shown by local residents interviewed for the three municipal elections TV shows produced jointly by IFES and Internews. The second and third of these shows were finalized and put to air on State and private TV channels in the first two weeks of December.

IFES Produces Voting Day Guide for PEC Members

Following intervention from the office of the President, the CEC agreed to work with IFES on a Voting Day Guide for PEC Members. The 14,000 copies of the Guide -- approximately three per voting station – were distributed by the CEC during regional training sessions for PEC members. IFES printed an additional 10,000 copies which were immediately distributed to local organizations – NGOs and political parties – with observers accredited for these elections, so that they would also be fully aware of the approved voting and counting procedures. International observers noted that in all voting

stations visited on voting day the Guide was in use by local observers, and had been distributed to PEC members.

IFES Advises the CEC on Counting Procedures

In October, IFES advised the CEC on the development of instructions for the conduct of voting and ballot counts, the format and contents of ballot count result protocols for PECs and TECs, and the design of the ballot paper for the December municipal elections. IFES closely coordinated its work in this area with OSCE/ODIHR to present joint comments and proposals to the CEC.

IFES Assists Election Observers

Over 28,000 local observers and 33 international observers were accredited by the CEC to observe these elections. Local observers represented registered political parties and NGOs. International observers included delegations from the Council of Europe, the Turkish Parliament, and representatives of international organizations in Azerbaijan. IFES provided election technical and observation reference materials for international observer delegations.

IFES Observes Municipal Elections

During the election, IFES Azerbaijan observed the elections to assess the implementation of training received and the impact of the IFES voter education campaign. No report was issued. Observers for IFES on election day included Alan Wall, Michael Svetlik, Farida Babayeva, Shahla Mahmudova, Afig Jahangirov, and Eldar Babayev. It was clear that the voting process was significantly flawed. An unscientifically selected sample of 27 out of 4683 voting stations does not give a high level of confidence in any overall judgment about the elections. In addition, for the count of ballot papers, only one voting station was observed. However, the findings of the IFES teams were fully consistent with what was reported publicly by the Council of Europe delegation, and in debriefings by teams from NDI and IRI. These findings noted that there was consistent evidence of the following:

- Poor security on and management of unused ballot papers, providing significant opportunities for ballot box stuffing and multiple voting;
- Unauthorized persons present in the polling stations;
- During the count of ballot papers, significantly more ballot papers were found in the ballot box than there were voter receipts for receiving a ballot paper – evidence of ballot box stuffing;
- Unauthorized use of the mobile ballot box.

IFES observed instances of voters receiving more than one ballot paper, and one municipality where the ballot paper was improperly printed and the election should have

been totally annulled. Notes on the election observation can be reviewed in Conduct of the Municipal Elections, December 1999.

Calendar Year 2000

As the election process concluded, the CEC announced that repeated elections were to be held on March 26, in 76 municipalities where the required minimum turnout for election validity (25 percent of voters) was not achieved.

Election Support to the March 26 Municipal By-Elections, 2000

IFES provided voter information in support of the March 26 municipal by-elections and subsequently observed the results.

Voter Information Provided

In cooperation with the CEC, IFES increased voter information and transparency through the production of voter education materials and Precinct Election Day guides. The voter education campaign provided clear concrete information and materials that resulted in better informed voters on election day.

IFES Observes March 26 Municipal Repeat Elections, 2000

The repeat municipal elections were held in 76 municipalities where the required minimum turnout for election threshold (25 percent of voters) had not been achieved in the December 1999 election. Two IFES teams conducted the observation, visited 18 precincts and reported no serious irregularities. Voting stations were generally set up in the prescribed fashion, although voting compartment allocations were often insufficient for peak periods, and not all PECs managed to control the waiting crowds properly during these peaks. Information materials prepared by IFES were generally prominent in the voting stations, though not all had placed ballot-marking posters in the voting compartments. Minor irregularities included family voting. Some ballot papers were distributed prior to voters entering voting booths, which allowed voters to mark ballots in public, and in some precincts unauthorized persons were present in the polling stations. Initial reports indicated that 75 of the 76 municipalities achieved the 25 percent threshold.

Azerbaijan Results Center – ARC

IFES worked with other U.S. and international organizations on the advisory committee to assess and develop plans for a parallel vote count center, a concept first suggested by the Azerbaijan National Independence Party and initially developed by Alan Wall, former IFES Azerbaijan project manager.

Development of plans, including a feasibility study, continued over the spring within the international community. At a meeting of the European Ambassadors and U.S.

Ambassador, Ramiz Mehdiev of the President's Office gave verbal agreement to the Azerbaijan Results Center. In July the U.S. government sponsored Consultant Neil Nevitte to assess the feasibility of implementing such a parallel voter verification center on election day in Azerbaijan. Despite high hopes for a results center, the plan did not go forward.

Election Support to the November 5 Parliamentary Elections, 2000

Following adoption of the Law on Parliamentary Elections, President Haydar Aliyev announced that elections to the Milli Majlis would be held on November 5th, 2000. Under the newly adopted law governing the conduct of these elections, voters would chose parliamentary representatives under a majoritarian system in 100 election constituencies, while another 25 representatives will be chosen on a nation-wide party list ballot on a proportional basis. Under the law, political parties or blocks receiving at least six percent of the party list vote would gain representation in the Milli Majlis.

In August, in consultation with the new CEC Chairman Mazahir Panahov, IFES determined to provide support to the November 5 elections through the provision of technical assistance to the CEC including:

- Technical advice in the administration of the elections under the newly enacted parliamentary election law;
- Election administration training;
- Jointly administration of a national voter education campaign (partially supported with funds and technical expertise from the British Embassy's Good Governance Fund and Internews).

To implement this work, IFES, in the final days of the Cooperative Agreement, assembled an election support team consisting of:

Elsie Chang, IFES/Azerbaijan Project Manager (Acting)
Micheline Begin, Election Administration Consultant
Amanda Weisbaum, Voter Education Consultant
Michael Svetlik, Program Officer/Caucasus
Shahla Mahmudova, Office Manager
Afig Jahangirov, Project Assistant
Eldar Babayev, Logistics Coordinator

Advice and Guidance to the CEC

As the CEC prepared for the November election and at the close of the Cooperative Agreement, Micheline Begin, working continuously and cooperatively with the CEC, began providing technical recommendations in key areas, including:

25

- Development of administrative procedures;
- Adoption of regulations;
- Participation of domestic and international observers;
- Establishment of a uniform vote counting and results calculation system;
- Creation of an election complaint adjudication process;
- Ballot design, accountability, distribution and security.

Cascading Training Plan

Working closely with the CEC, IFES began designing a cascading Training of Trainers program for election commission members. This included the Elections Day Guide as a resource for the elections commissions at all levels. This support aimed to increase transparency in the election administration process and improve adherence to international standards of democratic elections.

IFES and the CEC Collaborated on Voter Education Campaign

In mid-September, Amanda Weisbaum began work on the joint voter education campaign in support of the parliamentary elections. This collaborative effort would later include the production of both electronic and print materials to inform voters of election procedures under the newly enacted election law. With the support of Internews through TV production assistance, six public service announcements were developed. Print materials were part of the campaign design and included brochures and posters.

2. Ongoing Support and Technical Development Work

IFES Provides International Community with Translations

The continual translation and distribution of materials from Azeri or Russian to English was a major contribution to the transparency and communication process. Throughout IFES' two-year tenure in Azerbaijan the IFES/Azerbaijan staff translated legislation drafts, passed legislation, regulations, decrees, comments and other documents concerning elections and democracy development. These were accomplished as quickly as careful and accurate translation allowed once original documents were made available. Translated texts were usually reviewed cooperatively with other international organizations to ensure the accuracy of the translations. Translations were then shared with all in the international community. Specific translation titles are included under

National Public Opinion Survey

At the request of U.S. Ambassador Stanley Escudero, IFES conducted a national public opinion survey in Azerbaijan in October and November 1998 following the presidential elections. The survey provided indicators of citizen satisfaction with overall democracy and governance, economic satisfaction indicators, and trust in the government and

electoral system. This survey was pioneering effort for two reasons: it was the first authentically national survey of public opinion in the country's history, and it was the first survey to focus on attitudes toward the political and economic transition occurring in Azerbaijan. As such, the survey provided a baseline against which future surveys could be judged, and therefore was to have been an important contribution to social science research in Azerbaijan, quite apart from the results of particular questions.

Interviews were conducted with a sample of 1000 randomly selected adults that was nationally representative of the entire population. Interviews were conducted in all regions of the country, in both urban and rural locations. The survey design and questionnaire were developed IFES Survey Specialist Steve Wagner with sample design and interviewing accomplished by the private firm SIAR in Baku. IFES sought to derive meaningful generalizations about the Azerbaijani population by examining patterns of responses to key questions and aggregating the data in a final step through a technique known as cluster group analysis. The survey assessed:

- The public's degree of political liberalism, measured by their embrace of democracy;
- The public's degree of economic liberalism, measured by their embrace of a market economy;
- The public's degree of satisfaction with the performance of government at various levels including officials' responsiveness to public opinion and respect for individual rights;
- The extent of public satisfaction with the circumstances of their country today measured by various questions on the economy and the situation in Azerbaijan in general;
- The relative degree of public aversion to or enthusiasm for change; and
- The extent of information consumption and awareness of public policy.

These indicators, based on IFES experience in conducting more than a dozen surveys in former Soviet republics, yield a robust portrait of the public opinion landscape, as far as the political and economic evolution of the nation is concerned.

Because the survey was done at the request of the U.S. Embassy, there were certain steps in the public release of the results that were followed, and indeed, at the request of the U.S. Embassy the survey results were never released. The results were to be released, pending clearance by President Haydar Aliyev. Due to a number of circumstances, including the health of the Azeri president, the results were never made public, nor was the survey ever presented to the President by the Embassy. IFES distributed the completed study to USAID in February 1999, and Steve Wagner provided USAID and the Embassy with a series of briefings on the survey in April 1999 in Baku. While the survey would have provided key indicators to the Azerbaijan government, to the U.S. government, to international organizations and to the Azerbaijani public signaling growth or needs for democratic practices, this was not realized

IFES Civic Education Project Serves Citizens and Municipal Governance

The Civic Education Project conducted by IFES Civic Education Specialist Elsie Chang delivered civic education about municipal governance and the fall parliamentary elections to Azerbaijani citizens at the community level. An important aspect of the project was the assessment of local municipal officials. The activity strengthened citizens' understanding of their role in municipal governance in 64 communities.

Using lessons learned from other IFES civic education activities in Bosnia and Herzegovina and Georgia, the Azerbaijan civic education program began with an extensive training program for six Azeri trainers. Following six days of training on the legal framework of the municipal elections, adult education theory, public speaking techniques and interactive training strategies, the trainers traveled in pairs to organize and meet with citizens in groups of 15 to 50 in communities in the regions of Baku, Guba, Ismalli, Shaki, Ganja, Tovuz, Shirvan, Astara, and Lenkoran. The meetings included discussions on:

- Municipal laws, municipal mandates and responsibilities of elected municipal officials;
- Citizen activism in their municipalities; and
- Citizen questions concerning municipal functions.

Community Meetings Identify Citizen Information Needs

The meetings identified a dearth of objective information available to the public about politics and governance and, especially, local governance. As a result there is a strong need for a country-wide grassroots civic education program focused on Azerbaijani citizens. The installation of new municipal structures has focused attention on the public's need for basic information and understanding about local self-governance and the role and responsibilities of both elected leaders and citizen participants.

Elected Officials Interviewed

Concurrent to the community citizens meetings, Elsie Chang interviewed elected municipal officers on establishing charters, municipal working groups, municipal land and property, taxation programs, and collecting tariffs. Elected municipal members were often unclear about their mandates, their municipal rights, and their responsibilities. Compounding the challenges faced by elected municipal members is the overlying parallel structure of Government of Azerbaijan appointed local Executive Authorities. An additional problem was the legislative framework of municipal laws that provided municipality's residual powers and unclear timelines concerning the collection of municipal revenues. During the first phase of the assessment, IFES identified a core group of municipal councilors that

demonstrated initiative, innovation and determination to succeed in implementing municipal governance.

D. NGO Support and Development

Coordination with International NGOs Operating in Azerbaijan

In the spring of 1999 Project Manager Alan Wall began meeting with several international NGOs working in the democracy and governance field in Azerbaijan to exchange information on current developments and work plans and to coordinate future activities. Discussions with ISAR and the Eurasia Foundation focused on the roles of local NGOs. In addition, IFES discussed enhancing the complementary aspects of their respective democracy and governance programs with NDI, IRI, the American Bar Association and the Friedrich Neumann Foundation. IFES continued to coordinate and cooperate in election reform work with OSCE/ODIHR as well.

Seminars for NGOs and Candidates

In conjunction with Baku Executive Authority, IFES training consultant Gary Oulette presented, in each of the districts of Baku, a series of seminars for NGOs and candidates from political parties and voter initiative groups, on international models of local government elections, functions and operations.

NGO Support in the Municipal Elections

IFES continued to provide assistance to domestic NGO's that were recruiting and training observers for the municipal elections. In conjunction with NDI, the Open Society Institute and the Eurasia Foundation, IFES provided technical assistance for drafting training materials and conducting observer training sessions to the independent NGO "For the Sake of Civil Society." Materials and presentations on observation methodology and international standards in election observation were provided others who participated in monitoring election activities. This assistance focused the development of a manual/reference book for the NGO's estimated 3000 election observers, associated checklists and report forms for observation; and assisting, with NDI, in the development and presentation of training sessions for FSCS observers and regional managers.

Continued Mentoring Supports the Development of Civil Society and NGOs

IFES continued to support local NGOs and organizations such as the private Azerbaycan University by advising on how to make new municipal structures work for the population and how such groups can participate in the process of governance. IFES began participating in the university's regular Sunday democracy-oriented seminars and shared views on legislative development. These discussions were open to local NGOs as well as to students.

Azerbaijani NGOs had access to the IFES Resource Center which provided material and information. The Center contained over 2000 documents regarding civil society development and legislation, election laws, and election manuals, examples of forms and procedures, and anti-corruptions initiatives.

E. Manuals, Commentaries, Comparative Materials, and Media Products

Calendar Year 1998

Translation: Draft Presidential Election Law

Commentary on draft Presidential Election Law, May 1998

Commentary on draft Presidential Election Law, June 1998

In support of the 1998 presidential elections, IFES produced:

- Official CEC Training Manual for the Presidential Election (Azeri, English)
- 150,00 voter education brochures (Azeri, English) illustrated the steps to follow in casting a ballot
- 10,000 posters on proper voting procedures (Azeri)
- 5,000 posters on correctly marking ballots (Azeri)
- 8 60-minute TV PSAs for voter education (Azeri)
    - *Voting Process*: explain and demonstrate the steps to voting and the required documents;
    - *No family voting*: informed voters in a humorous manner the change in the electoral law that did not permit for one family member to vote for the entire family;
    - *Mark your ballot correctly*: this spot focused on educating voter on the acceptable markings of the ballot;
    - *Your vote is secret*: stressed that voters had a right to a secret ballot;
    - *The role of observers*: explained the different and important roles of the international and local observers in guaranteeing integrity and transparency in the process;
    - *Mobile polling stations*: this spot provided information on the mobile polling station and how to have access to one;
    - *Refugee voting*: this spot provided specific information for the refugee population on how and where to vote;
    - *Counting process*: informed voters on how their vote will be counted emphasizing the role of security in ensuring accuracy.
- 1 televised town hall forum on the presidential elections
- IFES briefing book for the Azerbaijan presidential election

Calendar Year 1999

Comparisons of Draft Laws On Municipal Elections

Translation: CEC law of the republic of Azerbaijan (translation into English)

National Public Opinion Research Survey

Briefing papers on municipal election and municipal governance legislation. Series of four briefing documents (English)

Commentary/Consolidated written comments on the draft laws "On Status of Municipalities" and "On Rules for Elections to Municipalities" to the Chair of the Parliamentary Committee on Local Government (Azeri and English).

Materials developed in support of the municipal elections. IFES augmented its own production effort through leveraging funds from other international organizations. This effort included the collaboration with the British Know How Fund, the Open Society Institute and Internews. This resulted in the use of an additional $48,000 to produce additional voter education materials.

- Election Day Guide (24,000 copies of a 24-page manual, 3 per PEC [also distributed to other local organizations – political parties, local NGO observer groups (Azeri, English);

- Ten video PSAs, on municipal functions and municipal election related issues (Azeri), (Produced by IFES in collaboration with Internews);

- Print media advertisements (30) and information articles (4) carried by major national newspapers (Azeri);

- Seven hundred fifty-thousand copies of two pamphlets – 1 on municipalities and their operations, another on voting procedures (Azeri), (Produced by IFES in collaboration with Open Society Institute);

- Giveaway products reinforcing the election's main messages. These include: coasters (100,000), plastic carry bags (100,000), and stickers (100,000) (Azeri), (Produced by IFES in collaboration with British Know How Fund);

- Series of posters (3) for precincts explaining the voting procedures (Azeri).

IFES also assisted:

- The Open Society Institute in the development of a wallet card detailing municipal functions;

- Internews in the development of a series of 3, fifteen-minute programs of 'person in the street' regional interviews on municipal election related issues.

- Local NGO Center for Humanitarian Research and the Norwegian Embassy in the production of a booklet for candidates providing a practical guide to the law and

other issues; and coordinating with UNDP in developing their voter education products.

Comparison of Draft Amendments to the CEC Law

Calendar Year 2000

In support of the March 26 Bi-elections, IFES produced:

- Voter Education (produced in Azeri)
  - Video PSAs, on municipal foundations and municipal election related issues
  - Series of posters (3) for precinct explaining the voting procedures

- Election Day Guide (500 copies of a 24-page manual)

Translation: Election Law (into English)

Translation: Decrees governing the structure of municipal actions on: municipal service; charters; property; transfer of property; finance; and local opinion surveys

Translation: Democratic Congress draft of Parliamentary Election Law

Translation: Draft law on Political Parties

Translation: Law of the Azerbaijan Republic on Elections to the Milli Majlis, Drafts 1, 3

Comments On The Draft Parliamentary Election Law

Translation of Law on Elections to the Milli Majlis (final version)

Comments on adopted Law on Elections to the Milli Majlis

1500 copies of Municipal Governance Civic Education Brochure (English, Azeri).

Materials and products produced for the November 5 parliamentary elections were developed after the Cooperative Agreement was completed, and are not listed here.

F. Resource Center Development and Material Dissemination

In spring 1999, electoral legislation from 60 countries was added to the fledgling Baku Resource Center. The Resource Center, in addition to maintaining copies of election legislation and other democracy and election building works, distributed copies of the Administration and Cost of Elections (ACE) Project CD-ROM to both government bodies developing election frameworks, and to other international NGOs providing electoral assistance in Azerbaijan.

As the Resource Center continued to collect materials, it began distributing information to political parties, local and international NGOs and government authorities. Given the current debate on municipal election laws, much of this information related to the topical subject of election system design and election commission composition. Electronic indexes of the Resource Center's holdings of electronic materials were completed and distributed to the offices of government authorities, local and international NGOs and political parties.

Later, during January 2000, research by IFES Azerbaijan staff resulted in the addition of several hundred new electoral and governance related information documents in electronic format being available in IFES' Baku Resource Center. A CD-Writer was added to the equipment in the Resource Center. It permitted large amounts of information to be placed on CDs instead of numerous disks, thus making information more accessible and manageable for those requesting information. At the conclusion of the Cooperative Agreement, the Center held about 2000 documents including electoral related laws, election manuals, examples of election forms and procedures, election observation reports and recommendations, anti-corruption initiatives, public management reform and performance issues. This information is not available anywhere else in Azerbaijan, indeed the Caucasus, and is the primary source of information on democracy and election development.

III. SIGNIFICANCE OF ACTIVITIES

Under the exemption to Section 907, democratic support activities are encouraged by the U.S. Government. IFES was the only American organization providing continuous democratic election support to the Azerbaijan government. The impact is that the government received a sustained and continuous message in democratic election legislation advising and election administration.

IFES consultation on election legislation increased the transparency of its development and exposed the Azerbaijan government and others involved in legislation creation to international standards of transparency and integrity in democratic elections. A strong, trusted partnership on election matters was built.

Legislation Commentary Raises Azerbaijani Awareness of Election Standards

IFES commentary, throughout the length of the Cooperative Agreement, addressed key articles in election legislation and governance -- including articles on the CEC which affected transparency of the election process and insurance of citizens' and political parties' equal participation in the electoral process. IFES' prepared comments, as well as those of other international organizations, significantly encouraged Azeri leaders to modify the electoral legislation.

Although not all of IFES comments were included in final legislation, the Azerbaijani government was well aware of international standards for election legislation and municipal governance. IFES contributed to this reinforcement in a very tangible way through broad provision of legislation commentary and participation in discussion with the President's Office, Parliamentary Committee on Local Government, members of the CEC, local and international NGOs and opposition political party leaders regarding the draft legislation.

Technical Assistance to the CEC Increased Awareness, Skills, and Knowledge

The CEC felt the impact of continued and consistent U.S. technical support to increasing the transparency in the election process, regardless of whether they were prepared for that increased transparency. This reinforced the precept that there are universal standards for democratic elections, and if a country purports to adopt democratic election principles then such standards will be applied by the international organizations invited to work with the host government.

Election Day Guides for Elections, 1998-2000

Producing the first ever election training manual, IFES provided the CEC, TECs and PECs with a concrete and consistent set of instructions for administering elections according to the new law.

Voter Education Provided Information on New Election Processes.

In cooperation with the CEC, IFES made a significant impact in field of voter education and information. The multi-media campaign provided the Azerbaijani voters with clear and concrete information materials that resulted in voters that were better informed of their rights and responsibilities during the elections. Citizens received consistent and accurate messages about new election procedures.

Training to Election Officials Increases Consistency in Administration

Azerbaijan election officials at all levels were better trained and able to administer election laws in a transparent and democratic process, as reflected in new election laws.

Vigilance to Election Complaints Reinforced Due Process and Accountability

IFES continued to confirm its message of vigilance to the CEC in addressing election complaints and their adjudication as an integral part of a democratic election process. While reports on election complaints and the status of the adjudication process in general were not forthcoming from the Central Election Commission, IFES' persistent monitoring and contact with the CEC has made an impact, demonstrating that the international community is monitoring the process, and that implementation of an

adjudication system is a normal and expected part of a reformed and transparent democratic election system. The lack of forthcoming information underscores the need for continued diligence in working with the CEC in reforming the election process.

Translations Impact on Evolution of Democracy

All international organizations working in Azerbaijan had access to non-biased and accurate English language versions of election and other democracy-building draft legislation, decrees, regulations and other official and non-official Azeri language documents. This provided a valuable focus that allowed a fair degree of consistency between groups. By expanding the translations beyond government-generated drafts to opposition and NGO-developed materials, the importance of broad democratic constituencies contributing to the evolution of democracy in Azerbaijan was reinforced.

Resource Center Provides Information on Democracy and Election Reform

The Resource Center at the IFES Baku office -- open to all with a stake in the development of democratic election process -- assisted in the provision of comparative materials including much-needed legislation as the Azeris develop municipal and municipal election legislation.

NGO Training Enhanced

IFES has had a positive impact on the development of democracy NGOs through sustained and continuous mentoring. IFES worked with Azeri NGOs through seminars and ongoing meetings. Topics, in preparation for elections, or in general developmental support, included international models of municipal and parliamentary elections.

Civic Education Activity Furthered Accountability of Elected Leaders

The IFES municipal governance civic education activity reinforced the importance of responsive, representative local governance in the further evolution of democracy in Azerbaijan. Through direct contact with elected municipal officials and citizens in Azerbaijan, IFES emphasized the legal obligations and civic responsibilities of both municipal governments and citizens in newly created local government structures. The activity strengthened citizens' understanding of their rights and responsibilities in the democratic process and encouraged accountability of Azerbaijan's first generation of elected local officials.

IV. COMMENTS AND RECOMMENDATIONS

Lack of Political Will

Since coming to power in a coup in 1993, President Haydar Aliyev has often spoken of a

desire to promote democracy in Azerbaijan. Despite these professed intentions, Azerbaijan's progress toward establishing a more open and accountable system of government has been inadequate. Few positive steps have been taken toward opening up the political process to real competition, nor has a level playing field been established for those allowed to compete.

IFES is the first western organization to provide continuous technical administration support to the election process in Azerbaijan. Old style politics and operational procedures persist in the CEC, and new, democratic election practices are barely tolerated. Tacit support and inclusion of IFES in election administration activities means that IFES influences the CEC's work positively and that there is impact. It is clear, though, that until there is a greater acceptance of democratic reform, change and progress in instituting greater transparency into the election process will be slow.

Lack of Popular Understanding of Basic Citizen Rights

This lack of understanding includes citizen rights in a reformed, democratic election process, or in a democratic environment in general, and in the new social and political responsibilities involved in democratic governance.

Flawed Electoral Practices

The voting process continued to be tainted by instances of fraud. All elections fell short of international democratic standards. This reinforced a larger, continuing need for Azerbaijan to move toward establishing a more open and accountable system of government. President Aliyev and senior members of his staff, however, continued to make it clear that the process of democratic reform will proceed at a rate that agrees with their desired pace of reform, not with that of the international community.

IV. PROJECT IMPLEMENTATION

The Cooperative Agreement between USAID and IFES over the years 1998—2000 was implemented through a series of work plans developed every six months in 1998, then annually for 1999 and 2000. IFES carefully developed each work plan for the prescribed upcoming period of time. They were developed to address USAID strategic objectives in country as they evolved, and were modified and to keep within the parameters of the original, approved proposal. The funding levels changed from year to year and were modified from the original proposal based on Congressional funding levels to Azerbaijan, democracy designations, activities targeted by USAID and, of course, expected elections.

V. FIELD OFFICE AND PROGRAM ADMINISTRATION

IFES assembled a strong program team for the implementation of the Cooperative Agreement, both at its headquarters in Washington and in the field office in Baku. Corporate management policy was designed to maximize field expertise in implementing the Cooperative Agreement's annual work plan objectives while providing steady, strong and secure guidance from Washington. IFES' management entrusts field managers with enormous responsibility as program implementers, yet strong and responsive guidance has been the IFES hallmark of responsible management from headquarters. There has always been a strong partnership between the field office and IFES headquarters in both its programmatic and administrative aspects.

In selecting field staff, IFES identified managers for Azerbaijan with experience and skills in democracy and election administration. All IFES project managers developed interactive and respectful relationships with USAID democracy officers in the field, and this contributed greatly to implementation success.

The implementation and management of the Azerbaijan programs under the Cooperative Agreement was included under IFES' Europe and Eurasia Division (E&E), with direct, daily management included under the Caucasus Regional Programs for Azerbaijan, Georgia and Armenia. The IFES headquarters management team remained consistent throughout the Cooperative Agreement, 1998--2000. Both Phylis Greenfield, Senior Advisor/Caucasus, and Michael Svetlik, Program Officer/Caucasus, were experienced in living in the NIS and developing and administering democracy-building programs. Mrs. Greenfield traveled and worked extensively in Azerbaijan 1993-95. Mr. Svetlik had worked with the Department of State in Kyrgyzstan in 1997 as well as working with Ukraine and Moldova at IFES as well. Further, he served as the resident Program Representative when the initial Project Manager, Bill Damour left IFES service early in January 1999. The IFES home management team was rounded out by two Program Assistants, Chad Vickery and Sonia Pastuhov-Pastein. As a unit within the E&E Division, the Caucasus team reported to E/E Division Director Scott Lansell. The E&E Division is under the Programs Department of IFES headed by Vice President Juliana Geran Pilon.

Through a combination of Azerbaijan experience, development and management of similar democracy development programs and proven track records of achieving measurable results, IFES brought together a combination of talented individuals integrated as a cohesive team.

Field office management benefited from the leadership, in particular of Alan Wall, a professional election administrator from Australia, who worked in country from March 1999 – March 2000. The complete Azerbaijan field teams follow:

<u>August – January 1998</u>

3

Project Manager William Damour
Project Assistant Farida Babayeva
Office Manager Shahla Mahmudova
Logistics Coordinator Eldar Babayev

March 1999 – March 2000
Project Manager Alan Wall
Project Assistant Farida Babayeva
Office Manager Shahla Mahmudova
Project Assistant Afig Jahangirov
Logistics Coordinator Eldar Babayev

April 2000 – September 2000
Project Manager Alan Wall (through March 2000)
Project Manager Trefor Owen (April – June 2000)
Civic Education Specialist Elsie Chang (became Acting Project Manager in June 2000)
Office Manager Shahla Mahmudova
Project Assistant Afig Jahangirov
Logistics Coordinator Eldar Babayev

VII. FUTURE PROGRAMMING NEEDS

IFES works to move the bar forward incrementally in democracy development, whether it is elections, civic education, rule of law, NGO development or other democracy-based sectors. IFES contributes to the larger, overall plan of USAID and American foreign policy for the country. Actions for the future could include:

National Civic Education Program

This long term, long range program would include segments including a comprehensive national training program of elected municipal officials and a continuous civic education program beginning in communities with local trainers and fostering not only understanding of citizen rights and responsibilities and fostering participation in all aspects of community life, but also citizen action groups to open up community discussions in other villages and towns and monitor local governance.

Voter Registration

Voter roles in Azerbaijan have never been revised. The lack of reform contributes significantly to election fraud with the sanctity of the citizens' vote remaining unprotected. Voter registration is an enormous and outstanding electoral reform problem in Azerbaijan.

Reform to Legislation

Work should continue to reform legislation and provide advice on international standards will contribute to improved election legislation, in spite of new presidential, municipal and parliamentary election legislation. These laws remain flawed and need amending to international standards.

Establishment of an Election Official Training Institution

This would include training to election officials at all levels, and would include the development of specialized curriculum. Further transference of skills in administering elections, focusing on grass roots development of expertise at the PEC and TEC levels, and administered by the CEC itself, once fully trained and functional.

Continuation of the IFES/CEC Technical Assistance Partnership

This would affect and continue to improved and reform electoral systems at all levels. IFES would implement a Memorandum of Understanding to reinforce the cooperative nature of the work and reinforce a seriousness of purpose.

VII. ATTACHMENTS

1. IFES Commentary on Draft Presidential Election Law.
   May 1998

2. IFES Commentary on Draft Presidential Election Law.
   June 1998

3. IFES Commentary on Draft Azerbaijan Local Government Election Law.
   April 1999

4. IFES Comments on Draft Laws of Rules for Municipal Elections.
   June 1999

5. Comparative Analysis of Four Draft Laws on the CEC.
   2000

6. IFES Commentary on Draft Parliamentary Election Legislation.
   May 2000

7. IFES Comments on the Democratic Congress's Draft Parliamentary Elections Law.
   2000

8. IFES Comments on the Adopted Parliamentary Election Legislation.
   August 2000

9. Notes on the Conduct of the 1999 Municipal Elections.
   December 1999

10. The Official Central Election Commission Election Day Manual for the 1998 Presidential Election. (Azeri and English)

11. Election Day Guide for November 5, 2000 Milli Majlis Elections. (Azeri and English)

12. IFES Brochure on Municipalities and Their Operations for December 12, 1999 Municipal Election. (Azeri, English translation attached)
    (Produced in Collaboration with the Open Society Institute)

13. IFES Brochure on Voting Procedures for December 12, 1999 Municipal Election. (Azeri)
    (Produced in Collaboration with the Open Society Institute)

14. Public Opinion in Azerbaijan 1998.
    Steven Wagner and QEV Analytics

15. IFES Series of Four Briefing Papers on Municipal Election and Municipal Governance Legislation.
    1999

16. Commentary/Consolidated Written Comments on the Draft Laws "On Status of Municipalities" and "On Rules for Elections to Municipalities" to the Chair of the Parliamentary Committee on Local Government. (Azeri and English)
    1999

17. IFES Technical Observation for the November 5, 2000 Parliamentary Election, Observation Handbook.

18. IFES/Azerbaijan Municipal Governance Civic Education Pilot Project Brochure. (Azeri)

19. IFES/Azerbaijan Voter Education Brochure for the November 5, 2000 Parliamentary Election. (Azeri)

20. Draft Presidential Election Law. (Translation)

21. CEC Law of the Republic of Azerbaijan. (Translation)

22. Laws on Municipal Services. (Translation)

23. Democratic Congress's Draft of Parliamentary Election Law. (Translation)

24. Draft Law on Political Parties. (Translation)

25. IFES Briefing Book for the 1998 Azerbaijan Presidential Election.

Other Attachments:

Samples of Posters, Banners, Display Ads, Giveaway Products (Azeri Language)

26. Poster for November 5, 2000 Milli Majlis Election "Five steps: Voter Procedures."

27. Banners for Press Advertisement for December 12, 1999 Municipal Election.

28. Display Ads for Press Advertisement for December 12, 1999 Municipal Election.

29. Stickers for December 12, 1999 Municipal Election.

30. Plastic Bags December 12, 1999 Municipal Election.

31. Coasters for December 12, 1999 Municipal Election.

32. Wallet Cards for December 12, 1999 Municipal Election. (Developed Jointly with The Open Society Institute)

33. Municipal Leaders US Training Tour 2000
    Information Package (Russian, Azeri)

Video Attachments (Azeri Language)

34. Video One

    IFES/Azerbaijan TV PSAs for December 12, 1999 Municipal Election.
    Produced by IFES in Cooperation with Internews.

    IFES/Azerbaijan and Internews Joint Series of Three 15-minutes Programs
    "Person in the Street" Regional Interviews on December 12, 1999 Municipal Election.

35. Video Two

    IFES/Azerbaijan TV PSAs for the November 5, 2000 Milli Majlis Elections

To obtain copies of the report attachments, please feel free to contact the F. Clifton White Resource Center:

F. Clifton White Resource Center
International Foundation for Election Systems
1101 15th Street, NW
Fifth Floor
Washington, DC 20005

202.828.8507, Telephone
202.452.0804, Fax
www.ifes.org

IFES

As one of the world's premier democracy and governance assistance organizations, IFES provides needs-based, targeted, technical assistance designed and implemented through effective partnerships with donors and beneficiaries. Founded in 1987 as a nonpartisan, nonprofit organization, IFES has provided integrated, collaborative solutions in the areas of democratic institution building and participatory governance in more than 120 countries worldwide. IFES' Washington headquarters houses eighty-five employees specializing regionally in Africa, the Americas, Asia, the Middle East, and Europe, as well as functionally in rule of law, civil society, good governance, election administration, applied research, gender issues, public information technology solutions, and more. IFES' staff offers vast country-specific experience and facility in more than 30 languages. IFES employs an additional 120 people in twenty-five field locations.

Attachment 1

Commentary on
Draft Law of Azerbaijan Republic on Presidential Elections
Paul DeGregorio, May 1998

Article 3. Appointment of Presidential Elections

Is election set by Constitution, by this law, (first Sunday after...) or by the Central Election Commission (CEC)? If it is the Afirst Sunday after,@ what happens to the office during the interim (between expiration of term and certification after election). If by CEC, what are the time parameters?

Article 6. Law on Propagandizing during Pre-electoral Period

It appears that the law grants State authority to control electoral agitation and approve, censor, or disqualify propaganda materials, as well as free broadcast/newspaper allocation. This law contains **Chapter VI on Pre-Electoral Propaganda**. This area (propagandizing) is then within the CEC=s jurisdiction, and should remain so. Either the CEC is trusted to do its job (and it is given full authority) it is not. Therefore, this section (Article 6) should be removed.

Article 10. Central Election Commission

Composition of CEC.
From a close reading of this article, it appears that the *Milli Mejlis* (National Assembly) will select half of the members of the CEC and the President the other half. According to news reports, this will constitute a commission of at least 24 members (12 from the President; 12 from MM). In addition, each registered candidate for President may have a voting representative on the commission. While broad-based representation on Electoral Commissions are generally good, a 25-30 member working commission may be too large to be effective. It also appears that the MM is mandated to select the "chairman of permanent commissions" as members of the CEC. It is not clear whether such appointments would allow for adequate minority representation on the CEC. IFES recommends that the government-appointed CEC membership be cut by at least two thirds and that minority representation be allowed. Therefore, IFES recommends that the Central Election Commission consist of four people appointed by the president, four from the parliament, and one from each of the qualified candidates in the election.

Article 12. Organization of Precinct Electoral Commission

Clarification of term "voting booths."
It is assumed that the term "voting booths" used in this article means polling place--not actual booth where voters mark their ballots. Otherwise, candidates should NOT be allowed to "assign observers in voting booths" as stated. This would be a clear violation of the privacy of voting.

Article 13. Authorities of Central Election Commission

Issuing results in three days.
Considering the size of the country and complexities in having results from the rural precincts submitted, three days seems like a relatively short period for the CEC to determine the final results of the election. On the other hand, allowing for too much time might allow for manipulation of results at lower levels.

Article 14. Authorities of territorial (region, city) electoral commissions

Transparency.
It could be recommended that the TEC make copies of all protocols issued to them available to the media. In addition, it should be stipulated that such protocols be publicly posted.

Expiration of mandate; hearing of post-election complaints
As currently written in this draft, the mandate of the TEC will expire three days after the election. There should be language added which adds "or when all election complaints have been resolved and submitted to the Central
Election Commission."

Article 15. Authorities of precinct electoral commissions

Transparency
It could be recommended that language be added to require that the PEC make copies of their protocol available to the media, party representatives and observers. In addition, the PEC should be required to publicly post a copy of the protocol at the polling station in a visible location immediately following the vote count.

Expiration of mandate; hearing of post-election complaints
As currently written in this draft, the mandate of the PEC will expire three days after the election. There should be language added which adds that "or when all election complaints have been resolved and submitted to the
Territorial Election Commission."

Article 17. Publicity of activity of electoral commission

Observer stipulation
There seems to be conflicting language here. On one hand it says observers should submit documents which "should contain...number of electoral precinct where he will be sent." A few lines down it states: "It is not required to inform in advance about sending of observer to electoral precinct." By requiring the observers to list in advance which precinct they will going to, it allows the PECs to know who is coming (and who is not). For a more objective analysis, observation should be more random and not known in advance. If a polling station was aware in advance that observers were not going to be there, there may be a temptation to commit fraud. Therefore, the earlier language "number of electoral precinct where he will be sent" should be eliminated.

Open meetings
If meetings of the electoral commission are to be truly "open" then the words "and the public" should be added to the description of who has the right to take part in meetings of electoral commissions.

NGO participation as Observers
There does not seem to be a clear definition of the term "observer". While certain categories of observers are listed, NGOs do not appear to be defined in the legislation. Therefore, since NGOs play a very significant role in the election process in truly democratic societies as independent observers, it is vital that the language state that "non-public organizations" are to have the right to observe the work of the PECs on election day and at other times.

Article 18. Organization of activity of electoral commission

Decisions of electoral commission
It states that dissenting opinions should be submitted "to higher electoral commission not later than 3 days before elections...". This should be changed to require such submission immediately or within two days of receiving such form.

Article 20. Complaints for decisions and actions of Electoral Commissions

Confusing language
It appears that complaints from any level commission may also be filed with the courts ("It is not necessary to apply to higher electoral commission before applying to court"). While the language implies the Supreme Court, this too, is not clear. This should be changed. Complaints should go up a chain of command (i.e. from the precinct level, to the territorial level, then to the CEC), first being filed with the commission having jurisdiction. Only after the CEC has adjudicated the

claim should it then be heard by a court of law. Also, while there are time stipulations made in complaints "received by higher electoral commission" (five days), there or no such time limitations imposed on PECs. PECs should be given three days to act upon complaints.

CEC Election Complaints
There is no specific *timetable* given to act upon those complaints. There should be language which stipulates that complaints must be heard and acted upon within a definite period of time. Five days is recommended if the complaint is made prior to ten days before the election; two is recommended days if the complaint is filed within ten days of the election, and immediate action is suggested if the complaint is made within 48 hours of the election or on election day.

Territorial Election Complaints
Although the Territorial Election Commission (TEC) is given the authority to "consider all complaints..." there is no specific *timetable* given to act upon those complaints. There should be language which stipulates that complaints must be heard and acted upon within a definite period of time. Three days is recommended if the complaint is made prior to ten days before the election. Two days if the complaint is filed within ten days of the election. Immediately if the complaint is made within 48 hours of the election or on election day.

Election Complaints
Although the Precinct Election Commission (PEC) is given the authority to "consider all complaints..." there is no specific *timetable* given to act upon those complaints. There should be language which stipulates that complaints must be heard and acted upon within a definite period of time.

Two days is recommended if the complaint is made prior to ten days before the election, and one day is recommended if the complaint is filed within ten days of the election.

Article 21. Organization of electoral precincts

Large Precincts
Requiring electoral precincts to consist of "at least 3000 electors" seems unreasonable. In fact, such large precincts could make the voting process difficult and cumbersome unless it is very well organized. Given a 73 percent turnout in such a precinct, there would be a voter casting a ballot every 20 seconds. It is suggested that it be lowered to 2000 electors and that a special stipulation be added for rural precincts where there could be less than 2000 electors allowed with the approval of the TEC.

Articles 22-24. Voter lists

Posting of voter lists
It does not appear that there is any clear language which states that voter lists are to be posted in a public place so that people can check such lists prior to the election. Article 24 states such lists "should be presented not later than 30 days prior to date of elections" but does not say to whom. Perhaps a better interpretation of the word "presented" is in order here. If they mean "posted," then it should be stipulated *exactly* where such lists shall be posted. It does appear that voters may make an appeal to correct any mistakes on the list up until the day of the election.

"Temporary Residence"
To prevent and discourage double voting situations, this section should be strengthened by adding a provision which requires official proof of a temporary residence or displacement. Or the legislation should clearly state that the definition of a temporary residence is not to include a domicile or actual living place.

Article 23. Order of citizens= names to the list of electors

Add to the last paragraph: Precinct electoral commissions shall transmit a copy of the additional list of electors to the Central Election Commission within three days after the election which shall be endorsed by signatures of all members of the PEC, and the CEC make public.

Article 31. Collection of signatures to defend candidate for President

Signature Requirement
The requirement to secure 50,000 signatures countrywide, coupled with the stipulation that there be a minimum of 400 from each rayon (city), is very restrictive and could severely limit the candidacies of qualified individuals for the Presidency. IFES recommends that the signature requirement be lowered (to perhaps 30,000) with the minimum required in the rayons also lowered (perhaps to 150). Or, there should be a provision which allows a candidate to qualify if they submit 50,000 signature with no requirement for a minimum in the rayons. This would give opposition and minority candidates a greater opportunity to qualify for the ballot.

Checking of signatures
The Central Election Commission is given only a 10 day window to check the validity of the signatures submitted. Given the large number of signatures to validate (50,000, as currently written), it is unclear whether the signatures will be checked individually or that the law would allow for a random sample taken to validate the number submitted. In addition, the law does not specify who will assist the CEC in checking the signature. It is assumed to be some kind of local authority since the PEC will have not been organized. It is recommended that 1. The number of signatures required be lowered; 2. If each signature must be validated, then the CEC should be

given more time to check (possibly 15 days); 3. The CEC should be allowed to use a random sample to check the signatures. However, if the sample shows the number to be within 5 percent of the total needed (47,500-52,500) then all signatures must be checked; 4. The law specify which local entity will assist the CEC in the verification of signatures.

Number of candidates/extensions
It is unclear what the intent is of the last two paragraphs of Article 32. Does the first paragraph mean that the time to file a candidacy is extended for 60 days if there is only one candidate nominated? Does the last paragraph mean that if by election day there is only one candidate left that the whole process will open up again for 100 days? If the intent is to extend the filing period because only one candidate filed then it should be stated clearly.

Articles 36-40. Propaganda; campaigning using the media and meetings

Commissions as speech police
Election commissions, with the state bodies acting as backup, have great latitude in determining what constitutes illegal campaign propaganda. They also are charged with the responsibility to set up meetings with voters for the candidates. While this is common practice in many countries, it should be noted in the law that these commissions are to use this authority to restrict propaganda only when absolutely necessary. It is recommended that a 2/3 vote of the commission should be required to remove such propaganda or to take action against a candidate. Cancellation of registration for violation should be immediately appealable to the Supreme Court.

Article 43,45. Financial Reporting by candidates

Reporting requirements
The reporting requirements for candidates appear to be very weak. Article 43 indicates that candidates must submit "financial reports" no later than 10 days after the results are announced. "Financial Reports" are not defined.

We suggest that candidates be required to provide a list to the CEC seven days before the election identifying the date, amount and identity of contributor for each donation in an amount one-half the legal limit for such donation, or greater, and the CEC must provide the list to the mass media within 24 hours. (This is a pre-election report for big donors, e.g. a disclosure, not a filing of a report.)

Article 45 call for the creation of a "control-monitoring service" to account for the spending of funds. However, it is very vague.

Article 47 Voting ballot

Identification document
The draft indicates that the voter must show a "passport or any identification document". It would be advised to reword the language to read "passport or any official identification document with photograph" to clarify which kind of identification documents will be accepted. If official identification documents can be specified, then they should be listed.

Document on Leave
This appears to allow those people who will not be able to go to the polling station of their domicile the opportunity to cast a ballot. What seems to be missing here is a notification of the polling station of the domicile that this person will vote (or has voted) at another place. To insure against double voting, there should be a provision requiring the polling station where the voter cast a ballot to sent a notification to the CEC of such voting (since the PECs and TECs are dissolved so quickly after the election there it would be useless to send something to them). The CEC could then check to make sure the voter did not vote twice.

Transportable Voting Box
While the law states that "members" of the polling station take the transportable ballot boxes to those who have requested it, the law should stipulate that a minimum of two members of the PEC--representing two different political parties--must go with mobile box to vote the citizen who is unable to make it to the polling station.

Close of Polls
The law gives the time of the opening of the polls (8:00 am) but does not indicate the time of closing. While the closing time may be found in another law, since the opening time is mentioned in this article, the closing time should also be stated here or in Article 49.

The "against all candidates" provision causes confusion. Unmarked ballot should *not be counted as Aagainst all candidates,@* merely an invalid ballot.

Article 49 Counting of votes in election precincts

Close of polls
The draft indicates that "only voters who got ballots and are present" may vote at the close of polls. The draft should be changed to allow those in line at the close of polls the opportunity to vote.

Copies of Protocols
This should be added: "A fourth copy of the protocol is to be posted at the polling station in a visible manner so that members of the public may have access to it".

51

Ballot security
There should be a provision which requires that the voted ballots, after they are counted, should be placed with the protocols in a sealed container prior to being transported to the territorial election commission. Also, 10 days is much to long to have the ballots and other documents sent to the territorial election commission. This should be done within 24 hours of the election or should be accomplished when the protocols are transported to the territorial commission. By allowing such a long period of time and not requiring the materials to be sealed, the opportunity exists for manipulation.

Article 50 Definition of Election Results by territorial election commission

Copies of Protocols
This should be added: "A fourth copy of the protocol is to be posted at the territorial commission in a visible manner so that members of the public may have access to it".

Article 51 Definition of Presidential Election Results

Recounts
The definition of "repeated counting of votes" is not clear. It appears that the CEC is authorized to conduct a recount (partial or full) if it believes that there is a discrepancy in the information received from the TECs and PECs. However, there should be a provision which allows for the losing candidate to petition the CEC to conduct a full-scale recount if the candidate loses by less than 1 percent.

2/3 vote requirement for election
The imposition of a super majority (2/3 of the voters) threshold to elect a president should be eliminated. This requirement is really anti-democratic and discriminatory. In addition, coupled with the fact that a 50 percent turnout of voters is required to validate the election, costly repeat elections could become the norm. Law should require a 50 percent (majority) outcome; if not, the top two candidates go to run-off election. (25 percent turnout requirement for all phases).

Article 54 Publishing of Results

Defining results
The word "results" as it pertains to the CEC should be defined more precisely. It is recommended that the language "Such results shall include all statistics from the voting which would include....(use the language from the protocols)" be added to this article.

Article 55 Usage of Automatic information systems

5

Transparency/public testing
The language here regarding who can observe this crucial stage in the counting process is rather vague. To insure the greatest transparency of this process, all candidates should be allowed to have access to observing and monitoring this process very closely and not just a "special group" as currently indicated. In addition, there needs to be a provision added which requires that there be a special public test of the equipment just before and after it tallies the votes to insure that the equipment (hardware/software) is working properly and that no voters/numbers have been added prior to or after counting. Also, it is recommended that protocols from 5 percent of the polling station be randomly selected after the counting process and that the results form those protocols be checked against the results issued by the automated system to verify the accuracy of the count. If a major discrepancy is found, then a recount should be ordered by the CEC.

Article 57 Responsibility for violation of citizen voting rights

Violations/punishments
This provision is rather vague and certainly needs more specificity regarding what constitutes a violation of the law and what punishment is warranted for such violations. Perhaps there is language in other laws which deals with this. However, if it does not, then this section needs to be strengthened considerably. It is difficult to suggest more specific language without knowing criminal/civil laws. Reference to the applicable civil/criminal codes could be specified or drawn upon.

ATTACHMENT 2

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

Commentary on
Draft Law of Azerbaijan Republic on Presidential Elections

June 1998

Although nations and people vary in many ways, the key elements of a democratic election process do not. These key elements are transparency, stability, simplicity, clarity, practicability, finality and fairness. It is important that the process not only be fair but also be perceived to be fair by the vast majority of participants. If the process is not perceived to be fair, then the fundamental link between citizens and government is lacking. Even a fairly elected government lacks the legitimacy provided by democratic elections if the process is not transparent to the citizens of the Nation.

Organization of the Presidential Election

This particular draft of the code lacks language regarding the organization of the Central Election Commission (CEC). This is obviously a question of vital concern to all potential participants in the Azerbaijan presidential election process. It is not unusual to see legal provisions governing CEC composition and procedures in a separate law specifically for this purpose, the rationale being that the CEC should provide the initial infrastructure base for all Azerbaijani elections, not just the presidential balloting. The machinery of the CEC could be more efficient if it remained in place to prepare for future elections. Voter lists, political party registration and training of election workers should be an ongoing process delegated to the CEC and such standing subordinate units as directed by the law. Continuity of administration can provide stability to a new experience for this nation Bfree and fair elections.

In most democratic societies, bodies that administer elections are created separate from other governmental functions in an attempt to ensure that the elections are administered independently from the partisan interest of the government. The composition of election administration bodies is a vital component in the real and perceived legitimacy of any election process. The most carefully crafted election law is a meaningless document if administrators ignore its terms. Even the most detailed election code is subject to interpretations unfair to participants in the process. A fair election process can be perceived as unfair if many participants believe election administrators are biased.

There are a variety of approaches to the staffing of election administrative bodies. The three basic models of staffing are: (1) non-partisan; (2) bipartisan (balanced); and, (3) a combination of partisan and non-partisan members. The non-partisan model can work in those societies where there is a general acceptance that genuine non-partisan personnel can be identified for election administration duties and such individuals will not be subject to undue partisan influence or corruption. Azerbaijan does not have a long

established democratic tradition. The ability of any government to identify non-partisan personnel will generally be viewed with significant suspicion by organizations and individuals in opposition to the government. Lacking a universally accepted group or type of non-partisan poll workers, a partisan balanced system would assuage many suspicions.

A number of specific suggestions for the modification of the law deal with election results from the precinct level. The quality of an election can only be adequately judged from the way it is administered throughout the country. The final election tally is based on results from each individual polling place. The present law lacks sufficient clarity to ensure that these results will be available in every location and to all citizens. Without this absolute assurance of the availability of results at this level, there will be no way to allay suspicions of manipulations of district-wide or nationwide vote totals.

Article 3 - Appointment of Presidential Elections

This article appears to provide the date on which presidential elections are to be held. The date is the first Sunday after the term of the President has expired. The Constitution provides that the Central Election Commission (CEC) sets this date at least 100 days before the election. Although it is not clear whether this is a translation problem, it is difficult to understand why the law should require the CEC to announce the date of election at least 100 days before, when it is specifically stated in the Constitution. If this date is specifically provided for in the Constitution, then it is not a decision to be made by the CEC, whose role is solely to announce the date. This date should be determinable years in advance, absent changes in the Constitution.

Article 10 B Organization of Territorial Electoral Commission (TEC)

TEC membership is apparently decided exclusively by the Central Election Commission. Election administration bodies can be formed with non-partisan personnel, bipartisan personnel, or a combination of partisan and non-partisan members. It is our strong recommendation that properly qualified presidential candidates have the ability to appoint members to the TEC. If membership is not provided to representatives of registered presidential candidates, then each registered presidential candidate should be permitted to appoint an observer who has all rights of participation as member, with the exception of voting on final decisions or hiring TEC staff.

Article 11 B Organization of Precinct Electoral Commission (PEC)

It is not clear whether the Territorial Electoral Commission organizes the Precinct Electoral Commissions. It is not clearly specified in Article 11. This article proposes a non-partisan approach to membership of the Precinct Election Commission. If this structure cannot be modified to provide for the partisan/presidential candidate=s representation, then the right of the presidential candidates to appoint a candidate observer should be contained in this section. The right of that candidate observer to speak and participate in all activities of the precinct should be spelled out in this section. Candidate observers should be specifically provided with their own copy of the signed election results/protocols from each precinct.

Article 12 B Authorities of the Central Electoral Commission

This section provides a general description of the authorities of the Central Election Commission. It does not specifically provide for the Central Election Commission supervising and/or printing of the presidential ballot. This appears to be a significant omission.

This section should have a requirement that a public release of election results on a precinct basis be made at the time of the announcement of the results of the presidential election. An official and certified copy of such precinct results should be provided to each presidential candidate at the time of the delivery to the Constitutional Court of the Republic.

Article 13 - Authorities of Territorial Election Commission

This article should require that the results of voting on the presidential election be provided to representatives of each authorized presidential campaign. These returns should be the official certified documents detailing results from each precinct in the territory.

Article 14 B Authorities of Precinct Electoral Commission

Each Precinct Electoral Commission should be specifically required to publicly announce and publicly post the results of the election immediately at the completion of the counting process. This article should specifically have a requirement that a copy of the protocol be formally provided to each presidential representative/observer at the Precinct Electoral Commission. The members of the Precinct Electoral Commission should not be permitted to leave the precinct prior to the public announcement and posting of results.

Article 26 -- Authorized Representative and Observers of Electoral Units, Electoral Blocks and Initiative Groups of Voters

This provision does not provide for representatives of non-partisan and non-governmental organizations to be authorized as observers. Domestic observers have in many emerging democracies provided significant legitimacy to the process. The importance of domestic obserives is magnified significantly if the election commissions are not constituted on a bipartison balanced basis. The election law should be modified to provide for the credentialing of responsible domestic non-governmental organizations to have observers.

Article 30 B Gathering the Signatures in Support of the Presidential Candidate

Two competing values arise in the consideration of how candidates should gain access to the ballots. It is important that all serious and legitimate candidates have the opportunity to present themselves to the voters. This competes with the practical consideration of election administration, printing, and the ability of elections to be focused discussions between such manageable numbers of candidates. As observed in the commentary on the earlier draft of the election law, 50,000 signatures, with a requirement of 0.8% of the total signatures being gathered from each region, city, or district is a very high standard, likely to severely limit serious opposition and minority candidates in their opportunity to qualify for the ballot and present their views to the citizens of Azerbaijan.

The procedure for checking the candidates= petitions of signatures is not set forth with much specificity. The standard method would be a sampling technique that would provide for a more expeditious manner by which the validity of the petitions could be initially checked. It would be appropriate to provide a presumption of regularity to the petitions and require that the CEC specifically prove that the petitions lack sufficient ballot signatures for the registration of a candidate to be rejected.

Article 47 B The Rule of Voting

The polling places are projected to remain open from 8:00 a.m. to 10:00 p.m. This is an extremely long workday when one factors in the time poll workers and observers must arrive at each precinct to prepare that location for the election and the time after closing, counting the ballots, preparing the protocols and transmitting the results to the TEC. Precinct workers and observers may be involved in a 20+ hour-work on Election Day, with election results being disseminated much later than desirable. Shortening polling hours by closing the polling places earlier in the evening would probably not affect voter participation and would permit more timely reporting of returns.

Article 50 B Definition of the Results of the Presidential Election

This section appears to require that a presidential candidate may only be considered as elected if they receive more than two-thirds of the votes of those casts for president. I am unaware of any democratic nation that provides for the direct election of

the president that requires a two-thirds majority of ballot casts for victory. This section also provides that the election is not valid if less than one-half of eligible voters cast ballots in a particular election. In virtually any democratic society, this super-majority requirement would result in numerous repeated elections with the dangerous specter of stalemate. The cost and the instability of such a process are apparent.

SUMMARY OBSERVATIONS - 26 APRIL DRAFT LOCAL GOVERNMENT ELECTION LAW

The following is a brief summary of observations on important issues and deficiencies in the 26 April draft of the Local Government Election Law. A detailed examination of the technical improvements that should be considered for this law is attached to this paper.

MAJORITARIAN SYSTEM

The law envisages the use of a majoritarian system to elect all representatives to municipal councils. Foreshadowed amendments to the law indicate that the system will operate using multi-mandate constituencies each returning three representatives, rather than the single mandate constituencies proposed in the 26 April draft – though this has yet to be confirmed in amended legislation. Such a system could result in disproportionate representation for candidates polling lower percentages of the vote (as against the opposite effect in systems using single member majoritarian constituencies). Candidates who have received a very low proportion of the vote may well be elected.

All opposition parties have indicated that they oppose the use of the majoritarian system. Most have indicated that they will not participate in these elections if this system is used, though in this they have confused two issues: majoritarian systems and the barring of parties from nominating candidates, which is also a feature of this draft law and is trenchantly opposed by the opposition.

While majoritarian systems are in place in a number of countries, there has also been considerable action in many countries to move away from them: eg in UK, NZ, as it is increasingly recognised that operating by itself it does not always produce representative bodies that are regarded as legitimately representing community interests.

In most countries where local government has been recently established, or re-established in the movement towards democratic institutions over the last 10 years, there has not been reliance on a majoritarian system. Generally a mixed system - as proposed in earlier government drafts of this law - has been adopted. This can deliver stable institutions while ensuring that a range of political or social views can be represented in representative bodies. It is considered that given the social context within Azerbaijan, a 'mixed' election system for municipal councils, whereby a defined proportion of representatives are elected from majoritarian constituencies and the remainder from local government area-wide proportional representation party lists, would be more appropriate than a fully majoritarian system.

ENDORSEMENT OF CANDIDATES

There is no provision for party endorsement of candidates. Candidates may stand as independents, or be nominated by 'voter initiative groups'. Correspondingly, no party identification of candidates will appear on the ballot paper. This, in theory and as proposed

by the government, removes party politics from local elections and allows people to concentrate on local management issues when selecting their local representatives. In reality, there is no country where this has actually happened. Parties almost invariably stand surrogate candidates under voter initiative groups guises, with increased chances of deception of the voters.(who does the candidate really represent?). While the encouragement of local independent candidates deserves support, it would generally be considered more realistic, and providing greater integrity, to allow party endorsed candidates in majoritarian or proportional representation systems of local government elections. This amendment to the legislation would be strongly advised.

ELECTION COMMISSIONS

Election commissions at the Territorial and Precinct levels are appointed by a potentially more open method than has previously been used in this country. However, choosing election commission members by lot can still lead to domination by particular interests – particularly if one interest group, say, puts up 100 candidates for a commission. It would be prudent to limit the maximum number of candidates an interest group can nominate.

The powers of the Central Election Commission are more limited than for earlier national elections in Azerbaijan Even with reduced powers, it still retains the power of making regulations and procedures for these elections, that must be followed by Territorial and Precinct Election Commissions. But the composition of the CEC is nowhere addressed in this draft law. It is still unclear how many opposition parties will advise their supporters to participate in these elections if the CEC membership is not amended.

There appears to be no practical method by which the operational activities of the Territorial Commissions are subject to quality control, except by recourse to the courts. More modern models of electoral management would distribute the operational functions – as is being done for these elections – but ensure that there was a quality control function retained over delivery of services. It is the older, less efficient models of election administration – in USA, UK, France etc, that retain totally distributed election management.

ELECTION TIMING

Territorial Election Commission territories have to be defined by 110 days before an election. For an election in the 3rd week of October, TEC territories would have to be finalised by end June. Before this can happen, local government area boundaries would need to have been determined. There is not even any draft law yet on how this will be done, let alone any start to this process of delimiting local government areas. This makes the possibility of an autumn election a little difficult.

VOTING RIGHTS AND VOTERS LISTS

It would be more usual for there to be more definition in the legislation about time periods,

methods and processes for review of voter list information. There is also no mention of any arrangements to be implemented to ensure that IDPs have suitable representation and are able to participate in local government

No mechanism, responsibilities or timeframes are proposed for delimiting the majoritarian constituencies within local government areas.

CANDIDATE CAMPAIGNING

Power to determine some significant issues affecting candidates' opportunities to reach the public through printed material and meetings has been left in the hands of state appointed executive committees. This would be better in the hands of election commissions. Rules for audio visual media access are not specified in the legislation, but will be left to regulations to be promulgated by the Central Election Commission. It would be sensible for a detailed outline of these to be included in the legislation.

Candidates are required to finance their campaigning from their own pockets. They may not receive campaign contributions from any source. There are no provisions detailing how this will be checked and enforced. This is likely to lead either or both to the emergence of well-heeled candidates, or widespread disregard for the law, giving potential future blackmail opportunities. This campaign financing framework is exacerbated by the requirement for a fairly substantial ($US100 equivalent) deposit from all candidates. As a significant number of signatures are also required in support of a candidacy, it would be appropriate for the monetary deposit requirement to be dropped.

BALLOT PAPERS

There is no provision for the use at these elections of the internationally provided ballot paper numbering machines, and the timetable for printing ballot papers in the draft law would seem to preclude their use.

VOTING PROCEDURES

The sections covering voting procedures are very general, and omit some significant requirements (such as single occupancy of voting compartments) and good practice ballot issuing procedures that are necessary for a secret and accountable voting process.

TRANSPARENCY AND THE COUNT

Reconciliation procedures at the close of voting – and close of voting procedures in general, could be improved. While observation of the count and the preparation of count protocols is specifically provided for, the main guarantees of transparency in determining results, that

- observers endorse the protocols either verifying the results shown or objecting to the protocols' contents

- *observers are given certified copies of the protocols as soon as they are completed*

are not provided for, These omissions need to be rectified.

HANDLING OF COMPLAINTS

The procedures outlined for handling of complaints could lead to confusion as they would allow simultaneous complaints through two separate mechanisms – the administrative and judicial. There is also a lack of clarity about the time period within which the judicial system must determine the result of complaints.

OTHER TECHNICAL ISSUES

There are a host of technical issues in relation to which the current draft could be improved. These deal with matters such as appeal procedures, timeframes, mobile ballot box procedures, authentication of ballot papers and many other matters. These are detailed in the attached paper.

DETAILED ARTICLE BY ARTICLE COMMENTS ON 26 APRIL DRAFT LOCAL GOVERNMENT ELECTION LAW

This legislation would greatly benefit from a definition section, for such words as: – elections, election day, voter list, nomination, election commission, observer, clergy, local government, local government area, precinct, voting station, advocate etc.

Article 3 Suffrage

'Crimes Against the State ' should be defined in this legislation

Article 4 Determination of elections for Local Government Bodies

4.1 This section would read more precisely if specifically noted that it is the DATE of the election that is determined. Hopefully everything else is determined according to this law, and not by the president.

Article 5 Elections to Local Government Bodies

No provisions for areas with a population of over 300,000. It is not yet clear whether this will be necessary. (eg if there will be a 'second tier' directly elected city-wide council in Baku)

Article 6 Expenses Concerned With the Preparation and Conduct of the Elections.

It is unrealistic to expect a contribution to election finances from local governments at the first elections. There is also no indication given here of the likely proportion of costs to be borne by the State and by local government – this would be a usual inclusion, though it could be covered by regulation. At the parliamentary committee meeting, statements were made that the State would wholly finance thew first local government election – it is not clear if this is still the case.

Section II
Organization of Municipal Elections

Article 7 System of Election Commissions for Municipal Elections

Article 8 Organization of the Central Election Commission

The CEC composition is still going to create problems for opposition participation, unless

the CEC law is changed and its membership amended. There have been statements that the CEC will be only playing a minor role in these elections: if so, then it can be created anew in a more representative form, with little or no disadvantage to the government.

Article 9 Powers of the Central Election Commission (CEC)

It is not apparent that dot point two is sufficient to give the CEC control over operational quality and performance. It also does not appear to be realistic to expect the CEC to be able to monitor directly the performance of some thousands of TECs with no intermediary bodies. A more practical approach to quality control and standardisation of services is required.

No appeal from the decisions of TECs to the CEC is specifically provided for in this article.

Article 10 The Organization of Territorial Election Commissions (TEC)

No definition of which institution or person determines the borders of TECs is provided.

TEC territories have to be defined by 110 days before an election, For an election in 3rd week of October, TEC territories would have to be finalised by end June. Before this can happen, local government area boundaries would need to have been determined, There is not even any draft law yet on how this will be done, let alone any start to this process of delimiting local government areas.

To choose TEC members by lot, without the strong possibility of manipulation, an upper limit on nominees as well as a minimum number of nominees is required. There is also need for a full definition of how lotteries are to be coin ducted, to preserver integrity

Minimum number of 12: why is this the same for TEC (9 chosen) as for PEC (7 chosen)

"Model" or is it 'sample' documentation showing correct nomination of candidates for TECs has to be with the CEC at least 90 days before voting day. Yet the TECs must be in place at least 100 days before voting day. This seems inconsistent.

Article 11 Powers of Territorial Election Commissions (TEC)

Second dot point gives power to define precincts but not constituencies. No-one seems to have the power to determine constituencies, under this legislation.

There is nothing to say the TEC acts under the direction of the CEC so that the CEC has the power to monitor the TEC's work (though 16.3 states that higher precedents must be followed)

Need to ensure that the TEC is in place until all complaints and challenges to the elections have been disposed of. This needs to be better defined in this section: it may be after the time results are published.

Article 12 Formation of Precinct Election Commission

Normal qualifications - citizenship, voter registration, age etc are omitted from qualifications required. They should be included.

Article 13 Powers of the Precinct Election Commission

Unlike for the TEC, there is no deadline placed on the PEC to inform citizens of its address and contact number. Inclusion of such a deadline would clarify the PECs responsibility, and ensure voters were informed at an appropriate time.

While the PEC administers the rules for placement of printed campaign material, the executive committee decides where this material may be placed (see 34.4). This appears to be an inconsistency in control of election activity: campaigning is a sensitive issue that would be better controlled by the election commission – PEC or TEC - than by an executive body of the state.

Article 14 Status of the Members of Election Commissions

14.2 There is a need to check if the 48 hours notice has been amended to 24, as was foreshadowed. 24 is probably more practical, especially in the week before an election

14.3 Reasons for a commission member's appointment being terminated are stated here, yet some of these are nowhere mentioned in Articles 11 and 12 as qualifications, eg someone already under sentence of a court may still be appointed (11, 12); and there is no bar in 12 on a non-citizen being appointed.

14.4 To pay all EC members from State funds is interesting given that there is the intention in Article 6 for cost sharing with local bodies

14.6 Why are decisions on whether to prosecute an election commission member left to the territorial prosecutor. If this is a State appointment, this is little protection. This may be better left to the CEC/TEC to give permission.

Article 15 Transparency in the Activity of the Election Commissions. Participation of Observers in the Election.

15.3 This also needs to clearly state the right of observers to accompany the protocols/materials when they are being transferred back to the CECs, and to be present when results are amalgamated, and at any opening of the used materials (cross reference

to Article. Specific provision for observers to countersign all voting, counting and materials records, and receive certified copies of these, would also be essential to ensure transparency.

Article 16 Organization of the Functions of Election Commissions

This section extends the rules for the administration of the Central Election Commission (eg in sections 16.1, 16.2, 16.7, 16.8) from those contained in the Law in the Central Election Commission. It is not clear from the draft text whether these extensions are to apply only for the conduct of local government elections, or are meant to guide other future activities of the Central Election Commission. This should be clarified.

16.10 This section differs from other sections dealing with time limits for responses to complaints in that dissenting opinions need not be passed on to the superior election commission until 3 days before voting day. Rewording of this section so that it is in line with other similar sections – so that the dissent must be passed on to the superior election commission within 3 days of the commission chairperson receiving the dissenting opinion, would be a very much more acceptable mechanism for ensuring dissenting opinions are properly considered.

Additionally, it is unclear from the wording of this section what happens to dissenting opinions sent to the chairperson within the 3 days before voting day. The wording for urgent cases would be better as "on the same day whether on, before or after voting day"

Article 17 Assisting the Electoral Commissions

The wording for urgent cases could again be improved, as at present cases received in the 5 days prior to voting day could be left until voting day to determine – not generally an acceptable practice. The wording for urgent cases would be better as "on the same day whether on, before or after voting day" And to define an urgent case.

Article 18 Complaints about Election Commission's Decisions and Activities

It is not clear from article who has the necessary status to lodge a complaint with a superior election commission or a court. It is clear that observers may, but in many countries such actions may be filed by anyone with an interest in the outcome of the election – for example any registered voter, party, candidate, observers, election commission, etc, who may singly or jointly file a complaint. This issue would be better clarified.

18.2/18.3 The ability for a complainant to complain simultaneously to the superior election commission and a relevant court may result in arguments over legitimacy if courts and election commissions disagree, and may provide a focus for dissent from legitimate court decisions. It would be preferable if, as is stated in 18.2, the court's decision takes precedence that either

(a) courts should be used only to review election commission decisions on complaints; or
(b) if an initial complaint is made to a court, there can be no simultaneous or future identical complaint to an election commission.

18.4 For most complaints/applications that could either go to a court or an election commission for decision, the period within which the court must make its decision does not appear to be defined in this law. Also this section talks about "investigating" within a timeframe, not making its decision within any timeframe. This section would be better worded similarly to section 18.5. – "Unless other wise specified in this law, complaints (applications) received by a court must be investigated and a decision made within 5 days of receipt, and, in urgent cases, on the same day whether on, before or after voting day"

18.5 The same comment as for Article 17 also applies to this article.

18.8 This article also is in terms of 'examine'' within a time period, rather than the preferable 'makes its decision'.

Article 19. Formation of Precincts

While this section defines the delimitation of precincts, and elsewhere the delimitation of TECs electoral territories is defined, there appears to be no framework for the definition of constituencies within a local government area.

19.3 The ability to create precincts in rest homes and other places where voters are living temporarily up until five days before an election in exceptional cases could create difficulties for assignment of observers. It is not clear what 'exceptional' circumstances could be that would require the use of this facility – the existence of rest homes and live-in treatment centres etc, should be generally evident well before this time, if election authorities are diligent in their research.

It is also not clear which military personnel are regarded as permanently living in a place. This may be a problem with translation, but it would seem a better definition of military entitlements for place of voting would be useful.

Article 20 Voters List And Rule for Its Compilation

20.2 It is not clear how frequently the voters list must be updated by executive bodies: 'periodic' is a very loose way of defining the obligation, and would be better replaced with a term requiring more strict performance.

20.6 In combination with 19.3, it is not clear what happens to those persons who are on fixed term military service (presumably the non-professional army). Whether they may, and where they may vote does not appear to be specified. This is important to clarify, as the movement of military troops around an election day may give rise to suspicions of vote

stacking in particular areas.

20.5/20.6 It would be highly preferable if the preparation of voters lists in military bases and institutions was not left wholly in the hands of military unit commanders and directors of institutions, all of whom could be seen as servants of the state. In these institutions and bases there may not be the same opportunity for persons to properly check the voters list and have errors amended. Involvement of PEC or TEC personnel in voters list preparation is necessary.

Article 21 Rule for Inclusion of Citizens in the Voters List

21.3 It is unclear how the responsibility on election commissions to ensure that voters are on one list only can be achieved if there are not defined requirements and mechanisms for TECs and PECs to exchange data on voters – especially in an era where many voters are now able to claim they are living at more than one residence. While this is an operational problem, which may not be soluble without computerised data exchange, what PECs and TECs are expected to do could be better clarified. It would be wiser to employ an additional control such as marking voters when they vote to ensure that they vote only once, rather than relying on voters lists as the sole control.

21.6 It would be usual good practice to include considerably more guidance than is included in this article. It would be prudent to define issues such as the minimum period that PECs must be open to receive requests for voter registration and the format of supplementary voters lists.

There appears to be no time limit on additions to the voters list except that changes to the list cannot be made after votes have been counted (Article 22.6). In the unlikely but possible event that all registered voters turn out to vote, adding voters to the list on voting day may put pressure on limited ballot paper supplies (see 37.6).

Article 22 Display of the Voters Lists

It appears that there is no requirement that the amended voters list, and any supplementary voters lists, be signed and certified as correct by the PEC before being provided to the voting station. This is more important than 'approval' before it is amended. This is a serious omission of a prime guarantee of the fairness of the election..

22.3 It would be preferable if the manner of the amendment to be made is defined, so that there can be no later discrediting of genuine voters list entries, or manipulation of the list by false amendments. It would seem that there is no bar to requests for amendment being made during voting day. The only performance requirement of the PEC is that it determine these applications within 24 hours. If these requests for amendment are to be allowed on voting day , a provision for their immediate determination by the PEC (as for complaints to the TEC/court) is required.

22.4 It would be preferable if a time limit on the court's decisions, rather than just its investigation, were defined. It also appears inconsistent that a TEC must make its decision on a complaint within 5 days, yet the court 'investigates' within 3 days.

Section III

Rule for Nominating Candidates for Municipal Councils

Article 23 Right to nominate a candidate for Municipal Council

The exclusion of political parties from the candidate nomination process – whether under majoritarian, proportional representation or some combined system, is a serious flaw in the legislation which is discussed in the general comments.

There are likely to be significant amendments to this article to deal with multi mandate constituencies.

Article 24 Rule for Nominating Candidates for Municipal Council and Collecting Voters Signatures

There are likely to be significant amendments to this article to deal with multi mandate constituencies

24.1 It may be clearer to express the requirements for ranges of voters, as is done in Article 5.1. What is meant by 'voters' should also be defined: are these those registered on the voters list, and as at what time? The voters list is not displayed for review until 30 days before voting day, that is on the last day that a candidate can lodge his/her application for nomination and supporting signatures. It would be prudent to review this timeline consideration.

24.3 The annex mentioned has not been provided.

Article 25 Documents to be Provided For Nomination of Candidates

25.1/2 The deposit of 400000 manat ($US100 approximately) is a considerable sum, especially outside the major cities, and could be considered an unfair barrier to candidacy. Deposits are one tool used generally to deter frivolous candidates. It would not be normal to have both a high signature support requirement, and a high candidate deposit requirement. (unless, of course, the aim of the deposit was to raise money to finance the election)

25.2 It would be more helpful if the requirements for forming an initiative group of voters' were defined – how many members, what sort of constituting document, what are the required contents of the approved protocol mentioned, and similar issues.

Article 26 Registration of Candidates for the Municipal Council

26.1 There is a potential conflict in the election timetable at this point. . By 25 days prior to election day the CEC must have approved the content of all ballot papers. However under this section, appeals against decisions to register or refuse to register a candidate may not be determined until 22 days before voting day. Review of these time requirements would be prudent.

26.2 From the manner in which the law is worded, there is no requirement for all candidates in a local area to be registered on the same day – the TEC could announce the registrations in any way, time it saw fit, as long as it was completed by 25 days before voting day. This opens the possibility of some candidates' election campaign start being delayed – and thus they cannot put I up posters or seek radio/TV time – by a TEC sitting on their application. At the very least, a defined period within which the TEC has to process any application for candidate registration is required. It would be better for all candidates accepted for registration to be registered on the same day.

26.4 This section should require that both acceptance and rejection of nominations are notified to the candidate. The section also requires that a court examine an appeal against the TECs decision within 2 days - but doesn't specify when the decision must be given.

Article 27 Equality of Rights and Responsibilities of Candidates for Municipal Council

Article 28 Rights and Responsibilities of Candidates for Municipal Council

28.5 Are there any qualifications required to be an advocate – eg, must he/she be a citizen of Azerbaijan? It is also not clear when the 3 day period, within which the TEC must register an advocate, commences.

28.7 If the territorial prosecutor is an executive government appointment, it would be more transparent of an electoral body – for example the TEC – were to rule on potential indictments.

Section 5

Election Campaign

Article 29 Election Campaign and its Period

Article 30 Preventing Abuse of the Right to Conduct Election Campaigns

Article 31 Election Campaigns on TV and Radio

31.1 It would be preferable if these rules, or at least their framework for access times and overall time allowances, were in the legislation and subject to parliamentary scrutiny, as the fairness of these rules goes to the heart of the fairness of the election..

Article 32 Election Campaign Using Periodicals

32.2 It would be preferable if these, or at least their framework ,were in the legislation and subject to parliamentary scrutiny, as the fairness of these rules goes to the heart of the fairness of the election..

Article 32 (really 33) Terms of Conduct of Pre Election Meetings. Meetings with Electors

This section is duplicate numbered in the Azeri text. Articles from this point on need to be renumbered

33.2 This section does not appear to be sufficient to ensure a right of access for all candidates. It would be more usual for the decision on access to be made by the election commission, and not the executive bodies of the state or partisan municipal bodies..

Article 34 Distribution of Printed Election Campaign Materials

34.4 There are three significant issues in this article that could be improved to promote equity between candidates The wording of the section could be tightened to ensure that all candidates" materials are available in the same locations. In that way it will avoid some candidates materials being relegated to less visible areas. Control of allocating space to candidates would be better assigned to the election commissions than to the executive bodies of the state. Lastly, a provision for appeal against decisions on where/how much space is allocated would promote accountability.

This all begs the question, of course, as to why any control on display of printed materials, apart from those in 34.3, is necessary.

34.5 This article raise the question of who determines that displayed are spurious, and how that is determined – while anonymous materials are prohibited, there is no provision in this law defining what identification/authorisation must be given on printed or audio-visual campaign materials. This would be usual and good practice in election law - or in regulations (there is no regulation making power attached to this section, or in general for this law).

Article 35 Financing the Election Campaign

35.1 This appears to imply that all election campaign expenses must be personally

financed by candidates. This may be achievable and reasonable in a village of 600 people, but in the districts of Baku or in other large towns such a provision is likely to have one of two effects: a restriction of candidacy to independently wealthy persons; or widespread avoidance of this law. Neither is healthy for the development of democratic local institutions. If campaign finance is to be controlled, a realistic approach is required.

This is the only mention of campaign financing in this draft law, and there is no assignation of regulation making powers in this respect in the draft. If campaign finance is to be controlled, provisions for checks on candidate income and campaign expenditure (perhaps including powers to election commissions of audit of candidates financial records) are necessary. No control mechanisms are proposed in this draft law.

Section VI.

Voting During the Municipal Elections and Definition of Election Results

Article 36 Voting Station

The Azeri draft repeats the previous Article number again here. From this point on, article numbers on the Azeri draft are 2 numbers in arrears of the correct number.,

Article 37 Ballot Papers

37.1 The deadline for ballot paper approval in this section may conflict with the nomination process timeline at Article 26.1, and requires review.

37.4 In October 1998, with the financial assistance of the US and UK governments, the CEC was provided with two machines for the printing of numbered stub ballot papers for future elections, to enable more accurate and accountable control of ballot papers. There is no provision in this section, or a realistic timeframe in the timeline for ballot paper printing envisaged in section 37.5, for the use of these machines for the printing of ballots for the municipal elections. This would call into question the commitment within Azerbaijan to ensuring full accountability of ballot papers used in the municipal elections.

37.5/37.6 In these two sections it is not clear which level of election commission – Central or Territorial, is actually responsible for the printing of ballot papers. These two sections require clarification in this regard.

37.6 If ballot papers are to be printed by the CEC, this section lacks a deadline for the transfer of ballot papers from the CEC to Territorial Election Commissions. The protocol prepared for the transfer of ballot papers could be improved in one respect and is deficient in another. The protocol would be improved by having both the sending and receiving election commissions sign the protocol. More importantly, attaching to the protocol a list of observers present does nothing to verify the accuracy and acceptability of the protocol:

transparency can only be promoted by allowing or requiring the observers to verify or dispute the protocol with their signatures and titles.

37.7 The authentication of each ballot paper by Precinct Election Commission staff is an essential part of the process of ensuring accountability for each ballot paper. However this section is not tight enough in defining how and when this is to be done. Good practice requires that ballot papers be authenticated immediately prior to issue to a voter: not earlier – which can easily lead to manipulation of ballots papers used, and certainly not after.

Article 38 Voting Rules

This is a very complex article, which wold be easier understood if broken down in to several articles, simplified, and separate articles used for voting in a voting station and by n mobile ballot box.

38.1 Experience with voter information campaigns shows that voting times and location messages, especially in city precincts, should also be repeated closer to voting day than 20 days.

38.3 This section raises some interesting issues. Firstly, what is a remote area, and who defines it as such is not addressed in this draft law: either in a definitions article, or in this article, it needs to be defined. Secondly, if it is envisaged that these voting stations may close early, would not generally be regarded as acceptable practice: particularly when it appears from sections 21.6 and 22.3 that voters can be added to the supplementary list on voting day, or challenge the information on the voters list.

38.5 It would be useful to make this section fully consistent with section 39.3, which requires a stamp as well as a seal.

38.8 Allowing help to be provided to voters who need assistance to vote is a commendable means of improving voter service, as long as this done in a manner that does not allow illegal influence on the voter. It would be usual, however, to define those classes of voters that are eligible for this assistance – blind, disabled in particular ways etc

38.9 This section would be usefully cross referenced to the exception at section 38.11.

38.10 This section should stipulate that only one person at a time may enter a voting compartment.

This section would also usefully be cross referenced to the exception at section 38.11. It may be better to rewrite these sections to take into account the exceptions.

38.11 As for section 38.8, this section would also benefit from a definition of the classes of voters who may receive such assistance, and the type of assistance that may be

provided. It is not apparent why someone who can sign for their ballot paper would need assistance in completing it – if there are such cases they need to be defined. If the ballot can be marked by another person under this section, particular care in defining the procedure is required: in specifying that the ballot can only be marked in accordance with the voter's instructions, and that this should still be done within a secret voting compartment. These issues should be considered and included in this section where relevant.

There is no mention of what happens after the ballot is marked – the folding of the ballot to ensure that the vote remains secret and the depositing of the ballot in the ballot box. Both these matters should be included.

Reading this section in conjunction with section 39.7, it would appear that any mark or writing on the ballot paper that would allow the voter's choice to be ascertained during the count, would be regarded as fulfilling the requirements for a valid ballot paper. Confirmation of this would be useful.

38.15 This appears to allow voters to make their application on voting day for a visit by a mobile ballot box – but no time for such applications is specified. This is bad practice. Not only does it make planning more difficult, but it can lead to manipulation and fraud where there are insufficient observers present for each candidate to have an observer accompanying each mobile ballot box. No form of written application is specified, which would make reconciliation of mobile ballot box contents difficult. It is also inconsistent with the prior notice requirements in section 34.4 (and if the exception stays, these two sub sections need to be cross referenced).

38.16 If the number of ballot papers to be taken out by mobile ballot box teams equals the number of prior requests received, it is difficult to see how section 38.15 works. By marking the voters lists on return to the voting station, rather than making up special voters lists for each mobile ballot box, it is necessary for the number of countersigned and fulfilled applications for the mobile ballot box to be reconciled against the number of ballot papers in the mobile ballot box. This is not required by section 39.12. Additionally, it would be useful for voters who have used the mobile ballot box to be differently marked on the voters list, to aid reconciliation

38.18 To aid identification within the voting station, it should be stipulated that all PEC members, observers and others officially present must wear official badges whilst in the voting station. A provision that police cannot enter the voting station out of uniform, except to cast their own vote or assist another voter, or to restore law and order on the invitation of the PEC (in which case a visible ID badge must be displayed) is also required. It would also be useful to include a provision that ensures that the PEC has the power to order police, except when engaged in voting, to leave the voting station

38.19 The treatment of spoilt ballot papers is not in line with international standards, which would require that the spoilt ballot be cancelled and set aside in a way that ensures it

cannot be included in the ballot box, before a fresh ballot is issued. It is important that spoilt ballots are cancelled and retained - this must be unambiguously stated -and not destroyed.

Article 39 Counting the votes in voting stations

39.1 There are two issues arising from this section that would be usefully reconsidered. Regarding this section itself, it would be usual and good practice for all voters inside the voting station at the time of close of voting to be allowed to complete their ballots – not just those already in the voting compartments or already issued with a ballot paper. There is also a worrying implication of this section, in that it suggests that voters will be issued with a ballot paper before a voting compartment is free for them to enter and mark their vote. This is bad practice, as it encourages multiple occupancy of voting compartments, or the marking of ballots outside the voting compartment, thus violating the requirements for a secret ballot.

39.2 The method of cancellation needs to be stipulated – either here or in regulations. It is also very important that unused ballot papers are not destroyed – merely cancelled.

39.3 At present there is no requirement for a stamp in section 38.5.

39.5 It is not clear from this if each ballot box has to be counted and reconciled separately. For normal ballot boxes this is not possible unless there is a separate voters list for each ballot box (which is not provided for) . For mobile ballot boxes, it may be dangerous to count separately mobile ballot boxes catering for very small numbers of voters – to do so will jeopardise the secrecy of the ballot. In such cases it would be international good practice to reconcile the contents of such ballot boxes with the voters marked as having voted (against countersigned requests or on the voters list) without looking at how the ballots are marked, and to mix these ballots with the contents of other ballot boxes before examining and counting the actual votes. This section could be considerably improved with a review of the current wording.

To enable individual reconciliation of mobile ballot box contents, section 38.16 needs to stipulate that requests for mobile ballot box need to be kept separately for each ballot box, and this reconciliation built into the procedures at 39.12.

39.6 to 39.12 It is not clear what 'indeterminate form' ballot papers, as distinct from unverified/unauthenticated ballot papers are.

39.9 It would be usual and good practice for this to be done both to challenged ballot papers ruled invalid, and those challenged ballot papers that are ruled valid. It can also be useful for these latter ballot papers to be packaged separately within each candidate's ballot papers at the close of counting.

39.10 It would be usual and good practice to package not only invalid ballot papers

separately, but also to package separately other ballot papers not accepted into the count – unverified or otherwise not authentic ballot papers, and unused ballot papers.

39.11 If a voting station is catering for larger numbers of voters, PEC staff other then the chair would also be usefully involved in the count.

39.12 This recording process omits important reconciliation tests that would be more usefully accomplished at the PEC level, rather than being left for the TEC to discover. It is important that before any count of actual votes commences, the PEC counts the number of ballots in the ballot box and compares this to the number of ballots issued to voters (from either or both of torn off ballot stubs, and total ballot papers received less ballot papers unused calculations) , and also to the number of voters names marked on the voters list as having received a ballot paper. What action is taken when the number of ballot papers counted in the ballot box does not reconcile with either or both of these figures also needs to be defined in this section.

In relation to the individual dot points on this section

- Number 7 refers to a non-existent article of this law. In translation, it is also unclear *what the test of validity in this dot point actually is.*
- Base figures should be shown in this reconciliation – eg rather than 'cancelled' ballot papers, separate figures for unused and spoilt ballot papers should be shown.
- The order in which the information appears should also be reviewed in order to aid reconciliation of ballots counted through to total ballots received by the PEC

39.13 To ensure transparency in the counting process, and bring this section in line with international good practice standards, two further measures are necessary to include in this section. First, observers present should be invited to sign/verify the protocol in their official capacity, or register officially their disagreement with the contents of the protocol. An observer's refusal to either verify the protocol or provide a record of his/her disagreement should be officially noted by the chair of the TEC. Secondly, each observer present should be presented with an authenticated copy of the signed and verified protocol.

39.15 This section does not mention the time period within which the TEC must apply to the court for a recount. In practical terms, if the TEC is to finalise results within two days of voting day, they have at most until noon on the day after voting day to make this application.

39.18 All ballot related election material should be preserved – it would be usual and good practice for such material to be retained at least six months after the official announcement of the results of the election

39.19 This section should also stipulate when the protocol should be put on public display, and that there is convenient public access to the area of the voting station in which it is displayed.

Article 40 Determination of Election Results by the Territorial Election Commission

40.3 To ensure transparency in the counting process, and bring this section in line with international good practice standards, two further measures are necessary to include in this section. First, observers present should be invited to sign/verify the protocol in their official capacity, or register officially their disagreement with the contents of the protocol. An observer's refusal to either verify the protocol or provide a record of his/her disagreement should be officially noted by the chair of the TEC. Secondly, each observer present should be presented with an authenticated copy of the signed and verified protocol.

40.6 This section should also stipulate when the protocol should be put on public display, and that there is convenient public access to the area in which it is displayed.

Article 41 Announcement of Results of an Election to Municipal Bodies

Ten days after the election is a considerably long time, and may give rise to allegations of manipulation of the results. It would be highly preferable that official results were made available from the CEC very much earlier – within 3-4 days of voting day for results that have not been challenged, and immediately after court decision/recount for other contests. Certainly all results should be announced within a week after voting day. For results to be finalised within a satisfactory period, it is necessary that the appeal mechanisms in Article 18 require not just investigation but decision within 3 days of challenges to Territorial Election Commissions' decisions on election results: this would usefully be restricted to a court challenge.

It would be useful to provide a penalty for non-compliance with this section of the law, and allow instigation of court action in this regard by any election candidate, voters initiative group, observer or voter.

Article 42 By elections

It would be usual and good practice to specify within this law the period within which these elections must be held. Not to do so would allow portions of a municipal area to remain unrepresented for indeterminate periods – and potentially allow undemocratic manipulation of the relative strengths of municipal council factions.

Article 43 Additional Elections

It would be usual and good practice to specify within this law the period within which these elections must be held. Not to do so would allow portions of a municipal area to remain unrepresented for indeterminate periods – and potentially allow undemocratic manipulation of the relative strengths of municipal council factions. The provision that nothing need be done in the way of additional elections if 2/3rds of council positions are still filled is curious, and could be regarded as improper failure to ensure that all voters are properly represented in the municipal council.

Article 44 Publication of Election Returns and Voting Results

It would be useful to provide a penalty for non-compliance with this section of the law, and allow instigation of court action in this regard by any election candidate, voters initiative group, observer or voter.

VII SECTION

Final Provisions

Article 45 Date of Effect

ATTACHMENT 4

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS COMMENTS ON DRAFT LAWS OF THE REPUBLIC OF AZERBAIJAN: ON RULES FOR MUNICIPAL ELECTIONS ON STATUS OF MUNICIPALITIES

The International Foundation for Elections Systems (IFES) has studied in detail the drafts of these laws presented for both their first and second readings in the Milli Majlis. IFES has appreciated the opportunity to be present at both sessions of the Milli Majlis and meetings of the Permanent Parliamentary Commission on Local Government, and to witness the discussions of these draft laws amongst those deputies who attended and officials of the State.

In the variety of democratic societies within the world there are many differences of detail in the organisation of elections and institutions of municipal governance. Azerbaijan is a country with its own individual character and history, and whose *municipal institutions and elections require methods specifically appropriate for* Azerbaijan. However there are basic principles of the implementation of a democratic process that do not vary from country to country . These basic principles have been defined by the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA) and the International Foundation for Election Systems (IFES) in various parts of their jointly produced compendium and encyclopedia of election practice – the Administration and Cost of Elections Project (1998). Some relevant principles noted in this encyclopedia are:

- Ensuring representative elected institutions
- Fostering perceived legitimacy
- Ensuring accountability
- *Providing incentives for conciliation*
- Ensuring equity, accessibility, security, transparency and professionalism in election operations
- Promoting sustainability and cost effectiveness of election processes
- Neutrality of the authority administering elections

The following comments are provided to assist the Permanent Parliamentary Committee on Local Government and the Parliament of the Republic of Azerbaijan in its final considerations of these draft laws. In all comments, the object has been to show where improvements to the drafts can be made to ensure that municipal elections in Azerbaijan meet international standards and the above basic principles of democratic elections.

DRAFT LAW ON RULES FOR MUNICIPAL ELECTIONS

There is much in the draft of this law presented for its second reading that could be regarded as conforming to international norms in election practice. However in a number of key areas, the requirements of the draft are less than what would be required to meet international standards for providing a just, equitable and transparent framework for elections. In other areas, there are improvements that could be made to the draft law that would significantly enhance the integrity of election processes.

Two general issues that affect the basic credibility of the planned municipal election process require special comment. *It is noticeable that in one critical aspect of both*

organisation and management of municipal elections – the composition of the Central Election Commission, the Territorial Election Commissions and Precinct Election Commissions – the strong criticisms of the composition of the CEC and the performance of these bodies in international observers' reports of the 1998 Presidential Election, have not been recognised in the drafting of the law On Rules for Municipal Elections.

Additionally, the transparency of election processes was strongly criticised by international observers at the 1998 Presidential Election. Despite this, the articles in the draft law On Rules for Municipal Elections dealing with transparency of election processes in fact require a lesser level of transparency of processes than the similar articles in the law on presidential elections. For there to be confidence in the conduct of the election, requirements for transparent processes need to be significantly strengthened, not decreased.

One further general improvement that could be made to the legislation is the inclusion of an Article containing definitions of the numerous technical election related terms occurring throughout the draft law. These election terms are not always understood by lawyers, let alone the ordinary candidate or voter.

Composition and Roles of Election Commissions

Article 9 of the draft law provides the basis for the powers of the Central Election Commission (CEC) for the municipal elections. The CEC, amongst other powers, forms Territorial Election Commissions; prepares instructions under this law for these elections, and controls the processes to ensure the application of this law. It is recognised that the draft law On Rules for Municipal Elections devolves many election functions from the Central Election Commission to the Territorial Election Commissions, however it still retains significant functions, including those noted above.

The CEC is appointed according to the "relevant law" of the Republic of Azerbaijan (Article 8) Following the 1998 Presidential Elections this law was strongly criticised, for example in the report by the Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights' report on the 1998 presidential elections in Azerbaijan. This report stated that this law

"does not provide for an adequate representation of the major political interests in the CEC."

The method of appointment to the CEC currently is the same for the municipal elections. Similarly Territorial Election Commissions (TEC) and Precinct Election Commission (PEC) members are chosen in a lottery process, controlled by a member of the Central Election Commission, from nominations of 'non-partisan' persons. There are no provisions for transparency in this lottery process, such as formal observation by representatives of political parties and other observers from the local non-government organisation sector and international organisations. This process also does not provide for 'adequate representation of the major political interests at the TEC and PEC level.

The composition of the bodies that administer elections is a vital part in both the actual and perceived credibility of an election process. The above methods of appointing the members of all election commissions may well negatively affect at the very least the perceptions of the integrity and legitimacy of the elections which they will be controlling.

810

As Article 11 defines the term of office of the Territorial Election Commissions as being the same as that of the municipality, it is now even more important that these bodies enjoy the confidence of the wide range of community interests.

As Azerbaijan does not have a long established democratic tradition, the ability to identify and appoint 'non-partisan' personnel will generally be viewed with significant suspicion, especially by organisations and individuals in opposition to the government. For this reason a 'balanced partisan' method of appointing members of election commissions - at CEC, TEC and PEC levels - would be an appropriate model to assist the credibility of municipal election processes. This method incorporates direct appointment to the various election commissions of representatives of political parties, in a manner in which there is balanced representation between pro-government and pro-opposition forces on each election commission.

Transparency of Election Processes

A number of articles in the draft law deal with the transparency of the municipal election processes, and particularly the roles of observers of the processes in assessing their integrity and ensuring the accountability of election administrators. The provisions in this regard are generally very weak, weaker still than the similar provisions contained in the Law on Presidential Elections for the 1998 Presidential Elections in Azerbaijan. They do not provide a sufficient framework for transparency in the election. The following suggested changes would assist the draft law On Rules for Municipal Elections to meet international norms in transparency of election processes.

In Article 15, modification to provide for the accreditation of political parties, candidates and responsible domestic non-governmental organisations to provide observers to the work of election commissions, before and during voting day, during the ballot counts, transmission of materials and for compilation and announcement of results, is a significant pre-requisite for transparency in the municipal election processes. In all democratic countries, political parties have the right to appoint observers to election processes. In many emerging democracies, domestic non-government observers have provided significant legitimacy to election processes. If election commissions are not to be chosen on a 'balanced partisan' basis, as recommended above, the range of domestic observers to be accredited becomes an even more important factor in promoting election credibility.

In Article 15 there is no requirement for any advance notice to observers of election commissions meetings – either publicly or privately advised to all organisations accredited to send observers. An amendment to this effect is needed to ensure that observers are aware of the time and place of election commissions' meetings.

Article 15 contains no provisions to ensure that observers can be present at such activities such as the transfer of protocols between PECs and TECs, the transfer of ballot papers and materials, amalgamations of count results and other such activities that are vital to the integrity of election processes. This article should be amended to ensure that observers may be present at all election processes.

In Article 15 and in Articles 39 and 40 there are no provisions that observers must be provided by the relevant election commissions, on request, with certified copies of completed results protocols, and of any other sample or completed official election

documents. This is the most basic guarantee of the integrity of election processes, and its omission from the draft law is a considerable defect with regard to election transparency. Amendments to these articles to provide observers with the unfettered right to obtain copies of all and any official election documents should be made. The right of observers to obtain certified copies of results of counts from each Precinct Election Commission and Territorial Election Commission should be specifically included in the law.

An amendment in the second reading draft deleted the former requirement in Article 37 of the first reading draft that a protocol be drawn up for pre-voting day transfers of ballot papers between different levels of election commissions. To assist transparency of ballot paper allocations, this requirement should be reinstated, and provisions made for copies of these protocols be provided to observers.

It is not clear why the requirement, in Article 36 of the first reading draft, that voting stations within military establishments must be accessible to observers has been deleted from the second reading draft. It is clearly in the interests of perceptions of integrity of the election process that this provision be reinstated.

In general, it has been found in recent elections in emerging democracies that integrating observers into the election processes, by requiring or allowing them to sign the protocols of actions that they have observed - whether for sealing of ballot boxes, results of vote counts, transfers of ballot papers, or for any significant recorded election action, both enhances public transparency and legitimacy of the election, and provides protection for the election management bodies against later unfounded claims of election malpractice. Observers should also have the right to note their disagreement with any of the information contained in a protocol or election form on the protocol/form itself. Amendments of this nature, concurrent with the vital amendments to give observers the right to obtain copies of election documents, would further promote the integrity of the election processes.

Proposed Election System

Multi mandate Majoritarian System

A different election system has been proposed in each of the two drafts of the law On Rules for Municipal Elections. The second reading draft, in Article 1, proposes a 'multi mandate majoritarian system'. This system is known to western political scientists as the 'block vote' system. This system is widely regarded by political scientists as producing unfair results, as it tends to greatly magnify the disproportionality - inherent in all majoritarian electoral systems - between votes won by candidates from a party/group and representatives elected. Under this system it is highly possible for a group/party – whether pro-government or pro-opposition - whose candidates achieve a little over 50% of the votes to win between 90 and 100% of the elected positions.

This system is not used anywhere in the world for local government elections, unless one counts the Palestine Authority elections as local elections. Of 211 countries in the world which hold national elections, data for 1997 (the latest available) shows that a multi-mandate majoritarian system was used only in Bermuda, Fiji, Kuwait, Laos, Maldive Islands, Mauritius, Palestine Authority, Philippines, Thailand and the US Virgin Islands. The Philippines and Mauritius intend moving from this system, as it is widely

regarded as producing unfair results, and adopting instead the list Proportional Representation system. Amongst the countries ranked as 'not free' in the Freedom House 'Freedom of the World Index', a disproportionate number use a 'Block Vote' election system. It would be unfortunate for Azerbaijan to be associated with these countries.

For voters, multi mandate majoritarian systems can be confusing, especially when, as specified by Article 38 of the draft law, the voter must mark exactly the same number of candidates as there are elected positions to be filled. The effectiveness of voter education campaigns is likely to be severely undermined by this requirement, as, under the proposed system, different municipalities will be electing different numbers of representatives from the one multi mandate constituency. Especially in municipalities with higher numbers of representatives to be elected (up to 19 councillors will be elected) this system can lead to a significant proportion of invalid votes. Attempting to educate voters to place multiple marks on ballot papers for this election, whereas for parliamentary and presidential elections they place a single mark, is likely to create confusion: not only for these elections, but also at next year's parliamentary elections.

Administratively, use of this system can create greater difficulties in ensuring the accurate and effective printing and distribution of ballot papers. It also makes management of ballot paper counts very much more difficult and time consuming, as a separate, consecutive count will need to be conducted for every candidate on the ballot paper – which could easily be as high as 100 in larger municipalities. It is unlikely that such counts would be completed within the 24 hours of voting day stipulated by Article 39 of the current draft law. The counting method required will also significantly decrease the transparency and accountability of the count. This is an area of election operations for the 1998 Presidential Elections in Azerbaijan about which international observers recommended that significant improvements were required. To make maintaining transparency in counts a more complex process would hinder, rather than assist any efforts to improve transparency.

The proposal to use this election system would leave Azerbaijan with a municipal elections system that is widely regarded internationally as unfair, that would be difficult for voters to understand, and that has significant administrative problems.

If a multi mandate majoritarian system is retained; amendments will be required to Article 39, to clarify the different procedures and reconciliations that will be necessary during the count of ballot. Article 41 will also require clarification, to define the specific circumstances under which a tied vote may require a lottery draw between candidates with equal numbers of votes

Single mandate Majoritarian System

The first reading draft of the law On Rules for Municipal Elections, in Article 1, provided for a single mandate majoritarian system of elections for municipal councils. This is a system that is used for municipal elections in a large number of developed democracies. It is not a question of whether a single mandate majoritarian system is democratic – which it undoubtedly is – but whether it is appropriate for the environment of the municipal elections in Azerbaijan. Choices of election system are a matter of different philosophical approaches to democracy, and its desired outcomes. A single mandate majoritarian system would be seen as emphasising strong government with a particular

83

viewpoint dominating, even where only a small majority, or even a minority, of voters subscribe to this viewpoint. Single mandate majoritarian systems would also be seen as encouraging, in the municipal elections context, a close and direct link between voters and their elected representatives.

In developing democracies there are different and additional considerations. Internationally, in developing democracies, there has been equal focus on implementing election systems that provide representation for a range of community viewpoints in representative institutions; that foster community association with multi party politics and political pluralism; that encourage the sense of a legitimate and viable 'opposition'; that encourage conciliation rather than domination; and that promote the accountability of government. For municipal elections, the multiple needs of: ensuring a direct representative link to each local community; stable municipal governance; and promotion of political pluralism amongst local communities have led election system designers internationally to favour the 'mixed' election system – whereby some representatives to a municipal council are elected from single mandate majoritarian constituencies, and the balance by proportional representation for the whole municipal area, from party lists.

This 'mixed' system for municipal elections would currently be a more appropriate system for Azerbaijan, than any of the alternative election systems.

Participation of Political Parties

In the second reading draft, political parties are not included in Article 15 amongst the organisations that may nominate observers to election processes, or in Article 23 amongst the organisations that may nominate candidates for the municipal elections. Participation of legally recognised political parties is a basic component of democratic processes, and to deny them participation in an election for any level of community governance could be regarded as a restriction on general civil and political rights. The draft law should be amended to specifically include political parties as organisations that may nominate candidates for election and have accredited observers at all election commissions' activities.

If any form of majoritarian system is used for voting, it is important that the party affiliation of each candidate is printed, by the relevant election management authority, after each candidate's name, on each ballot paper. This is now standard practice in majoritarian systems, and is necessary to allow each voter to more easily identify his/her preferred candidate. A requirement for this should be added to Article 37 of the draft law.

Municipal Territories

Article 10 of the draft law On Rules for Municipal Elections states that territories of municipalities will be determined in accordance with the laws of the Republic of Azerbaijan. No draft law for determination of municipal territories has yet been presented to the parliament for consideration. It is important that territories for these first municipal elections are determined according to a law that defines the criteria for creating, splitting or amalgamating a municipal territory. To create municipal areas for these first elections by executive diktat, or regulation of an executive body, or by consultation merely with the existing regional or local executive committees would be contrary to accepted international norms of local self government. It would be denying the local population the

84

opportunity to have their views on municipal boundaries considered. Article 5 of the European Charter on Local Self Government states that " Changes to local authority boundaries shall not be made without prior consultation of the local communities concerned, ..."

The current provision in Article 11 of the draft law should be clarified to ensure that there is genuine consultation of local populations on municipal boundaries before these are determined for the first and for subsequent municipal elections, and that determination of municipal boundaries must be made according to the relevant law, rather than by executive authority decree or regulation.

Election Timeframes

Article 10 of the draft law provides that Territorial Election Commissions must be formed 110 days before voting day. This would be less than the normal minimum time period that experienced international election administrators would recommend as necessary for a country such as Azerbaijan to undertake preparations for the first municipal elections Any attempt to shorten this election preparation period, given the need to educate voters and candidates in a new form of local self government, the large number of Territorial Election Commissions, and the proposed initiation of decentralised election management is likely to seriously threaten the quality of the election. It would be an unwise decision to shorten this proposed timeframe.

Before Territorial Election Commissions can be formed, municipal territories must have been defined. The draft law for defining municipal territories has not yet been presented to parliament. For the commitment to hold municipal elections this year to be achieved, it is vital that the draft law on determining Municipal Territories be introduced for discussion in parliament as a matter of urgency .

Political Campaigning

Articles 33 and 34 of the draft law On Rules of Municipal Elections give considerable powers to local executive authorities of the State to determine meeting venues and space allocations and locations for displays of printed materials. Given the association of these bodies with the current government, and in the eyes of many with one political party, it would be more equitable if these powers resided in an appropriately appointed Territorial Election Commission. This would considerably assist perceptions of election campaign equity and legitimacy. Tightening of the wording to ensure that some candidates materials are not relegated to less visible areas would also assist the integrity of this section.

In Article 33, the 5 day period within which a decision must be made on use of premises or a location for campaigning appears longer than is necessary, and could be used as a barrier to flexible campaigning in the week before voting day. An amendment to reduce this period to 2 days would be appropriate.

Voters Lists

The Articles (in particular 21 and 22) dealing with voters lists are less prescriptive and comprehensive than would be usual in modern election legislation to international standards. Some issues may well be able to be dealt with in instructions from the CEC,

85

but it would be more usual for such matters as the following to be dealt with by legislative means: the need to certify as correct the final lists used in voting stations after requests for amendments have been processed; times and manner in which PECs receive requests for revisions of voters lists; methods of ensuring that voters appear on one voters list only; methods of amending and assuring the integrity of amendments made to voters lists as a result of requests from voters. The draft in these Articles would benefit from thorough review to bring it up to international good practice standards.

Complaints and Challenges

Article 18 of the draft law On Rules for Municipal Elections does not clarify who has the standing to file a complaint with an election commission or relevant court. The trend in democracies is to give this right to anyone with a genuine interest in the outcome of the election: persons eligible to vote; observers, parties and candidates; election administrators. Article 18 should be amended to include this broad definition.

Article 18 of the draft law On Rules for Municipal Elections also appears to allow simultaneous appeals about the actions of an election commission to be made to the superior election commission and the relevant court. There would be less room for confusion and more certainty in challenges to the decisions of election commissions if a single track appeal process were defined in the draft law. Changes necessary for this should be made to Article 18.

It also does not appear clear from Article 18 which is the relevant court for hearing challenges to election results. This should be clarified in this Article. It would be appropriate that this court be the Supreme Court, rather than local courts.

Article 16 appears to require that chairpersons of election commissions pass on any dissenting opinions from election commission members to the superior election commission by three days before voting day. It would be more appropriate if this provision read, as do other similar provisions in this draft law; that these dissenting opinions must be passed on to the superior election commission within three days of their receipt by the chairperson of the election commission.

Voting by Internally Displaced Persons

Transitional provisions of the law On Rules for Municipal Elections ensure that Internally Displaced Persons may both vote and nominate as a candidate in the area in which they are temporarily living. This is a highly principled position to have been adopted by the drafters of this legislation. While the addition to the voters lists of other citizens voting in respect of temporary addresses is dealt with in Chapter 2 of the draft law, there are no provisions for dealing with Internally Displaced Persons. To assist election integrity, the transitional provisions should include a definition of the manner in which Internally Displaced Persons will be included in the correct voters lists.

As a longer term proposal, the independent development of voters lists for all elections, without any reliance on executive authorities, should be considered.

Production of Ballot Papers

86

Article 37 of the draft law provides that ballot papers are printed in accordance with the instructions of the Central Election Commission. IFES understands from this that the CEC will provide numbered ballot paper blanks to the Territorial Election Commissions, who will be responsible for entering the candidate details on each ballot paper. IFES also understands that in some municipalities there is no overprinting capacity and that it is intended in such municipalities that each candidate's name and details be typewritten or even handwritten on every ballot paper. The potential for error or manipulation of such a process is considerable. The law should be amended to require that all ballot papers must be printed by standard print methods - not individually typed or handwritten made.

The draft law's devolution of such a major task as ballot paper printing to very large numbers of Territorial Election Commissions at the local level is also a high risk strategy. Printing of ballots at regional, or if necessary central level, would be a more effective and quality-controllable strategy.

Voting and Counting Rules

There are a number of perhaps less visible but nonetheless significant improvements for election integrity that should be made to Articles 38 and 39 of the draft law. In international good practice it would be usual, in the election legislation, to:

- Specify classes of voters eligible to be assisted in voting
- Explicitly state that only one person can be inside a voting compartment marking a ballot paper at any time (apart from defined assisted voters)

Additionally:

- It is not considered good practice to allow voting stations to close early, particularly where voters may establish their entitlement to vote on voting day itself
- It would be appropriate that the draft law define that the ballot paper is folded after being marked, so that each voter's vote remains secret
- The treatment of spoilt ballot papers is not in line with international standards, which would require that the spoilt ballot be cancelled - and set aside so that it cannot enter the ballot box - before a fresh ballot paper is issued to a voter
- It would be usual international practice for all voters inside the voting station as at the close of voting to be allowed to vote, not just those who had already been issued with ballot papers. The implication of the wording of this section is that voters will receive their ballot papers before a voting compartment is necessarily free for them to use. This is regarded internationally as very bad practice as it encourages voters to vote outside the secrecy of the voting compartment.
- The provisions for counting ballots in mobile ballot boxes seem to leave open the possibility that very small numbers of ballots could be counted separately, thus endangering the secrecy of the ballot. This is not in line with international good practice
- At the count it would be more usual and good practice to mark the reverse of all challenged ballot papers – not just those determined as invalid – with the decision of the PEC, asserted to by a required number of members.
- It is presumed that guidance for ballot paper reconciliations will be included in instructions provided by the CEC. However some basic outline in the law of the required reconciliation procedures would be usual.

87

- It would be usual for all ballot - related election material to be preserved for a defined period – often 6 months or 1 year after the election.

DRAFT LAW ON STATUS OF MUNICIPALITIES

The draft law On Status of Municipalities provides a framework for municipal governance that is in many respects unexceptionable. However of itself it does not provide a sufficient framework for the introduction of municipal government of any substance. It is in the main a series of what could be termed 'motherhood' statements: municipalities will have a budget of their own; municipalities will have their own services; municipalities may raise taxes; municipalities can own and privatise property; municipalities will have boundaries. These provisions lack the all-important details necessary for their implementation.

Without being able to view the proposed subsidiary provisions dealing with such issues as municipal property, municipal taxes and finance, municipal services and relation of municipalities with other organs of state, it is difficult to give a full opinion on the draft law On Status of Municipalities. IFES full comments on the proposed status of municipalities must be reserved until the full provisions of legislation affecting municipalities are known.

A pre-requisite for effective municipal government will be the passage of law dealing fully with those issues noted above, and those other issues requiring definition for a municipality to function. To have municipal elections without having acceptable laws on these issues in place – or without amending the draft law On Status of Municipalities to fully define these issues, is likely to create only a shell of municipal government.

The draft law also appears to give to municipalities functions that are residual from those provided by the executive bodies. In creating an active and healthy municipal sector it would be more usual for legislation to encourage both a more positive role for elected municipal authorities and to emphasise the lead role taken by elected municipal authorities, in assessing and determining the provision of services by executive authorities within each municipal area. Article 4 and 5 of the draft law would greatly benefit from amendment in this regard.

There are also some specific issues contained within this law that would benefit from improvement

Appointment of Councils in Small Municipalities

Article 27 of the draft law provides for 'secret or open' voting. Article 28 provides that in municipal areas with a population of less than 500 persons, the municipal council will be elected at a meeting, by an open vote, with the meeting and voting to be conducted under the provisions of a law whose draft has not yet been presented to parliament.

This provision is cause for serious concern. Open voting for elected governance bodies is against the secret ballot provisions that are at the heart of democratic elections, and it is incompatible with international standards of democracy. It leaves voters liable to coercion and intimidation – especially in a small community environment. It is contrary to the provision in Article 3.2 of the European Charter on Local Self-Government that local council members shall be ' ... freely elected by secret ballot on the basis of direct, equal, universal suffrage ...' (however this article would allow votes of assembled citizens on other issues).

Articles 27 and 28 of this draft law, and any related provisions in the draft law On Rules for Elections to Municipal Councils (for example Article 5) should be amended to require that all elections for each local council representative must be by secret ballot.

Encouragement of Small Local Government Areas

Article 11 of the draft law states that local citizens cannot be deprived, on the basis of population numbers, of the right to form their own municipality. Other provisions of the law indicate an encouragement of the creation of small municipalities. Discussions with senior officials have indicated that as many as 20% of the population of Azerbaijan may be included on municipalities each of which has a population of less than 500 people.

This is contrary to the trend in almost all democracies in the last 20 years, where the move has been towards amalgamating small, historic, non-viable local government areas into economically and managerially sustainable units. In envisaging many small municipal units, the draft law On Status of Municipalities will encourage the formation of economically unsustainable municipal areas, that will need assistance in the short term for economic survival and will take time and additional expense to organise amalgamation with other areas in future to assure economic viability.

It is highly unlikely that a multitude of small local government areas will each be able to be self reliant economically. Lack of economic self reliance will lead to a dependence on local or regional executive powers for financial assistance. There is then a substantial danger that these executive bodies, through financial dependence, will be able to dominate the activities of the elected municipal councils.

There are two approaches that could be taken to amending the legislation to promote the financial independence of municipalities. Article 11 could be amended to provide a minimum benchmark population for the creation of a municipality. Alternatively, provision could be made for a dual layer of municipal councils - with small settlements as of right being part of a larger regional representative body. Either solution would enhance the sustainability and economic viability of local self government, compared to the provisions of the current draft law.

LAW AND SUGGESTED DRAFTS ON CEC AT A GLANCE

ATTACHMENT 5

#	Categories	Government (Current Law)	Musavat (Draft Law)	Popular Front (Draft Law)	ANIP (Draft Law)	Support Centre for Democratic Elections (Suggestions)
1	**Number and types of members of CEC**	24 members the CEC defines if the member is permanent or temporary	24 members permanent members	17 permanent members and 1 temporary member from each party or block which has nominated a candidate for the Presidential election or submitted a list of candidates for the Milli Majlis election	15 members not stated about permanent and temporary members	24 members – not stated if permanent or temporary
2	**Who members represent**	Non partisan	Non-party	Permanent members represent political parties in Milli Majlis. Temporary members as for 1.above.	12 represent political parties, 3 appointed by the President.	12 represent government, 12 opposition

91

3	**Who selects or appoints members**	12 nominated by the Milli Majlis. 12 appointed by the President.	One third is appointed by the Milli Majlis, two thirds are elected among the candidates nominated by political parties (by casting lots)	Permanent members are appointed by the Milli Majlis. Each political party, which has a representative deputy in the Milli Majlis may have a candidate for permanent member of the CEC. If the number of political parties is greater or lesser than 17, appointment is decided by casting lots . Temporary members are appointed by their political party or block	9 members are appointed by the political parties which have PR elected deputies in the Milli Majlis, 3 – by the President of the Azerbaijan Republic, 3 –by other political parties represented in the Milli Majlis	All members confirmed by the parliament
4	**Qualification to be a member of the CEC**	The members of the CEC of Az.Rep. with full voting rights should be non partisan.	The members of the CEC must not be party members.	Each citizen of Az.Rep. who is not less than 18 years old and who is eligible to vote, who has not been sentenced for serious crime against the state or a person, and who is a university graduate can be a member of the CEC	Not stated	Not stated

92

5	**Rights of members of CEC including remuneration**	Members of CEC have the right -free passage throughout the territory of the country and may use all kinds of public transport free of charge. Their salaries are paid according to the sum defined by the CEC within the limit allocated for their activity from the state budget. -to be informed about the meetings of the Commission beforehand; -to ask questions from the other participants of the meeting of the Commission relating to issues on the agenda and receive answers to their questions; -to be acquainted with the different documents of the Commission and may get authorized copies of those	Members of CEC have the right of free passage throughout the territory of the country and all kinds of public transport free of charge. Their salaries are paid according to the sum defined by the CEC within the limit allocated for their activity from the state budget. A member of the CEC cannot be fired or transferred to another job without his/her own agreement. A member of the CEC cannot be made responsible for a crime or be subject to administrative punishment measures defined by the court without permission of the Prosecutor. Members must be informed about the meetings of the CEC beforehand.	Permanent members are paid a salary (equal to the salary of a deputy of Milli Majlis). Each CEC member has full voting rights. A temporary member -cannot be dismissed by the employer, or transferred to another job without his/her agreement -can be released from his/her job temporarily during the period of preparation for and conduct of the elections. Each member -must be informed about the commission's meetings -can question the meeting participants during the discussion of items included in the agenda and can receive answers to those questions; -can familiarize with any document in the	Members of CEC have the right of free passage throughout the territory of the country and all kinds of public transport free of charge during the elections. Their salaries are paid according to the sum defined by the CEC within the limits allocated for their activity from the state budget. Members of the CEC: -must be informed about the commission's meetings beforehand -can question the meeting participants during the discussions of the items included in the agenda and can receive answers to those questions; -can familiarize with any document in the possession of the CEC and get an approved copy of	Not stated

93

		documents. While serving as a member of the CEC, a member cannot be fired or transferred to another job by the employer without his own agreement. The member of the CEC cannot be made responsible for a crime or br subject to administrative punishment measures defined by the court without permission of the prosecutor.		possession of the CEC and with the documents of other corresponding election commissions, can get a copy of above mentioned documents and those the CEC has received and approved. The CEC member cannot be made answerable for a crime or be subjected to administrative punishment measures defined by court, without permission of Milli Majlis.	those documents. While serving as a member of the CEC, a member cannot be fired or transferred to another job by the employer without his own agreement. The member of the CEC cannot be made responsible for a crime or br subject to administrative punishment measures defined by the court without permission of the prosecutor.	
6	**Responsibilities of members of CEC**	The member of the CEC : -takes part in the meetings of the Commission. Gives suggestions on issues related to the authority of the commission and takes part in voting on these issues	The member of the CEC: -participates in discussions of the commission's powers, propose motions and take part in voting	The member of the CEC: - participates in discussions on the commission's powers, propose motions, take part in voting	The member of the CEC: -participates in discussions on the commission's powers, propose motions, take part in voting	Not stated

94

7	**How decisions of CEC are made and quorum required**	The resolutions of the CEC are adopted by the secret and open voting of its members. In case of equal proportion of votes (for and against) the chairperson of the CEC has a casting vote.	The resolutions of the CEC are adopted by the secret voting of its members. In case of equal proportion of the votes (for and against) a second vote will be held. In case of equal proportion of the votes the second time, the resolution is not adopted. The chairperson votes last.	Resolutions of the CEC are adopted: -by secret and open voting of its members -if more than half of total number of all members vote for them. If a vote is tied the CEC chairperson has the casting vote.	The resolutions of the CEC are adopted by the secret or open voting of its members. In case of equal proportion of the votes (for and against) the chairperson of the CEC has the casting vote.	Resolutions adopted by 2/3rds majority vote of members
8	**Term of office of CEC members**	No defined term of office.	No defined term of office.	Term for permanent members is 7 years Temporary members terms expire one month after election day.	No defined term of office.	Not stated

95

9	**Termination of membership**	The membership can be terminated in the following cases: -if a member resigns from his/her responsibilities; -if a member is no longer a citizen of Azerbaijan; -if a member becomes a party member; -if a member is officially sentenced by the court; -if a member becomes a candidate for the President of the AzRep or for the deputy of the Milli Majlis; -if a member is a close relative or advocate of the candidates for the Presidency or Milli Majlis; -if a member is a representative or observer of candidates for the Presidency or for the deputy of the Milli Majlis; of political parties etc. -if a member is subject to an official resolution of the court regarding disability, incapacity, death or disappearance	The membership can be terminated in the following cases: -if a member is no longer a citizen of Azerbaijan; -if a member is officially sentenced by the court; -if a member emigrates from Azerbaijan or leaves the country for a month or more; -if a member becomes a candidate for the President of the AzRep or for the deputy of the Milli Majlis; -if a member is a close relative or advocate, authorised representative or observer of the a candidate for the Presidency or Milli Majlis -if a member is subject to an official resolution of the court regarding disability, incapacity, death or disappearance; if a member dies	The term of office of the permanent members can be terminated in the following cases: -if a member resigns in writing form his/her responsibilities; -if a member is no longer a citizen of Azerbaijan ; -if a member is in paid employment or occupies a position with state body; -if a member emigrates from Azerbaijan; -if a member becomes a candidate for the President of Az.Rep. or for Milli Majlis, or their close relative, advocate, observer; -if a member is officially sentenced by the court; -if a member is subject to an official resolution of the court regarding disability, incapacity death or disappearance; -if a member dies	The term of office of the permanent members can be terminated in the following cases: -if a member resigns in written form his/her responsibilities; -if a member is no longer a citizen of Az.Rep.; -if a member is officially sentenced by the court; -if a member becomes a candidate for the President of Az.Rep. or for Milli Majlis, or their close relative, advocate, observer; -if a member is subject to an official resolution of the court regarding disability, incapacity, death or disappearance;	Not stated

96

ATTACHMENT 6

International Foundation for Election Systems

COMMENTS

on the

DRAFT PARLIAMENTARY ELECTION LAW

IFES CONSULTANT
TONY REISSIG

May 1, 2000

Introduction

On March 24, 2000, IFES consultant, Tony Reissig received a confidential draft of the Parliamentary Law from Shahin Aliyev, Director, Department of Legislation and Legal Expertise, Executive Office of President. The task of translating the Azari document was difficult due to the law being written in Russian and then translated into Azeri. There appeared to be many questions in the law due to vague terminology in the draft. On April 5, 2000, after numerous attempts to clarify specific questions to the translation and continuous delays meeting with Mr. Aliyev, he produced an already prepared English translation. This translation had a number of discrepancies from the Azeri draft. On April 18, 2000, the IFES/Azerbaijan office completed an unofficial English draft of the Parliamentary Law. Based on this draft, the following recommendations are made.

The law guaranteed some of the basic internationally accepted standards for democratic elections. These include multiple candidacies; freedom of speech and assembly; equal access to the media; the right for candidates and parties to observe the voting and vote count; the right of voters to individually and privately to cast ballots; plus an appeal mechanism to readdress grievances.

However, in some important aspects, the law was unclear, vague or silent.

Detailed Comments

Index

An index of Chapters and Articles with page numbers should be included at the beginning of the law allowing for easier and quicker reference to specific sections of the law.

Article of Definitions

Clarification of terminology used in the law needs to be defined in an Article at the beginning of the law to explain the meaning of specific wording. This would eliminate instructions being issued from the commissions or various interpretations being issued by various commissions. For example, the words "inform" and "publish" are used in many instances in the law and it should be specifically defined as to how to inform and where to publish.

Article 3. Elections to Milli Majlis

Although the system of Proportional Representation is used in many different forms in many countries, the purpose is to provide a means for minority political parties to have a representation in proportion to their party size for a seat in Parliament. Increasing the number of multi- mandate seats would allow a better opportunity for the minority parties to be represented. The recommendation would be 75 deputies for the single-mandate election, using the existing 75 regions or districts; and 50 multi-mandate deputies elected on the basis of the number of proportional votes cast for the list of candidates nominated by voters associations and voters blocks

Article 5. Determination of Elections of the Milli Majlis

Consideration might be given to determining the election date at a minimum of 5 months; if not sooner. Since the election date is set in the Constitution in Article 84, enough time must be allowed for the requirements of campaigning under the law, and allow sufficient time for the commissions to perform their duties.

Article 12. Formation of Single-Mandate Election Areas

12.3.1

The limits of the condition not to exceed the average representation norm by not more than 10%, in remote districts by more than 15%, should be reconsidered to be ...not to vary from the average representation norm by 5% plus or minis and in remote areas 7.5%; thereby limiting the opportunity to fix the district in favor of one candidate over another and creating more equal voters.

12.4

The language " Borders of municipalities should be taken into account when . . ." should be changed to read "Borders of municipalities must not be crossed when.... ". The municipalities, suburbs, and villages should not have split representation unless there are clear lines already defined.

12.7

If the Central Election Commission approves the scheme and graphical description of the creation of the single-mandate election areas 150 days prior to the day of termination of powers of functioning deputies of Milli Majlis (Article 12.5) , then why are they not published on that date? Why is it necessary to wait 30 days?

Article 14. Formation of Precincts

14.2

Precincts are created by the relevant executive authority or head of the municipality " .. .. with an agreement of the Territorial Commissions . . .". It should read " . . .with the approval of the Territorial Election Commissions . . . ". Having the commissions approve the creation of the precincts makes them more responsible for their accuracy.

14.4

The term "exceptional cases" needs to be defined. This wording leaves too much flexibility to the person using it; thus limiting the amount of time to make corrections to the voters list and candidates to campaign in these areas. It is suggested to possibly have it approved by the election commission by vote.

14.7

Lists of precincts " . . . are published by heads of municipalities . . . at least 25 days prior to election day." These lists should be published by the election commission and not the heads of municipalities; making the commissions responsible for their accuracy. The timetable should be only 5 days to a maximum of 10 days after they are created; which is 50 days prior to election day (Article 14.2); not 25 days after. Most of the locations used for voting have been established for other elections and will already be familiar with the commissions.

The section on the information about precincts established within the period mentioned in 4th and 5th paragraphs of Article 14 are published at the latest within 3 days after they have been established is also unreasonable. If the precinct can be created 5 days prior to the election ,and not published until 3 days after that, this leaves only 2 days to do all necessary checking of lists and campaigning; which is realistically not enough time to insure accuracy.

Article 15. Compilation of Voters Lists

15.2

The 26 days mentioned in this article for the election commission to prepare the voters list is too late. The entire timetable for the compilation of the voting lists should be moved back so that the list of voters in the precinct should be available and displayed for public view 30 days prior to election (Article 17.1); allowing more time for corrections to be presented to the commissions. If the Precinct Commissions are formed 50 days prior to election day (Article 20.1) and the lists are submitted to the Territorial Election Commission at least 60 days prior to the election day (Article 15.7), then the lists should be delivered to the Precinct Commission no later then 40 days prior to the election, not 25 days as stated (Article 15.10). This way the Precinct Election Commission can make the list public 30 days prior with corrections. All cases of preparation of voters lists as defined in Articles 15.2 – 15.6 should be made public 30 days prior to election day.

15.8

The wording "permanent address or address of a place where he/she mostly lives" should be clarified and defined. It leaves too much discretion to the person interpreting it.

100

15.9

Again, the wording "exceptional cases" needs to be more clearly defined or possibly approved by the superior election commission.

15.10

As explained in Article 15.2, the lists should be transferred to the Precinct Election commission at least 40 days prior to election day; not 25 days as stated. Also, the term "relevant document' should be more clearly defined.

Article 16. Rules for Inclusion and Exclusion of Citizens In and From the Voters Lists

16.2

The wording . . ."mostly in the territory" ... needs to be further clarified and defined.

16.5

"... are included on the voters list on the basis of "a document" which confirms that he/she has been de-registered". There needs to be more explanation of the document. If it is the same document described in Article 69.1 and 69.2, then this article and paragraphs should be referred to.

16.6

The wording " . . . bases of ID or a document which substitutes it . . ." needs better clarification. Possibly using the wording " . . bases of official ID, which includes residence . . .".

16.8

Again, the wording . . ."bases of ID or a document which substitutes it" needs better clarification. Possibly using " . . . bases of official ID, which includes residence". Also, the language " . . . if necessary other documents . . . ', which confirm that the voter lives mainly within the territory of that election precinct, needs to list the documents that would be acceptable.

Article 17. Public Display of Voters Lists

17.1

As explained in Article 15.2, this should say the voters list is submitted for public display at least 30 days prior to election day. The wording "public display" should be better clarified. Possibly saying the voters list will be displayed outside the polling location on a board visible and available to the public.

17.2

This article needs to require the Precinct Election Commission to inform the voters on the voters list that the list is to be made public and include the location, dates, and time of this posting so that the voters can inform the commission about any errors and mistakes.

17.3

Allowing a complaint about a decision of the Precinct Election Commission to be filed with the superior election commission or to the court gives the superior election commission the opportunity to refuse a complaint and permits them to tell the voter to go to the court. The recommendation would be that if a complaint is filed with the superior election commission, then it must be accepted by that commission.

Article 18. System of Election Commission for the Elections to Milli Majlis and their Status

18.4

The law states that the investigation of a complaint must be addressed and answered within 10 days; although it has been explained that the commission must answer the complaint within 5 days and no more than 10 days. The law should be clearer about this timeframe.

This Article permits investigations of violations of this law; but penalties are not addressed. At time of print of these recommendations, there is supposedly a new Criminal Code written, including three Articles on Election Law violations, but this consultant has not seen them as of yet.

Article 19. Formation of Territorial Election Commission

19.1

The sentence " Members of the Territorial Election Commission cannot be members of any political party . . ." must be further clarified. How is it determined that these members are not members of political parties? If it is it by examining the lists of parties when they are formed, then this should be specifically stated.

102

19.2

In this Article, the members of the Territorial Election Commission are chosen by "casting lot". The usage of these casting lots in past elections has been executed in various ways by various people. The manner in which the casting of lots is done, if it must be used, should be defined in the law. For example, the box should be shown empty at the beginning of the casting of the lots. The names of the candidates for commission members should be written on pieces of paper of equal size and type in front of present observers. The pieces of paper should be folded in an equal manner and placed into the box. Then the names should be drawn.

This Article should be referred to in all sections when this term "casting lots" is used within this law.

Article 20. Formation of Precinct Election Commissions

20.3

This Article refers to the manner in which members of the Precinct Election Commission are chosen and includes the phrase " . . . as a rule with higher education . . . " . This needs further explanation. In the past, the CEC had to explain this wording to all interested parties and this should not be necessary. The law should be stated clearly on the meaning.

Also, the phrase " . . . who have been nominated by local public associations, local branches of political parties and local voters meetings in the relevant territory . . . ". The term "relevant territory" needs to be clarified. Does this mean within the precinct or the single-mandate election area or the district?

Article 22. Status of Election Commission Member

22.3

This paragraph needs to be rewritten because as it reads now it implies that a member of one election commission with a casting vote right can be a member of another commission with a decisive vote right. I do not believe that this is the intent of the law.

22.6

In paragraphs 22.6.1 through 22.6.5, there are stated numerous reasons if necessary to terminate a commission member with casting vote right but there is no provision in case of illness. This should be included.

22.13.4

While stating the rights of Election Commission members, this Article prohibits the copying of voters lists. There is no apparent reason for this exclusion and it should be removed.

103

Article 23. Power of Central Election Commission during Elections to Milli Majlis

23.1.5

This section states " . . . adopts instructions and other standard statutes (acts) concerning the implementation of this law . . .". The CEC has no authority to interpret or adopt statutes regarding this law as stated in the Constitution. This is another example as to why the law should be as specific as possible within all Articles.

Article 26. Transparency in the Activity of the Election Commissions

26.2

In this section, as well as other sections of the law, the word "informs" is used frequently but there needs to be better clarification of the word. Informs how? A recommendation is to refer to Article 28.15 and 28.16, which permits election commissions the right to use air time and space in periodicals prior to the election. All informing should be in these publications and the law should require the mass media in the two sections to print and air these requests by the commissions. This would stop arbitrary ways of informing by each individual commission. An instruction by the CEC on the way a commission informs is not sufficient in this matter; since history has proven that the message is not adhered to.

26.5

This section states " . . . if voting had been conducted before the election day . . ." There is no reference within this law that explains how voting can be conducted before Election Day so there should be no circumstances that permits it.

26.11.1

The phrase " . . . become familiar with voters lists . . . " is used and needs to be more specific. It should specify that the lists need to be shown, read and to copied.

26.11.3

In this section, under the rights of observers, it states " . . . to observe issue of ballot papers to the voters." This should be broadened to permit the observers to be told on request of the delivery and acceptance of ballots; and be permitted to observe this transfer.

26.11.7

The word "verify" is used in reference to the election commission when giving documents mentioned in this section to observers. The verification of these documents needs to be more specific, as in other Articles, by saying the must be signed and by whom; as well as the official stamp of the commission.

26.15

This section states that both commission members with a casting vote right and observers present during voting and vote counting have signs and pins, which do not campaign, but which show status of representation. All persons who are not voters should be required to exhibit identification to verify why they are present in a polling place.

Article 28. Organization of the Functions of Election Commissions

28.6

This section states that meetings of the election commission are valid, if attended by the majority of commission members with a casting vote right. This contradicts Article 28.2, which states " . . . at least two thirds must be present at the first meeting." This section should include "except for the first meeting as described in Article 28.2".

28.10

It states that " . . . voting is conducted on issues included in an approved agenda which is within the powers of the election commission." An agenda approved by whom? The agenda needs to be better defined.

28.11

In this section, as well as many others within the law, the phrase "should be recorded" is used. It is recommended that a special notebook be referred to as provided by the CEC to all commissions; so anytime within the law it is required that something be recorded, it can be put in this official notebook and easily identified..

28.14

Requirements similar to those expected for election commission members should also be applied to those that are hired; who are nonpartisan. Also, these employees should be approved by the commission members with a casting vote right by vote.

28.15 and 28.16

Wherever it is required in the law to publish or inform, this law should be broadened so that mass media facilities also publish or inform at the request of the election commission.

Article 29. Voters Associations

29.1

The requirement that a political party must be registered at least 6 months prior to the announcement of the election day is restrictive and should be shortened to possible when the announcement of the election day is made. Political parties should be able to be formed based on information of the created single-mandate districts.

Article 30. Voters Block

30.4

I believe the reference to Paragraph 3 of this section is in error and should be corrected as Paragraph 2

Article 32. Authorized Representatives of Voters Associations and Voters Blocks

32.6

In this section, it states that representatives of voters associations and voters blocks who still work for the government or municipal bodies cannot use their positions and occupations during election processes. This statement should be stronger and say they must not use their positions and occupations.

Article 34. Direct Nomination of Candidates by Voters

34.2

Citizens of the Azerbaijan Republic who have the active right to vote and are 21 years old on election day can nominate candidates for a single-mandate election area. There is no basis for setting an age restriction on those that nominate candidates. It should be any citizen with the right to vote.

34.6

The section that requires if candidates have been sentenced, and their conviction has not been canceled or served, states that they must note the name and number of a relevant article of the criminal code on their application. This requirement should be removed since there is no relevant purpose for this information to be included. If it is not a requirement in the law that persons cannot be a candidate because of certain convictions, then the law should specifically state that. To ask for any convictions to be listed on an application is irrelevant.

Article 38. Insurance of Equal Status for Candidates

38.2.4

This section addresses the abuse to use transport, which is state or municipal property ; but permits use of transport in accordance with the legislation of the Azerbaijan Republic on state property. This statement does not create equal status for candidates if some candidates and not others can use this transport.

Article 39. Rules for Collecting Voters Signatures to Support Candidates Nominated Directly by Voters

39.2

The requirements of collecting four thousand signatures within the territory of an election area for which a candidate has been nominated for, and if the election is conducted before its determined time, at least two thousand signatures should be collected in support of a candidate, are too high and should be considered lowered.

39.3

As explained in Article 34.6 and 37.4, the section of the paragraph that requires that if a candidate has been sentenced and the sentence is not served or canceled, the signature sheet should contain the name and number of the article of the criminal code of the Azerbaijan Republic due to which he/she is sentenced or the name of relevant legislation of a foreign country; otherwise it serves no purpose and should be removed.

Article 40. Collecting Signatures in Support of Candidates Nominated by Voters Associations and Voters Blocks

40.2

The requirement in this article that voters associations and voters blocks must collect eighty thousand signatures of voters to be nominated is excessive. In the1995 Parliamentary Election, in order to field a party list, a political party had to collect 50,000 signatures and to increase this number has no logic. The amount of signatures should be lowered to a half of a percent of the total population. Based on a total population of 8 million people that would be 40,000 signatures.

Article 41. Rules for Collecting Voters Signatures in Support of Single List of Candidates and Candidates

41.2

This paragraph states " A citizen of the Azerbaijan Republic who has reached legal age..." needs to be defined. Is this 18 years of age as required to vote, or as defined in Article 34.2, which is 21 years old? If it is the latter, then it should be changed to say 18 years old or anyone who is eligible to vote for the reasons already explained in Article 34.2.

Article 42. Submission of Documents for Registration of Candidates and Single List of Candidates

42.1

The time frame requirement to submit documents to the Territorial Election Commission for registration of candidates nominated for a single-mandate election area states at the earliest 55 days and at the least 10 days prior to Election Day. If the Commission has 10 days or more to check the accuracy of the information and facts submitted as defined in Article 43.3, then this could limit the time of campaigning to 45 days or less. It should be considered to increase the number of days to permit more time for the election campaign.

42.1.2

The two copies of the protocols on results of collecting signatures prepared in a format defined by the Central Election Commission that must be submitted to the relevant Territorial Commission, does not give a time frame that these forms are available from the CEC and should do so. Also, the number of the forms to be given to authorized representatives of candidates, voters associations, and voters blocks from the CEC is also not defined in this law. There should be no limitations to the number of forms they receive..

105

42.1.6

In the documents to be submitted to the Territorial Election Commission for registration of candidates nominated for a single-mandate election area, it states in this paragraph " . . . a candidate's initial financial record." This needs a clearer explanation as to what is required of the information provided.

42.2.2

The same comments that are mentioned in Article 42.1.2 should apply here as well.

Article 43. Checking Accuracy of Signature Sheets and Documents Submitted by Candidates, Voters Associations and Voters Blocks

In their Executive Summary about the November 12, 1995 Parliamentary Election, the OSCE/UN Joint Electoral Observation Mission stated "Voters freedom of choice was limited by decisions to exclude about 60 percent of candidates and one third of the political parties on the basis of a methodology that is open to question: a visual examination of signature lists by election officials and Government handwriting experts, without an original of the signature. While these lists undoubtedly contained improper signatures, as acknowledged by some parties and candidates, the exclusion of many signatures was debatable. Moreover, contrary to international norms, there were no independent experts to dispute the judgments of official experts, which played a crucial role in decisions on the inclusion or exclusion of candidates and parties." This section does not address this problem by permitting independent experts present to dispute the findings of the appointed experts.

43.3

The 10 days mentioned in this article for the relevant bodies to inform the Territorial Election Commission on accuracy as requested is not enough time. Also, since the election commission must make a decision on the registration or refusal within 10 days after the receipt of the information required by the law as defined in Article 44.1, there may not be enough time to accurately check this information. Because of the law, working groups may not be able to perform within this time frame. Rushed actions to meet deadlines will compromise accuracy and cause errors. More time should be considered.

The second paragraph of this section relates to the creation of working groups to check the accuracy of the signatures and relevant information; and also states that in addition to election commission members and employees of election commission, specialists can also be invited to check the accuracy of signatures. The word " specialists" and "expert" should be defined in this section - as one with a diploma or expert determined by years of work. Also, if as stated, if the election commissions can use the state registration system of voters to check accuracy of information in signature sheets, then why can't this state registration system also be used to create the voters lists?

109

43.4

The rules for the lottery to select the 15% of the signatures required for registration of each candidate and single list of candidates should be defined in this law. The mass media and observers should also be included as of those being permitted to be present during the casting of lots and checking signature sheets.

43.16

The section of this paragraph that states a copy of the protocol on the results of checking signature sheets is submitted to a candidate, authorized representatives of voters associations and voters blocks, at least 12 hours prior to the meeting, is not sufficient time to prepare for a response to the decision and the time frame should be extended.

Article 46. Insurance of Registered Candidate's Activity

46.6

In this section, it states candidates registered for single-mandate election area, voters associations, and voters blocks, which have the single list of candidates registered, or their authorized representatives, can obtain information about territory of relevant Territorial Election Commission, it's address. Telephone, as well as lists of voting stations, Precinct Election Commissions and addresses of voting stations but this section does not give a time in which this information is given to them. The section also does not explain as to how these people receive the information. It should state that at the time the lists are created, the people mentioned will be contacted and a copy will be given to them.

Article 48. Refusal from Candidate's Status

48.2

In this paragraph, it states "If a registered candidate withdraws his/her candidacy without compelling excuse, he/she must return funds given to him/her from the budget by the Territorial Election Commission." The term "compelling excuse" must be defined or could be arbitrarily interpreted.

48.13

This section says the Central Election Commission takes back funds if voters associations or voters blocks withdraw their single list of candidates due to paragraph 5, or compelling reasons. As described above, "compelling reasons" must be defined and does this mean the entire amount given or what has not already been spent?

Article 51. Public opinion

This Article should be eliminated completely since it serves no purpose and could appear as restricting transparency. The public opinion survey is the sole properties of the person who conducted and paid for it and should be given to anyone they choose.

Article 52. General Rules for Using Mass Media by Registered Candidates, Voters Associations and Voters Blocks

52.4

In this paragraph, it states "If TV and radio companies and periodicals do not participate in election campaign, they can refuse to publish any materials regardless of their form". The words "or air" should also be included for the reference to television and radio.

Article 53. Election Campaign on TV and Radio

53.4

The last sentence of this paragraph is confusing; as it appears to exclude candidates registered for a single-mandate election district from using free airtime mentioned in Article 52.2.

53.9

The date and time of the election campaigns of voters associations and voters blocks are defined by a lottery conducted by the Central Election Commission, with participation of representatives of TV and radio companies. The conditions and manner in which the lottery is conducted should be defined. The section in Article 26.2 that states persons may be present, does not address how these persons are informed of the date and time of the lottery. This information should be clearly stated. Also, Article 26.2 does not mention observers and mass media and these people should be included.

53.13

The same comments and recommendations that pertain to Article 53.9 should be applied here as well.

Article 54. Election Campaign Using Periodicals

54.6

This section discusses that the date of publication of election campaign materials is determined by a lottery conducted by the periodicals (in their offices) with participation of relevant persons, after registration of single lists of candidates has been finished. Firstly, the instructions of the lottery should be in the law as explained previously, and relevant persons participation needs defining as to whom and how they are informed. The time given as to when the lottery should be held should state how many days after registration of single list of candidates.

54.10

In paragraph two of this section, members of the relevant election commissions, as well as persons mentioned in Article 26.1 of this law, have the right to be present during the process of the lottery. The lottery needs to be defined with instructions as to its conduct; and observers and mass media should be included to be present.

Article 55. Election Campaign Using Mass Actions

55.6

Election campaign meetings on military units, military organizations and military institutions are arranged by the commanders of those military units; along with the relevant Territorial Election Commissions. The commanders are invited and informed about these meetings at least 3 days prior to the meeting. How are they informed? Observers and mass media should also be included to be present.

Article 56. Production and Distribution of Printed, Audiovisual and Other Election Campaign Materials

56.6

At least 30 days prior to Election Day, relevant executive authorities and municipalities, with a request of the Territorial Election Commission, allocate locations for displaying printed election campaign materials within the territory of Precinct Election Commissions. It further states candidates registered for single-mandate election districts, authorized representatives of voters associations and voters blocks with registered lists of candidates, have the right to obtain the lists of the locations allocated for displaying election campaign materials from the Territorial Election Commission. It does not give a date as to when these lists are available; which should be 30 days when they are given to the Territorial Election Commission. Are they given copies or must they copy the lists themselves.

112

Article 59. Election Funds of Candidates, Registered Candidates, Voters Associations and Voters Blocks

59.6.13

Legal entities, which have been registered less than 1 year prior to Election Day. This restriction is excessive and should read " legal entities, which have been registered after the announcement of the Election Day".

60.5

In this section it discusses that the final financial report is submitted to the Territorial Election Commission and a copy goes to the Territorial Election Commission. This would mean that two copies go to the Territorial Election Commission. This needs to be corrected. Possibly one goes to the Territorial Election Commission and the other copy goes to the Central Election Commission.

See MM rules

Article 66. Control and Inspection Services of Election Commissions

66.2

Control and Inspection service includes the following:

Head of the control and inspection.

Election Commission members appointed to that service, experts invited from the government, National Bank and other organizations and institutions.

The organization of the body is not defined. Who appoints these members and experts? How is the Head selected? The article should state that the members from the commission and the selection of the experts to be on the Control and Inspection Service are voted on by the commission members by majority vote; and the head selected by the group.

Article 68. Ballot Papers

There is no mention of the numbering of the ballots in this section. Are the ballots to be numbered; and if not why?

68.6

There is no purpose for this Article and it should be eliminated.

68.9

Candidates, Registered Candidates, Voters Associations, and Voters Blocks or their representatives, observers and mass media, should be included to observe the printing of ballots. Those mentioned would be informed of the date, time and place of printing.

113

68.11

Members of election commissions, registered candidates, authorized representatives and agents of voters associations and voters blocks, as well as persons considered by Article 26.5 of this law, should be permitted to observe any process of the transferring of the ballots to any commission.

Article 70. Voting Rules

70.1

By extending the election hours from 7:00 to 21:00 will cause fatigue to the commission members by the time they close the polling station and begin the counting process. An idea may be to break the commission members into shifts and also scheduling rest periods throughout the day.

70.3

This section permits a voter to inform the Precinct Election Commission if a voter cannot attend the voting station at least 24 hours prior to election day so they may vote with the mobile ballot box in their home. It should be included in this paragraph that the voter should sent a written request; not just verbal.

70.5

It says here that the "voter records his/her ID, or other document which substitutes it, series and number on the voters list after he/she receives a ballot paper." The language "or other document which substitutes it" needs to be clarified. There will be confusion at the polling station; and voters could be refused the right to vote if the document is not defined in the law.

70.6

When a voter is given a ballot paper, the left hand corner of the ballot paper is cut off and retained by the Precinct Election Commission member. How are these cut pieces of ballots secured? It is recommended that they be placed in an envelope and then counted after voting hours to tally and justify the number of ballots given out.

70.10

As explained in Article 70.3, the voter should make the request in writing prior to the election and not on Election Day. This written request can then be used to determine how many ballots need to be distributed. A verbal request is not sufficient enough and has no documentation to support it.

It should also be added in this section that the top of the mobile ballot box should be sealed after it has been returned from voting stations. This would prevent any ballots mistakenly placed in it during the rest of the voting day. Then the seal would be broken after voting ends and when the ballots are counted.

70.13

This section discusses how the voter who makes a mistake on the ballot paper can receive a new one and also how "Later" the spoiled ballot paper is canceled and a separate document is prepared recording this information. The word "later" is not specific enough. It should read that when the voter gives the commission member the old ballot, it is placed in an envelope labeled soiled and defaced ballots. These ballots should be accounted for during the counting of ballots at the end of voting.

Article 71. Counting the votes in the Voting Station

71.1

It should state in this section that before the ballot boxes are opened, the number of signatures on the voters list should be counted to determine the number of ballots that should be in the ballot box.

71.6

There should be a place added to the protocol for the soiled and defaced ballots as described in Article 70.13.

71.15

In this paragraph, the third copy of the protocol is the copy which is "displayed on the board" with all information, for general information of observers and representatives of the mass media, and it is signed in accordance with the rules. This protocol should be placed in an area where the public may also view it; and it should be displayed immediately after it is completed.

Article 72. Determination of Election Results by Territorial Election Commission in Single-Mandate Election District

72.2.1

If less than 25% of voters included in the voters list up to the end of elections record their votes, the election can be considered void. It should be considered that removing this 25% requirement would cut costs considerably by not having to repeat the election.

Article 73. Determination of Results of Voting in the Single Multi-Mandate Election Districts

73.3

The requirement that voters association and voters blocks can get a mandate only then if 8% of voters participating in the elections have voted for the single list of candidates nominated by them is excessive. The international standard is from 3% to no more then 5% and should be changed.

73.7

The requirement of 8% needs to be changed to be between 3% and 5% as described in Article 73.3.

73.8.2

The elimination of this requirement should be considered as described in Article 72.2.1

73.11

This section mentions whom should receive approved copies of the protocol and summarized table from the CEC; but there is no mention of posting these documents for the public and this should be included.

Article 79. Use of State Automated Information Systems During the Elections

79.3

In this section, it states all members of the election commissions and observers have the right to become familiar with any information received by and extracted from the automated information systems. There should be no exclusion of any interested party to this information. The language should include the parties mentioned in Article 78.1 and that they have the right to any information received by and extracted from the automated information systems.

116

79.6

There is a question about the significance of the information that is obtained from the state information systems; if as described in this section that the information is to be considered to be initial information which does not have legal importance. Then what is the purpose of this information?

Article 84. Cancel of Registration of Single List of Candidates and Registered Candidates, Refusal of Registration of Single List of Candidates and Candidates

84.2.1

The phrase " if invalid information is of great importance" is discretionary and can be arbitrarily interpreted by the person examining it. This phrase should be removed.

84.3.2

The sentence "Except in cases described in Article 55.6" should be added to this section since election campaigning is permitted in military units, military organizations and military institutions within the mentioned timeframe.

117

ATTACHMENT 7

COMMENTS ON DEM CONGRESS DRAFT PARLIAMENTARY ELECTIONS LAW

STYLE AND PRESENTATION

Many of the articles and sub clauses consist of very long paragraphs, and deal with more than one issue within the one sub clause. It would be much clearer, and assist in bringing the draft into line with modern international standards legal drafting standards, if a rule of one issue per section/sub-clause were adopted.

In particular, the practice of writing some articles as one long clause needs to be reviewed. Breaking each article up into separate sub-clauses, each dealing with a single issue, will do much to clarify the law.

Specific examples are dealt with at the end of these comments.

CONTENT

Definitions of Terms

It would be very useful to include an article at the beginning of the law that clearly defines all technical and other terms used in the law.

Election Offences

Election offences are only outlined in general terms within the law (Article 7) It would be highly preferable of these were all specifically described, and their penalties also defined, within the election legislation itself. Administrative failure to act (eg failing to give notice of an activity, failing to respond to a complaint within the relevant time period) needs specific attention in the list of offences and penalties.

Transparency

The section dealing with election transparency and observation is much more comprehensive than in the 1995 law. However some further improvements are possible.

Article 8.4 is very general, in that it does not state who is responsible for providing the information, nor does it give any idea of what might be encompassed by 'activities relating to the organisation of elections' This clause would be more useful if it defined which election commissions are responsible for providing information about what specific activities

In Article 10.1, it is stated that 'public associations (organisations)' may appoint observers. It is not stated if this applies only to 'registered' associations/organisations. It should be clarified if it is meant that unregistered organisations may appoint observers, remembering that denial of registration to a public organisation could limit the capacity for local election observation.

There is no definition in 10.2 of the observer accreditation process, eg whether it is an organisation, or individual observers, that must be accredited by the CEC. There was some official inconsistency on this issue at the 1999 municipal elections. There is no definition of any grounds on which the CEC must accept/may refuse accreditation to any observer – eg is it merely enough for the observer to have been proposed by his/her organisation?

Some refinement of Article 11 dealing with the rights and duties of observers would be useful. In particular:

- Some chronological order of activities would be assist in clarity in this article

118

- The right of observers to attend all CEC meetings could be emphasised in a separate point

- It should be clarified if observers to voting stations have to be appointed to a specific precinct. Especially if no, it would be usual to define the maximum number of observers form the one organisation who may simultaneously be in te same voting station

- It would aid election transparency if observers have the right to be in voting stations from the time the PEC staff arrive for duty, not just from when voting commences.

- The right of observers to information would be better extended to cover the right to obtain h verified copies of all relevant election documents – eg voters lists, signature sheets, CEC/TEC/PEC decisions and instructions – on request to the relevant election commission

- Proposed Articles 11.2 and 11.3 would preferably be amended to deal also with misconduct by an observer at Territorial or Central Election Commission activities.

Election Funding

This chapter – Articles 13-17, and particularly within Articles 15 and 16 - mixes provisions for raising/allocating/reporting on the funding of the administrative conduct of the election by election commissions, and the funding and expenditure of candidates and political parties on election campaigns. These would very preferably be rewritten as different chapters, treating totally different issues.

The last sub clause of Article 14 (14.7) appears to have been retained in error from an earlier draft.

What the 'other funding' in Article 16 means is not clear – does it refer to funds in political party/candidate election fund accounts? If this is unexpended funds remaining in candidate or party elections campaigns, their confiscation would not be a usual provision.

It would be preferable that the CEC also provide a summary report on candidate and party campaign funding within a set period after election day - not just publish the reports submitted by parties and candidates. The same 60 day time period as for reporting on official election expenditure (Article 15.2) would seem appropriate

Complaints and Disputes

Single Mandate Majoritarian Districts

While equality of population should remain as the major determinant of election districts, simplicity of election administration will be enhanced if majoritarian districts, wherever possible, follow the boundaries of municipalities and do not contain more than one part-municipality

It would be preferable that the boundaries of majoritarian districts be known by the time the election is announced – ie by at least 120 days before election day.

Formation and Functions/Powers of Election Commissions

If political parties who have nominated candidates for elections are to appoint a member to the CEC, it would be preferable that their term does not expire until all CEC functions in

relation to the election had concluded – ie 2 months after election day (see 65.2), rather than the 1 month specified in this sub clause.

The accountability for election processes needs to be strictly defined in this chapter of the law. The CEC must be accountable for ensuring that TECs fulfil their functions correctly; the TECs must be accountable for ensuring that PECs fulfil their functions correctly (not just 'coordinate their activities' as in the proposed article 27.1)

The proposed procedures for the lottery draw for both TECs and PECs (Articles 26 and 28) need to be strengthened to provide greater transparency. While Article 8.4 provides for 3 days notice of any election activity, it does not say who is responsible for giving this notice, and is really too general (see comments on observation). Either Article 8.4 needs to specify information about the lottery draw, or advance notice about the draw be defined in Article 26. Article 26 would preferably include:

- the type and advance period of notification for lottery nominations and draws
- that the lottery slips used must be exactly identical in shape, colour, folding, texture, form.
- that the names must be written on lottery slips in the presence of observers
- that the box is displayed empty before and after the draw
- that the person drawing the name slips from the box is blindfolded when doing so
- that observers must be able to see everything going into, and read the names on the slips coming out of the box used for the draw

Preferably, the whole process would be changed to a 'double randomisation' type draw.

Article 28 should refer to Article 26, not Article 25 The process for selection of PECs would preferably be spelled out anew, rather than by reference to the article dealing with selection of TECs. Even if the current format for this draft article is retained, there are some sub clauses in Article 26 that are not wholly transferable to the PEC environment, and will require specific mention in Article 28 – eg:

- 26.6 when to be consistent the selected PEC members should also sign the protocol on the lottery
- 26.9 when it would be preferable to specify that PEC members are issued with a card
- 26.10 in relation to political party nominees to the PEC

As currently constructed, Article 28 would require that CEC members participate in every lottery draw for Precinct Election Commissions. This may be an unrealistic requirement.

Voters Lists

It would be preferable that the CEC and other levels of election commissions were given clear responsibility for ensuring, as far as possible, the accuracy of information contained in voters lists

There needs to be a well defined procedure for amendment of, addition to or removal from voters lists. This could be issued as a CEC instruction, but it would be preferable to be outlined in the law

It would be preferable that there were some external check on the voters lists prepared under Article 33.6 by commanders of military units

Article 33.9 and 33.10 need to specify how it can be ensured that voters registering at external diplomatic missions and ships do not remain on voters lists within Azerbaijan. The law also needs to clarify for which majoritarian district (if any) these voters may vote, and how this is organised and controlled.

The intention of Article 34.4 - prohibiting the addition of persons to voters list on voting day - needs to be carefully thought through and the wording revised so that it does not needlessly disenfranchise voters. On voting day for the municipal elections, there appeared to be many occurrences where street names had been changed, so that voters list addresses no longer matched the voter's address in his/her identity document. These voters were added to the *supplementary voters list. Whatever procedures for voting are adopted will need to ensure* that such voters are not required to be added to a 'supplementary' list, and hence may be disenfranchised by the proposed Article 34.4. (Note that the proposed Article 55.5 would leave open to CEC rules or PEC interpretation whether the address on the identity document must match the address on the voters list. This should also be clarified) The current construction of Article 34.4 is possibly also inconsistent with the draft Article 55.1 which would allow 'de-registered' voters to be added to a voters list in another voting station on voting day

Article 35.2 allows political parties to advise of errors in the voters list. It would also be useful for there to be a corresponding provision that guarantees that political parties are provided *with a copy of the displayed voters list so they may check it.*

Registration of Political Parties

To require registered political parties to go through another form of registration before they may submit lists of candidates for the election (Article 37) would generally be regarded as placing potential unwarranted restrictions on election participation, and not conducive to promoting democracy

Candidate Nominations

Article 40 should specify who/what body is responsible for ensuring that unlimited supplies of signature sheets are provided to parties and candidates.

There needs to be some measure of professionalism and accountability for decisions on the validity of signatures on the signature sheets supporting candidates (Article 40) . It would be preferable for the method of checking to be defined in the law, and a provision be included that requires any decisions on rejection of a signature to be verified by a person with professionally recognised expertise in the study of handwriting. It is necessary for the law to state that any of the signatures collected in support of a candidate may be included in the 1% of voters required to support registration: thus if more than the required number of signatures has been collected, they are all potentially included in the '1%' required.

Article 41.8 does not specify the grounds on which the registration of a candidate may be refused

It would be more usual, to prevent disruption of the election process, for candidates to be allowed only a short time after they are registered to withdraw their nomination as a candidate (for example 1-2 days) rather than allow withdrawal up to 7 days before election day (proposed Article 43) Leaving a long time for candidate withdrawal can lead to increased intimidation of candidates to withdraw, and allow election processes to be held to ransom by threatened boycotts..

Ballot Papers (Article 54)

The general rule in democratic societies is that only candidates who have been officially nominated by a political party should be allowed to be shown on the ballot paper as affiliated *with that party. To allow anything else is to promote manipulation of the election processes.*

The provision allowing candidates who nominate themselves to choose which party affiliation they can have placed against their name on the ballot paper should be deleted.

The printing of an ID number on the part of the ballot paper that is completed by a voter is against every rule of ballot secrecy, and would generally be regarded as an anti democratic requirement. It contravenes basic UN requirements for election fairness. It would be highly preferable for the ballot to be numbered on the portion that is cut off when issued to the voter: better still, would be the production of ballots in booklets (100 ballot paper booklets would be standard) with a perforated stub which is numbered and retained by the PEC member when the ballot is issued to a voter.

The inclusion of a box on the ballot papers where voters may vote 'against all parties' or 'against all candidates' is a throw back to a soviet style of voting, and would preferably be deleted. The possible underlying reasons for the proposal – for example to increase the voter turnout, hence make it harder for ballot box stuffing, or to limit the number of blank ballots placed in the ballot box, are understood, but this is not the solution.

More detailed definition of the processes for control of ballot papers between their design and their delivery to PECs would be useful. Some issues that require inclusion are:

- control of the batch and serial numbers of ballot papers provided to each level of election commission, not just the overall quantity
- provision for observer presence the destruction of films and plates for ballot paper printing

Use of a special watermarked or security printed paper for printing of ballot papers should also be considered.

The provision for validation of ballot papers by PEC members would preferably be removed from Article 54.3 and placed in the Voting Rules (currently Article 55), where it belongs, to emphasise that each ballot paper must only be validated by PEC members immediately before it is issued to a voter

Ballot Boxes

To require transparent ballot boxes is reasonable (Article 55.4). However if this is the requirement, the Voting Rules must also require that voters fold their ballot paper so that their vote cannot be seen before leaving the voting compartment, and place the ballot folded into the ballot box (at Article 55.7). The PEC member guarding the ballot box should be responsible for ensuring this, and instructing voters to do this if they have not followed this instruction. Otherwise the secrecy of the ballot, and hence the democratic nature of the election, is compromised.

Voting Rules

Issues of that would benefit form review in the voting rules proposed, include the following:

- A requirement that all PEC (and other EC) members and observers, agents, media representatives must visibly display their identity cards while in the voting station will assist in controlling unauthorised persons attempting to remain in voting stations. Additionally, the 'offences' section of the law should include that it is an offence to refuse entry to a voting station to any properly accredited TEC or PEC member, observer, candidate's agent or media representative.

- The whole issue of the de-registration statement (Article 55.1) and voting using it needs to be very carefully clarified. In its present undefined format it could provide large opportunities for manipulation and anti-democratic activity The complexity of

administering a system of this nature and maintaining election integrity needs to be very carefully considered before any provisions for voters to vote outside their area of normal registration are instituted

The law would need to define the following issues:

- Is the person with a de-registration statement registered on the normal, or a special supplementary voters list in the voting station **outside** his/her precinct of residence (Article 55.1)? It would be unusual to add these voters to the normal list o voters approved before election day. If it is intended that they be added to a supplementary list, how does this fit with the prohibition on adding voters to a supplementary list on voting day?

- Can this method be used only within the same single mandate majoritarian election area, or can the de-registered voter vote anywhere in Azerbaijan?

- If the latter, when the voter turns up to vote at this other voting station, what ballot papers can he/she be given
  - majoritarian ballot paper for the electoral area for which he/she was originally registered, and the proportional registration paper? If so, all voting stations will need to have supplies of ballot papers for all majoritarian election areas, and have means of recording their issue to voters.
  - majoritarian ballot paper for the election area in which the voter is actually voting, and the proportional representation ballot paper. If so, this opens up huge opportunities for manipulation of the vote by political parties switching voters from high support to marginal suport majoritarian election areas.
  - Proportional representation ballot paper only. This would be the easiest to administer, but would require a special supplementary list recording issue of proportional representation ballot papers to these voters in each voting station (thus breaching Article 34.4 of the draft which forbids the addition of voters to a supplementary voters list on voting day)

  How does this fit with whatever voters list they have been added to, in terms of counting the total number of voters at the end of voting and comparing this to the number of ballot papers in the ballot box?

- It is important that all ballot boxes used are not sealed until immediately before they are used, and are in a position where they may be observed by observers from that time on until they are opened for the count. For example, the mobile ballot box should be displayed empty and sealed immediately before it is taken out for voting, its slot should be sealed in the presence of observers as soon as mobile voting has finished, and it should remain in the observer's view until it is opened for counting at the conclusion of all voting.

- Article 55.5 should include a ban on pre-validating of ballot papers, and the requirement that **immediately** before the ballot paper is issued to voters, it is signed by 2 PEC members and verified with he PEC stamp. Also see the point below on validating on the reverse side of the ballot paper

- The requirement that the cut left corners of the ballot papers be given to observers for placement in the ballot box (Article 55.6) breaches democratic norms. It is a basic and fundamental requirement for election integrity that observers are not allowed to handle ballot material - as most observers represent political parties with an interest in the election result. For the same reason observers are not allowed to assist a voter to complete his/her ballot paper.

12

- The need to stipulate that ballot papers must be folded after completion to maintain the secrecy of the ballot has already been mentioned (see Ballot Boxes above). However it would also be useful that the validation of the ballot paper by PEC member signature and stamp be on the reverse side of the ballot, so that these are visible on the folded ballot when it is being placed in the ballot box.

- For mobile ballot box voting, there is no indication of what happens to the cut off left corners of the ballot papers: is a second box carried with the mobile ballot box, and cut left corners placed in this? The process needs to be defined in the law.

- With regard to voting compartments, I'm not aware of any supplier who makes voting compartments that prevent anyone but the voter from entering (Article 55.8). It is also essential to include a phrase stating that noone but the voter may be in the voting compartment while the voter is marking his/her ballot paper (unless being provided with authorised assistance). It would also be useful to define the minimum 'numbers of voting compartments to voters on the voters list' ratio allowable– to assist in ensuring that voters have the opportunity to vote in secret.

- Spoilt ballot papers should always be cancelled and sealed in a manner so they cannot be introduced into the ballot box, before a fresh ballot paper is issued to a voter.

- It is debatable whether the use of indelible ink will improve election integrity in Azerbaijan. An inked finger prevents people coming back into a voting station multiple times, or to different voting stations, to obtain a ballot paper. The problem in Azerbaijan seems more to be voters being given multiple ballot papers at the same time, or pre completed ballot papers being given to the PEC to place in the ballot box. Ink is useless to prevent this – what is needed is rigorous ballot paper accounting controls and the sure invalidation of any voting station's ballot papers where these controls are not implemented or if implemented, the relevant figures do not reconcile. These reconciliation controls need to be clearly stated in the law.

- However, if ink is to be used, the concept needs to be thought through more thoroughly. While in Article 55.5 voters are required to dip their fingers in ink when issued with a ballot paper, there is no description of what happens, for example:
  - Before each voter is issued with a ballot - the finger should be checked
  - If a voter whose finger is already inked requests a ballot paper
  - If a voter's signature for receipt of a ballot is on the voters list, but the finger is not inked. or vice versa
  - Standard methods of inking (eg how applied – generally around the cuticle, {and this does make a difference} and to what standard finger

  The following instructions from another country might assist in showing the issues that need to be dealt with in applying ink (either in the law or the law contain a phrase saying that rules for application and checking of indelible ink are determined by the Central Election Commission)

  "FOR APPLYING INK

  - The Poll Clerk should check the voter's left thumbnail for any sign of ink, which would indicate that the voter has already cast a ballot, before issuing a ballot. If the thumb nail is inked, ballots should not be issued and the voter removed from the voting station .
  - If there is no sign of ink, the Poll Clerk will put the indelible ink on the <u>left-hand thumbnail</u> of each voter who has been issued with ballots
  - The Poll Clerk should wipe off any greasy substance on the voter's left thumb before applying the ink.

124

- The indelible ink should be applied using the small stick attached to the cap of the ink bottle. (This can be done with the help of an unused matchstick if the need arises.)
- The indelible ink should be applied to that place on the left thumb where the nail meets the cuticle (at the base of the nail).
- For voters who do not have a left thumb, the ink may be applied on the next closest finger on the left hand.
- The voter should not leave the table until the ink has dried."

Then there are the more practical issues. Currently available indelible inks last for more than one day. India is the major producer and they are not cheap. Unless people want to be identified as having voted by having an ink-stained finger, it would be safer to use invisible indelible ink: to detect this, ultra violet lamps (battery powered given the electricity supply situation in Azerbaijan) would need to be issued to every voting station

- Article 55.11 allows only the same number of ballot papers to accompany the mobile ballot box as there are applications for a mobile ballot box vote. What happens if a voter spoils his/her ballot? There has to be a tight control on the numbers of ballots taken with the mobile ballot box, but it should be 1 or 2 more than the number of applications.

- Article 55.11 requires a record to be made of ballot papers sent with/returned by the mobile ballot box. It should state when this is done and that observers should be present for the preparation of this document.

Vote Counts

Apart from the issue of drafting style – dealt with below – there are a number of issues dealt with in Article 56 that would benefit from review against international standards

- It would be usual to have a little more detail about the manner of the count than is contained in Article 56. It is as though the 'protocol' is the count.

- It would generally be regarded as providing more clarity, as the two ballot papers are being counted under two different election systems, to have separate articles dealing with the count of each type of ballot paper.

- There is no description of how the count for the two separate types of ballot papers is implemented, for example:
  - Is there simultaneous or sequential counting of the two types of ballot paper and, if sequential, which is counted first – majoritarian district or proportional representation
  - Separation of the two types of ballot papers form the ballot box – or are different ballot boxes to be used (this is not specified in Article 54)
  - Maintenance of ballot security – if the two ballot types are to be counted sequentially, one type of ballot papers is likely to be left for some time before its count commences– there should be a requirement that these are resealed in the ballot box with all the normal security/observation measures.

- In Article 56.1, it would b better practice that unused ballot papers are counted and cancelled, other cancelled ballot papers (eg spoilt ballots) are also counted and both are recorded separately as well as in total in the protocol.

- Also in Article 56.1 the method of including voters voting using a de-registration statement in the count of 'voters who have voted' should be specified – at present these voters are mentioned only in passing in the last point relating to the proportional representation count.

175

- It would not be usual for all ballot papers in a ballot box to be invalidated if the number of ballot papers in the box does not exactly equal the number of applications for ballot papers, or names marked off voters lists, as required by Article 56.3. It would be more usual for these ballot papers to all be invalidated only of the numbers of ballot papers is more than the number of applications or receipts for ballots issued

- Article 56.3 should include provision for invalidation of the voting station ballot box if there are more ballot papers in it than there are voters recorded as being issued a ballot paper. The law would also preferably state that, where the ballot papers are invalidated in this fashion:
  - The ballot paper count must be stopped at this point – votes for candidates or parties should not be counted
  - the result protocol must still be prepared to show the relevant figures as at thisn stage of the count process

- It would be usual in describing ballot validity to include a phrase along the lines of 'a ballot is valid if only one box is marked and the voting intention of the voter is clear'.(Article 56.5)

- It is much better practice that where the decisions of all votes on challenged ballot papers (Article 56.6) be recorded on the back of the relevant ballot paper– not just for those that are invalidated. It is also good practice to keep challenged ballot papers that have been accepted for counting banded - and later packaged - separately within the piles of ballots for each candidate. This makes examination during any court/CEC challenge to election results easier.

- In Article 56.7, the protocol record for 'cancelled' ballot papers would preferably show separate sub totals for 'unused' and 'spoiled' ballot papers

- In the part of Article 56.7 dealing with the majoritarian count, the protocol record must also include the recording of the number of invalid ballot papers, or proper reconciliation of ballot papers cannot occur.

- The breakdown of invalid ballot papers required in the proportional representation section of Article 56.7 is not fully inclusive: apart from unauthentic ballot papers and blank ballot papers there may be other types of invalid ballots. Also, to include unauthentic ballot papers in this 'invalid' figure will mean that the necessary reconciliation between total authentic ballots found in the ballot box and (valid + invalid) ballot papers, is not possible. Such 'unauthentic' ballot papers would preferably be shown in the protocol as a separate category.

- The law should clearly specify, in the Articles dealing with completion of the result protocol, all reconciliations that must be completed, and be correct, for the vote count to be considered valid. These would normally be that:

  - Cut left corners = to or less than voters marked as having received a ballot paper
  - Voters marked as having received a ballot more than or equal to authentic ballot papers in the ballot box (for the mobile ballot box, applications are more than or equal to authentic ballot papers in the ballot box)
  - Valid ballot papers plus invalid ballot papers = total authentic ballot papers in the ballot box
  - Total of votes for candidates + against all candidates = total valid votes

  It is important that the procedures for the count ensure that each total figure is established first, then the relevant components of the total, and then a reconciliation is

. completed between the sum of the components and the original total. This is not clearly required from the wording of the law

- It is not clear from Article 56.7 how voters using the de-registration statement are to be included in voting station ballot paper reconciliations. Especially if they are issued with a majoritarian ballot paper for their home district, or with a proportional representation ballot paper only, the nature of the figures that will need to be recorded on the protocol for ballot paper reconciliation purposes (basically 2 sets of figures) to maintain election integrity, and the length and complexity of the protocol will increase significantly. When developing the required procedures it must be remembered that PEC staff have previously had difficulty in completing in a competent manner simpler protocols for past elections.

- Article 56.7 in general needs to be very carefully checked. At present the majoritarian and proportional representation sections of this article each omit significant (and different) numbers that should be recorded. For example, the majoritarian section omits recording the number of ballot papers in mobile ballot boxes, and number of invalid ballot papers. This clause would be better split into two separate clauses, and would also be easier to understand if the lists of figures to record in the protocol were in the same order for the single mandate majoritarian and PR election vote counts.

- Article 56.11 gives the power to the Precinct Election Commission's chairperson to announce the results of the vote count in a voting station purely on the strength of his/her signature on the results protocols – it might be better to require that a majority of Precinct Election Commission members must sign for a formal vote count result announcement to be made. In many countries, political party observers must also sign the result protocols for them to be considered valid, or they must attach their written dissent to the protocol. This is useful as it ensure that complaints are properly recorded and it assists in preventing later frivolous complaints.

- Article 56.11 treats the election as a series of regional elections rather than as a national one. It would be useful for faxed copies of all PEC protocols also to be in the hands of a national, publicly accessible result centre within a specified time limit. This would be better as 12 hours after close of voting than the 24 hours proposed for transfer of protocols to the relevant TEC. The actual protocols should be in the hands of the relevant TEC within the same time limit.

Determination of Results

- The highly important issue of how to treat a candidate who has been elected from both a single mandate district, and from the party list has not been addressed in Article 59. It needs to be, if candidates can nominate for both elections (as allowed by Article 41.8). The practical and usual solution is for the single mandate district to take precedence: if a person elected from a single mandate area is also elected on the party list, he/she forfeits his/her place on the party list and the next available person on the main or supplementary list of the same party (or block of parties) is instead elected.

- In Article 57.2, dot points 12 and 13, references to 'candidate for a municipality' remain in the draft

- There is no indication in Article 57 of how voting result protocols for each majoritarian district (as distinct from for the Territorial Election Commission area) are prepared.

- Clause 57.2 should require that the number of precincts, and the number of precincts whose protocols were included in the TEC protocol, are both recorded.

121

- *It is not clear what is meant by the first point in Article 57.2*

- The method of allocation of seats to lists who have a remainder of a quota (eg – in order of highest to lowest remainders) should be clearly defined in Article 59.2.

Publication of Results

The combination of active and passive voice in the one sentence (first sentence, Article 65.2) makes it unclear who is responsible for publishing the full information from PEC result protocols. This would preferably be clarified.

Repeated Elections

Four months is a long time period within which a repeated election may be held (Articles 68 and 69), and would leave an election area unrepresented for a significant amount of time after the parliament has commenced functioning. More usual would be a 2 to 3 month period.

There is no definition of the time period within which a repeated election must be held if an election is invalidated on grounds other than insufficient turnout of voters. This should be included in the law. A separate article dealing fully with repeated elections would be useful.

Issues Not Dealt With

Apart from the omissions dealt with above, a number of issues that it would be normal to cover in election legislation have not been included in this draft:

- Adjournments/postponements to voting in individual voting stations or areas

- Substitution of a candidate for a majoritarian district who dies after candidate registration but before voting day. Conversely, is the election voided in such cases?

- Time period within which elections for replacement deputies must be held

- IDPs, refugees and if, how and where they vote

- Rules for voting and particularly transmission of results, from voting stations outside Azerbaijan, including on ships

DRAFTING STYLE

As mentioned at the beginning of these comments, the overall drafting style of the law needs to be thoroughly reviewed if it is intended to present something that approaches western standards in drafting. Some examples of the problems are

Article 54

This needs to be broken down into more easily understandable sub clauses

Article 55

Article 55 in general is as messy and confusing to follow as the current election laws (and in relation to the mobile ballot box probably more messily drafted), and suffers from being drafted on the same construction principles. *It would be much better to break this article up* into a series of separate articles dealing with each distinctive issue covered: for example it would be clearer if there were separate Articles dealing with

- Opening the voting station
- Normal voting procedures for PEC members and voters
- Rights and responsibilities within the voting station
- Closing the voting station
- Special voting provisions
    - Assisted voting
    - Spoilt ballot papers
    - Mobile ballot box
    - Absentee (de-registered) voting

There may also be other logical divisions that will make the Voting Rules easier to understand

Article 55.3 – Specifications for ballot boxes do not belong in voting rules – they should be dealt with as a separate article on ballot boxes.

Article 56

Similarly Article 56 needs to be broken up to aid comprehension. It might be useful to have 3 separate Chapters for Articles 56 to 62: for example Vote count at Voting Stations; determining results and publication of results - and to then break Article 56 down into a number of separate articles.

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DRAFTING OF PARLIAMENTARY ELECTION LAW – LESSONS FROM THE MUNICPAL ELECTIONS

GENERAL POINTS

1 Whatever is in the law is of little consequence if there is not the political, administrative and judicial will to apply the law equitably and consistently. In all three areas this was lacking at the 1999 municipal elections.

2 The law really needs to successfully address just eight basic issues

- Creating election management institutions that have wide public confidence and act according to a consistent, correct interpretation of the legal framework
- Defining fair qualifications for those eligible to vote and to be nominated as candidates
- Ensuring that voters lists correctly show all persons eligible to vote at the elections
- Ensuring that all properly qualified candidates appear correctly on the ballot paper
- Creating an equitable environment within which all candidates and parties may campaign
- Ensuring that voters have the ability to make an informed choice of candidates in secret and that only their legally issued ballot papers are deposited in the ballot box
- Ensuring that results of the elections accurately represent the contents of the ballot box
- Creating an equitable grievance process and an effective set of sanctions for those who break the law.

3 Election system: a 20%:80% PR: majoritarian composition may be overstating the majoritarian component: 40%:60% may be more useful. The general rationale behind 'mixed systems' is to ensure that both minorities are represented and that whoever obtains a majority of the votes nationally also wins a majority of the representatives, roughly in line with their proportion of the vote.

4 A 'definitions' article at the beginning of the law is a necessity

5 There needs to be a professional review of what is included in the law and what is left to instructions. There were a number of matters dealt with in instructions and explanations this time (eg nomination of candidates by a local party branch, methods of lottery draws) that would have better been dealt with by the law. Additionally, late issue of instructions made it difficult for ECs to know the framework. This problem could have been avoided if the relevant issues had been dealt with properly in the law. The fact that 60?? Instructions had to be issued would normally indicate that there were deficiencies in the law.

6 The instructions themselves were often little more than a restatement of the law. What is required is a proper detailed procedures manual for the CEC and TECs , not further instructions that are obscurely phrased and add little to knowledge.

Preparing a consolidated CEC/TEC manual, rather than issuing progressively a series of instructions may assist in improving the consistency of directions given to election commissions. For the municipal elections there were a number of inconsistencies in the directions given in instructions (last day for candidate nominations, when observers could enter a voting station, for example). Much more professional and rigorous checking of EC issued materials aid s required.

7 The language of the law needs to be thoroughly reviewed to ensure its clarity.

8 In Articles 38 (voting processes) and 39 (counting of ballots) the Law On Rules for Municipal Elections had 2 of the more messily drafted sections of election law anywhere in the world. For the parliamentary elections law these two sections need to be broken down into separate articles for their constituent parts (eg removing mobile ballot provisions into separate articles), and rewritten so that the actions described flow in a logical order through the resulting Articles.

9 Voter registration needs to be addressed in a systematic fashion. At present there is too much reliance on executive authorities and not enough responsibility on election commissions . The CEC must be made responsible in the law for the quality of the voters lists. Yet again at the municipal election there have been widespread complaints about the accuracy of the voter lists.

10 Specific electoral penalties contained in the election law or a related law would be preferable to the current situation relying on vague 'voting rights' offences in the general criminal code. This should include offences by ECs, such as refusal to information to provide public information within the specified timeframes, and other authorities, such as entering a voting station without lawful reasons (these being defined), executive authorities (not providing equal opportunities for campaigning), candidates (such as false statements on nomination documents), and voters (multiple voting, impersonation, etc)

11 The requirement for notarisation of nomination documents for candidates to TECs. PECs and parliament by self nominated or voter initiative group candidates should be removed.

VOTING RIGHTS

Rights of IDPs will need to be carefully defined. It would be inequitable to deny them the right to vote at all, but whether to continue to have them vote for a fiction of districts from which they have been expelled .....

Similarly the rights of the fixed term military to vote and safeguards against stacking of districts with the short term military, need to be carefully defined in the law.

DISTRICTING

To draw district boundaries 70 days before election day, as defined in the 1995 parliamentary election law, is far too late to allow an orderly nomination of candidates and selection of election commissions. This period should be 6 months.

FORMATION OF ELECTION COMMISSIONS

The current TECs and PECs do not have broad credibility and it would be a grave mistake to give them powers over the conduct of the parliamentary elections. It would be equally unwise to give powers over selection of TECs and PECs to local bodies – be they executive authorities or the newly elected municipalities. Power of appointment of TECs should remain with the CEC. It would be better of a 'TEC' were in fact a DEC with responsibility of one parliamentary district. It would also be better if all electoral area boundaries were contiguous – that municipalities/districts/precincts fitted together seamlessly.

While the current TECs are not a good basis movement towards a continuing election commission on a fixed tern appointment, responsible for all levels of elections, should be made at at least a territorial/parliamentary district level, if not at precinct level.

The powers of all ECs need to be strictly defined in hierarchy that makes each superior commissions directly responsible for the performance of its subordinate bodies.

It would be better to have effective, smaller, transparent election commissions than the present often unwieldy and opaque bodies. Some PECs sighted on voting day had, including candidate appointees, up to 17 members – totally unwieldy and ineffective bodies, with many of the members being members in name only.

Possible solutions are:

- Appointment of genuinely politically balanced TECs and PECs of 9 and 7 members (maximum), from nominations from political parties.

- A fair and transparent selection of TECs and PECs by lottery.. If lotteries were genuinely fair and transparent, there would be no need for candidates to appoint later their own supporters to TECs and PECs. If a lottery system is retained, the basic rules for the lottery should be in the law. The provisions need to be much tighter to provide for transparency – providing specifically the type and advance period of notification for lottery nominations and draws, that observers may see everything going into and out of the box used for the draw, that the names are written on lottery slips in the presence of observers. Or use the double randomisation type marbles. It would be highly preferable hat a double randomisation process were used.

PEC members qualifications were not defined in the municipal election law and need to be - citizenship, eligible to vote in the precinct. It may be useful to specify what type and how much training PEC members and TEC members must have for continuing service as members of the commissions.

OBSERVATION

Some problems here are outside the province of election law, but within the oversight of the Ministry of Justice. As long as organisations must be registered to send observers, the lack of transparency in the registration process administered by the Ministry of Justice – the spurious reasons given for the rejection of registration for the Support Centre for Democratic Elections is a case in point – will make it difficult for the

government of Azerbaijan to convince the international community that it wants transparent elections.

It would be more usual that observers were given the opportunity to endorse election documents – sealing of ballot papers, transfer of ballots and the like, rather than the PEC recording which observers were present at these acts. It would be a much better guarantee of transparency of observers were to endorse result protocols either verifying the result or objecting to the protocol's contents.

While there were provisions in the law and instructions that observers were to be provided with certified copies of result protocols this was actively ignored in many regions. It is hard to know what can be done to the law in the face of what was basically a mass refusal, supported by local executive authorities, to obey the law in this regard. Perhaps a specific and stiff penalty defined in the election law.

Provisions in the electoral law need to include:

- The right of observers to obtain certified copies of all election documents – not just result protocols: this needs to extends to nomination documents, decisions of elections commissions, voters lists and all other crucial election documents. Similarly, given experiences at this election the right of observers and political parties to obtain copies of CEC instructions and manuals should be entrenched in the law.

- The grounds on which and due process by which an observer's accreditation may be withdrawn needs to be defined

Consideration could be given to accrediting observer organisations and making them responsible for accreditation of their observers, rather than the CEC having to accredit each individual observer

COMPLAINTS AND CHALLENGES

A clear line of appeal through election commissions and the courts is required, rather than allowing simultaneous appeals in both jurisdictions. The CEC appears to have defused this conflict for the municipal elections by basically refusing to deal properly with many complaints, telling people instead to go to the courts.

Clear timeframes for appeals and decisions on these appeals are needed. For example for the municipal elections there was no timeframe within which a candidate had to be given reasons for his/her nomination not being registered. The timeframes in which courts and ECs had to give their decisions to the appellant were also not clear. How any decisions to annul/overturn an EC decision would affect the election process was also not clarified – e.g. what could the courts order the ECs to do.

All official election related documents must be defined in the election law as having clear standing as relevant evidence in any election related appeals.

Rights of complainants and who has the right to appeal decisions (or lack of action) needs to be defined in the law

VOTER REGISTRATION

A voters list system that operates efficiently, in conjunction with an up to date identity card system, is required. For example at the municipal elections much confusion was caused by recent name changes to roads. Other voters were denied a vote as their passport was currently retained by government authorities – eg for visa issue purposes.

There needs to be a well defined procedure for amendment to and addition to voters lists, including integrity safeguards and assurance mechanisms that those who have left a district or who are deceased are removed. At present there are no defined integrity controls on the voters lists.

CANDIDATE NOMINATIONS

It would be more usual for anyone old enough to have the right to vote to be elected to the parliament, rather than placing an additional age restriction.

Candidates should be able to nominate for both a majoritarian district, and as part of a party list for the PR seats. If elected to a majoritarian district, the candidate would forgo their election right on the party list.

If the need to collect a large number of signatures is retained, the law should provide that at least 2x the minimum number of signature forms required for nomination registration must be supplied on request by a candidate.

Signature checking on the candidate nomination forms needs to be professionalised. Examples seen during the municipal election would indicate that signatures were being accepted/rejected on whim. The law should specify that any decision to reject a signature as invalid must be by a qualified handwriting expert (diploma qualified)

Party affiliations for a candidate should only be shown on the ballot where a candidate has been officially nominated by a registered political party. Candidates who are self nominated or nominated by a voters initiative group should not be shown under any circumstances with a party affiliation

The provision regarding withdrawal of a candidate withdrawal should be amended so that candidates may only withdraw up to 48 hours AFTER registration, rather than 48 hours before voting day.

ELECTION CAMPAIGNING

Decisions on and responsibilities for election campaigning decisions must rest with election commissions, and not be given to municipalities or executive authorities.

It would be preferable if the legislation contained the framework of the rules for campaigns issued as instructions by the CEC. This goes to the heart of the fairness of the election, and should be subject to parliamentary scrutiny.

Provisions for appeals on decisions made on campaigning issues should be specifically provided for.

CAMPAIGN FINANCE

The CEC should be bound to issue a report and all financial data on candidates' campaign finances within a specified time of election day - 3 months would be appropriate

ELECTION MATERIALS

Ballot Papers

If the municipal elections highlighted anything it was the total inadequacy of controls on ballot papers. Additional provisions are required in the legal framework, and some aspects of the instructions need to be tightened up and included in the law.

Ballot paper stubs need to be numbered and the requirements for quantities of ballot papers supplied to TECs/PECs strictly controlled through recording of their serial numbers.

The law must ban the pre validating of ballot papers, requiring that the PEC stamp and PEC member signatures may only be placed on the ballot paper immediately before issue to a voter.

Ballot paper design and approval mechanisms by the CEC need to be tightened. The municipal elections produced some totally unusable ballot papers.

There must be better central control of printing of ballot papers.

Voting Compartments

VOTING PROCESS

- Most of the additional information contained in the instruction to PECs on working hours would be better covered in the law itself
- Article 38 of the municipal election law is very messily drafted and badly needs to be split into its logical constituent parts for future election laws:
  - Usual provisions for PEC members
  - Usual provisions for voters
  - Special voting provisions
    - Assisted voting
    - Mobile ballot box
    - Spoilt ballot papers

Much better controls on ballot papers are required.

The provision allowing early closing of a voting station should be removed.

It would be usual to define those voters who may need assistance.

Some parts of the normal voting process need better definition in the law:

- An added emphasis that only one person may be in a voting compartment at the same time (except for assisted voting) would be useful.
- A requirement that the voter fold the ballot when leaving the voting compartment.
- It would be usual that ballot papers be validated on the back, and ballots folded so that the validation sign is checked by the ballot box guard before the ballot is placed in the ballot box.
- All PEC members, observers etc must visibly wear their accreditation
- Entry to a voting station cannot be refused to any properly accredited PEC, TEC members or observer.

Provisions for spoilt ballot papers need to be amended so that they are immediately cancelled on return and set aside in a separate envelope so that thy cannot be lodged mistakenly into the ballot box.

Mobile Ballot Box

- Pre voting written applications for the mobile ballot box should be made mandatory

- Better control on how many ballot papers are taken out with the mobile ballot box is needed. An ACT on the number of ballot papers accompanying the mobile ballot box should be required by law and completed and signed by all PEC members.

COUNTING PROCESS

The counting procedures should be defined in the law, which should also make mandatory the basic reconciliations of figures needed to assure integrity of the count:
- Ballot papers received to ballot papers issued + unused
- Ballot papers issued to ballot papers in the ballot box
- Valid and invalid ballot papers to ballot papers in the ballot box
- Candidate count total to valid ballot papers

DETERMINATION OF RESULTS

The law must require the establishment of a national result centre at which all precinct and district protocols must be made publicly available. The law should also require electronic transmission of these protocols to the result centre within
- 12 hours of close of voting in respect of precinct protocols
- 24 hours of close of voting in respect of district protocols

Provisions for the national result centre should also allow progressive addition and public display of precinct results within district as precinct protocols are received. For

this to be feasible, assistance with a national network of faxes and central result centre computer processing facilities, will be required.

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ATTACHMENT 8

August 9, 2000

To: Shahin Aliyev, Director
Department of Legislation and Legal Expertise, Office of the President
Republic of Azerbaijan

From: Phylis O. Greenfield, Senior Advisor/Caucasus, Europe and Eurasia Division

Subject: IFES Comments on Parliamentary Election Legislation, Passed July 5, 2000

As IFES legislation experts, Tony Reissig and Trefor Owen, worked with you over the past months advising on the draft parliamentary election legislation, we were pleased to submit formal comments. We would like that process to continue and offer comments below on the passed legislation. While there were improvements to earlier drafts, there remain areas of concern. In addition, government action to rescind the inclusive composition of the electoral commissions is not a step forward in promoting a fair electoral system. IFES looks to continue working with you on developing democratic election legislation to ensure a free and fair election process. Our comments follow.

Proportional (Single Multi-Mandate) candidate thresholds for election
Article 73. Determination of Results of Voting in the Single Multi-Mandate Election districts.

Article 73.3: Political parties, block of political parties can get a mandate only then if 6% of voters participating in the elections have voted for the single list of candidates nominated by them through the valid ballot papers.

The law passed July 5th requires 6 percent. The proposed high threshold excludes most, perhaps all, minor parties. Diversity of political representation is important to developing a balanced and democratic parliament and reasonable opposition membership. The rationale of multi-member seats is to introduce minority representatives into the parliament. A 3 to 4 percent threshold would have been more inclusive and fair.

Party Registration and Nomination of Candidates
Article 29. Participation of Political parties in Elections

29.1 A political party which is established in accordance with the legislation of the Azerbaijan Republic, which has obtained a defined certificate confirming its registration by a relevant executive authority at least six months prior to the announcement of election day, and which intends to participate in the elections will be registered by the Central Election Commission.

The article included in the passed law requires registration of participating political parties six months prior to the announcement of election day. This is restrictive, and could be shortened to the announcement of election day itself, or even less. The time frame is restrictive and not representative of an inclusive democratic election system.

Majority Candidate Signature Requirements

Article 40. Collecting Signatures in Support of Candidates Nominated by Political Parties, Block of Political Parties

40.1 Political parties and block of political parties which have nominated candidates for a single-mandate election district should collect voters signatures within the election district, where a candidate agreed to be nominated. At least two thousand signatures of voters living within the relevant election district should be collected in support of each candidate.

40.2 Political parties and blocks of political parties which have nominated a single list of candidates should collect at least 50,000 signatures of voters. Those signatures should be collected at least from 75 single-mandate election district.

The reduction from 80,000 signatures required in the March 24th draft to 50,000 signatures required for nomination of single list candidates is an improvement. For a population of 8 million, the number of signatures could be considerably lower or, to no more than half a percent of the total population. (40,000).

Signatures are a barrier to candidate nomination and are *a priori* essentially anti-democratic in nature, aimed at preventing genuine candidates from contesting the election, and something that should be firmly discouraged in election law. The party has already passed a test of suitability when it was registered - the additional test is a further barrier. There is an argument that could support a signature test for non-party candidates, where these are allowed. The argument in principle has two caveats:

- There needs to be a test of public support inherent in the party registration process
- In many countries the requirement for signatures in support of nomination is a formality only, requiring a tiny number of signatures. (E.g. in UK, 10 signatures are required, Australia 6, India, 1).

Requirements for this many signatures in support of candidates would generally be regarded as an attempt to manipulate the election through the nomination process, by unduly restricting access to nomination for candidacy. There is also the question of an election commission's ability to accurately check the signatures.

Election Deposits

In an earlier draft (March 24th, 2000), Article 61 concerning election deposits for candidates required a deposit 1000 times the minimum salary as defined for the date the election day is determined. Election deposit for voters associations and voters blocks is 30,000 times the

minimum salary as defined for the date the election day is determined. IFES supports the passed law's deletion of this requirement.

Composition of Election Commissions

Article 19. Formation of Territorial Election Commission

19.2 Members of the Territorial Election Commission are appointed by the Central Election Commission. Three members of the Territorial Election Commission are nominated by CEC members who represent the political party that has the majority of deputies in the Milli Majlis who have been elected from the single multi-mandate election district. Another three members are nominated by the CEC members who represent the political parties, which have minority of deputies in the Milli Majlis who have been elected from the single multi-mandate election district. The other three members are nominated by the Central Election Commission members who represent non-partisan deputies in the Milli Majlis. Local branches of political parties can nominate their candidates for membership of the Territorial Election Commission to the CEC members who represent the relevant political party. Two candidates nominated by the Central Election Commission members who represent non-partisan deputies in the Milli Majlis will be agreed by the interested parties: one candidate – with the CEC members who represent the political party which has a majority of deputies in Milli Majlis who have been elected from the single multi-mandate election district, and one candidate – with CEC members who represent the political parties which have the minority of deputies in the Milli Majlis who have been elected from the single multi-mandate election district. If members who represent a political party do not nominate its candidate to the member of the Territorial Election Commission 95 days prior to election day, that candidate will be nominated by non partisan deputies.

20. Formation of Precinct Election Commissions

20.2 Members of the Precinct Election Commission are appointed by the Territorial Election Commission. Two members of the Precinct Election Commission are nominated by the Territorial Election Commission members, who represent the political party which has a majority of deputies in the Milli Majlis who have been elected from the single multi-mandate election district. Another two members are nominated by the Territorial Election Commission members who represent the political parties that have a minority of deputies in the Milli Majlis who have been elected from the multi-mandate election district. The other two members are nominated by the Territorial Election Commission members who represent non partisan deputies in the Milli Majlis. Candidates for member of the Precinct Election Commission to be represented by political parties will be nominated by the local branches of political parties that are represented in the Territorial Election Commission. Candidates for membership of the Precinct Election Commission to be represented by non-partisan deputies of the Milli Majlis will be nominated by the initiative groups of voters. These candidates should be citizens of the Azerbaijan Republic who reside within the territory of the relevant election district permanently or mostly. If a local branch of a political party does not nominate its candidate to membership of the Precinct Election Commission at least 45 days prior to election day, that candidate will be nominated by the Territorial Election Commission members who represent non partisan deputies.

The decree issued on July 19th nullifies the balance included in the formation of electoral commission in the July 5th law. The 1/3 majority; 1/3 minority and 1/3 non-partisan deputies represented a step forward in a balanced and fair allocation of election commission seats and was a positive step towards demonstrating commitment to fair, transparent and democratic electoral process. The composition of election commissions needs to be broad-based. Government, opposition and independents need to have the opportunity to be represented at every level in order to increase the effectiveness of the boards and instill a sense of independence and non-partisanship in the implementation of duties. This balance should be restored.

ATTACHMENT 9

NOTES ON THE CONDUCT OF MUNICIPAL ELECTION

OVERALL COMMENT

An unscientifically selected sample of 27 out of 4683 voting stations does not give a high level of confidence in any overall judgment about the elections: and for the count of ballot papers, only one voting station was observed. However the findings of the IFES teams were fully consistent with what was reported publicly by the Council of Europe delegation, and in debriefings by teams from NDI and IRI. That is, there was consistent evidence of

- Poor security on and management of unused ballot papers, providing significant opportunities for ballot box stuffing and multiple voting;
- Unauthorised persons being present in the polling stations;
- During the count of ballot papers, significantly more ballot papers being found in the ballot box than there were voter receipts for receiving a ballot paper – evidence of ballot box stuffing;
- Unauthorised use of the mobile ballot box.

Instances of persons receiving more than one ballot paper, and one municipality where the ballot paper was improperly printed and the election should have been totally annulled, were also found. If the findings in the voting stations observed by IFES were representative of the conduct of these elections, the irregularities are serious enough to cast considerable doubt on the validity of election results.

SCOPE OF OBSERVATION

While not formally observing these elections, IFES had 3 two person teams of observers whose areas of observation had been coordinated with observers from NDI, IRI, US Embassy and Council of Europe.

IFES teams observed the process in 27 precincts in 14 TEC regions, in the following regions/municipalities

WESTERN REGION (Svetlik/Jahangirov)

TEC	MUNICIPALITY	PRECINCT NUMBER
Nizami (Ganja)	Nizami (Ganja)	40
	Nizami (Ganja)	17
Shamkir	Shamkir	4
Tovuz	Tovuz	2
	Tovuz	4
Agstafa	Agstafa	3
Gazakh	Gazakh	9
	2nd Shekli	36

SOUTHERN REGION (Wall/Babayeva)

TEC	MUNICIPALITY	PRECINCT NUMBER
Ali Bayramli	Ali Bayramli City	17
Salyan	Salyan City	11

	Salyan City	9
	Salyan City	6
	Dayikand	22
Bilasuvar	Bilasuvar City	5
	Bilasuvar City	9
Masally	Masally City	1
	Masally City	2
Jalilabad	Garazanchir	75
Sabail (Baku)	Sabail	2

BAKU (Thomas/Mahmudova)

TEC	MUNICIPALITY	PRECINCT NUMBER
Binagadi	Rasulzadeh	43
	Rasulzadeh	49
	Rasulzadeh	51
	Rasulzadeh	50
Sabunchu	Sabunchu	34
	Sabunchu	33
Sabunchu	Zabratz	52
Absheron	Mehemmedi	40

SUMMARY OF FINDINGS

The voting process itself appeared to be reasonably conducted in some of the voting stations visited, but overall the number of irregularities found involving significant issues of ballot integrity had the potential to jeopardise the results of the elections. In 25-40 minute visits to voting stations many sins can remain hidden away for this short duration. Ballot count observations would tend to indicate that the level of irregularities may have been very much higher in the absence of international observers.

There is as yet insufficient reporting on the count and determination of results to be able to assess fully this phase of the election. However the experience of both the IFES, NDI and Council of Europe teams is that in Baku, at least, there were widespread and blatant instances of ballot boxes containing many more ballot papers than had been recorded as issued to voters. In the precinct at which IFES was observing all ballot papers were invalidated – but only after 3 hours of argument and following intervention from the presidential apparat. In other precincts, contrary to the CECs instructions, such ballot papers were counted.

In one municipality visited by IFES – Salyan – the ballot paper was so poorly designed and printed as to make it impossible in many cases to determine which candidates a voter actually voted for. In a competent election management system, the election for this municipality would be annulled and a fresh election, with proper ballot papers, held. In another municipality - Bilasuvar - there were serious allegations raised about multiple voting and missing ballots, and evidence of ballots being available outside voting stations, that were not refuted by the PEC members. In the same municipality there did appear to be undue prominence of law enforcement and executive authority staff close to voting stations visited. In Sabail district, voting records did not reconcile with the number of ballot papers in the ballot boxes, and in line with CEC rules the ballots in this voting station were invalidated.

Of the other serious irregularities found, most concerned three issues:

- Security of ballot papers – in contradiction to instructions, IFES teams found that in many voting stations visited there were piles of up to 300, but usually in the 20-50 range, of pre

authenticated ballot papers ready to be issued. This makes attempts at ballot box stuffing considerably easier.

- Lack of secrecy in voting – either through habit or lack of sufficient voting compartments, many voters were voting in an open manner.

- Issue of multiple ballots – cases of voters being issued more than one ballot were found.

In many municipalities ballot papers were of poor design and print quality, and were difficult for voters – especially the elderly, to read and mark correctly.

Voting stations were generally set up in the standard fashion. Voting compartment allocations were often insufficient for peak periods and not all PECs managed to control the waiting crowds properly during these peaks. In many voting stations visited there were unauthorised persons, sometimes in large numbers.

Information materials were generally prominent in voting stations, though not all had placed ballot marking posters in voting compartments. The CEC/UNDP posters exhorting the masses to vote were prominent: the CEC/IFES ones explaining how to vote were generally less so. All PECs visited had received the IFES/CEC Election Day Guide for PEC Members, though in some it did not appear to have been opened.

PEC members were generally courteous to voters and open to observers while IFES was present. In most voting stations visited PEC members attempted to explain the voting system carefully to voters.

Local observers were present in all but 4 (all in Baku) of the 27 precincts visited. Generally 4 to 5 observers were present, representing both pro-government and pro-opposition forces. Observers from For the Sake of Civil Society were present in around 60% of the precincts at the time of the IFES visit. In many precincts, observers were seated where they could not view closely the issue of ballot papers.

Campaign materials were still either in, or on the doors of, the room used for voting in about 25% of the voting stations visited.

GENERAL ENVIRONMENT

In general the voting environment was relaxed and not tense, with in many places a certain camaraderie between supporters of various parties, observers etc. This was obviously a local election. In some regional areas particularly, candidates were obviously more prominent for their ties (acquaintances or relatives) into the local community than their political affiliation. The mood in regional voting stations was generally jovial, with an intense interest in how municipalities would affect their lives, and in some areas a very high expectation of this.

In precincts visited in the far south of Azerbaijan IFES staff were generally surrounded quickly by a large crowd of people wanting to know about municipal elections and municipal functions in other countries.

LOCAL OBSERVERS

In most precincts visited there were 4 or more observers – in some, a specific party (YAP or a major opposition party) had multiple observers. For the Sake of Civic Society had an observer present during IFES's visit in around 60% of precincts where the team recorded details of observer representation. Observer quality ranged widely – many seemed very unsure of their role or of the voting and counting procedures. Others took an active part, but generally low key during IFES visits, in assuring that the voting process was conducted correctly. All FSCS

observers encountered had a copy of the Election Day Guidelines for PECs. Many of the Popular Front and Musavat observers also had a copy.

IFES teams did not encounter any obvious instances where observers had been barred from the voting station, though in some cases when inquiring after observers from a specific party or group IFES was told that they were 'there' but had just stepped outside for a while. In all regions visited bar Salyan, Bilasuvar and Sabail, local observers stated that they were either satisfied with the manner in which voting was being conducted, or that the voting day irregularities had been minor and were insufficient to affect the result. But it was difficult, if not impossible, to talk to observers without the chairperson of the PEC hovering alongside. In Sabail, after the aborted count in the precinct visited, the PEC chairperson became very aggressive towards the one observer left (from Musavat) and refused to give him copies of the count invalidation record.

In Salyan, local observers noted that the faults in the design and printing of the ballot paper made it impossible for voters to vote coherently, and thus the count could not be conducted with any accuracy. In Bilusavar, observers alleged that ballot papers were missing, and that some voters had received multiple ballots. In Sabail, observers noted that the number of ballots in the ballot boxes was considerably greater than the number recorded as issued to voters.

In a further two municipalities Nizami (Ganja) and Shamkir, local observers noted irregularities that they believed would not affect the overall result.

VOTER TURNOUT

Voter turnout was officially 52.6%. IFES experience was that turnout in the morning was very slow, with in some places no voters until well after 9am, and only a handful by 10.30 in voting stations with 1300-1500 people on the voters list. The pace quickened substantially after the closing of bazaars around 4.30 to 5pm. Those questioned indicated that they did not believe that Ramadan would have any substantial affect on voting patterns.

Turnout in Baku in general appeared to be low, and there would be some scepticism that the CEC figure reflects the Baku experience. There did appear to be more enthusiasm for the elections in the regional and rural areas.

CANDIDATES

In most areas visited there were very large numbers of non party affiliated candidates on the ballot paper (note that there are no figures for all Baku municipalities visited). In some, there were very few opposition party candidates.

WESTERN REGION

TEC	MUNICIPALITY	Council Members	YAP candidates	Other party candidates	'No party' candidates
Nizami (Ganja)	Nizami (Ganja)	19	26	18	20
Shamkir	Shamkir	15	22	8	3
Tovuz	Tovuz	13	18	10	19
Agstafa	Agstafa	13	8	11	23
Gazakh	Gazakh	15	11	6	9
	2nd Shekli	9	7	3	3

SOUTHERN REGION

TEC	MUNICIPALITY	Council Members	YAP candidates	Other party candidates	'No party' candidates
Ali Bayramli	Ali Bayramli City	17	17	44	9
Salyan	Salyan City	15	21	16	27
	Dayikand	9	10	4	10
Bilasuvar	Bilasuvar City	13	12	25	15
Masally	Masally City	11	15	16	33
Jalilabad	Garazanchir	9	4	2	12
Sabail	Sabail	17			

BAKU

TEC	MUNICIPALITY	Council Members	YAP candidates	Other party candidates	'No party' candidates
Binagadi	Rasulzadeh	15	6	19	27
Sabunchu	Sabunchu	13	5	5	16
Sabunchu	Zabratz	15	10	4	24
Absheron	Mehemmedi	9	0	2	10

In one municipality (Garazanchir), 6 candidates had been withdrawn from the ballot as the village boundaries had been recently redrawn to include these candidates' addresses in another municipality. These six appeared to be evenly divided between YAP and other/no party candidates

The practice of having more candidates on the ballot with a particular party affiliation than there were councillor positions being elected, appears to be against the spirit if not the letter of the law (and of dubious benefit to the only party involved - YAP). This involved YAP candidates in 6 of the 17 municipalities visited: Ganja (Nizami), Shamkir, Tovuz, Salyan City, Dayikand, and Masally City. This most likely occurred through TECs assigning a party affiliation to some self nominated candidates – i.e. those not officially nominated by the party, rather than through an illegally high number of official party nominations being accepted by the TEC. No complaints were received from observers about self nominated candidates appearing on the ballot with a false party affiliation.

PEC MANAGEMENT

Quality of management of personnel and material, and crowd control/voter service varied very widely. In some voting stations (those visited in Shamkir and Bilasuvar for example) there was general disorder - with people milling about, no control that only authorised persons entered the voting station, and no control of people attempting to take ballots or mark their ballot(s). Control of the voting compartment and ballot box areas was in general very poor.

A few voting stations visited, whilst processing voters slowly, were a model of orderly voting, with voters strictly controlled so that one could only enter the voting station when a voting compartment was about to become vacant.

In many voting stations visited there was no obvious staff management in place. The 7 PEC members selected by 'lottery' had been augmented by up to 8 additional members appointed by candidates. Many PEC members appeared not to know what it was they were meant to be doing and were standing around rather aimlessly.

Most voting stations had been allocated insufficient voting compartments to deal with peak voting periods. This was a major contributing factor in the marking of ballots in the open. Some

voting stations had been allocated 4 or 5 compartments; most only 2. The relationship between numbers of compartments allocated and numbers of people on the voters list was not consistent from municipality to municipality. For the same number of potential voters either 2, 4 or 5 compartments could be allocated.

Copies of the PEC Election Day Guide had been issued to PECs in every voting station visited. Mostly, they were with staff – and in some cases they had been evidently opened and read. In other voting stations, they were still in the PEC chairman's office. There were many complimentary comments from PEC members about the Guide, comparing it very favourably to the instructions received from the CEC.

BALLOT ISSUE AND COMPLETION

Controls on ballot paper issue, security of unused ballots, and secrecy of voting were poor or non-existent in the majority of voting stations visited. In most voting stations staff, contrary to instructions, had pre validated a number of ballot papers – 'to make issuing faster'. The worst case encountered was in Nizami (Ganja), where a pile of 300 pre validated ballot papers was found on the floor near the PEC chairperson's chair.

Some instances of issuing multiple ballots to voters were encountered, and it was only after persistent IFES advice that anything was done by the PEC about this. In almost all voting stations visited ballot secrecy was an optional item: people were crowding up to 4 in a voting compartment at a time in some voting stations, and ballots were consistently being marked in the open if a vacant voting compartment was not available. Observers were also regularly assisting voters, in the open, to complete their ballots.

Some of these problems could be traced back to inadequate numbers of voting compartments, and poor ballot paper design. In the voting stations visited it was taking voters between 4 and 10 minutes to complete their ballot.

Apart from in Baku districts and in Ali Bayramli municipality, ballot papers in all the municipalities visited were of very poor design and print quality. In Salyan municipality there were 64 candidates on a ballot paper printed in 3 columns on around two thirds of an A4 sheet. Almost no candidate's name lined up correctly with the box in which the voter indicated the vote; in one column there were 23 names but only 21 boxes. It would be impossible to count these votes accurately, let alone vote accurately. Despite protests from PEC members and parties to the CEC, the vote and count went ahead.

In other municipalities the print was too faint to read the names of the candidates or the boxes. Most municipalities tried to cram all candidates onto an A4 sheet – resulting in very small print size and box size, making completion of the ballot very difficult, especially for the elderly. All ballot paper designs were supposedly approved by the CEC. It is hard to imagine how any competent election commission could approve some of the ballot paper designs sighted by IFES teams.

VOTER INFORMATION

The IFES/CEC voting process posters were in or outside all voting stations visited, as were the large posters advising voters the maximum number of candidates for whom they could vote. However the smaller size of these latter posters, intended to be placed in voting compartments, was not generally found in the correct place.

IFES/CEC information pamphlets were available, often on the PEC members' tables, as were the UNDP/CEC ones. In all voting stations the voters lists were on display as required, though not all displayed the required sample ballot paper. In one voting station visited, in Ali Bayramli, some IFES/CEC voter information materials – around 1000 pamphlets plus coasters, stickers –

were still sitting on the floor of the PEC chairperson's office. This was the only place where there was any evidence that voter information material had not been distributed properly.

In most voting stations visited PEC members explained properly to voters how to complete their ballot paper.

BALLOT PAPER COUNTS

IFES witnessed the ballot paper count in only one voting station - in Sabail municipality in Baku. IFES made a hurried return from Masally after being advised that local observers may be excluded from counts in this municipality (2 were present for this count) . If IFES had not been present a travesty of a count would have taken place in this voting station. The PEC chairperson first attempted to undertake the count with no integrity controls. Then, when the initial counts of ballot papers in both the mobile ballot box and the voting station ballot box were significantly more (in total 115 ballots) than the records of ballot papers issued to voters, the PEC chair insisted on continuing with the count, rather than invalidating all ballot papers as required by CEC instructions. Advice from the deputy chair of the CEC to invalidate the ballots was provided twice to the PEC chair, and ignored twice.

Finally the TEC chair arrived and his reluctant direction to invalidate the ballots was initially obeyed, but, as soon as he left the voting station the PEC chair sought advice from the YAP campaign director for the region and was told to count the ballots, which he intended doing until he was directed by Shahin Aliyev to invalidate them. Even then, the YAP campaign director then arrived at the voting station and attempted to negotiate a 'compromise' on admitting at least some of these ballots (presumably those showing a vote for YAP). While a formal legal document was drawn up invalidating all ballot papers for the voting station, the voters list was not secured, and IFES is not confident that it has not since been altered to allow counting of all ballots from this precinct.

While the count was observed by IFES in only one voting station, reports from the Council of Europe indicate similar evidence of ballot box stuffing in 4 of the 6 counts they observed, and in one of the 2 observed by NDI (in this voting station there were 85 additional ballot papers in a mobile ballot box, all bearing a single vote for the same candidate). While the ballot counts observed were all in Baku, the poor controls on ballot papers observed in the regions during voting day would make similar occurrences easy to achieve there.

ATTACHMENT 10

OFFICIAL ELECTION DAY MANUAL

1998 PRESIDENTIAL ELECTION

PREPARED AND DISTRIBUTED
BY
THE AZERBAIJAN
CENTRAL ELECTORAL COMMISSION

OFFICIAL ELECTION DAY MANUAL

1998 PRESIDENTIAL ELECTION

PREPARED AND DISTRIBUTED
BY
THE AZERBAIJAN
CENTRAL ELECTORAL COMMISSION

PART I

Election Overview

Election Overview
Presidential Election, October 11,1998

Presidential Election: This will is the first election for President using the new election law finalized and signed by President Heydar Aliyev on June 9, 1998 and amended July 10, 1998.

Voting Hours: 0700 - 2000

Number of Registered Voters Nationwide: 4 386 997 (September I, 1998)

Number of Voting Stations Nationwide: 4 245

Number of Territorial Election Commissions (TEC): 82

Number of Poll Workers Nationwide: Approximately 40,000

Balloting: Voters will vote on a paper ballot that will contain the name and party affiliations of all candidates, listed in ***alphabetical order***. Voters will select the candidate of their choice and put a X in the box next to the candidates name.

Spoiled Ballot: If a voter spoils a ballot they can turn in the spoiled ballot and request another one. *(Instructions for spoiled ballots are on page 5 of this manual and on the Problem Solving Job Aid.)*

Domestic Election Observers: Each presidential candidate, electoral union, electoral block, initiative group of electors and public associations (organizations), registered by the Ministry of Justice of the Azerbaijan Republic can have one observer in each polling place. The observer will be wearing an official badge indicating the organization he or she has been authorized to observe.

International Observers: Observers from foreign countries and foreign organizations, accredited by Central Election Commission (CEC) will be allowed inside the polling place to observe election day procedures from the opening of the polls including the vote counting.

Polling Place Security: Safety of polling places is secured by the police. On polling day police officers can enter the polling place only uniformed and only if they are invited to restore order by the Chairman ofPEC following a decision of PEC. Once the problem is settled, the security officer immediately will leave the polling place.

Who is Eligible to Vote?: Citizens who are 18 and over at the polling day, not otherwise disqualified by law, and whose names appear on the voter registration list for the precinct. *(If the voter's name is not on the voter registration list, follow the instruction on the Problem Solving Job Aid under "Voters Name Not on List".)*

What Documents Do Voters Have To Bring on Election Day?: Voters will need their passport , old Soviet passport, form N9, or military card for soldiers serving in the military. No other form of identification will be allowed. *(If the voter does not bring the proper identification to the polling place, please follow the steps on the Problem Solving Job Aid under "No Identification documents ".)*

Supplemental Voting Lists: 1. If voters names are not on the Voter Registration List but can prove they are residents of the precinct by showing identification documents (Passport or Form No9) the polling official will place their name and identification document number on the supplemental voting list and will allow them to vote.

2. Voters voting with certificates: If a voter is out of his polling place on election day. he may apply for a certificate which will allow him to vote in the polling place where he will be on election day. The voter will present the certificate at the new polling place along with identification. The polling official will place the voters name on the supplemental voting list attaching his certificate and will allow him to vote.

Mobile Voting: A list of voters who are eligible to vote using the mobile voting box will be established at each polling place. The polling place chairperson will designate two poll workers to take the box and the correct number of ballots along with any certified observers to the homes of the voters on the list. *(Instructions for Mobile Voting can befound in the Problem Solving Job Aid under "Mobile Voting Procedures".)*

Poll Worker Training Objectives

When you finished this class you will know how to:

1. Set Up the Voting Area

2. Verify Voter's Eligibility So They Can Vote

3. Handle Special or Problem Situations

4. Close the Polls

5. Count ballots

6. Fill Out Protocols and Transport Counted Ballots and Election Day Supplies to the TEC Headquarters

About this Handbook: This book is written as a ***step-by-step*** guide for you to use on Election Day. You will also be given job aids to help you do your job correctly, precisely, and accurately. By using the manual and job aids, you will be able to do your job and handle special situations.

**You will only have to handle the situations outlined in your manual and job aids at yourpolling place.

THE TERRITORIAL ELECTION OFFICER (TEC), WILL HANDLE ALL OTHER PROBLEMS.

IF YOU HAVE ANY QUESTIONS OR NEED HELP ON ELECTION DAY, PLEASE CONTACT_____

_____

Election Day Team

Central Election Commission (CEC) - is responsible for developing election day procedures that are consistent with the law. On election day they will be available to handle problems and make administrative rules, if necessary.

Territorial Election Commission (TEC) - arranges for all election day activities within their area of jurisdiction and will be the first point of contact for the Precinct Election Commissions. On election day the TECs will travel to all the precincts in their jurisdiction in order to provide assistance, answer questions, handle complaints and provide additional supplies and assistance where needed.

Precinct Election Commissions (PEC) - PECs are made up of 7-13 members, all of whom have the responsibility of setting up the polling place, verifying voter eligibility, allowing qualified voters to vote, counting votes, posting election results and taking ballots and election supplies to the TEC office.

> PEC Chairperson - distributes the obligations between the members of PEC, announces the opening and close of polls, secures the consistency with the Law of the electoral activities in PEC, checks, after the close of polls, locks and seals on ballot boxes, organizes the counting of the votes and the preparation of the official Protocols and delivers the Protocol and the other election materials to the respective TEC.
>
> Demonstration Clerk - greets the voters, reminds them to have their papers ready and asks if they have any questions about the voting process.
>
> Voter Registration List Members - checks voters identification papers, qualifies voters according to the procedures on page 13 of this manual, and hands voter a ballot.
>
> Ballot Box Security Clerk - is stationed near the ballot box and makes certain that no one tampers with the ballot box and makes sure that all voters deposit their ballots into the box.

Working as a team, the PEC ensures the integrity of the election process and ensures the voting rights and privileges of the qualified voters of their precinct.

Observers: All official observers must have official credentials issued by the CEC for international observers and by the Organization (electoral union, electoral block, initiative group of electors or public association, registered by the Ministry of Justice of Azerbaijan Republic) they represent for the local observers. These observers must be wearing the official badges in order to be admitted in to the voting area.

Polling *Place Security:* Security will be provided if necessary to maintain peace and order during the conduct of elections. On polling day police officers can enter the polling place only uniformed and only if they are invited to restore the order by the Chairman of PEC following a decision of PEC. Once the problem is settled, the security officer immediately will leave the polling place.

PART II

OBTAINING ELECTION SUPPLIES

AND

MATERIALS

Obtaining Election Supplies

- Not later than on October 10, 1998, all TECs will deliver the following election day supplies to the PEC Secretary. The supplies will consist of:

  2 Posters - sample ballots

  10 pencils

  10 pieces of string

  2 Posters - instructions for voters on properly marking the ballot

- Check all supplies and make sure everything is there. If there are any supplies missing, make a list of what is needed and call the TEC at _____

- Voting Booths, tables, chairs, ballots, ballot boxes, and protocol forms will be delivered to the poling place and will be available when you arrive at 6:00 a.m.

Once you arrive at the polling place on election day, you can not leave. You will need to bring enough food, drinks and special items you need to last for at least 20 hours. If you need special medications please bring enough with you.

PART III

Before the Polls Open

SETTING UP THE VOTING AREA

Setting up the Polling Space

- Locate all supplies and equipment such as voting booths, ballot boxes, tables and chairs.

- **Arrange Voting Area:**

  Locate diagram on opposite page. Note that this diagram is a suggested layout. If necessary you may change the layout to accommodate appropriate flow of voters.

  Set up tables, chairs, and voting booths according to diagram.
  Arrange tables and chairs so that voters can move easily in and out of voting area.

- **Unpack all Supplies and Distribute:**

Note: Unpack all supplies listed on the Supply checklist. Distribute supplies to appropriate tables. *(If you do not have all your supplies, follow the steps on your Problem Solving Job Aid under "Lack of Supplies ").*

Each PEC member has a task to do - they are defined below:

PEC chairperson:

Open ballot box.

Empty ballot box.

Show PEC members and watchers the inside of ballot box is empty.
Lock ballot box with the seals.

PEC members:

Open the voter registration list and place it on the tables where voters will be validated.

Put ballots on table in a secure and safe place.
Check voting booths to make sure they have pens and sample ballots inside.

Check numbers on the ballot stubs to make sure they agree with the number on the tally sheet.

- **Post all necessary signs and notices so that they are visible to the voters**

Make sure there is no candidate literature or propaganda inside the polling place, or around the polling place on the outside.

- **Determine who are officials observers and make sure they are in a place to see the voter verification, voting, and ballot box. Answer any questions they have and review the observer rules with them so there is no confusion about their role.**
- **Fill out all necessary forms and prepare to open the polls.**

Supplies Check List

List of Registered Voters

Official un-voted ballots

Seals and Envelopes for un-voted, and spoiled ballots

Voter Information Signs

Candles and Wax

String, scissors

Sealing wax, wrapping paper or big envelopes, oil lamps, electric or gas heaters

Pens for voting booths

Pens for signing voter registration lists

Only the following persons are allowed in the voting area:

PEC Members

Official Observers with proper credentials

TEC or CEC Representatives

Voters voting

Voters being processed

PART IV

OPENING THE POLLS

VERIFYING VOTER ELIGIBILITY

VOTING

0700 - OPEN THE POLLS

At precisely 0700 the PEC Chairperson will go outside and announce

The Polls are now open!

- Voters will be allowed in to begin the voting process.

PEC Information Clerk

Greeting the Voter

This PEC information clerk stands by the voting place entrance and asks the voters to stay in line, be prepared with their authorized identification papers, points out the procedures for being processed, and answers questions about the ballots.

- Greet the voters.
- Make sure voter has the proper papers for identification, passport, old soviet passport or form N9.
- Ask if they have any questions and provide information if necessary.
- Show the voter a sample ballot and remind them about the voting process.
- Tell voter to put an "X" in the box next to the candidate they are voting for.
- Explain that they can only vote with pen and there will be a pen in the voting booth.
- Direct the voter to the proper table to be processed.

The Demonstration Ballot Job Aid may be used more than once!

A real ballot shall not be used for demonstration!

PEC Voter Registration List Clerks

Processing Voters

The job of the voter registration clerks is to make sure the voters name is on the voter registration list and that the voters presents the appropriate identification papers. Once the voter is identified the serial number and initials of his identification document are recorded next to his/her name on the voting list and the voter registration list clerk invite him to check and sign. Then he hand the voter a ballot and direct him/her to a voting booth.

- Greet voter promptly and courteously.
- Ask voter for name and address.
- Obtain the voters passport, former Soviet passport, form N9 or military card.
- Locate voter's name on the Voter Registration List
- Announce voter's name - so that the observers can hear it.
- Have the voter's identification document number recorded and ask .him/her to sign next to his or her name.
- If a voter comes who has spoiled the ballot and request a new one, make a note on the list next to his name and obliterate the spoiled ballot by cutting the right lower corner. Make a record about.
- Obtain a blank ballot and have two PEC clerks sign and stamp it on the right hand upper comer, then cut the lower left comer with the ballot serial number off.
- Hand the voter the ballot.
- Direct voter to voting booth.

Only one ballot will be given to each voter even if the voter brings multiple passports or documents. VOTERS CAN NOT VOTE FOR FAMILY MEMBERS.

Voters must go to the voting booth alone unless they request assistance.
(If a voter requests assistance follow the instructions on the Problem Solving Job Aid under "Voters who Request Assistance").

DO NOT TOUCH ANY VOTED BALLOT.

Inside Information
and
Ballot Box Security Clerk

This PEC Clerk should sit so that he or she can see the voting booths and the ballot box. If a voter spoils a ballot and requests a new one the ballot box security clerk will direct the voter back to the voter registration list table to obtain a new ballot. Once a voter finishes voting, this clerk can remind the voter to place the voted ballot inside the ballot box and leave the voting area. If more than one voter enters the voting booth and no assistance has been requested, this clerk will tell the voter that only one person is allowed inside the voting booth.

After the Voter Votes

- Greet the voter.
- Ask the voter to place the voted ballot in the ballot box.
- Ask the voter to leave the voting area and thank him or her for coming.

If Voter Spoils A Ballot

- Tell the voter to request another ballot.
- Explain that the voter will have to turn in the spoiled ballot and receive a second one. A corresponding record will be made next to the name of the voter on the voter registration list.
- Direct the voter to the voter registration list table.

DO NOT TOUCH ANY VOTED BALLOT!

MAKE SURE THE VOTER PLACES THE VOTED BALLOT IN THE BALLOT BOX

PERSONALLY!

Mobile Voting Procedure

The PEC Chairperson will designate two PEC members to accompany the mobile ballot box. Election observers may also accompany the mobile ballot box.

Voters who are not able to attend the polling station voting procedures due to sickness or to some other reasons may apply not later than 24 hours before the polling day a request to PEC for the mobile ballot procedure. Every PEC will prepare a list of electors in their voting area to vote outside the polling station and the corresponding number of ballots.

Chairperson Does the Following:

- Reviews all applications and locations of home voters.
- Selects two PEC members to take the ballots and ballot box to the home voters.
- Determines number of ballots to be taken by PEC members.
- Records the serial numbers on the mobile ballot box form of all ballots taken by PEC members.
- Determines the time the mobile box will be taken out.
- Records the numbers of the unused ballots on the mobile ballot box form when the ballot box is returned.

165

Mobile Ballot Box Voting Procedure

The two PEC mobile ballot box clerks will take the ballot box to the designated locations based on the application requests and perform the following tasks.

- Greet the voter.
- Explain that you are there to provide a home voting opportunity to - and give the name of the voter who appears on the application.
- Ask for identification for the voter.
- Record identification documents serial number next to the voter's name on the certificate for voting in the mobile ballot box.
- Ask the voter to sign next to his or her name.
- Cut the left comer of the ballot with the serial number and give the ballot to the voter.
- Explain the voting procedure.
- Make sure the voter votes in private unless they request assistance.
- Provide conditions for the voter to place the voted ballot by himself in the mobile box.
- Thank the voter for voting and go on to the next address on the mobile box list.

PART V

CLOSING THE POLLS

2000 - CLOSE THE POLLS

At exactly 2000, the Chairman will go announce that:

The Polls are officially closed!

The Chairman will determine the last voter in line and will ask two PEC Clerks to make sure no one else gets in line after that person. All voters in line will be allowed to vote.

Before Opening the Ballot Boxes

Once the last person in line has voted, the Chairman will do the following:

- Make sure authorized observers are in the counting room and all unauthorized people are gone.
- Lock the door to the counting room or make sure it is secured.
- Ask the PEC Ballot Papers Clerks to count all unvoted ballots and to announce their number.
- Obliterate the unvoted ballots by cutting the right lower corner, place in the unvoted ballot envelope, seal and write on the envelope the number of unused ballots.
- Ask two PEC Clerks to count and announce the number of spoiled ballots.
- Place the counted spoiled ballots (they are obliterated) in the spoiled ballot envelope, seal and write on the envelope the number of spoiled ballots.
- Ask the PEC clerk filling the protocol to record the sum of unused and spoiled ballots in p.5 of the protocol.
- Ask the PEC Voter Registration List Clerks (VRL) to announce the number of electors in VRL and the PEC Clerk filling the Protocol to record it on the first line of p. I of the Protocol.
- Ask the PEC Voter Registration List Clerks to announce the number of voters in the additional list and the PEC Clerk filling the protocol to record it on the second line of p. I of the Protocol.
- Ask the PEC Clerk filling the protocol to record in p.2 of the Protocol the number of ballots received by PEC.
- Ask the PEC Voter Registration List Clerks to announce the number of electors who were given ballots for voting in the precinct, after counting the number of signatures in the VRL.
- Ask the PEC Clerk filling the protocol to record the number in p.3 of the Protocol.
- Ask the PEC Voter Registration List Clerks to announce the number of electors who were given ballot for voting in the mobile ballot box, after counting the number of signed certificates.
- Ask the PEC Clerk filling the protocol to record the number in p.4 of the Protocol.
- Check whether the sum of the numbers in p.p.3-5 is equal to the number in p.2.
- Clear the area where the ballots will be counted and make sure all necessary forms are in place.
- Take all ballot boxes and visually examine to make sure they are locked properly and have been not tampered with. Show them to the PEC Clerks and observers and then begin the counting process.

PART VI

COUNTING THE VOTES

RECORDING THE RESULTS

170

OPENING THE BALLOT BOXES

Mobile ballot boxes without ballots will be opened first!

- Check locks on all mobile ballot boxes to make sure they have not been tampered with.
- Show the poll workers and observers all of the locks before opening the boxes.
- Open empty mobile boxes first and show that there is nothing inside - record that fact in the protocol. When all empty boxes are accounted for, then open the ones with ballots in them.

Mobile ballot boxes with ballots inside.

- Check locks and seals, make sure they have not been tampered with.
- Show poll workers and observers the locks then open the box.
- Count and announce number of voters who voted in the mobile box.
- Count and announce number of regular (of the prescribed form, signed by two PEC members and stamped) ballots in the box - the number of voters and number of regular ballots have to be exactly the same.

Note: If the number of regular ballots exceeds the number of voters, all ballots in that box will be invalidated by a decision of PEC. Record the information on the protocol.

- If the number of regular ballots does not exceed the number of voters, then the regular ballots will go into the pile with the polling place regular ballots.
- Count and announce the number of irregular ballots.
- Place the irregular ballots in the irregular ballot envelope.

COUNTING POLLING PLACE BALLOTS

- Check the locks on the ballot box - make sure it is sealed and secure.

- Show the locks and seals to the poll workers and observers.

- Open the ballot box and CAREFULLY take out all of the ballots - when the box is empty show the inside of the box to the polling place officials and observers.

- Check every ballot to make sure it is regular (has the prescribed form, the signatures of two poll workers and stamp) before the counting begins. *Take out all ballots that are not regular and put them in the irregular ballot envelope.*

- Record the number of all irregular ballots (from mobile and precinct ballot boxes) in the preliminary protocol, p. 10.

Now you are ready to count all of the remaining ballots.

- Make one stack for each candidate on the ballot and a stack for the ballots with vote against all candidates

- Open one ballot at a time and determine the validity of the ballot, i.e. whether the voter voted for a candidate or against all candidates. In the case only one box on the ballot is marked declare it valid and place that ballot in proper candidate pile or in vote against all candidates pile.

- If it is not possible to determine who the voter voted for, place the ballot in a separate pile to be reviewed after the counting is completed.

- After all the ballots are opened and placed in a pile - count every ballot and determine the number of votes the candidates received and confirm the numbers by recounting every candidates pile. Record the numbers on the *preliminary* protocol, p. 11.

- Count the number of votes against all candidates and confirm the number by recounting. Record the number on the preliminary protocol, p.12.

- When all clear votes are counted and recorded on the *preliminary* protocol, then begin reviewing the undetermined ballots.

117

Counting Unclear Ballots

- Open each ballot one at a time.
- Look at the mark for the candidate and try to determine if the will of the voter can be determined.
- Show all PEC members the ballot and then by voting take a decision to either accept it as a valid vote for one of the candidates or against all candidates or reject it and declare it invalid.
- Place all ballots declared valid in one pile and all declared invalid ballots in a separate pile.
- Count the number of invalid ballots and add it to the number of invalidated ballots (if any) from the mobile ballot box.
- Announce the total number of invalid ballots and record it in p. 9 of the preliminary protocol.
- Place all invalid ballots in the invalid ballot envelope and seal.
- Count the accepted ballots using the same method as in the counting procedures for regular valid ballots. When the count is completed, add the numbers to thie counted valid ballots and record the final numbers on the preliminary protocol in the correct column.

After all the ballots are counted, and the numbers recorded on the preliminary protocol, copy them carefully on the official Protocol form and finalize the Protocol in the presence of the observers. Separate carefully the 3 copies of the official Protocol and have them signed by all members of PEC.

After all the official protocols are completed and signed, the Chairman will read out loud all of the information. The PEC Secretary will prepare upon request a copy of the official protocol for each local and international observer present in the precinct and will certify it by signing and stamping.

Secure all counted ballots, wrap and seal and prepare to transport all ballots, the first copy of the official Protocol, Complaints from PEC members (if any), the Voter Registration Lists and other election materials to the respective TEC office.

POST THE THIRD COPY OF THE FINAL PROTOCOL WITH THE ELECTION RESULTS ON THE FRONT DOOR OF THE POLLING PLACE SO THE PUBLIC CAN VIEW IT.

Delivery of the PEC Protocols to TEC

The PEC Chairperson, one PEC member and a security official will go immediately (not later than 24 hours after the election day) to the TEC Election Night Office to turn in the counted ballots, protocols, complaints, voter registration lists and other election materials.

OFFICIAL OBSERVERS MAY ACCOMPANY THE BALLOTS

- PEC Chairperson and at least one other PEC member will take the ballots, protocols, voter registration lists and election supplies to the TEC office.
- Upon arrival proceed to the drop-offarea.
- Take documents for inspection.

Note. Upon request of the TEC members or observers read the election results from the protocol.

- Receiving confirmation all aforementioned documents are accepted ask receipt signed and stamped by the Chairman of the respective TEC for the election materials delivered.
- Having the receipt leave the TEC office.

GO HOME SAFELY. THANK YOU VERY MUCH FOR YOUR HELP IN THIS HISTORIC ELECTION. WE LOOK FORWARD TO YOUR COMMENTS ON THE QUESTIONAIRE.

NOTES

СЕЧКИ ҚҮНҮ ҮЧҮН РӘСМИ ТӘ'ЛИМАТ

1998-чи ил ПРЕЗИДЕНТ СЕЧКИЛӘРИ

АЗӘРБАЈҸАН МӘРКӘЗИ СЕЧКИ КОМИССИЈАСЫ ТӘРӘФИНДӘН ҺАЗЫРЛАНЫБ ВӘ ЈАЈЫЛЫБ

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177

БИРИНЧИ ҺИССӘ

СЕЧКИЈӘ НӘЗӘР

178

СЕЧКИЈӘ НӘЗӘР

11 октјабр 1998-чи ил Президент сечкиләри

Президент сечкиләри: Бу, Президент тәрәфиндән јекунлашдырылыб 9 ијун 1998-чи илдә имзаланан, әлавәләр вә дәјишикликләр 10 ијул 1998-чи ил тарихдә едилиб, јени сечки ганундан истифадә етмәклә кечирилән илк Президент сечкисидир.

Сәсвермә саатлары: 7.00-дән 20.00-дәк

Өлкә үзрә гејдә алынмыш сечичиләрин сајы: 4.386.997 (Сентјабрын 1-и, 1998-чи ил)

Өлкә үзрә Сечки Мәнтәгәләринин сајы: 4245

Әрази Сечки Комиссијаларынын сајы (ӘСК): 82

Сечкидә ишләјәнләрин үмумөлкә үзрә сајы: Тәгрибән 40,000

Сәсвермә: Сечичиләр сечки бүллетенләри алараг сәс верир, бу бүллетенләрдә бүтүн президентлијә намизәдләрин адлары вә онларын сијаси партија мәнсубијјәти ***әлифба сырасы*** илә көстәрилир. Сечичиләр өз ирадәләринә әсасән намизәди сечәрәк онун адынын јанындакы графада ☒ ишарә едәчәкләр.

Корланмыш бүллетен: Әкәр сечичи бүллетени корлајарса, о корланмыш бүллетени гајтарыб башгасыны ала биләр. *(Корланмыш бүллетенләр һаггында тә'лиматлар бу сораг китабчасынын 5-чи сәһифисиндә вә Проблемин Һәлли Үзрә Иш Јардымы јеріндәдир).*

Дахили сечки мүшаһидәчиләр: Сечки комиссијаларынын фәалијјәтини мүшаһидә етмәк үчүн һәр бир сечичи бирлији, сечичи блоку, сечичиләрин тәшәббүс групу, Азәрбајчан Республикасынын Әдлијјә назирлијиндә дөвләт гејдијјатындан кечән ичтимаи бирликләр (тәшкилатлар) һәр сечки комиссијасына бир мүшаһидәчи тәјин едә биләр.

Бејнәлхалг мүшаһидәчиләр: Азәрбајчан Республикасынын Мәркәзи Сечки Комиссијасында (МСК) аккредитә олунмуш харичи өлкәләрин, о чүмләдән бејнәлхалг тәшкилатларын, мүшаһидәчиләринин сәсвермә күнү мәнтәгә сечки комиссијалары өз ишинә башладығы вахтдан сәсвермәнин нәтичәләринә даир сәнәдләрин рәсмиләшдирилмәси дахил олмагла онларын фәалијјәтини мүшаһидә етмәк һүгугу вар.

Сечки мәнтәгәсинин тәһлүкәсизлији: Сечки мәнтәгәсиндә тәһлүкәсизлији полис тә"мин едир. Сечки күнү полис ишчиләри сечки мәнтәгәсинә јалныз формада вә Мәнтәгә Сечки Комиссијасынын (Мәнтәгә СК) гәрары илә вә Мәнтәгә СК сәдринин дәвәти илә ичтимаи асајишин бәрпа едилмәси мәгсәди илә дахил ола биләр. Ичтимаи асајиш бәрпа едилдикдән сонра формада олан полис ишчиси дәрһал сечки мәнтәгәсини тәрк етмәлидир.

179

Сечки күнү сечичиләр өзләрилә һансы сәнәдләри кәтирмәлидирләр?:
Сечичиләрин сәс вермәк үчүн јанларында паспорт, көһнә Совет паспорту вә ја 9 нөмрәли арајыш, һәгиги һәрби хидмәтдә оланлар үчүн һәрби китабчасы олмалыдыр. Сечичиләрин шәхсијјәтинин башга чүр мүәјјәнләшдирилмәсинә јол верилмир. (*Сечичинин шәхсијјәтини тәсдиг едән сәнәд олмадыгда јаддаша мүрачиәт един вә "Шәхсијјәти тәсдиг едән сәнәд јохдур" бәндинә бахын*).

Әлавә сечки сијаһысы: 1. Сәсвермә күнү сечичи сечки мәнтәгә кәлдикдә вә сечичи сијаһысына дахил олмадығыны ашкар едилдикдә, о өз шәхсијјәтини вә мүвафиг мәнтәгәнин јерләшдији әразидә јашајыш јерини тәсдиг едән сәнәди (паспорт вә ја 9 N-ли форма) тәгдим едиләрәк мәнтәгә сечки комиссијасы тәрәфиндән сечичиләрин әлавә сијаһысына дахил едилир вә үмуми гајдада сәсвермәдә иштирак едир;

2. Әкәр сечичи һәр һансы бир сәбәб үзүндән јашадығы әразинин сечки мәнтәгәсиндә сәсвермәдә иштирак едә билмәзсә, онда о, сечки күнүндә олдуғу әразинин сечки мәнтәгәсиндә гејдијјатданчыхма вәсигәсини тәгдим етмәклә әлавә сечичи сијаһысына дахил едилир вә гејдијјатданчыхма вәсигәси әлавә сечичи сијаһысына тикилмәклә сәсвермәдә иштирак едә биләр.

Сәјјар сәсвермә: Һәр бир сечки мәнтәгәси дашынан сечки гутуларындан истифадә едәрәк сәһһәтинә вә ја дикәр үзүрлү сәбәбләрдән сәсвермәдә отағына кәлә билмәјән сечичиләрин сәсвермәсини тә"мин едир. (*Бу чүр сәсвермәнин кечирилмәси үчүн јаддаша мүрачиәт един вә "Сечки мәнтәгәләриндән кәнарда сәсвермәнин тәшкил едилмәси" бәндинә бахын.*)

18

Сечки ишчиләринин һазырланмасында мәгсәд

Сиз бу мәшғәләни битирдикдән сонра ашағыдакылары биләчәксиниз:

1. Сечки әразисинин јарадылмасы.

2. Сечичиләрин сечкиләрдә иштиракы үчүн сәсвермә һүгугунун јохланмасы.

3. Проблемләрин вә чәтин вәзијјәтләрин һәлли.

4. Сәсвермәнин јекунлашдырылмасы.

5. Бүллетенләрин сајылмасы.

6. Протоколун долдурулмасы, сајылмыш бүллетенләрин вә сечки күнүндә истифадә олунан тәчһизатларын ӘСК (әрази сечки комиссијасы) гәраркаһларына дашынмасы.

Бу Столүстү Китаб һаггында: Бу китаб сечки күнүндә Сизә **аддымбааддым** истигамәт верән јардымчы вәсаит кими јазылмышдыр. Сизә өз ишинизи дүзкүн, дәгиг, сәлигәли јеринә јетирмәкдән өтрү көмәк олараг јардым иши көстәриләчәкдир. Сораг китабындан вә иш јардымларындан истифадә етмәклә Сиз өз ишинизи көрә биләчәк вә чәтин вәзијјәтләри һәлл едә биләчәксиниз.

**Сиз сечки мәнтәгәниздә јалныз сораг китабынызда вә тә"лиматларда көстәрилән ситуасијалары һәлл едә биләрсиниз.

ӘРАЗИ СЕЧКИ КОМИССИЈАСЫНЫН (ӘСК) ҮЗВҮ БҮТҮН ДИКӘР ПРОБЛЕМЛӘРИ ҺӘЛЛ ЕДӘЧӘК.

ӘКӘР СЕЧКИ КҮНҮНДӘ ҺӘР ҺАНСЫ БИР СУАЛЫНЫЗ ВӘ ЈА КӨМӘЈӘ ЕҺТИЈАЧЫНЫЗ ОЛСА, ЗӘҺМӘТ ОЛМАСА ӘЛАГӘ САХЛАЈЫН:

_____

_____

181

Сечки күнү командасы

Мәркәзи Сечки Комиссијасы (МСК) гануна мүвафиг сурәтдә сечки проседураларынын ҺазырланмасыНа мәс"улдур ки, сечки күнү онлардан проблемләри ҺәлЛ етмәк үчүн истифадә етмәк олсун вә лазым кәлдикдә административ гајдалар јаратсын.

Әрази Сечки Комиссијасы (ӘСК) - өз јурисдиксијаларында (табечилијиндә) олан әразидә бүтүн сечки күнү фәалијјәти үчүн ҺазырлыГ ишләри көрүр вә мәнтәгә сечки комиссијалары үчүн илк әлагә јарадыр. Сечки күнү ӘСК табелијиндә олан бүтүн мәнтәгәләрә баш чәкир, онлара јардым көстәрир, суалларына чаваб верир, шикајәтләрә бахыр, еҺтијач олдугда әлавә тәчҺизат вә јардымла тә"мин едир.

Мәнтәгә Сечки Комиссијалары (Мәнтәгә СК) - Мәнтәгә Сечки Комиссијасы 7-13 үзвдән ибарәт олуб ҺамысЫ сәсвермә јеринин јарадылмасына, сечичиләрин сәсвермә ҺүГугларынын олдуГуну јохламаГа, белә ҺүГугу оланлары сәсвермәјә бурахмаГа, сәсләри сајмаГа, сечкинин нәтичәләри ҺаГтында там мә"лумат вермәјә, бүллетенләрин вә сечки күнү истифадә олунмуш тәчҺизатларын ӘСК-ја чатдырылмасына көрә мәс"улијјәт дашыјыр.

Мәнтәгә СК-нын сәдри - мәнтәгә сечки комиссијасы үзвләри арасында вәзифә бөлкүсүнү тә'мин едир, сәсвермәнин башланмасы вә баша чатмасыны е'лан едир, сәсвермә јеріндә гајда-гануна нәзарәт едир, сечки гутуларыны ачыр, сәсвермә баша чатдыгдан сонра гутуларын мөҺүр вә пломбаларынын саламатлыГыны јохлајыр, сечичиләрин сәсләринин Һесабланмасыны тә'мин едир, јекун протоколуну вә дикәр сәнәдләри мүвафиг әрази сечки комиссијасына тәгдим едир.

Мәнтәгә СК-нын үзвү - *сечичиләри саламлајыр, бүллетенләрин ҺазыР* едилмәсини онлара хатырладыр вә онлардан сәсвермәјә даир суалларын олуб-олмадыГыны сорушур.

Сечичиләрин гејдијјат сијаҺысы үзрә Мәнтәгә СК-нын үзвү - сечичиләрин **шәхсијјәт сәнәдләрини јохлајыр, сечичиләри бу сораг китабынын** 13-чү сәҺифәсиндә олан проседуралара көрә сәсвермә ҺүГуГуну мүәјјәнләшдирир вә онлара бүллетен верир.

Сечки гутусунун тәҺлүкәсизлији үзрә Мәнтәгә СК-нын үзвү - сечки гутусунун јахынлыГында дајаныр. Кимсәнин сечки гутусуна мүдахиләсинә јол вермир вә бүтүн сечичиләрин өз бүллетенләрини сечки гутусуна салдыГына нәзарәт етмәлидир.

Мәнтәгә СК бир команда кими ишләјәрәк сечки просесинин бүтөвлүјүнү тә"мин едир вә өз мәнтәгәсиндә сәсвермә ҺүГугларыны вә имтијазларыны тә"мин едир.

МүшаҺидәчиләр: Сечичиләрин тәшәббүс группары вә ја сечичи бирликләри, сечичи блоклары, ичтимаи бирликләр (тәшкилатлар) мүшаҺидәчиләрин сәлаҺијјәтләрини *јазылы сәнәдлә тәсдиг етмәли вә бу сәнәддә мүшаҺидәчинин* сојады, ады, атасынын ады, јашајыш јери, онун көндәриләчәји сечки мәнтәгәсинин нөмрәси көстәрилмәлидир. Харичи өлкәләрин (бејнәлхалг тәшкилатларын) мүшаҺидәчиләри МСК-да аккредитә олунур вә она вәсигә верилир.

Сәсвермә јеринин тәҺлүкәсизлијинин тәмин едилмәси: Сечки мәнтәгәсиндә ичтимаи асајиши полис тә"мин едир. Сечки күнү полис органларынын ишчиләри сечки

182

ИКИНЧИ ҺИССӘ

СЕЧКИДӘ ИСТИФАДӘ ЕДИЛӘЧӘК ТӘЧҺИЗАТЛАРЫН ВӘ МАТЕРИАЛЛАРЫН ӘЛДӘ ЕДИЛМӘСИ

193

СЕЧКИ ТӘЧҺИЗАТЫНЫН ӘЛДӘ ЕДИЛМӘСИ

- ✓ 1998-чи ил октјабрын 10-дан кеч олмајараг бүтүн Әрази Сечки Комиссијалары сечки күнү истифадә едиләчәк тәчһизатлары Мәнтәгә СК-нын катибинә чатдырмалыдыр. Бу тәчһизатлар ашағыдакылардан ибарәтдир:

  2 плакат - сечки бүллетени нүмунәләри

  10 гәләм

  10 ип парчасы

  2 плакат-сечичиләрин бүллетендән дүзкүн истифадәси үчүн тә'лиматлар

- ✓ Тәчһизатлары јохлајын вә әмин олун ки, һәр шеј өз јериндәдир. Әкәр бир шеј чатышмырса, лазым оланларын гејдијјатыны апарын вә ӘСК-на _____ зәнк един вә мә'лумат верин.

- ✓ Сәсвермә отаглары, столлар, стуллар, бүллетенләр, сечки гутулары, протокол формалары сәсвермә јеринә чатдырылмалыдыр вә сиз саат 7.00-да ора кәләркән онлар истифадә үчүн јарарлы олмалыдыр.

Елә ки, Сиз сечки күнү сәсвермә јеринә кәлдиниз, ораны тәрк едә билмәзсиниз. Одур ки, Сизә ән азы 20 саат бәс едәчәк лазыми јемәк, ичмәк, хүсуси әшјалары өзүнүзлә кәтирмәлисиниз. Әкәр Сиз дәрман препаратлары гәбул едирсинизсә, онлары да өзүнүзлә кәтирин.

184

ҮЧҮНЧҮ ҺИССӘ

Сәсвермә Башланмаздан Әввәл

СӘСВЕРМӘ МӘНТӘГӘСИНИН ЈАРАДЫЛМАСЫ

185

Сәсвермә јеринин јарадылмасы

✓ Бүтүн ләвазиматлары, аваданлығы – сәсвермә кабинәләри, сечки гутуларыны, столлары вә стуллары јерләшдирин.

✓ **Сәсвермә әразисини гајдаја салын:**

Әкс сәһифәдә схеми јерләшдирин. Нәзәрә алын ки, бу схем тәклиф олунан пландыр. Лазым кәләрсә, сечичиләрин мүвафиг ахынына јардым етмәк үчүн сиз планы дәјишдирә биләрсиниз.

Столларын, стулларын вә сәсвермә кабиналары схемә ујғун јербәјер един.

Столлары вә стуллары елә гајдада јерләшдирин ки, сечичиләр асанлыгла һәрәкәт едиб сәсвермә мәнтәгәсинә кириб-чыха билсинләр.

✓ **Ләвазиматлары ачын вә јербәјер един:**

Гејд: Ләвазиматлары јохланма сијаһысында көстәрилән бүтүн тәчһизатлары ачын. Тәчһизатлары мүвафиг столлара пајлашдырын. (*Бүтүн ләвазиматлар олмадыгда јаддаша мүрачиәт един вә "Лазыми ләвазиматлар јохдур" бәндинә бахын*).

Һәр мәнтәгә сечки комиссија үзвүнүн јеринә јетирәси вәзифәләри вар. Онлар ашағыдакы гајдада мүәјјәнләшдирилир:

Мәнтәгә СК сәдри:

Сечки гутусуну ачмаг.

Сечки гутусуну бошалтмаг.

Мәнтәгә СК үзвләринә вә мүшаһидәчиләрә гутунун ичинин бош олдуғуну көстәрмәк.

Сечки гутусуну бағламаг вә мөһүрләмәк.

Мәнтәгә СК үзвләри:

Сечичиләрин гејдијјат сијаһыларыны ачмалы вә сечичиләрин *тәсдигләнмәси үчүн столларын үстүнә гојмалыдырлар.*

Бүллетенләри тәһлүкәсиз вә саламат бир јердә столун үстүнә гојмаг.

Ичиндә гәләмләрин вә бүллетен нүмунәләринин олдуғуна әмин олмагдан өтрү сечки будкаларыны јохламаг.

Бүллетен *купонларынын нөмрәләринин дубликат вәрәгәсиндә* олан нөмрәләрә ујғун олдуғуна әмин олмагдан өтрү онлары јохламаг.

✓ **Бүтүн лазыми ишарәләри вә е'ланлары елә асын ки, сечичиләр онлары јахшы көрсүн.**

Сәсвермә јерләриндә вә ја сәсвермә јерләриндән кәнарда намизәдләри тәблиғ едән әдәбијјатын вә тәблиғат материалларынын олмамасына јәгинлик һасил един.

✓ **Рәсми мүшаһидәчиләрин ким олдуғуну мүәјјәнләшдирин, онлар елә јердә олмалыдыр ки, сечичиләрин јохланылмасыны, сәсвермәни вә сечки гутусуну јахшы көрә билсинләр. Онларын һәр бир суалына чаваб верин вә**

186

ЛӘВАЗИМАТЛАРЫН ЈОХЛАНМА СИЈАҺЫСЫ

Гејдијјатдан кечмиш сечичиләрин сијаһысы

Истифадә олунмамыш рәсми бүллетенләр

Истифадә олунмамыш вә корланмыш бүллетенләр үчүн мөһүрләр вә зәрфләр

Сечичиләри мә"луматландыран ишарәләр

Шамлар вә мум

Ип, гајчы

Сургуч вә ону әритмәк үчүн дәмир габ, протоколлары бүкмәк үчүн кағыз вә ја бөјүк зәрфләр, ағ нефт лампалары, електрик јахуд газ гыздырычысы, гајчы

Сәсвермә будкалары үчүн гәләм

Сечичиләрин гејдијјат сијаһыларыны имзаламаг үчүн гәләмләр

Јалныз ашағыдакы шәхсләрин сәсвермә јериндә олмасына ичазә верилир:

Мәнтәгә СК үзвләри

Мүвафиг е"тибарнамәләри олан рәсми мүшаһидәчиләр

ӘСК вә МСК үзвләри

Сәс верән сечичиләр

181

ДӨРДҮНЧҮ ҺИССӘ

СЕЧКИЛӘРИН АЧЫЛЫШЫ

СЕЧИЧИЛӘРИН СӘСВЕРМӘ ҺҮГУГЛАРЫНЫН ЈОХЛАНЫЛМАСЫ

СӘСВЕРМӘ

Саат 7.00 - СЕЧКИ МӘНТӘГӘЛӘРИНИН АЧЫЛМАСЫ

Дәгиг сүбһ саат 7-дә Мәнтәгә СК-нын сәдри е"лан едир:

Сечкиләр ачыг е'лан олунур!

- ✓ Сечки гејдијјатындан кечмәк үчүн сечичиләрә ичәри дахил олмаға ичазә верилир.

189

МӘНТӘГӘ СК-НЫН ИНФОРМАСИЈА ХИДМӘТЧИСИ

СЕЧИЧИЛӘРИН ГАРШЫЛАНМАСЫ

Мәнтәгә СК үзвү сәсвермә јеринин кирәчәјиндә дајаныр вә сечичиләрдән хаһиш едир ки, нөвбәјә дурсунлар, сәнәдләрини һазырласынлар, проседуралары изаһ едир вә бүллетенләр һаггында суаллара чаваб верир.

- ✓ Сечичиләри саламлајын.
- ✓ Онларын мүвафиг шәхсијјәт сәнәдләринин, паспорт, көһнә Совет паспорту вә ја 9 нөмрәли арајышын гајдасында олдуғуну јохлајын.
- ✓ Онлардан суалларын олуб-олмадығыны сорушун вә лазым кәлдикдә мә"лумат верин.
- ✓ Сечичијә бүллетен нүмунәсини көстәрин вә онлара сәсвермәнин гајдаларыны хатырладын.
- ✓ Сечичијә сәс вердији намизәдин адынын јанында ☒ ишарәсинин гојулмасыны изаһ един.
- ✓ Онлара изаһ един ки, јалныз гәләмлә бүллетендә ишарә едә биләрләр вә сәсвермә кабинасында гәләм олачаг.
- ✓ Гејдијјатдан кечмәк үчүн онлары лазыми масаја јөнәлдин.

Нүмајиш бүллетениндән дәфәләрлә истифадә етмәк олар!

Һәгиги бүллетендән нүмунә кими истифадә етмәјин!

190

СЕЧИЧИЛӘРИН СИЈАҺЫСЫ ИШ ҮЗРӘ МӘ'СУЛ ОЛАН МӘНТӘГӘ СК-НЫН ҮЗВЛӘРИ

Сечичиләрин гејдијјатдан кечирилмәси

Сечичиләрин гејдијјат сијаһысы үзрә мәсул олан мәнтәгә сечки комиссијасы үзвүнүн вәзифәси одур ки, сечичиләрин адларынын сечичи сијаһыларында олмасына, сечичиләрин мүвафиг сәнәдләри тәгдим етмәсинә нәзарәт едир. Сечичинин паспорт серијасы вә нөмрәси сечичи сијаһысына дахил едилир, она бүллетен верилир вә бу һагда сијаһыда сечичи имза едир. Сечичијә бүллетен верилир вә о сәсвермә кабинасына јөнәлдилир.

- ✓ Сечичини учадан нәзакәтлә саламлајын.
- ✓ Сечичидән адыны вә үнваныны сорушун.
- ✓ Сечичидән шәхсијјәт вәсигәсини (паспорт, 9 сајлы форма, һәгиги һәрби хидмәтдә олан әскәр, чавуш, кизир, мичман вә забитләрин һәрби билети) кими шәхсијјәти тәсдиг едән сәнәд алын.
- ✓ Сечичинин адыны сечичи сијаһысында тапын.
- ✓ Сечичинин адыны елә е"лан един ки, мүшаһидәчиләр ону ешидә билсинләр.
- ✓ Сечичинин паспортунун серијасы вә нөмрәси сијаһыда гејд олундугдан сонра, ондан хаһиш един ки, адынын јанында имзасыны гојсун.
- ✓ Бош бүллетен көтүрүн, Мәнтәгә СК-нын ики нәфәр үзвү онун саг күнчүнү имзаламалыдыр вә бу мөһүрлә тәсдиг едилмәлидир.
- ✓ Бүллетенин нөмрәләнмиш сол күнчүнү чырыб көтүрүн.
- ✓ Бүллетени сечичијә верин.
- ✓ Сечичини сәсвермә будкасына јөнәлдин.

Сечичи чох сајда паспорт вә сәнәд көтирмиш олса да, она јалныз бир бүллетен верилмәлидир. СЕЧИЧИЛӘР ӨЗ АИЛӘ ҮЗВЛӘРИНИН ЈЕРИНӘ СӘС ВЕРӘ БИЛМӘЗЛӘР.

Сечичиләр хаһиш етмәдикләри сәсвермә кабинасына тәнһа кетмәлидирләр.

191

ДАХИЛИ МӘ'ЛУМАТ ВӘ СЕЧКИ ГУТУСУНА НӘЗАРӘТИ ТӘ"МИН ЕДӘН МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫНЫН ҮЗВҮ

Мәнтәгә СК-нын үзвү елә отурмалыдыр ки, сәсвермә кабинасыны вә сечки гутусуну көрә билсин. Әкәр сечичи бир бүллетени корлајыбса, о јенисини хаһиш едә биләр. Бундан өтрү сечичи керијә јени бүллетен алмаг үчүн сечичи гејдијјат столуна гајыдыр. Сечичи тәрәфиндән сечки бүллетени долдуругдан сонра сечки гутусуна нәзарәти тәмин едән мәнтәгә сечки комиссијасынын үзвү сечичијә сәс верилмиш бүллетени гутуја салмағы вә сечки әразисини тәрк етмәји хатырладыр. Әкәр сәсвермә кабинасына бир нәфәрдән артыг сечичи дахил оларса вә көмәк үчүн һеч бир хаһиш олмајыбса, онда јухарыда гејд олунан мәнтәгә сечки комиссијасынын үзвү демәлидир ки, сәсвермә кабинасында јалныз бир шәхсин олмасына ичазә верилир.

Сечичи бүллетени долдурандан сонра

- ✓ Сечичини саламлајын.
- ✓ Сечичидән сәс верилмиш бүллетени сечки гутусуна салмағы хаһиш един.
- ✓ Сечичидән сечки әразисини тәрк етмәји хаһиш един вә кәлдикләринә көрә она тәшәккүрүнүзү билдирин.

Әкәр сечичи бүллетени корлајырса:

- ✓ Сечичијә дејин ки, башга бир бүллетен хаһиш етсин.
- ✓ Изаһ един ки, сечичи корланмыш бүллетени гајтармалы, икинчисини алмалыдыр. Бу барәдә сечичи сијаһысына да мүвафиг гејд едилир.
- ✓ Сечичини сечичиләрин гејдијјат сијаһысы столуна јөнәлдин.

СӘС ВЕРИЛМИШ БҮЛЛЕТЕНӘ СЕЧИЧИДӘН БАШГА ҺЕЧ КӘС ӘЛ ВУРА БИЛМӘЗ!

ӘМИН ОЛУН КИ, СЕЧИЧИ ӨЗ БҮЛЛЕТЕНИ СЕЧКИ ГУТУСУНА

ӨЗҮ

САЛМАЛЫДЫР!

195

СӘЈЈАР (СЕЧКИ МӘНТӘГӘСИНДӘН КӘНАРДА) СЕЧКИ ПРОСЕДУРАСЫ

Мәнтәгә сечки комиссијасынын сәдри комиссијанын ики үзвүнә дашынан сечки гутусуну мүшајиәт етмәји һәвалә едир. Мүшаһидәчиләр арзу етдикдә онлар дашынан гутуну мүшајиәт едә биләрләр.

Сечки күнү сәһәтинә вә ја дикәр сәбәбләрә көрә сечки мәнтәгәсинә кәлә билмәјәчәјини јә'гин едән сечичи, сечки күнүнә азы 24 саат галмыш сәсвермә отағындан кәнарда сәс вермәк истәјини јазылы вә ја шифаһи шәкилдә мәнтәгә сечки комиссијасына билдирмәлидир. Мәнтәгә СК-сы тәрәфиндән белә сечичиләрин сијаһысы тәртиб едилир вә онларын сајына ујғун сечичи бүллетенләри ајрылмалыдыр. Сечичинин сәсвермә отағындан кәнарда сәс вермәк истәји, мәнтәгә сечки комиссијасынын азы 2 үзвү мүшаһидәчиләрин иштиракы илә онун јанына кәлдикдә, сечичинин мәнтәгә сечки комиссијасына көндәрдији јазылы әризәдә бир даһа тәсдигләнмәлидир. Сечичи сәсвермә отағындан кәнарда сәс вермәк истәјини шифаһи билдирибсә, мәнтәгә сечки комиссијасы үзвләринин јанында әризә јазмалыдыр.

Сәдр ашағыдакылары едир:

- ✓ Бүтүн әризәләри вә евдә сәс верәнләрин үнванларыны јохлајыр.
- ✓ Бүллетенләри вә сечки гутусуну сечичиләрә апармаг үчүн Мәнтәгә СК-нын ики үзвүнү сечир.
- ✓ Мәнтәгә СК үзвләри тәрәфиндән апарылачаг бүллетенләрин сајыны мүәјјәнләшдирир.
- ✓ Мәнтәгә СК-нын үзвләринин апарачаглары бүтүн бүллетенләрин сыра нөмрәләрини бланкларда гејд едир.
- ✓ Дашынан гутуларын вахтыны мүәјјәнләшдирир.
- ✓ Дашынан гуту гајтарылдыгдан сонра истифадә едилмиш бүллетенләрин нөмрәләрини бланкда гејд едир.

193

СЕЧКИ МӘНТӘГӘСИНДӘН КӘНАРДА ИЛӘ СӘСВЕРМӘ ПРОСЕДУРАСЫ

Мәнтәгә СК-нын дашынан сечки гутуларына көрә мәс'ул олан Мәнтәгә СК ики үзвү әризәләринә әсасән сечки гутуларыны тә"јин едилмиш јашајыш јерләринә апарыр.

- ✓ Сечичини саламлајын.
- ✓ Изаһ един ки, сиз евдә сәсвермә имканыны тә'мин етмәк үчүн ораја кәлмисиниз вә әризәдә олан сечичинин адыны верин.
- ✓ Сечичинин шәхсијјәти тәсдиг едән сәнәди тәгдим етмәјини хаһиш един.
- ✓ Һәмин сәнәдинин серија вә нөмрәсини сечки мәнтәгәсиндән кәнарда сәс верән сечичиләрин сијаһысында гејд един.
- ✓ Сечичидән хаһиш един ки, адынын јанында имза етсин.
- ✓ Сечки бүллетенинин сол күнчүнү кәсин. Бүллетени сечичијә верин.
- ✓ Сәсвермә проседурасыны изаһ един.
- ✓ Әмин олун ки, сечичи көмәк истәмәдикдә шәхсән өзү сәс верир.
- ✓ Бүллетенин сечичи тәрәфиндән дашынан гутуја салынмасыны тәмин един.
- ✓ Сечичијә сәс вердијинә көрә тәшәккүр един вә башга бир евә кедин.

194

БЕШИНЧИ ҺИССӘ

СЕЧКИЛӘРИН БАҒЛАНМАСЫ

195

20:00 – Сечкиләрин бағланмасы

Мәнтәгә сечки комиссијасынын сәдри дәгиг саат 20:00-да бајыра чыхыр вә е'лан едир:

Сечкиләр инди рәсмән бағлыдыр!

Сәдр нөвбәдәки ахырынчы сечичини мүәјјәнләшдирир вә хаһиш едир ки, ондан сонра һеч бир шәхсин нөвбәјә дајанмасына јол вермәсин. Нөвбәдә дајананларын һамысына сәс вермәјә ичазә вериләчәк.

196

СЕЧКИ ГУТУЛАРЫНЫ АЧМАЗДАН ӘВВӘЛ

Нөвбәдәки ахырынчы шәхс сәс верән кими сәдр ашағыдакылары едир:

- ✓ Мәнтәгә СК-нын үзвләриндән, мүшаһидәчиләрдән, күтләви информасија васитәләрин нүмајәндәләриндән башга бүтүн шәхсләрин чыхыб кетмәсинә әмин олур.
- ✓ Сәсвермә отағынын гапысыны гыфыллајыр вә әмин олур ки, о бағлыдыр.
- ✓ Мәнтәгә СК-нын үзвләриндән истифадә олунмамыш бүллетенләрин сајылмасыны вә онларын сајыны е'лан едилмәсини хаһиш едир.
- ✓ Һәмин сечки бүллетенләри сајылыб ләғв едилир (јә'ни сечки бүллетенинин саг күнчү үчбучаг формасында кәсилир), хусуси зәрфә јығылыр вә бағланыр (сајы көстәрилмәклә).
- ✓ Мәнтәгә СК-нын ики әмәкдашына корланмыш бүллетенләри сајмағы вә онларын сајыны е'лан етмәји тапшырыр.
- ✓ Бүтүн корланмыш бүллетенләри (онлар артыг ләғв едилир) ишарәләјир вә һамысыны бир зәрфә гојуб мөһүрләјир вә сајыны һәмин зәрфин үстүндә јазыр.
- ✓ Мәнтәгә СК-нын әмәкдашындан хаһиш едир ки, јекун протоколун 5-чи сәтриндә корланмыш вә истифадә олунмамыш бүллетенләрин сајыны гејд етсин.
- ✓ Мәнтәгә СК-нын сечичи сијаһылары илә иш үзрә мәсул олан үзвүнә сәс вермиш сечичиләрин сајыны е'лан етмәји вә протоколу долдуран комиссија үзвүнә **протоколун биринчи бәндинин биринчи сәтриндә** бу сајы гејд етмәји һәвалә едир.
- ✓ Мәнтәгә СК-нын сечичи сијаһылары илә иш үзрә мәсул олан үзвүнә әлавә сечичи сијаһысында олан сәс вермиш сечичиләрин сајыны е'лан етмәји вә протоколу долдуран комиссија үзвүнә **протоколун биринчи бәндинин икинчи сәтриндә** бу сајы гејд етмәји һәвалә едир.
- ✓ Мәнтәгә СК-на верилмиш сечки бүллетенләрин сајыны мүвафиг рәгәмләри јекун протоколунун икинчи бәндинин сәтриндә гејд едилмәсини Мәнтәгә СК-нын үзвүндән хаһиш едир.
- ✓ Мәнтәгә СК-нын сечичи сијаһылары илә иш үзрә мәсул олан үзвүндән хаһиш едир ки, сечичиләрин гејдијјәт сијаһысындаки имзаларын сајылмасындан сонра сечки мәнтәгәсиндә сечки бүллетени алмыш сечичиләрин сајыны е'лан етсин.
- ✓ Бу һагда јекун протоколун 3-чү бәндиндә Мәнтәгә СК-нын үзвүнә гејд етмәјини һәвалә едир.
- ✓ Мәнтәгә СК-нын сечичи сијаһылары илә иш үзрә мәсул олан үзвүндән сечки мәнтәгәсиндән кәнардан сәс верән сечичиләрин сајыны (сәсвермәнин кечирилмәси һагтында сәнаддә мүвафиг гејдләрә әсасән) һесабламасыны вә е'лан едилмәсини хаһиш едир.
- ✓ Мүвафиг рәгәмләрин јекун протоколун 4-чү бәндинә даһил олунмасыны Мәнтәгә СК-нын үзвүндән хаһиш едир.
- ✓ Нәзәрә алмаг лазымдыр ки, јекун протоколун 3,4,5 бәндләриндә көстәрилән рәгәмләрин чәми 2-чи бәнддә көстәрилән рәгәмә бәрабәр олмалыдыр.

АЛТЫНЧЫ ҺИССӘ

СӘСЛӘРИН САЈЫЛМАСЫ

НӘТИҸӘЛӘРИН ГЕЈД ОЛУНМАСЫ

198

СЕЧКИ ГУТУЛАРЫНЫН АЧЫЛМАСЫ

Бүллетенсиз дашынан сечки гутулары биринчи ачылмалыдыр!

- ✓ Бүтүн дашынан сечки гутуларындакы гыфыллары јохлајын вә әмин олун ки, онлара мүдахилә едилмәмигдир.

- ✓ Гутулары ачмаздан әввәл бүтүн гыфыллары сечки ишчиләринә вә мүшаһидәчиләрә
  көстәрин.

- ✓ Бош дашынан гутулары биринчи ачын көстәрин ки, ичәрисиндә һеч нә јохдур. Бүтүн бош сечки гутуларынын һесабаты апарыландан сонра ичәрисиндә бүллетен олан гутуларыны ачын.

Ичәрисиндә бүллетенләр олан сәјјар сечки гутулары

- ✓ Гыфыллары, мөһүрләри јохлајын, әмин олун ки, онлара мүдахилә едилмәмишдир.

- ✓ Гыфыллары сечки комиссијасынын үзвләринә вә мүшаһидәчиләрә көстәрин, сонра гутуну ачын.

- ✓ Дашынан гутулардакы бүллетенләрә әсасән сәс вермиш сечичиләрин сајыны һесаблајын вә е'лан един.

- ✓ Гутудакы мүәјјәнләшдирилмиш формада олан (јә'ни рәсми чап олунмуш, комиссијасынын ики үзвү тәрәфиндән имзаланмыш вә мөһүрләнмиш) бүллетенләрин сајыны һесаблајын - сечичиләрин сајы илә һәмин бүллетенләрин сајы ејни олмалыдыр вә мүвафиг рәгәмләри е'лан един.

Гејд: Әкәр бүллетенләрин сајы сечичиләрин сајы илә дүз кәлмирсә, онда о гутуда
олан бүтүн бүллетенләр е'тибарсыз һесаб едиләчәк. Мә'луматы протокола гејд един.

- ✓ Әкәр мүәјјәнлишдирилмиш формада олан бүллетенләрин сајы сәс вермиш сечичиләрин сајындан артыг дејилсә һәмин бүллетенләр сәсвермә јериндәки бүллетенләр галағына дахид едиләчәк.

- ✓ Мүәјјәнләшдирилмиш формада олмајан бүллетенләри сајын вә е'лан един.

- ✓ Мүәјјәнләшдирилмиш формада олмајан бүллетенләри һәмин бүллетенләр үчүн зәрфә јерләшдирин.

СӘСВЕРМӘ ЈЕРИНДӘКИ БҮЛЛЕТЕНЛӘРИН САЈЫЛМАСЫ

- ✓ Сечки гутусунун гыфылларыны јохлајын. Әмин олун ки, о мөһүрлү вә саламатдыр.

- ✓ Гыфыллары вә мөһүрләри сечки комиссијасынын ишчиләринә вә мүшаһидәчиләрә көстәрин.

- ✓ Сечки гутусуну еһтијатла ачын вә бүтүн бүллетенләри чыхарын, гуту бошаландан сонра ичәрисини сечки комиссијасынын үзвләринә вә мүшаһидәчиләрә көстәрин.

- ✓ Һәсаблама башламаздан әввәл бүллетенләрин мүәјјәнләшдирилмиш формада олмасыны (ики имза вә мөһүрлү олмалыдыр) јохлајын. *Мүәјјәнләшдирилмиш формада олмајан бүллетенләри ајырын вә һәмин бүллетенләр үчүн нәзәрдә тутулмуш зәрфә јерләшдирин вә мөһүрләјин.*

- ✓ Мүәјјәнләшдирилмиш формада олмајан бүтүн бүллетенләри (дашынан вә дашынмаз гутуларда олан) һесаблајын вә онлары протоколун ***гаралама*** вариантынын 10-чу бәндиндә гејд един.

Инди сиз галан бүллетенләри һесабламаға һазырсыныз.

- ✓ Һәр бир намизәд үчүн бүллетенләр үзрә топа дүзәлдин. Бүтүн намизәдләрин әлејһинә олан бүллетенләрдә ајры топа дүзәлдин.

- ✓ Бүллетени бир-бир ачын, сечичинин кимә сәс вердијини мүәјјәнләшдирин. Сечичинин бир намизәдин леһинә јахуд бүтүн намизәдләрин әлејһинә гејд сәс вердијини мүәјјәнләшдирин. Әкәр бүллетендә бир намизәдин леһинә гејд апарылыбса, һәмин бүллетени мүвафиг намизәдин галағына гојун, јахуд бүтүн намизәдләрин әлејһинә олан бүллетенләрин галағына гојун.

- ✓ Әкәр сечичинин кимә сәс вердијини мүәјјәнләшдирмәк мүмкүн дејилсә, онда бу бүллетени һесаблама гутуларындан сонра нәзәрдән кечирмәк үчүн ајрыча галаға гојмаг лазымдыр.

- ✓ Бүтүн бүллетенләр ачылдыгдан вә галагда јерләшдикдән сонра һәр бир бүллетени сајын, намизәдләрини алдығы сәсләрин сајыны һесаблајын вә һәр бир намизәд галағыны тәкрарән һесабладыгдан сонра сајы тәсдиг един. Мүвафиг рәгәмләри протоколун ***гаралама*** вариантынын 11-чи бәндиндә гејд един.

- ✓ Һәр галагдакы һәр бир намизәдин әлејһинә оланларын сајыны һесаблајын, сонра бу һәрәкәти бир даһа тәкрар едәрәк бу сајлары протоколун ***гаралама*** вариантынын 11-чи бәндиндә гејд един .

- ✓ Һәр галадакы һәр бир намизәдин әлејһинә онларын сајыны һесаблајын, сонра бу һәрәкәти бир даһа тәкрар едәрәк бу сајлары протоколун ***гаралама*** вариантынын 12-чи бәндиндә гејд един.

ШҮБҺӘ ДОҒУРАН БҮЛЛЕТЕНЛӘРИН САЈЫЛМАСЫ

- ✓ Һәр бир бүллетени бир-бир ачын.
- ✓ Намизәд үчүн гојулмуш ишарәјә бахын чалышын ки,н амизәдин ирадәсинә ајырд едә биләсиниз.
- ✓ Бүтүн Мәнтәгә СК үзвләринә бүллетени көстәрин вә сәс вермәклә ја ону бир е"тибарлы олмасыны (бир намизәдин леһинә вә ја бүтүн намизәдләрин әлејуинә) гәбул едилмәси вә ја да ону етибарсыз е'лан олунмасы һаггында гәрар гәбул един.
- ✓ Гәбул едилмиш бүллетенләри бир галаға вә бүтүн етибарсыз бүллетенләри ајрыча галаға јығын.
- ✓ Етибарсыз бүллетенләри һесаблајын вә бу сајы дашынан гутудан чыхан етибарсыз бүллетенләрин сајына әлавә един (бу чүр бүллетенләр олса).
- ✓ Бу сајы е'лан един вә протоколун ***гаралама*** вариантынын 9-чу бәндиндә гејд един.
- ✓ Етибарсыз бүллетенләри мүвафиг зәрфә гојун вә мөһүрләјин.
- ✓ Гәбул едилмиш бүллетенләри һесаблајын, ади бүллетенләрин сајылмасы просесиндәки ејни методдан истифадә етмәклә һесаблајын. Һесаблама баша чатдыгдан сонра бу сајлары һесабланмыш бүллетенләрә әлавә един вә сон сај протоколун ***гаралама*** нүсхәсинә гејд един.

Бүтүн бүллетенләр һесабландыгдан вә сајлар протоколун *гаралама* нүсхәсиндә гејд едилдикдән сонра бу рәгәмләри мүшаһидәчиләрин иштиракы илә јекун протоколун әсас нүсхәсинә диггәтлә вә сәһвсиз дахил един. Јекун протоколунун 3 нүсхәләрини бири-бириндән ајырын вә онларын комиссијанын вә онларын комиссијанын бүтүн үзвләри тәрәфиндән имзаланмасы тәмин един.

Протокол имзаландыгдан сонра комиссијанын сәдри онда олан бүтүн мә'луматлары е'лан едир. Комиссијанын катиби мәтбәәдә чап олунмуш протокол нүсхәсинин сүр'әтини һазырлајыр, имзалајыр, мөһүрлә тәсдиг едир вә мүшаһидәчи истәдикдә тәсдим едир.

Бүндан сонра бүллетенләри, јекун протоколун 1-чи нүсхәсини, комиссија үзвүнүн хүсуси рә'ји олдугда, һәмин рә'ји, сечичи сијаһыларыны вә дикәр сечкиләрлә бағлы материаллары габлашдырыб вә мүвафиг әрази сечки комиссијасына көндәрмәк үчүн һазыр един.

Сәсвермә нәтичәләри һаггында протоколун 3-чү нүсхәси мүшаһидәчиләрин, күтләви информасија васитәләрин нүмајәндәләрин үмуми танышлығы мәгсәдијлә сәсвермә отағында дивардан асылыр. Мүшаһидәчиләр сәсвермәнин нәтичәләри һаггында протоколун тәсдигләнмиш сүр'әтини ала биләрләр.

ПРОТОКОЛ ИМЗАЛАНДЫГДАН БИР НҮСХӘДӘ СЕЧКИ НӘТИЧӘЛӘРИ ИЛӘ БИРЛИКДӘ СӘСВЕРМӘ ЈЕРИНИН ГАБАГ ГАПЫСЫНДАН ЕЛӘ АСЫН КИ, ВӘТӘНДАШЛАР ОНУ КӨРӘ БИЛСИН.

201

ӘРАЗИ СЕЧКИ КОМИССИЈАСЫНА ПРОТОКОЛУН ЧАТДЫРЫЛМАСЫ

Мәнтәгә сечки комиссијасы протоколун 1-чи нүсхәсини имзаладыгдан сонра дәрһал (24 саат кечмәмиш мүддәтдә) Мәнтәгә СК-нын сәдри вә бир үзвү протоколу, комиссија үзвүнүн хүсүси рә'ји олдугда, һәмин рә'ји, сечичи сијаһыларыны вә мүвафиг сечки сәнәдләри Әрази СК-на чатдырыр.

БУ ҺАЛДА ОНЛАРЫ МҮШАҺИДӘЧИЛӘР МҮШАҺИДӘ ЕДӘ БИЛӘР.

- ✓ Мәнтәгә СК-нын сәдри вә ән азы башга бир Мәнтәгә СК үзвү бүллетенләри, протоколлары вә сечки үзрә тә/һизаты СК идарәсинә вә ја тә'јин едилмиш әразијә апарыр.
- ✓ Дағылышма әразисиндә јолланыш.
- ✓ Сәнәдләрин јохланылмасыны тәклиф един.

Гејд: Мүшаһидәчиләрни хаһишинә әсасән јекун протоколунда гејд олунан мә'луматлар комиссијасынын сәдри тәрәфиндән охунур.

- ✓ Сәнәдләрин гәбул олунмасы һаггында комиссија сәдри тәрәфиндән имзаланмыш вә мөһүрләнмиш сәнәд алын.
- ✓ Сонра гајыда биләрсиниз.

БУ ТАРИХИ СЕЧКИЈӘ КӨМӘК ЕТДИЈИНИЗ ҮЧҮН ЧОХ САҒ ОЛУН ВӘ ЕВӘ САЛАМАТ КЕДИН.

ELECTION DAY GUIDE

ELECTION DAY GUID

ATTACHMENT 11

5 NOVEMBER 2000

MILLI MAJLIS ELECTIONS

TABLE OF CONTENTS

CHAPTER ONE:	**Roles and Responsibilities**	**4**
CHAPTER TWO:	***Opening the Polling Station***	**7**
CHAPTER THREE:	**Voting Hours Activities**	**9**
CHAPTER FOUR:	**Vote Counting and Reporting Results**	**14**

ELECTION OVERVIEW

Type of Election:	Election of Deputies to the Milli Majlis of the Republic of Azerbaijan
Law Governing Elections:	Law of the Republic of Azerbaijan on Elections to the Milli Majlis
Date of Election:	05 November 2000
Voting Hours:	08:00 – 19:00
Eligibility to Participate:	All citizens of the Republic of Azerbaijan who are 18 years old or more on election day and who live permanently or mostly within the territory of the relevant constituency have the right to vote to elect a deputy to the Milli Majlis in a Single Mandate constituency and to vote to elect a deputy on a Nationwide basis. Citizens of the Republic of Azerbaijan who live or are outside the territory of the Republic of Azerbaijan have equal rights as other citizens residing in the Republic of Azerbaijan during the elections.

Number of Constituencies:	100
Number of Deputies to be elected on a Single Mandate ballot:	100
Number of Deputies to be elected on a Nationwide basis:	25
Number of Precinct Election Commissions:	*4,865

**As of 20 October 2000*

NOTE: *This Election Day Guide is an addition to, and not a substitute for the Law of the Republic of Azerbaijan on Elections to the Milli Majlis of the Republic of Azerbaijan nor for the Instructions adopted and issued by the Central Election Commission. Precinct Election Commission members must also familiarise themselves thoroughly with these essential documents in order to carry out their duties effectively and in accordance with the law.*

304

1. ROLES AND RESPONSIBILITIES

1.1 ELECTION COMMISSION STRUCTURE

Central Election Commission (CEC): The responsibilities of the CEC with regards to the elections to the Milli Majlis are defined in the Law on the Central Election Commission of the Republic of Azerbaijan. The Chairman of the CEC carries out the distribution of occupations among the Commission members. For the forthcoming elections, the responsibilities of the commission include: preparing and approving a map creating the single-mandate constituencies; adopting instructions for the election; controlling the implementation of the Law on Elections to the Milli Majlis of the Republic of Azerbaijan; processing complaints; arranging for the printing of ballots; guiding operations of the constituency and precinct electoral commissions; providing them with legal, methodical, technical and organisational assistance; helping them solve their material problems; as well as distributing and controlling election funding.

Constituency Election Commission (ConEC): The ConECs consist of nine (9) members, including the Chairperson and the two secretaries. The ConECs are responsible for managing election operations within their territorial jurisdiction. Their primary duties include: implementing the Law on Elections to the Milli Majlis of the Republic of Azerbaijan; creating the Precinct Election Commissions (PEC) and numbering the polling stations; informing the voters and ensuring that their rights are respected; considering complaints; registering candidates; providing equal conditions for the election campaign; providing election materials and supplies to the PECs and determining the election results at the level of their jurisdiction. Other members can be appointed to the ConECs with a consultative voting right.

Write the details of your Constituency Commission below:

Chairperson: Secretary:

Secretary:

Address: Telephone number:

Precinct Election Commission (PEC): The PECs consist of six (6) members, all of whom - at the precinct level - have the following responsibilities: approving the voters list, setting up the polling station, informing the voters, controlling compliance with the rules for election campaign, organizing the vote on election day, counting votes, determining and posting the voting results and delivering the official copies of the two Protocols as well as returning ballots and election materials to their Constituency Commission. Other members can be appointed to the PECs with a consultative voting right. Working as a team, the PEC members must ensure the integrity of the election process.

1.2 PRECINCT ELECTION COMMISSION MEMBERS RESPONSIBILITIES

The responsibilities of each PEC member on Election Day are outlined below:

Precinct Election Commission Chairperson: The PEC Chairperson distributes responsibilities between the members of the PEC; announces and proceeds with the opening and closing of the polling station; ensures adherence to the rules within the polling station; and sees that the activities of PEC members are consistent with the Law on Elections to the Milli Majlis of the Republic of Azerbaijan. The chairperson organises the counting of the votes and the preparation of the official Protocol #1 for Single Mandate constituencies and Protocol #2 for the Nationwide constituency on voting results and delivers both these Protocols as well as other election materials to the ConEC.

Precinct Election Commission Deputy Chairperson: The PEC Deputy Chairperson assumes the powers of the PEC Chairperson if the PEC Chairperson is absent.

Precinct Election Commission Secretaries: The PEC Secretaries assume the powers of the PEC chairperson if both the Chairperson and Deputy Chairperson are absent. The Secretaries are also responsible for checking, signing and

205

validating with the official PEC stamp, the ballots as well as the copies of the official Protocols that have been made by observers.

Precinct Election Commission Member: The PEC member responsible for information greets the voters, reminds them to have their identification ready (either a passport or Form No. 9) and asks if they have any questions about the voting process, and directs them to the proper table to check their eligibility to vote.

Precinct Election Commission Member: The PEC member responsible for Eligibility Check and Ballot Issuance verifies the voters' identification documents, confirms the voters' eligibility according to the procedures, issues ballot papers to voters, and instructs them on how to correctly mark their ballot papers.

Precinct Election Commission Member: The PEC member responsible for Ballot Box Security is stationed near the ballot boxes. He makes certain that no one tampers with the ballot boxes and that all voters deposit their ballot papers into the proper ballot box and then leave the polling station. He/she also assists the voters who have spoilt their ballot papers.

Note that the members with a consultative voting right CANNOT issue ballot papers or de-registration cards; count the ballot papers; cancel any ballot paper or de-registration card; complete official protocols on the results of elections; nor sign any decision.

1.3 Observers And Representatives Of The Mass Media

Accredited observers must present their official accreditation card issued by the CEC, their identification document (passport or Form No. 9), and a written authorization provided by their sponsoring organization in order to be admitted to the voting and counting areas. While the election commissions are to render assistance to them, observers are expected to familiarize themselves with the Law on the Elections to the Milli Majlis governing the activities of observers, and other rules relating to this election. Observers who breach the requirements of Azerbaijan legislation or international legal standards can be expelled from the polling station and may have their accreditation cancelled by the Central Election Commission. In relation with Election Day activities, observers have the following rights:

→ To observe the activities at the polling station from the time the PEC commences its work prior to the commencement of voting through to the finalization of the official Protocols on voting results;

→ To become familiar with the voters lists;

→ To meet with candidates, parties and blocks of parties, their agents or representatives;

→ To accompany the mobile ballot box;

→ To observe the counting of the ballot papers;

→ To become familiar with the voting results of each PEC and obtain copies of official Protocols on voting results from PECs and ConECs;

→ To give comments and suggestions to election commissions. Observers' comments and suggestions are to be examined by the Chairperson of the PEC and, if necessary, by a meeting of the PEC;

→ To file complaints with superior election commissions or the courts;

→ To conduct press conferences and make statements to the mass media;

→ To videotape and take photos.

In addition to these rights, observers have certain responsibilities. Observers are:

→ NOT permitted to sign for, receive, or mark a ballot paper on behalf of a voter who needs assistance;

→ NOT permitted to obstruct the work of an election commission member or illegally interfere with election commission activities;

→ NOT permitted to influence a voter's choice or violate the secrecy of the ballot.

20

Representatives of the mass media also have the right to be present in the polling station from the time the PEC commences its work prior to the commencement of voting through to the finalization of the official Protocols on voting results.

REMEMBER!

Observers do not have to give the PEC any advance notice of their visit to a polling station.

Observers who try to influence a voter or attempt to violate the rules regarding the secrecy of the ballot may be expelled from the polling station immediately.

1.4 SECURITY

Security may be provided to maintain peace and order on Election Day. Uniformed police officers and Executive Authority officials can enter the polling station only if invited by the PEC Chairperson following a decision made by the PEC. Once order is restored, the police officer and Executive Authority official must leave the polling station and remain at a distance of at least 100 metres from the polling station.

207

2. OPENING THE POLLING STATION

2.1 TASKS

At 7:00, the PEC chairperson announces that the polling station is open. All PEC members must be then present and ready to work. Tasks in preparation for opening the polling station are outlined below.

1. Prepare Election Materials and Supplies

As a PEC member, you are responsible for arranging the polling station. Voting compartments and information boards must be set up, posters advising voters on voting procedures placed on the walls and in the voting compartments. You must prepare the materials and supplies needed for voting, such as the PEC stamp and election forms. Make sure everything is arranged properly in the polling station as shown in the diagram in this guide.

A checklist of voting materials and supplies appears on the right-hand side of this page. This checklist is designed to assist you as you take an inventory of the election materials and supplies at your polling station. If you are missing anything, or if you run out of any materials during Election Day, contact your ConEC.

2. Voting Instructions Posters

The PEC Chairman must ensure that the posters containing the voting instructions are displayed properly on the walls of the polling station and he must check regularly during voting hours to ensure that they have not been removed.

→ The poster on the voting procedure must be hung at the entrance, in a location which allows the PEC member in charge of information to explain to the voters the five steps of voting.

3. Remove Campaign Materials

The PEC members must remove all campaign materials from the polling station prior to the commencement of voting.

4. Verify Accreditation

The PEC members must verify the accreditation of all observers and check the appropriate ID documents of candidates, candidate agents, and media representatives who attempt to enter the polling station.

5. Count and Record Ballot Papers Received

Prior to opening the vote and in the presence of observers, PEC members must count the number of ballot papers received from the ConEC.

CHECKLIST OF ELECTION MATERIALS AND SUPPLIES

- ☐ Law on Elections to the Milli Majlis of the Republic of Azerbaijan
- ☐ CEC Instructions
- ☐ Stationery
- ☐ Notice Boards
- ☐ Candidate Information (if available)
- ☐ Samples of Completed Ballot Papers
- ☐ Posters
- ☐ Voters Lists
- ☐ Supplementary Voters List
- ☐ Applications for Mobile Ballot Box
- ☐ Ballot Papers
- ☐ PEC Stamp
- ☐ Ink Pad
- ☐ Scissors
- ☐ Voting Compartments
- ☐ Pens and String
- ☐ Polling station Ballot Boxes
- ☐ Mobile Ballot Box
- ☐ Locks/Keys or Seal/Wax
- ☐ Oil Lamps and Candles
- ☐ Large format Protocols #1 and Protocol #2 to hang on the wall
- ☐ Official Protocols #1 and Protocol #2 on voting results

Once the ballot papers are counted, the PEC Chairperson announces the number of ballot papers received. An act on the number of each type of ballot paper received is prepared and this information is entered on the Protocols on voting results.

208

6. Prepare the Ballot Boxes

Ballot boxes must be positioned so that observers and PEC members can see them at all times. At approximately 7:50 a.m., the PEC Chairperson shows the empty ballot boxes to observers, closes and seals them. The empty mobile ballot box must also be shown, closed and sealed, in the presence of observers, **immediately before** it is to be used.

7. Assign Responsibilities

Immediately before opening the polling station, the Chairperson assigns duties to PEC members in accordance with the rules issued by the CEC and PEC members take their working places. Responsibilities can be changed by mutual agreement of the PEC members.

8. Open the polling station

At 8:00 a.m., the Chairperson of the PEC announces that voting may commence and requests that the PEC members start the voting process.

CHECKLIST OF PERSONS AUTHORIZED TO BE IN THE POLLING STATION

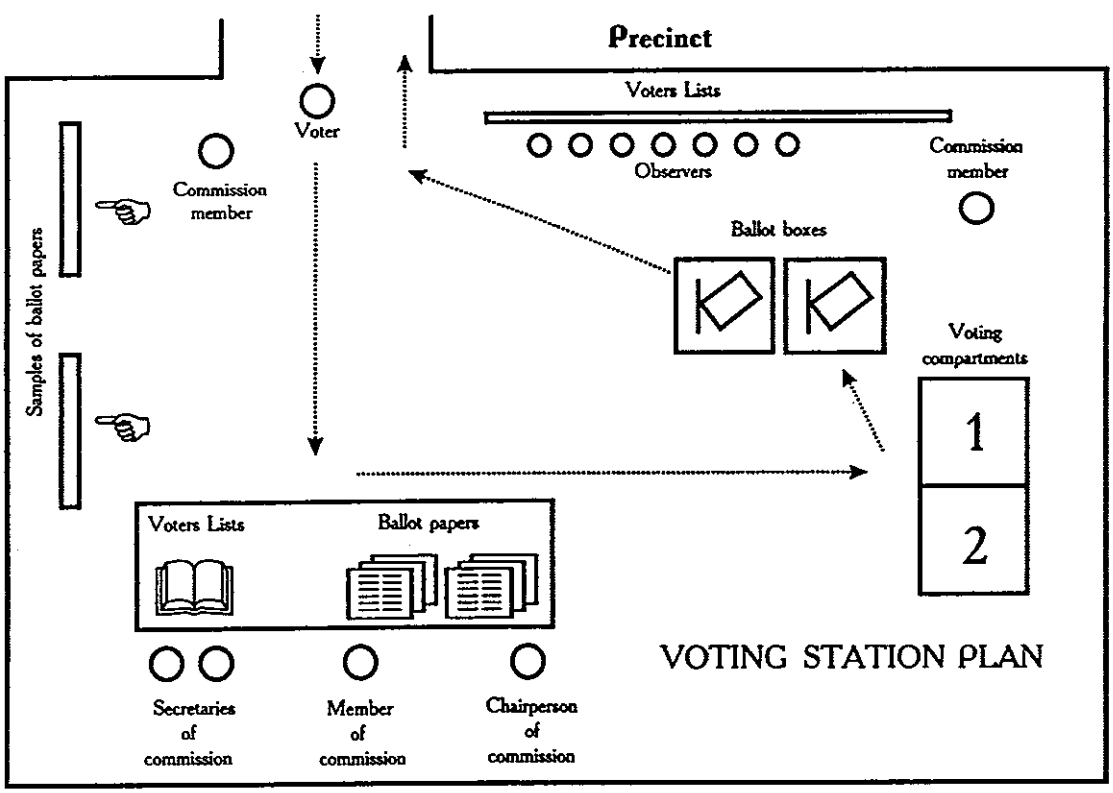
- √ PEC Members
- √ ConEC and CEC Representatives
- √ Accredited Observers
- √ Media Representatives
- √ Uniformed Policemen or officials from the Executive Authority *(at the request of the PEC only to maintain public order and then they must leave)*
- √ Relevant specialists *(only to solve technical problems and then they must leave)*
- √ Voters
- √ Persons Helping Voters Requiring Assistance

REMEMBER!

Once you arrive at the polling station on Election Day, you cannot leave. You may be in the polling station for at least 15 hours. So, dress warmly, bring drink, food for lunch and dinner as well as any other items you might need, such as medication.

Smoking inside the polling station is allowed only if PEC chairperson permits it.

You are NOT entitled to drink alcohol during your hours of duty in the polling station.



209

3. VOTING HOURS ACTIVITIES

3.1 VOTING PROCESS

Each step in the voting process performed by PEC members is outlined below. There will be exceptions to the routine voting process due to the special requirements of some voters: such as those voters who need assistance to complete their ballot, voters who spoil a ballot paper and voters whose names are not included on the voters list. These exceptional cases are described in Section 3.3.

The PEC Member responsible for Information:

→ Greets each voter at the entrance of the polling station;

→ Reminds each voter to have his/her ID document (passport or Form 9) ready;

→ Asks each voter if they have any questions about the voting process;

→ Directs each voter to an eligibility check and ballot issue member of the PEC.

The PEC member responsible for Eligibility Check and Ballot Issuance:

→ Asks for the voter's name and ID document (passport or Form No. 9);

→ Locates the voter's name on the voters list or supplementary voters list;

→ Records the series and number of the voter's ID document by the voter's name on the voters list;

→ Issues the **two different ballot papers** to the voter: one containing the names of the parties presenting lists of candidates on a Nationwide basis, and one listing the candidates for the Single Mandate constituency;

→ Issues the ballots to the voter. While doing so stamps the upper right hand corner of each ballot paper with the official PEC stamp AND signs, cut s off and retains the upper left hand corner of the ballot paper;

→ Asks the voter to sign the voters list against his/her name under the column "Voter Signature Acknowledging Receipt of Ballot Papers";

→ Instructs the voter to clearly mark one blank box on each ballot;

→ Instructs the voter to proceed immediately to a vacant voting compartment, mark his/her ballots, folds them to protect the secrecy of his/her vote, and deposit them into the relevant ballot boxes.

REMEMBER!

Each ballot paper must be stamped with the PEC stamp. Each ballot paper must be signed by a PEC member immediately before it is issued to a voter.

*Each voter receives, signs for and marks **TWO** different types of ballot papers.*

*Voters must mark their ballot papers in secret in the voting compartment. **DO NOT ISSUE** ballot papers to a voter unless an empty voting compartment is available.*

Instructions for assisted voting appear under Section 3.3.

After the voter has completed marking his/her ballot paper in secret, the **PEC member responsible for the security of the Ballot Boxes** then:

→ Ensures that the voter deposits his/her ballot papers correctly in the relevant ballot boxes;

→ Instructs the voter to leave the polling station.

210

3.2 MONITORING VOTER TURN-OUT

Very likely your ConEC will request that at two hour intervals during voting hours you need to determine the number of voters who have received ballot papers.

A checklist is provided on the right hand side of this page. Once you have determined the voter turnout, check the box provided and enter the number of voters who have already received ballot papers on the line provided.

CHECKLIST FOR VOTER TURNOUT

- ☐ 10:00 _____
- ☐ 12:00 _____
- ☐ 14:00 _____
- ☐ 16:00 _____
- ☐ 18:00 _____

3.3 EXCEPTIONS TO THE ROUTINE VOTING PROCESS

IF A VOTER SPOILS A BALLOT PAPER...

If a voter makes a mistake when marking his/her ballot paper, he/she has the right to request a new ballot paper. The voter must return his/her spoilt ballot paper to the member of the PEC who originally issued it to him/her.

The PEC member responsible for issuing the ballots must then:

→ Retrieve the spoilt ballot paper from the voter;

→ Cancel the spoilt ballot paper by cutting it in two equal parts;

→ Put the spoilt ballot paper in a separate envelope;

→ Give the voter one new ballot paper of the same type;

→ Make a notation to this effect on the voters list to the right of the voter's surname;

→ Instruct the voter to immediately proceed to a vacant voting compartment to mark his/her ballot paper in secret, fold the ballot paper to protect the secrecy of his/her vote, deposit it into the relevant ballot box, and leave the polling station;

→ Prepare an act recording this action.

IF A VOTER NEEDS ASSISTANCE TO RECEIVE OR TO MARK THE BALLOT PAPERS...

If the voter cannot receive and/or mark his/her ballot papers without help, he/she may ask another person for assistance.

The person assisting the voter in receiving ballot papers must write his/her surname and initials and sign on the voter list under the column titled "Voter Signature Acknowledging Receipt of Ballot Papers".

The surname and initials of the person assisting the voter in marking his/her ballot papers are shown on the voters list besides the voter's signature acknowledging receipt of the ballot papers.

With the help of his/her assistant, the voter immediately proceeds to a vacant voting compartment to mark his/her ballot papers. If needed, the assistant may enter the voting compartment with the voter. Upon leaving the voting compartment and depositing the ballot papers in the relevant ballot boxes, the voter and his/her assistant are required to leave the polling station.

REMEMBER!

Neither the members of the Precinct Election Commission nor any of the observers are permitted to assist voters in receiving or marking their ballot papers.

IF A VOTER'S NAME IS NOT ON THE VOTERS LIST...

If a voter's name does not appear on the voters list or on the supplementary voters list, **the PEC member responsible for checking the voters eligibility should:**

→ Examine both the voter list and the supplementary voter list more closely to see if the voter's name can be found;

→ In the event the voter's name cannot be found, obtain an ID document (passport, Form No. 9) from the voter;

→ Enter this information on the supplementary voter list;

→ Ask the voter to sign the supplementary voter list in the column titled " Voter Signature Acknowledging Receipt of Ballot Papers";

→ Issue the voter two ballot papers in accordance with the process outlined in "Voting Process" in this Guide.

IF THE VOTER DOES NOT HAVE THE REQUIRED IDENTIFICATION DOCUMENT...

If the voter has not brought a proper identification document (passport or Form 9) with him/her to the polling station, the PEC member of the PEC responsible for information should:

→ Advise the voter that he/she must leave the polling station and only return if he/she brings the required identification document with them.

REMEMBER!

If a voter does not show the required identity document (passport or Form 9), he/she cannot be issued ANY ballot papers.

3.4 Process Of Voting Using The Mobile Ballot Box

Persons who cannot come to the polling station on Election Day due to illness or other valid reasons have the right to vote outside the polling station, using the mobile ballot box. Persons wishing to vote with a mobile ballot box must make a WRITTEN request to the PEC at least 24 hours before Election Day. The PEC should give the opportunity to vote to all the voters who requested the use of mobile box.

On Election Day, the **Chairperson of the PEC** should:

→ Review the requests of persons wishing to vote by mobile ballot box and prepare a list of these voters and their addresses;

→ Select two members of the PEC to administer the vote with the mobile ballot box;

→ Decide when these PEC members will administer the vote with the mobile ballot box;

→ Record the number of both types of ballots to be taken from the polling station by the responsible PEC members. Seal the mobile ballot box, in the presence of observers, immediately before its departure from the polling station;

→ Inform observers that the responsible PEC members are leaving the polling station to administer the vote with the mobile ballot box and invite observers to attend this process.

212

The PEC members responsible for administering the vote using the mobile ballot box will then:

→ Take a number of both types of ballot papers equal to the number of requests received;

→ Proceed to the first address from which a voter has requested the mobile ballot box, ensuring that their voting materials are held in a secure manner;

→ At each address, locate and greet the voter who has made an application to vote with the mobile ballot box;

→ Verify the name of the voter against the written application to vote with the mobile ballot box;

→ Ask the voter to countersign his/her written request to vote with the mobile ballot box, and verify his/her signature.

If the voter did not make a written application to vote using the mobile ballot box, he/she must now make a written application in the presence of the PEC members:

→ Ask for the voter's identification document (either passport or Form No. 9);

→ Record this identity information on the application to vote;

→ Ensure that the upper right hand corner of the ballot paper is stamped with the PEC stamp;

→ Sign, cut off the upper left hand corner of the ballot paper and retain it;

→ Issue the two forms of ballot papers to the voter and explain the voting procedure as described in this Guide;

→ Have the voter sign to acknowledge receipt of the ballot papers;

→ Ensure that the voter may then mark his/her ballot papers in secret.

If the voter makes an error in marking a ballot paper, he/she can be issued with a new one. But first, the spoilt ballot paper must be returned to the polling station. See procedure for spoilt ballot papers in this Guide.

If necessary, the voter may request assistance to receive or mark his/her ballot paper. PEC members and observers are not permitted to assist a voter to receive or mark his/her ballot paper. The name of the person assisting the voter must be entered on the application to vote with the mobile ballot box:

→ Instruct the voter to place the marked ballot papers in the mobile ballot box;

→ Thank the voter, secure all election materials and then proceed, along with the observers, to the next location where the vote with the mobile ballot box will be administered;

→ After dealing with all voters who properly applied to vote with the mobile ballot box, return immediately to the polling station with the mobile ballot box and unused ballots (if any) as well as with the written applications.

Once the PEC members responsible for administering the vote with the mobile ballot box return to the polling station, the **PEC Chairperson** must:

→ Record the number of unused ballots;

→ Record the number of spoilt ballots;

→ Make a special notation in the voters list against the names of voters who voted with the mobile ballot box.

REMEMBER!

Observers must be allowed to accompany the mobile ballot box.

There must be a written application to use the mobile ballot box.

The mobile ballot box is NOT OPENED until the vote count commences after the closing of the polling station.

213

3.5 How to treat Voters Who Are In The Polling Station At Close Of Voting

At 19:00, the Chairperson of the PEC announces loudly the close of voting and says, "Only those voters who are already in the voting compartment or who have been issued ballot papers will be permitted to complete the voting process." These voters must be directed to leave the polling station immediately after they have finished voting.

Except these voters, PEC members, accredited observers, and accredited media representatives, *all other persons are requested to leave the polling station immediately.* PEC members then prepare to count the vote.

214

4. VOTE COUNTING AND REPORTING RESULTS

4.1 Preparation For The Count Of Votes

When the last voter has completed voting, the PEC Chairperson must ensure that all persons, except those persons who are eligible to remain for the count of votes, have left the polling station. The room should be secured at this point.

ONLY the following persons are permitted to be present for the count of votes:

- PEC members
- Accredited observers
- Accredited media representatives
- Registered candidates or their authorised agents

The **PEC Chairperson** prepares a list of all persons in attendance.

The room should be cleared for efficiently conducting the vote count, with all materials and equipment not needed for the count placed to the side. Ensure that all forms required for the count are in place. A materials checklist is provided below:

MATERIALS CHECKLIST FOR THE PREPARATION FOR THE COUNT

- Voters List
- Supplemental Voters List
- Unused Ballot Papers
- Spoilt Ballot Papers in Envelopes
- Draft and Original Protocol #1 Single Mandate and Protocol #2 Nationwide
- Extra Blank Protocols for observers who request them
- Large Format Protocol #1 and Protocol #2 provided by the CEC
- CEC Instruction on "Rules for Completing and Checking PEC Protocols"
- Oil Lamp/Candles
- Calculator (if available)

The **PEC Chairperson** should then describe the method of conducting the count of votes and completing Protocol #1 Single Mandate and Protocol #2 Nationwide on the voting results, to ensure that all the PEC members are familiar with the process.

The PEC Chairperson should explain the general procedure that will be used:

→ Every line item to be completed on the Protocols will be announced loudly to the entire room.

→ Then the information will be recorded in words and figures on the large format Protocols first and on the draft Protocols prior to final completion of the official Protocols.

→ Observers may request to complete copies of Protocols that should be verified and stamped by the PEC.

The PEC Chairperson describes all the preparatory steps to be completed *before opening the ballot boxes*:

Step 1 – Count and Record the Total Number of Voters on the Voters Lists

Step 2 – Record the Number of Ballot Papers Received from the ConEC

Step 3 – Count and Record the Number of Ballot Papers Issued to Voters in the Polling Station

Step 4 – Count and Record the Number of Ballots Issued to Voters Requesting the Use of the Mobile Ballot Box

Step 5 – Cancel, Count and Record the Number of Unused and Spoilt Ballots

Then the Chairperson describes the procedure for conducting the count of votes and completing the protocols on the voting results *after opening the ballot boxes*:

Step 6 – Open the Mobile Ballot Box and Count the Number of Ballot Papers

Step 7 – Open the Ballot Boxes for the Single Mandate and Nationwide Constituencies

Step 8 – Determine, Sort, Count and Record the Valid Ballot Papers

Step 9 – Count and Record Invalid Ballot Papers

Step 10 – Count and Record the Number of Indeterminate Ballots

Step 11 – Separate, Count and Record Division of Valid Votes Cast for Candidates, Parties or Blocks of Political Parties

Step 12 – Count and Record Votes Cast Against All Candidates/Parties/Blocks of Parties

Step 13 – Record the Number of Voters Who Received Ballot Papers

REMEMBER!

The counting procedures must continue without any break until the entire counting procedure is concluded.

→ *Begin by filling in the preliminary DRAFT Protocols on voting results. You may correct errors on these draft Protocols.*

→ *The OFFICIAL Protocols must be filled out in ink and cannot contain ANY corrections.*

→ *You MUST complete Steps 1 - 6 of this Election Guide and fill in Lines 1, 2, 3, 4, and 5 of both Protocols #1 and Protocol #2 on voting results* ***BEFORE you open any of the ballot boxes.***

4.2 Instructions For Counting Votes And Completing The Protocol On Voting Results

BEFORE opening ANY ballot boxes, perform the following steps:

Step 1 – Count and Record the Total Number of Voters on the Voters Lists

→ Count and announce the total number of voters on the voters list.

→ Record total number of voters on the voters list in words and figures on Line 1 on both Protocol #1 and Protocol #2.

After that,

→ Count and announce the total number of voters on the supplementary voters list.

→ Record this amount in words and figures on Line 1 on both Protocol #1 and Protocol #2.

Step 2 – Record the Number of Ballot Papers Received from the ConEC

→ The number of Single Mandate and Nationwide ballot papers has been previously recorded on the act acknowledging receipt of the ballot papers by your PEC from the ConEC before the commencement of voting, as described in this guide.

→ Announce the figures for both types of ballot papers.

→ Record the amount in words and figures on Line 2 on both Protocol #1 and Protocol #2.

Step 3 – Count and Record the Number of Ballot Papers Issued to Voters in the Polling Station

This is determined by the total number of voters' signatures on the voters lists.

→ Count the number of voters' signatures in the column "Signature of Voter to Acknowledge Receipt of Ballot Paper" on the voters list.

→ Count the number of voters' signatures in the column "Signature of Voter to Acknowledge Receipt of Ballot Paper" on the supplementary voters list.

→ Add these two figures together to obtain the number of ballot papers issued to voters in the Polling Station.

→ Announce this figure.

→ Record the amount in words and figures on Line 3 on both Protocol #1 and Protocol #2.

Step 4 – Count and Record the Number of Ballots Issued to Voters Requesting the Use of the Mobile Ballot Box

→ Count the total number of signatures on the requests for the mobile ballot box on which the voter has confirmed receipt of the ballot paper.

→ Announce this figure.

→ Record the amount in words and figures on Line 4 of both Protocol#1 and Protocol #2 on voting results.

Step 5 – Cancel, Count and Record the Number of Unused AND Spoilt Ballots

For these steps keep unused Single Mandate and Nationwide ballots in separate piles.

For unused Single Mandate ballots:

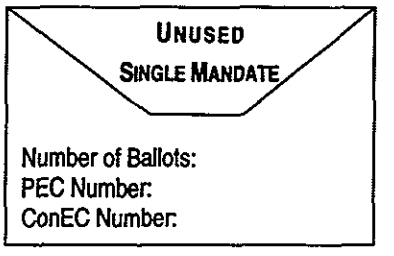
→ First, cancel each unused Single Mandate ballot by cutting off the bottom right hand corner;

→ Then, count all unused Single Mandate ballot papers;

→ Announce this figure;

→ Place the cancelled, unused Single Mandate ballots in an envelope and mark it "Unused Single Mandate";

→ Record the number of cancelled, unused Single Mandate ballots; the PEC number and the ConEC number on the outside of the envelope.



For unused Nationwide ballots:

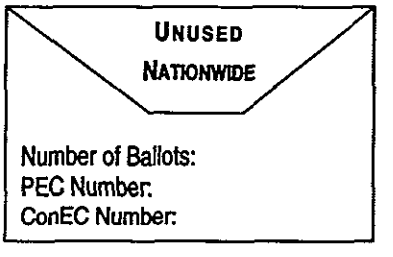
→ First, cancel each unused Single Mandate ballot by cutting off the bottom right hand corner;

→ Then, count all unused Nationwide ballot papers;

→ Announce this figure;

→ Place the cancelled, unused Nationwide ballots in an envelope and mark it "Unused Nationwide";

→ Record the number of cancelled, unused Nationwide ballots; the PEC number and the ConEC number on the outside of the envelope.



Then, process the spoilt ballot papers:

REMEMBER!

The number of spoilt ballot papers must equal the number recorded on the act prepared upon the return of all spoilt ballot papers.

→ First, open the envelopes containing the individual spoilt ballot papers and separate the ballots into Single Mandate and Nationwide piles;

→ Ensure that all the spoilt ballot papers were cancelled by cutting them in half (if this was not already done);

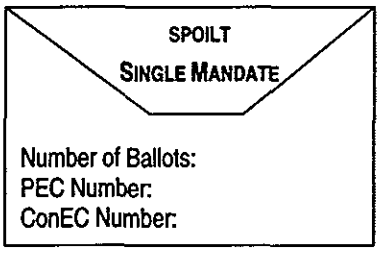
For spoilt Single Mandate ballot papers:

→ Count the number of cancelled and spoilt Single Mandate ballot papers;

→ Announce this figure;

→ Place the cancelled and spoilt Single Mandate ballots in an envelope marked "Spoilt Single Mandate";

→ Record the number of the cancelled and spoilt Single Mandate ballots; the PEC number and the ConEC number on the outside of the envelope.



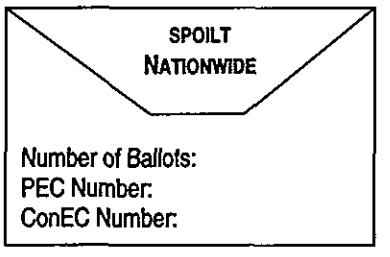
For spoilt Nationwide ballot papers:

→ Count the number of cancelled and spoilt Nationwide ballot papers;

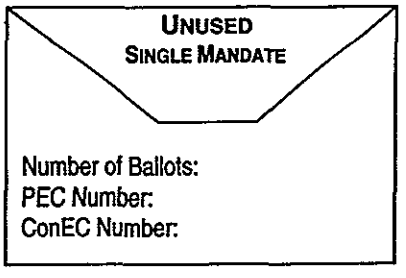
→ Announce this figure;

→ Place the cancelled and spoilt Nationwide ballots in an envelope marked "Spoilt Nationwide";

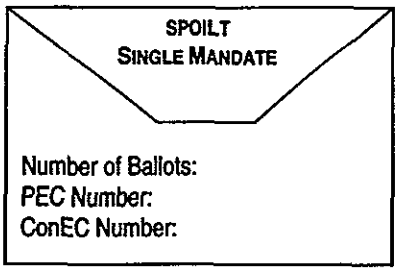
→ Record the number of the cancelled and spoilt Nationwide ballots; the PEC number and the ConEC number on the outside of the envelope.



To calculate the amount for Line 5 on Protocol #1: ADD the number of cancelled, unused Single Mandate and cancelled spoilt Single Mandate ballot papers.



+



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Line 5 of Protocol # 1
Single Mandate
Cancelled Ballots

219

To calculate the amount for Line 5 on Protocol #2: ADD the number of cancelled unused Nationwide and cancelled spoilt Nationwide ballot papers.

UNUSED NATIONWIDE	+	SPOILT NATIONWIDE	=	Line 5 of Protocol # 1 Nationwide Cancelled Ballots
Number of Ballots: PEC Number: ConEC Number:		Number of Ballots: PEC Number: ConEC Number:		

REMEMBER!

Line 2 on both Protocol #1 and Protocol #2 should be equal to the sum of Lines 3 + 4 + 5.

After completing Steps 1 through 5 of this Guide and completing Lines 1 through 5 on the draft protocols CHECK THE BALLOT BOXES. *In the presence of all observers, each ballot box seal must be checked to ensure that ballot boxes* have not been tampered with.

Step 6 – Open the Mobile Ballot Box and Count the Number of Ballot Papers

→ Open the Mobile ballot box;

→ Remove all the ballot papers that are inside, within the view of all observers;

→ Unfold each ballot, and put aside any that are not in the determinate form using the criteria in the Checklist provided below...

CHECKLIST FOR DETERMINING IF A BALLOT PAPER IS IN THE DETERMINATE FORM

✓ The ballot paper was officially prepared by the Central Election Commission.

✓ The official stamp of the PEC appears on the upper right-hand corner of the ballot paper.

✓ The upper left-hand corner of the ballot paper has been cut off.

→ Count the number of the Single Mandate and Nationwide ballots that are in the determinate form;

→ Announce the figures for both the Single Mandate and Nationwide ballot papers;

→ Record the amount in words and figures on Line 6 on both Protocol # 1 and Protocol # 2;

→ Do not process the ballots from the ballot box any further. The ballots will later be mixed with ballots contained in the other ballot boxes to protect the secrecy of the vote;

→ Put aside the ballots that are not in the determinate form until Step 10;

The number of ballots in the mobile ballot box should be equal to or less than the number of ballot papers issued to the voters who requested the mobile box (as recorded on Line 4).

REMEMBER!

If the number exceeds the amount on Line 4 of the Protocols, the PEC must issue a decision to consider all the ballots to be invalid.

In such a case, Article 71.2 of the Election Law requires that you attach to the Official Protocol an Act indicating the surnames of the Commission members who accompanied the mobile ballot box.

Do NOT process the ballots from the mobile ballot box any further at this point.

Step 7 – Open the Ballot Boxes for the Single Mandate and Nationwide Constituencies

Your polling station must have two ballot boxes. Open the Single Mandate box first:

→ Open the ballot box and remove all the ballots inside it within the view of all observers;

→ Unfold each ballot paper and put aside any that are not in the determinate form until Step 10. Ballots that are NOT in the determinate form cannot be included in the vote count.

CHECKLIST FOR DETERMINING IF A BALLOT PAPER IS IN THE DETERMINATE FORM

✓ The ballot paper was officially prepared by the Central Election Commission.

✓ The official stamp of the PEC appears on the upper right-hand corner of the ballot paper.

✓ The upper left-hand corner of the ballot paper has been cut off.

→ Count the ballots that are in the determinate form;

→ Announce the figure;

→ Record the proper number in words and figures on Line 7 on both Protocol # 1 and Protocol # 2.

That number should be equal or less than the number of ballot papers issued to the voters in the polling station (as recorded on Line 3). If the number exceeds the amount on Line 3, the PEC must issue a decision to consider all the relevant ballots as invalid.

REMEMBER!

Before starting to sort the Valid from the Invalid ballot papers in Step 8, at this point combine the ballot papers in the determinate form from both the mobile ballot box and the Polling Station boxes to preserve the secrecy of the ballots.

Step 8 – Determine, Sort, Count and Record the Valid Ballot Papers

Separate valid and invalid ballot papers into two clearly distinct piles. A ballot paper is valid if it meets all the following conditions:

CHECKLIST FOR DETERMINING IF A BALLOT PAPER IS VALID

- ✓ The ballot box containing the ballot papers did not contain more ballot papers in the determinate form than the number of ballot papers recorded as being issued.
- ✓ The intention of the voter is clearly indicated by the presence of a mark on the box to the right of the candidate's or political parties' or block of political parties' name.
- ✓ The ballot paper is not a cancelled ballot. A cancelled ballot has the bottom right-hand corner cut off.
- ✓ The ballot must only be marked once.

IMPORTANT!

If a Single Mandate ballot paper is found in the ballot box for Nationwide ballots, or vice versa, the ballot paper is still valid if it meets the conditions of the Checklist for Determining if a Ballot Paper is Valid.

→ Count the number of valid ballot papers;

→ Announce this figure;

→ Record the amount in words and figures on Line 8 on both Protocol #1 and Protocol #2.

Step 9 – Count and Record Invalid Ballot Papers

REMEMBER!

If the ballot paper is marked more than once, or if it is not marked at all, it is considered to be invalid.

If there is doubt about the validity, the PEC members must vote to determine if the ballot is valid.

If the PEC decision is to consider the ballot invalid, the reasons for the decision are recorded on the reverse of the ballot paper and the decision is signed by

the PEC Chairperson and the two PEC Secretaries.

→ Count the total number of invalid ballot papers that were separated during the sorting of the valid and invalid ballot papers during Step 8;

→ Announce this figure;

→ Record the number in words and figures on first section of Line 9 on both Protocol #1 and Protocol #2;

→ Then count the number of ballots that had more than one box marked;

→ Announce this figure;

→ Record the number in words and figures on the second section of Line 9 on both Protocol #1 and Protocol #2;

→ Then count the number of ballots that were not marked at all but cast as votes and placed in the ballot box;

→ Announce this figure;

→ Record the number in words and figures on the third section of Line 9 on both Protocol #1 and Protocol #2;

→ Then according to Article 71.4 of the Election Law invalid ballot papers must be packaged separately.

Step 10 – Count and Record the Number of Indeterminate Ballots

Ballot papers that are not in the determinate form were set aside during Step 6 with the Mobile Ballot Box and during Step 7 with the Polling Station Ballot boxes. Now proceed to do the following:

→ Calculate the total number of ballots not in the determinate form by adding together the number of ballots not in the determinate form from the Mobile Ballot Box PLUS the number of ballots not in the determinate form from the Polling Station boxes;

→ Announce this figure;

→ Record the number in words and figures on Line 10 on both Protocol #1 and Protocol #2.

According to CEC Instruction #29/122 "Instructions to the Precinct Election Commissions for Counting the Votes, for Completing and for Checking Protocols on the Results of the Milli Majlis Elections":

"Note 3: In order to calculate the votes, ballot papers must be separated in piles. There should be as many piles as there are candidates, political parties and blocks of political parties for whom ballots were cast in addition to a pile for ballots cast against all candidates, political parties or block of political parties."

Step 11 – Separate, Count and Record Division of Valid Votes Cast for Candidates, Parties or Blocks of Parties

Start with the ballots for the Single Mandate constituency:

→ Record the names of all of the candidates in alphabetical order on the table provided on Line 11 of Protocol # 1;

→ Count the number of valid votes cast for each candidate;

→ Announce the amount of votes cast for each candidate;

→ Record the number in words and figures on the section by each candidate's name;

→ Calculate the sum of all of the votes cast and record the number in words and figures on the Total on the bottom of the table.

Continue now with the ballots for the Nationwide constituency:

→ Count the number of valid votes for each party or block of political parties according to the order on which they appear on the table provided on Line 11 of Protocol #2;

→ Announce the amount of votes cast for each party or blocks of parties;

→ Record the number in words and figures on the section by each party or blocks of parties;

→ Calculate the sum of all votes cast and record the number in words and figures on the Total on the bottom of the table.

Step 12 – Count and Record Votes Cast Against All Candidates/Parties/Blocks of Parties

Start with the ballots for the Single Mandate constituency:

→ Count the number of valid votes cast against all candidates;

→ Announce the amount of votes cast against all candidates;

→ Record the number in words and figures on Line 12 of Protocol #1.

Continue now with the ballots for the Nationwide constituency:

→ Count the number of valid votes cast against all parties and blocks of parties;

→ Announce the amount of votes cast against all parties and blocks of parties;

→ Record the number in words and figures on Line 12 of Protocol #2.

Step 13 – Record the Number of Voters Who Received Ballot Papers

→ Add the sum of Line 3 PLUS Line 4 from the Protocol to calculate the amount for Line 13;

→ Announce this figure;

→ Record this amount in words and figures on line 13 on both Protocol #1 and Protocol #2.

224

4.3 Checking the Accuracy of the Draft Protocols on Voting Results

After the DRAFT Protocol on voting results has been completed, use the checks below to determine that figures on the DRAFT Protocol are correct, **BEFORE** they are transferred to the official Protocols.

Check 1 – Total Number of Ballot Papers

1. Total number of ballot papers issued to voters in the Polling station (from Line 3 of the Protocols) [ ]
2. **PLUS:** Total number of ballot papers issued to voters who requested the mobile ballot box (from Line 4 of the Protocols) [ ]
3. **PLUS:** Total number of cancelled ballot papers (from Line 5 of the Protocols) [ ]
4. **TOTAL OF 1 + 2 + 3** [ ]

CHECK 1: **LINE 4 SHOULD EQUAL:** Total number of ballot papers transferred to the PEC (from Line 2 of the Protocols) [ ]

Check 2 – Total Ballot Papers in the Determinate Form Reconciles to Valid Added to Total Invalid Ballot Papers

1. Total number of ballot papers in the determinate form in the mobile ballot box (from Line 6 of the Protocols) [ ]
2. **PLUS:** Total number of ballot papers in the determinate form in the Polling station ballot boxes (from Line 7 of the Protocols) [ ]
3. **TOTAL OF 1 + 2** [ ]
4. Total number of valid ballot papers (from Line 8 of the Protocols) [ ]
5. Total number of invalid ballot papers (from Line 9 of the Protocols) [ ]
6. **TOTAL OF 4 + 5** [ ]

CHECK 2: **LINE 3 MUST EQUAL LINE 6**

Check 3: Total Valid Marks Equal Total of the Votes Counted for All Candidates

1. Total number of votes counted for candidates (from Line 11 of the Protocols) [ ]
2. **PLUS** Total number of votes cast against candidates, parties, or blocks of parties (from Line 12 of the Protocols) [ ]
3. **TOTAL OF 1 + 2** [ ]
4. Total number of valid ballot papers (from Line 8 of the Protocols) [ ]

CHECK 3: LINE 3 MUST EQUAL LINE 4

IF these three checks are correct, then the DRAFT Protocols on voting results were likely to have been completed correctly. All information on the draft protocols should now be carefully and accurately copied to the official Protocol #1 and Protocol #2.

225

4.4 COMPLETING THE OFFICIAL PROTOCOLS AND REPORTING RESULTS BEFORE CLOSING THE POLLING STATION

Perform each task on the following checklist as you complete both official versions of Protocol #1 and Protocol #2 to report the election results of your PEC:

- ☐ Verify both of your DRAFT protocols and make sure they are correctly completed.
- ☐ Transfer the data carefully with a pen on the official protocol forms, starting with Protocol #1.
- ☐ Sign the three copies of each protocol. Any PEC member who does not agree with the Protocol can refuse to sign it and is allowed to write a dissenting opinion in the space provided at the bottom of the Protocol forms attach pages if necessary.
- ☐ For immediate public display, affix the third copy of both Protocols in a publicly accessible area in the Polling Station.

REMEMBER!

The PEC Chairperson and members with decisive rights who have relevant powers must check the accuracy of each copy of Protocols requested by the observers.

If correct, they write "Matches with original", then they record the date and time of verification and affix the PEC stamp.

Exceptional circumstances:

IF the PEC finds mistakes or inaccuracies in either Protocol AFTER it has been signed, the matter must be discussed in a meeting. In such a case, the PEC must inform observers, media representatives, candidates, their agents and party/block representatives about the date, time and place of such a meeting, complete a new protocol with the mention "Repeated" and send it immediately to the ConEC.

In order to send the election results of your Polling Station to your ConEC:

→ First, gather all the required documents:

Document acknowledging receipt of ballot papers by the PEC,
Document cancelling unused ballot papers,
Document on voting cards - issued and cancelled because they were unused and
Document on the number of cut off left corners and document on the number of spoilt ballot papers

→ Ensure that the documents were signed by the PEC Chairperson and Secretaries;

→ Make a set of certified copies of all complaints to the PEC and of related decisions;

→ Then, attach the originals of complaints received by the PEC and related PEC decisions to the first copy of relevant official Protocols;

→ Put them with the above-required documents in two envelopes (one for each Protocol);

→ Seal and label the envelopes with your PEC number;

→ On each envelope, identify the Protocol type and list the documents included;

→ Deliver the envelopes to your ConEC **within 24 hours after Election Day.** (If you cannot deliver immediately, inform the observers and the media representatives of the security measures to be implemented at PEC premises until effective transfer to ConEC).

REMEMBER!

Your ConEC will consider any Protocol to be INVALID that is:

Completed with a pencil; or

Completed incorrectly; or

Blank; or

Corrected; or

NOT signed by the majority of PEC members.

In order to prepare the documents to be kept by the PEC Secretaries:

→ First, gather the voters lists and the supplementary voters list, the ballot papers (counted, packaged and sealed), the de-registration cards, the cut off left hand corners, and the list of observers and media representatives;

→ Package these documents with the certified copies of complaints received by your PEC and of related decisions attached to the second copy of relevant official Protocols;

→ Prepare two copies of an act on the transfer of election documents to the ConEC;

→ You will keep these documents until the PEC has terminated its work.

No later than 10 days after the election results are officially announced, you will proceed with the transfer.

4.5 CLOSING THE POLLING STATION

Once the PEC Chairperson has determined that:

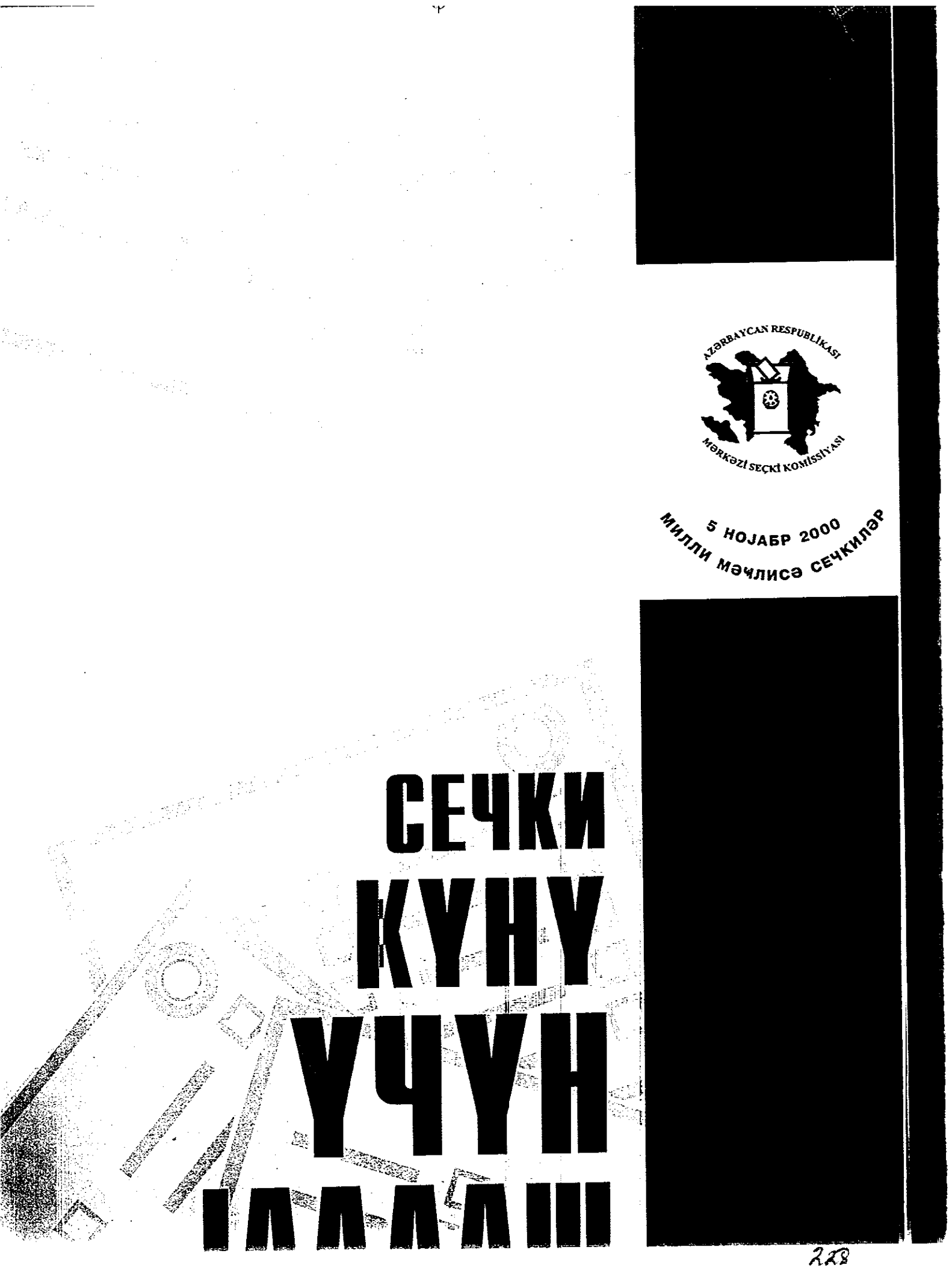
→ Both official protocols have been completed according to CEC instructions;

→ All observers who requested it have a copy of the official Protocols stamped with the PEC seal;

→ All results and voting materials have been packaged as instructed, and either sent to the ConEC or temporarily secured at PEC premises, as required;

→ All observers and media representatives have left the premises.

The PEC Chairperson may then release the PEC members and close the polling station.


AZƏRBAYCAN RESPUBLİKASI
MƏRKƏZİ SEÇKİ KOMİSSİYASI
5 НОЈАБР 2000
МИЛЛИ МӘҸЛИСӘ СЕҸКИЛӘР
СЕҸКИ
КҮНҮ
ҮҸҮН

228

AZƏRBAYCAN RESPUBLİKASININ MƏRKƏZİ SEÇKİ KOMİSSİYASI

370066 Bakı, Lermontov küç., 68. Tel.: 92-79-27, 92-77-07

19 октјабр 2000-чи ил

Мәнтәгә сечки комиссијаларынын һөрмәтли үзвләри!

Нөвбәти Парламент сечкиләри демократија јолу илә ирәлиләјән суверен өлкәмизин ичтимаи-сијаси һәјатында мүһүм мәрһәләдир. Сечки комиссијалары сечки күну - 2000-чи ил нојабрын 5-дә Азәрбајчан Республикасы вәтәндашларынын Азәрбајчан Республикасынын Милли Мәчлисинә сечмәк вә сечилмәк һүгугларынын там инамла, азад һәјата кечирмәләри учун мә'сулијјәт дашыјырлар.

Әдаләтли вә ашкар сечкинин тәмин олунмасында мәнтәгә сечки комиссијасы үзвләринин бөјүк ролу вардыр. Сәсвермә учун мүәјјән едилмиш гајда вә усуллара, сечки мәнтәгәсиндә сәсләрин һесабланмасына вә сәсвермәнин нәтичәләринин мүәјјәнләшдирилмәсинә чидди әмәл едилмәсинә наил олмаг сизин әсас вәзифәниздир.

Бу јаддаш китабчасы мүхтәлиф мәсәләләрин һәллиндә сизә көмәк мәгсәдилә һазырланыб. Һәмин китабчаны диггәтлә охуманыз вә лазым кәлдикчә она мурачиәт етмәниз фајдалы олар. Китабча "Азәрбајчан Республикасынын Милли Мәчлисинә сечкиләр һаггында" Азәрбајчан Республикасынын Ганунуна әсасән Азәрбајчан Республикасы Мәркәзи Сечки Комиссијасынын мүәјјән етдији гајда вә изаһлары кениш әһатә едир.

Сечкиләр күну өз вәзифәләринизи јүксәк сәвијјәдә вә сәриштәли јеринә јетирәчәјинизә көрә сизә әввәлчәдән тәшәккүрүмү билдирмәк истәјирәм.

Сиз мүстәгил өлкәмизә вә онун вәтәндашларына өз хидмәти борчунузу ләјагәтлә јеринә јетирмәк учун јени имкан әлдә етдијинизә көрә фәхр етмәлисиниз.

Мәзаһир Пәнаһов,
Азәрбајчан Республикасы
Мәркәзи Сечки Комиссијасынын сәдри

229

СЕЧКИ
КҮНҮ ҮЧҮН
ЈАДДАШ

Сечки күнү мәнтәгә сечки комиссијалары үчүн Јаддаш
Сечки Системләри үзрә Бејнәлхалг Фонд Тәшкилаты (IFES) вә Америка Бирләшмиш Штатларынын Бејнәлхалг Инкишаф Агентлијинин (USAID) јардымы илә ишләниб һазырланмышдыр.

МҮНДӘРИЧАТ

БИРИНЧИ ФӘСИЛ:	**РОЛ ВӘ ВӘЗИФӘЛӘР**	**4**
ИКИНЧИ ФӘСИЛ:	**СЕЧКИ МӘНТӘГӘСИНИН АЧЫЛМАСЫ**	**7**
ҮЧҮНЧҮ ФӘСИЛ:	**СӘСВЕРМӘ СААТЛАРЫНДА ТӘДБИРЛӘР**	**9**
ДӨРДҮНЧҮ ФӘСИЛ:	**СӘСЛӘРИН ҺЕСАБЛАНМАСЫ**	**14**

СЕЧКИЛӘР ҺАГГЫНДА

СЕЧКИЛӘР:	Азәрбајҹан Республикасынын Милли Мәҹлисинә депутатларын сечилмәси
СЕЧКИ ГАНУНУ:	"Азәрбајҹан Республикасынын Милли Мәҹлисинә Сечкиләр һаггында" Азәрбајҹан Республикасынын Ганону
СЕЧКИ КҮНҮ:	5 нојабр 2000-ҹи ил
СӘСВЕРМӘ СААТЛАРЫ:	08:00 – 19:00
ИШТИРАКЕТМӘ ҺҮГУГУ:	Сечкиләр күнү 18 јашы тамам олан вә јашы 18-дән јухары олан, даими вә ја әсасән мүвафиг сечки даирәсинин әразисиндә јашајан Азәрбајҹан Республикасы вәтәндашларынын бирмандатлы вә ваһид чохмандатлы сечки даирәләри үзрә Милли Мәҹлисә депутат сечмәк һүгугу вардыр. Азәрбајҹан Республикасынын һудудларындан кәнарда јашајан вә ја олан Азәрбајҹан Республикасынын вәтәндашлары сечкиләрдә Азәрбајҹан Республикасынын дикәр вәтәндашлары илә ејни һүгуга маликдирләр.

ДАИРӘЛӘРИН САЈЫ:	100
БИРМАНДАТЛЫ СЕЧКИ ДАИРӘЛӘРИНДӘН СЕЧИЛӘЧӘК ДЕПУТАТЛАРЫН САЈЫ:	100
ВАҺИД ЧОХМАНДАТЛЫ СЕЧКИ ДАИРӘСИНДӘН СЕЧИЛӘЧӘК ДЕПУТАТЛАРЫН САЈЫ:	25
МӘНТӘГӘ СЕЧКИ КОМИССИЈАЛАРЫНЫН САЈЫ:	*4.865

* Бурадакы рәгәмләр 2000-ҹи ил октјабрын 20-нәдир

ГЕЈД: *Сечки күнү үчүн јаддаш китабчасы «Азәрбајҹан Республикасынын Милли Мәҹлисинә Сечкиләр һаггында» Азәрбајҹан Республикасы Ганунун мүддәаалары, еләчә дә Мәркәзи Сечки Комиссијасы тәрәфиндән һазырланмыш вә гәбул едилмиш тә'лиматлар әсасында һазырланмышдыр, лакин онлары әвәз етмир. Мәнтәгә сечки комиссијаларынын узвләри өз вәзифәләрини дүзкүн вә Ганунун тәләбләринә үјгун сурәтдә јеринә јетирмәк үчүн көстәрилән әсас сәнәдләрлә дә дәриндән таныш олмалыдырлар.*

232

1. РОЛ ВӘ ВӘЗИФӘЛӘР

1.1 СЕЧКИ КОМИССИЈАЛАРЫНЫН СИСТЕМИ

Мәркәзи Сечки Комиссијасы (МСК): Милли Мәҹлисә сечкиләр үзрә МСК-нын вәзифәләри "Азәрбајҹан Республикасынын Мәркәзи Сечки Комиссијасы һаггында" гануну илә мүәјјән едилир. МСК-нын сәдри МСК үзвләри, сәдр мүавинләри вә катибләри арасында вәзифә бөлкүсү апарыр. Гаршыдан кәлән сечкиләрдә исә Комиссијанын вәзифәләринә ашағыдакылар дахилдир: бирмандатлы сечки даирәләринин јарадылмасы вә тәсдиги; сечкиләрә даир тә'лиматларын гәбул едилмәси; шикајәтләрә бахылмасы, даирә вә мәнтәгә сечки комиссијаларынын фәалијјәтинә рәһбәрлик едилмәси, онлара һүгуги, методики, техники-тәшкилати көмәјин көстәрилмәси, онлара малијјә проблемләринин һәллиндә јардым едилмәси, сечки вәсаитләринин бөлүшдүрүлмәси вә хәрҹләнмәсинә нәзарәт едилмәси.

Даирә сечки комиссијасы (ДСК): ДСК сәдр вә ики катиб дә дахил олмагла доггуз (9) үзвдән ибарәтдир. ДСК-лар өз сәлаһијјәтләри дахилиндә әразидә сечки әмәлијјатларына рәһбәрлик едилмәси үчүн мәс'улијјәт дашыјырлар. Онларын башлыча вәзифәләри ашағыдакылардыр: «Азәрбајҹан Республикасынын Милли Мәҹлисинә сечкиләр һаггында» Ганунун һәјата кечирилмәси, мәнтәгә сечки комиссијаларынын тәшкил едилмәси вә сәсвермә мәнтәгәләринин нөмрәләнмәси, сечиҹиләрә мә'луматларын верилмәси вә онларын сечки һүгугларына риајәт олунмасына нәзарәт едилмәси, шикајәтләрә бахылмасы, намизәдләрин гејдијјата алынмасы, бәрабәр сечкигабағы фәалијјәтин тә'мин едилмәси, МнСК-нын сечки материаллары вә аваданлыгла тәчһиз едилмәси, сәлаһијјәтләри дахилиндә сечкиләрин нәтиҹәләринин мүәјјән едилмәси. ДСК-ја мәшвәрәтчи сәс һүгуглу үзвләр дә тә'јин олуна биләрләр.

Даирә Сечки Комиссијаныз (ДСК) һаггында ашағыдакы мә'луматлары бурада гејд един:

Сәдр: Катиб: Катиб:

Үнван:

Телефон нөмрәси:

Мәнтәгә сечки комиссијасы (МнСК): МнСК алты (6) үзвдән ибарәтдир вә онларын вәзифәләри ашағыдакылардыр: сечиҹиләр сијаһысынын тәсдиг едилмәси, сәсвермә мәнтәгәләринин аваданлыг вә зәрури ләвазиматларла тә'мин едилмәси, сечиҹиләрин мә'луматландырылмасы, сечкигабағы тәшвигатын апарылмасы гајдаларына әмәл олунмасына нәзарәт едилмәси, сәсвермә күнү сәсвермәнин тәшкил едилмәси, сәсләрин һесабланмасы, сәсвермәнин нәтиҹәләринин мүәјјәнләшдирилмәси, һәр ики протоколун рәсми сурәтләринин, сечки бүллетенләринин вә сечки сәнәдләринин Даирә Сечки Комиссијасына көндәрилмәси. МнСК-ја мәшвәрәтчи сәс һүгуглу үзвләр дә тә'јин олуна биләрләр. Бир иш коллективи кими, МнСК үзвләри сечки просесинин бүтөвлүјүнү тә'мин етмәлидирләр.

1.2 МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫ ҮЗВЛӘРИНИН ВӘЗИФӘЛӘРИ

Сечки күнү МнСК үзвләринин вәзифәләри ашағыдакылардыр:

МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫНЫН СӘДРИ: МнСК-нын үзвләри арасында вәзифә бөлкүсү апарыр, сәсвермә мәнтәгәсиндә сәсвермәнин башланмасыны вә гуртармасыны е'лан едир, сәсвермә мәнтәгәсиндә гајда-гануна әмәл олунмасыны тә'мин едир, МнСК үзвләринин фәалијјәтинин «Азәрбајҹан Республикасынын Милли Мәҹлисинә Сечкиләр һаггында» Ганунун тәләбләринә ујғун гурулмасыны тә'мин едир. Сәдр сәсләрин һесабланмасыны вә сәсвермәнин нәтиҹәләри һаггында ики рәсми протоколун долдурулмасыны тәшкил едир (бирмандатлы сечки даирәси үзрә 1 сајлы протокол вә ваһид чохмандатлы сечки даирәси үзрә 2 сајлы протокол), бу протоколлары вә дикәр сечки сәнәдләрини ДСК-ја чатдырыр.

МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫ СӘДРИНИН МҮАВИНИ МнСК сәдринин мүавини МнСК-нын сәдри сечки мәнтәгәсиндә олмадығы мүддәтдә онун сәлаһијјәтләрини һәјата кечирир.

МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫНЫН КАТИБЛӘРИ: МнСК сәдри вә сәдрин мүавини сечки мәнтәгәсиндә олмадыгда онларын сәлаһијјәтләрини һәјата кечирир. Онлар сечки бүллетенләринин,

233

һәмчинин мүшаһидәчиләр тәрәфиндән долдурулмуш рәсми протоколларын јохланмасы, имзаланмасы вә МнСК-нын мәһүрү илә тәсдигләнмәси үчүн мәс'улдурлар.

МнСК-НЫН МӘ'ЛУМАТ ҮЧҮН ЧАВАБДЕҺ ҮЗВҮ: *сечичиләри саламлајыр, онларын шәхсијјәтини* тәсдиг едән сәнәдләри (паспорт, 9 №-ли форма) һазырламағы хатырладыр, сәсвермә просесинә аид онларын суалы олуб-олмадығыны сорушур, сәс вермәк һүгугунун олмасыны јохламаг үчүн мүвафиг *стола тәрәф јөнәлдир.*

СЕЧИЧИНИН СӘСВЕРМӘ ҺҮГУГУНУН ОЛМАСЫНЫ ЈОХЛАЈАН ВӘ СЕЧКИ БҮЛЛЕТЕНИ ВЕРӘН МнСК-НЫН ҮЗВҮ: сечичиләрин шәхсијјәтини тәсдиг едән сәнәдләри јохлајыр, онларын гајдалара ујғун сәс верә билмәсини јәгин едиб, сечичиләрә бүллетен верир, сечки бүллетенинин дүзкүн долдурулмасы гајдасыны онлара изаһ едир.

МнСК-НЫН СЕЧКИ ГУТУСУНУН МҮҺАФИЗӘСИ ҮЧҮН ЧАВАБДЕҺ ҮЗВҮ: сәсвермә отағында сечки гутуларына јахын јердә дајаныр. О әмин олмалыдыр ки, һеч кәс гутулара тохунмур, сечичиләрин һамысы сәсвермәдән сонра сечки бүллетенләрини дүзкүн сечки гутуларына салыр вә сәсвермә отағыны тәрк едирләр. О, һәмчинин *бүллетенләри корланмыш сечичиләрә сәсвермә отағында* көмәк едир.

Нәзәрә алын ки, мәшвәрәтчи сәс һүгугуна малик комиссија үзвләри сечичијә сечки бүллетенләри вә ја гејдијјатданчыхма вәсигәси верә, сечки бүллетенләрини саја, сечки бүллетенини вә ја гејдијјатдан чыхма вәсигәсини ләғв едә, сәсвермәнин нәтичәләри һаггында рәсми протоколу долдура, һәр һансы бир гәрары имзалаја БИЛМӘЗЛӘР.

1.3 МҮШАҺИДӘЧИЛӘР ВӘ КҮТЛӘВИ ИНФОРМАСИЈА ВАСИТӘЛӘРИНИН НҮМАЈӘНДӘЛӘРИ

Мәркәзи Сечки Комиссијасында аккредитасијадан кечмиш мүшаһидәчиләр сәсвермә отағына вә сәсләрин һесабландығы јерә бурахылмаг үчүн МСК тәрәфиндән верилмиш аккредитасија сәнәдини, өзләринин шәхсијјәт вәсигәсини (паспорту вә ја 9 №-ли форманы), онларын сәлаһијјәтләрини тәсдиг едән тәшкилатын јазылы мәктубуну тәгдим етмәлидирләр. Сечки Комиссијасы онлара јардым етдији мүддәтдә мүшаһидәчиләр "Азәрбајҹан Республикасынын *Милли Мәҹлисинә Сечкиләр* һаггында" Азәрбајҹан Республикасы Ганунунун мүвафиг маддәләриндә «Сечкиләрдә мүшаһидәчиләрин фәалијјәт гајдалары һаггында» тәләбләр илә таныш олмалыдырлар. Азәрбајҹан Республикасы *ганунверичилијинин* тәләбләрини вә ја бејнәлхалг һүгуги нормалары позан мүшаһидәчиләр сечки мәнтәгәсиндән чыхарыла вә МСК тәрәфиндән онларын аккредитасијасы ләғв едилә биләр.

Сечки күнүндәки тәдбирләрлә әлагәдар мүшаһидәчиләрин ашағыдакы һүгуглары вардыр:

→ мәнтәгә сечки комиссијаларынын өз ишинә башладыглары вахтдан сәсвермәнин нәтичәләринә даир протоколларын рәсмиләшдирилмәси баша чатанадәк сечки мәнтәгәсиндәки тәдбирләри *мүшаһидә етмәк;*

→ сечичи сијаһылары илә таныш олмаг;

→ намизәдләрлә,партија вә партија блоклары илә, онларын вәкилләри вә нүмајәндәләри илә көрүшмәк;

→ дашынан сечки гутусуну мүшајиәт етмәк;

→ бүллетенләрин сајылмасыны мүшаһидә етмәк;

→ һәр МнСК үзрә сәсвермәнин нәтичәләри илә таныш олмаг, сәсвермәнин нәтичәләри һаггында МнСК-нын вә *ДСК-нын рәсми протоколларыны алмаг;*

→ сечки комиссијаларына тәклиф вә ирадларла мүрачиәт етмәк. Мүшаһидәчинин тәклиф вә ирадларына МнСК-нын сәдри тәрәфиндән, зәрури һалда исә МнСК-нын ичласларында бахылмалыдыр;

→ јухары сечки комиссијасына вә ја мәһкәмәјә шикајәт етмәк;

→ мәтбуат конфрансы кечирмәк вә күтләви информасија васитәләринә мүрачиәт етмәк;

→ фото вә видео чәкилиши апармаг.

23Y

Бу һүгуглардан әлавә мүшаһидәчиләрин мүәјјән мәс'улијјәтләри дә вардыр. Мүшаһидәчиләр:

→ көмәјә еһтијачы олан сечичинин әвәзинә имза едә, онун сечки бүллетенини ала вә бүллетендә ишарә гоја БИЛМӘЗЛӘР;

→ сечки комиссијасы үзвүнүн ишинә мане ола БИЛМӘЗ вә ја ганунсуз олараг сечки комиссијасынын фәалијјәтинә мүдахилә едә БИЛМӘЗЛӘР;

→ сечичинин өз ирадәсини ифадә етмәсинә тә'сир едә вә кизли сәсвермәни поза БИЛМӘЗЛӘР.

МнСК-ларын өз ишинә башладыглары вахтдан сәсвермәнин нәтичәләринә даир протоколларын рәсмиләшдирилмәси баша чатанадәк күтләви информасија васитәләри нүмајәндәләринин дә сечки мәнтәгәсиндә олмаг һүгугу вардыр.

ЈАДДА САХЛА!

Мүшаһидәчиләр сечки мәнтәгәсинә кәләчәкләри барәдә МнСК-ны габагчадан хәбәрдар етмәмәлидирләр.

Сечичинин өз ирадәсини ифадә етмәсинә тә'сир кәстәрмәјә чәһд едән, кизли сәсвермәни позан мүшаһидәчи дәрһал сечки мәнтәгәсиндән чыхарылыр.

1.4 МҮҺАФИЗӘ

Сечки күнү ичтимаи асајишин бәрпа едилмәси үчүн лазыми мүһафизә тә'мин олуна биләр. Формада олан полис вә јерли ичра һакимијјәти органларынын ишчиләри сечки мәнтәгәсинә јалныз МнСК-нын гәрары вә МнСК сәдринин дә'вәти илә дахил ола биләрләр. Ичтимаи асајиш бәрпа едилдикдән сонра полис вә јерли ичра һакимијјәти органларынын ишчиләри дәрһал сечки мәнтәгәсини тәрк етмәли вә сечки мәнтәгәсиндән азы 100 метр аралыда дајанмалыдырлар.

235

2. СЕЧКИ МӘНТӘГӘСИНИН АЧЫЛМАСЫ

2.1 ТАПШЫРЫГЛАР

Саат 7.00-да МнСК-нын сәдри сечки мәнтәгәсини һазырлыг ишләри үчүн ачыг е'лан едир. МнСК-нын бүтүн үзвләри ишә һазыр олмалыдырлар. Сечки мәнтәгәсинин ачылышына һазырлыг үчүн ашағыдакы тапшырыглар верилир:

1. «СЕЧКИ МАТЕРИАЛЛАРЫНЫ ВӘ АВАДАНЛЫҒЫ ҺАЗЫРЛАЈЫН!»

МнСК үзвләри сечки мәнтәгәсинин тәшкилинә чавабдеһдирләр. Кизли сәсвермә кабинәләри вә мүвафиг мә'лумат лөвһәләри дүзәлдилмәли, сәсвермә үсулларына даир мәсләһәт плакатлары диварлара вурулмалы вә сәсвермә кабинәләриндә јерләшдирилмәли, МнСК-нын мәһүрү, сәсвермә үчүн вачиб олан материал вә аваданлыг һазырланмалыдыр. Сечки мәнтәгәсиндә сәсвермәнин бу китабчада верилмиш диаграмдакы кими тәшкил олунмасыны тә'мин един!

Сечки материалларынын вә аваданлығын јохлама-сијаһысы бу сәһифәнин саг тәрәфиндә верилир. Бу сијаһы сечки мәнтәгәниздә олан лазыми материалларын вә аваданлығын олуб-олмамасыны билмәк үчүн сизә көмәк мәгсәдилә һазырланыб. Нә чатмырса вә ја сечки күнү һәр һансы бир материал гуртарарса, ДСК илә әлагә сахлајын.

2. СӘСВЕРМӘЈӘ ДАИР ТӘ'ЛИМАТ ПЛАКАТЛАРЫ

МнСК-нын сәдри сәсвермәјә даир тә'лимат плакатларынын сәсвермә мәнтәгәсинин диварларындан асылмасыны тә'мин етмәлидир. О, сәсвермә саатларында һәмин плакатларын јериндә олмасыны мүнтәзәм сурәтдә јохламалыдыр.

→ Сәсвермә просеси һаггында плакат кирәчәкдә асылмалыдыр. Бу елә бир јердә олмалыдыр ки, мә'лумат үчүн чавабдеһ МнСК үзвү сечичиләрә сәсвермәнин беш мәрһәләсини изаһ едә билсин.

3. ТӘШВИГАТ МАТЕРИАЛЛАРЫНЫН ЧЫХАРЫЛМАСЫ

МнСК үзвләри сәсвермә башлананадәк бүтүн тәшвигат материалларыны сечки мәнтәгәсиндән чыхармалыдырлар.

4. АККРЕДИТАСИЈАНЫН ЈОХЛАНМАСЫ

МнСК үзвләри сечки мәнтәгәсинә дахил олмаг истәјән бүтүн намизәдләрин, намизәдләрин вәкилләринин вә мәтбуат нүмајәндәләринин вәсигәләрини, мүшаһидәчиләрин аккредитасијасыны јохламалыдырлар.

5. ДСК-ДАН АЛЫНМЫШ СЕЧКИ БҮЛЛЕТЕНЛӘРИНИН САЈЫЛМАСЫ ВӘ ГЕЈД ЕДИЛМӘСИ

Сәсвермә башланмаздан әввәл МнСК үзвләри мүшаһидәчиләрин иштиракы илә ДСК-дан алынмыш сечки бүллетенләрини сајмалыдырлар.

СЕЧКИ МАТЕРИАЛЛАРЫНЫН ВӘ АВАДАНЛЫҒЫН СИЈАҺЫСЫ

- ❑ «Азәрбајчан Республикасынын Милли Мәчлисинә Сечкиләр һаггында» Азәрбајчан Республикасынын Гануну
- ❑ МСК-нын тә'лиматлары
- ❑ Дәфтәрхана ләвазиматы
- ❑ Мә'лумат лөвһәләри
- ❑ Намизәдләр һаггында мә'лумат (әкәр варса)
- ❑ Сечки бүллетенинин долдурулма нүмунәси
- ❑ Плакатлар
- ❑ Сечичи сијаһылары
- ❑ Әлавә сечичи сијаһысы
- ❑ Сечки мәнтәгәсиндән кәнарда сәс вермәк үчүн әризәләр
- ❑ Сечки бүллетенләри
- ❑ МнСК-нын мәһүрү
- ❑ Мәһүр үчүн мүрәккәбли дөшәкчә
- ❑ Гәјчы
- ❑ Кизли сәсвермә кабинәләри
- ❑ Гәләмләр вә сап
- ❑ 2 әдәд дашынмаз сечки гутусу
- ❑ Дашынан сечки гутусу
- ❑ Дашынмаз сечки гутусу үчүн гыфыл/ачар вә ја мәһүр/мум
- ❑ Нефт лампалары вә шамлар
- ❑ Дивардан асмаг үчүн ири форматлы протокол
- ❑ Сәсвермәнин нәтичәләри һаггында рәсми ики протокол формасы (1 вә 2 сајлы протокол)

Сечки бүллетенләри сајылдыгдан сонра МнСК-нын сәдри ДСК-дан алынмыш бүллетенләрин сајыны е'лан едир. Бүллетенләрин һәр бир нөвүнүн сајы һаггында акт тәртиб олунур вә бу мә'лумат сәсвермәнин нәтичәләри һаггында протоколлара дахил едилир.

236

6. СЕЧКИ ГУТУЛАРЫНЫ ҺАЗЫРЛАЈЫН

Сечки гутулары мүшаһидәчиләрин вә МнСК үзвләринин манеәсиз мүшаһидә едә билдикләри јердә гојулмалыдыр. Тәгрибән сәһәр саат 7.50-дә МнСК-нын сәдри бош сечки гутуларыны мүшаһидәчиләрә көстәрир, онлары бағлајыр вә мөһүрләјир. Бош дашынан сечки гутусу да истифадә едилмәздән әввәл мүшаһидәчиләрә көстәрилмәли, онларын мүшаһидәси илә бағланыб мөһүрләнмәлидир.

7. ВӘЗИФӘ БӨЛКҮСҮ АПАРЫН

Сечки мәнтәгәси ачылмаздан әввәл МнСК-нын сәдри МСК-нын мүәјјән етдији гајдалара әсасән МнСК үзвләри арасында вәзифә бөлкүсү апарыр вә онлар өз иш јерләрини тутурлар. Вәзифәләр МнСК үзвләринин гаршылыглы разылығы илә дәјишдирилә биләр.

8. СЕЧКИ МӘНТӘГӘСИНИ АЧЫН

Сәһәр 8.00-да МнСК-нын сәдри сәсвермәнин башландығыны е'лан едир вә МнСК үзвләрини сәсвермә просесинә башламаға дә'вәт едир.

СЕЧКИ МӘНТӘГӘСИНДӘ ОЛАН СӘЛАҺИЈЈӘТЛИ ШӘХСЛӘРИН СИЈАҺЫСЫ

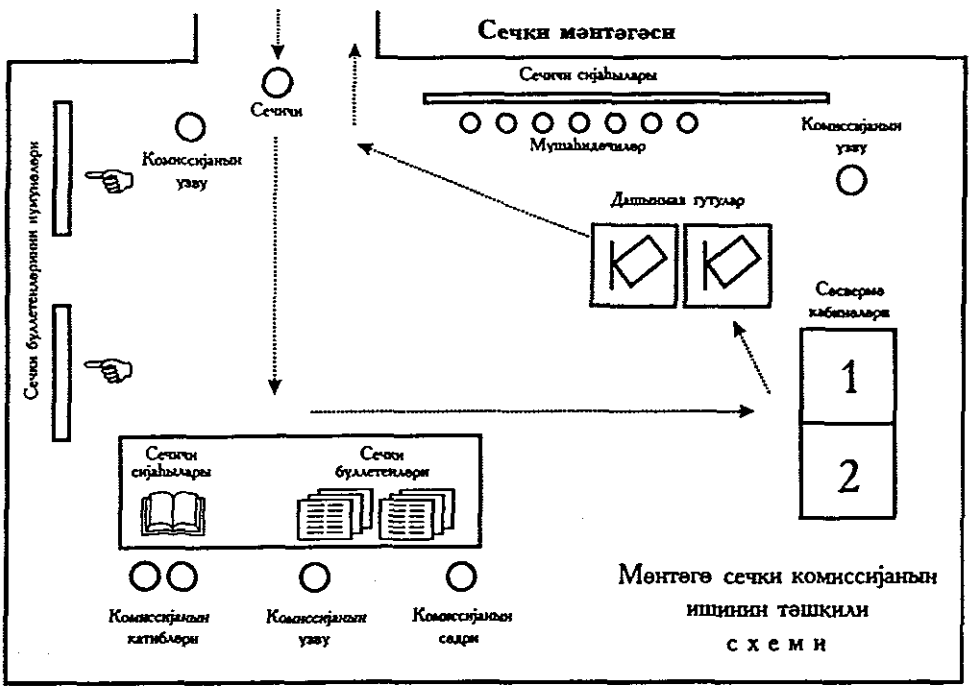
- √ МнСК-нын үзвләри
- √ ДСК вә МСК нүмајәндәләри
- √ Аккредитасијадан кечмиш мүшаһидәчиләр
- √ Мәтбуат нүмајәндәләри
- √ Формада олан полис ишчиләри, ичра һакимијјәтинин ишчиләри (ичтимаи асајиши бәрпа етмәк үчүн јалныз МнСК-нын дә'вәти илә)
- √ Мүвафиг мүтәхәссисләр (МнСК-нын дә'вәти илә, јалныз техники проблемләри һәлл етмәк үчүн, вәзифәләрини ичра едән кими сечки мәнтәгәсини тәрк етмәлидирләр);
- √ Сечичиләр
- √ Јардыма еһтијачы олан сечичиләрә көмәк едән шәхсләр

МӘНТӘГӘ СЕЧКИ КОМИССИЈАСЫНЫН ҮЗВЛӘРИ, ЈАДДА САХЛАЈЫН!

Сечки күну сечки мәнтәгәсинә кәлдикдән сонра сиз ону тәрк етмәмәлисиниз. Сечки мәнтәгәсиндә ән азы 15 саат олачагсыныз. Буна көрә дә исти кејинин, өзүнүзлә су, наһар вә шам үчүн јемәк, еһтијачыныз ола биләчәк башга шејләр, мәсәлән, дәрман кәтирин.

Јалныз МнСК сәдринин ичазәси илә сечки мәнтәгәсинин дахилиндә сигарет чәкмәк олар.

Сечки мәнтәгәсиндә ишләјәчәјиниз вахт әрзиндә спиртли ички ичмәмәлисиниз.



Мәнтәгә сечки комиссијанын ишинин тәшкили схеми

237

3. СӘСВЕРМӘ СААТЛАРЫНДА ТӘДБИРЛӘР

3.1 СӘСВЕРМӘ ПРОСЕСИ

Сәсвермә просесиндә МнСК үзвләри тәрәфиндән һәјата кечирилән һәр бир тәдбир ашағыда көстәрилмишдир. Сәсвермә просесиндә спесифик тәләбләрә көрә мүстәсна һаллар олачагдыр. Белә мүстәсна һаллар 3.3-чү фәсилдә изаһ олунур.

МнСК-НЫН МӘ'ЛУМАТ ҮЧҮН ЧАВАБДЕҺ ҮЗВҮ:

- → сечки мәнтәгәсинә кәлән сечичиләри саламлајыр;
- → шәхсијјәт вәсигәсини (паспорт, 9 №-ли форма) һазырламағы һәр бир сечичијә хатырладыр;
- → сәсвермә просесинә аид суалы олуб-олмадығыны һәр сечичидән сорушур;
- → сечичинин сәс вермәк һүгугуну јохлајан вә она бүллетен верән МнСК үзвүнүн јанына көндәрир.

СЕЧИЧИНИН СӘС ВЕРМӘК ҺҮГУГУНУ ЈОХЛАЈАН ВӘ БҮЛЛЕТЕН ВЕРӘН МнСК ҮЗВҮ:

- → сечичинин адыны сорушур вә шәхсијјәт вәсигәсини (паспорт, 9 №-ли форма) тәгдим етмәји хаһиш едир;
- → сечичинин адыны сечичиләр сијаһысында вә ја әлавә сијаһыда тапыр;
- → тәгдим олунмуш шәхсијјәт вәсигәсинин вә ја ону әвәз едән сәнәдин серија вә нөмрәсини сечичиләр сијаһысында гејд едир;
- → ики мүхтәлиф сечки бүллетенини сечичијә верир: бүллетенләрдән бири чохмандатлы сечки даирәси үзрә ваһид намизәдләр сијаһысыны тәгдим етмиш партијалара, дикәри исә бирмандатлы сечки даирәси үзрә намизәдләрә сәс вермәк үчүндүр;
- → сечки бүллетенини сечичијә верәркән һәр бир сечки бүллетенинин јухары саг күнчүнү МнСК-нын рәсми мөһүрү илә мөһүрләјир ВӘ сечки бүллетенинин јухары сол күнчүнү имзалајыр, кәсир вә өзүндә сахлајыр;
- → сечичидән сечичиләр сијаһысында адынын гаршысындакы «сәсверәнин сечки бүллетени алмаг барәдә имзасы» графасында гол чәкмәсини хаһиш едир;
- → сечичијә һәр бүллетендә бир ишарә гојмасы барәдә тә'лимат верир;
- → сечичијә бош сәсвермә кабинәсинә кечмәси, сечки бүллетенләриндә ишарә гојмасы, кимә сәс вердијини кизли сахламаг үчүн бүллетенләри гатламасы вә онлары мүвафиг сечки гутуларына салмасы барәдә тә'лимат верир.

ЈАДДА САХЛА!

Һәр сечки бүллетени јалныз сечичијә вериләркән МнСК-нын үзвүнүн имзасы вә мөһүрү илә тәсдиг едилә биләр.

*Һәр сечичи **ИКИ** мүхтәлиф сечки бүллетени алыр, имза едир вә онларда ишарә гојур. Сечичиләр сәсвермә кабинәсиндә сечки бүллетенләринә ишарәни кизли гојмалыдырлар. Сәсвермә кабинәси бошалмајанадәк сечичијә бүллетен **ВЕРМӘЈИН.***

Сәсвермә заманы көмәк барәдә тә'лиматлар 3.3.-чү фәсилдә олачаг.

Сечичи сечки бүллетениндә ишарә гојдугдан сонра МнСК-нын **СЕЧКИ ГУТУЛАРЫНЫН МҮҺАФИЗӘСИ ҮЧҮН ЧАВАБДЕҺ ҮЗВҮ:**

- → сечичинин сечки бүллетенләрини мүвафиг сечки гутуларына дүзкүн салмасыны тә'мин едир;
- → сечки мәнтәгәсини тәрк етмәси барәдә сечичијә көстәриш верир.

238

3.2 СЕЧИЧИЛӘРИН СӘСВЕРМӘДӘ ИШТИРАКЫ

Чох күман ки, Сизин Даирә Сечки Комиссијаныз тәләб едәчәк ки, сәсвермә саатрында Сиз сечки бүллетенләри алмыш сечичиләрин сајыны һәр ики саатдан бир мүәјјән едирсиниз.

Һәмин мә'лумат формасы сәһифәнин саг тәрәфиндә сизә тәгдим олунур. Сечичиләрин сәсвермәдә иштиракыны мүәјјән едән кими, квадраты ишарәләјин вә сечки бүллетени алмыш сечичиләрин сајыны хәттин үстүндә јазын.

СЕЧИЧИЛӘРИН СӘСВЕРМӘДӘ ИШТИРАКЫ ҺАГГЫНДА МӘ'ЛУМАТ

- ☐ 10:00 _____
- ☐ 12:00 _____
- ☐ 14:00 _____
- ☐ 16:00 _____
- ☐ 18:00 _____

3.3 СӘСВЕРМӘ ПРОСЕСИНДӘ МҮСТӘСНА ҺАЛЛАР

СЕЧИЧИ СЕЧКИ БҮЛЛЕТЕНИНИ КОРЛАЈЫБСА ...

Әкәр сечичи сечки бүллетениндә ишарә гојаркән сәһвә јол вермишсә, онун јени бүллетен тәләб етмәк һүгугу вар. Сечичи корланмыш бүллетени она сечки бүллетени вермиш МнСК үзвүнә гајтарыр.

СЕЧКИ БҮЛЛЕТЕНИ ВЕРӘН МнСК ҮЗВҮ:

→ сырадан чыхмыш сечки бүллетенини сечичидән алыр;

→ сырадан чыхмыш сечки бүллетенини јары кәсмәклә ону ләғв едир;

→ сырадан чыхмыш сечки бүллетенини ајрыча зәрфә гојур;

→ сечичијә ејни типли јени сечки бүллетени верир;

→ сечичиләр сијаһысында сечичинин сојадындан сағда бу барәдә мүвафиг гејд апарыр;

→ сечичијә дәрһал бош сәсвермә кабинәсинә кечмәк, бүллетендә ишарә гојмаг, кимә сәс вердијини кизли сахламаг үчүн бүллетени гатламаг, ону мүвафиг сечки гутусуна салмаг вә сәсвермә мәнтәгәсини тәрк етмәк барәдә тә'лимат верир;

→ сырадан чыхмыш сечки бүллетени барәдә акт тәртиб едир.

СЕЧКИ БҮЛЛЕТЕНЛӘРИНИ АЛМАГДА ВӘ ЈА ДОЛДУРМАГДА СЕЧИЧИНИН КӨМӘЈӘ ЕҺТИЈАЧЫ ВАРСА...

Сечки бүллетенләрини мүстәгил алыб долдурмаг имканы олмајан сечичи көмәк үчүн башга шәхсә мүрачиәт едә биләр.

Сечичијә сечки бүллетенләрини алмагда көмәк едән шәхс өз сојадыны вә инисиалыны көстәрмәклә сечичи сијаһысынын «сәсверәнин сечки бүллетенләрини алмаг барәдә имзасы» графасында имза етмәлидир.

Әкәр сечичијә сечки бүллетенләрини долдурмагда көмәк едилирсә, она көмәк едән шәхсин сојады вә инисиалы сечичиләр сијаһысында сечки бүллетени алмаг барәдә сечичинин имзасындан сағда көстәрилир.

Бүллетенләри долдурмаг үчүн сечичи һәмин шәхсин көмәји илә дәрһал бош сәсвермә кабинәсинә дахил олур. Тәләб олунарса, көмәк көстәрән шәхс сечичи илә бирликдә сәсвермә кабинәсинә дахил ола биләр. Сәсвермә кабинәсиндән чыхдыгдан вә сечки бүллетенләрини мүвафиг сечки гутуларына салдыгдан сонра сечичидән вә она көмәк едән шәхсдән сәсвермә мәнтәгәсини тәрк етмәләри тәләб олунур.

239

ЈАДДА САХЛА!

Мүшаһидәчиләрә вә мәнтәгә сечки комиссијасынын үзвләринә сечки бүллетенләри алмагда вә ја долдурмагда сечичијә көмәк етмәјә ичазә ВЕРИЛМИР.

СЕЧИЧИНИН АДЫ СЕЧИЧИ СИЈАҺЫСЫНА ДАХИЛ ЕДИЛМӘЈИБСӘ ...

Әкәр сечичинин ады сечичи сијаһысында вә ја әлавә сијаһыда јохдурса, **сечичинин сәс вермәк һүгугуну јохлајан МнСК үзвү**:

→ сечичинин адыны тапмаг мәгсәдилә сечичи сијаһысыны вә әлавә сијаһыны диггәтлә јохламалыдыр;

→ әкәр сечичинин ады сијаһыда тапылмаса, сечичидән онун шәхсијјәт вәсигәсини (паспорту, 9 №-ли форманы) көтүрмәлидир;

→ сечичи һаггында мә'луматы әлавә сечичи сијаһысына дахил етмәлидир;

→ сечичидән әлавә сечичиләр сијаһысындакы «сәсверәнин сечки бүллетенләрини алмаг барәдә имзасы» графасында имза етмәсини хаһиш етмәлидир;

→ бу китабчада көстәрилән сечки просесләринә үјғун олараг сечичијә ики сечки бүллетени вермәлидир.

СЕЧИЧИНИН ТӘЛӘБ ОЛУНАН ШӘХСИЈЈӘТ ВӘСИГӘСИ ЈОХДУРСА ...

Әкәр сечичи өзү илә сечки мәнтәгәсинә тәләб олунан шәхсијјәт вәсигәсини (паспорт јахуд 9 №-ли форма) көтирмәјибсә, МнСК-нын мә'лумат үчүн чавабдеһ үзвү:

→ һәмин сечичидән сечки мәнтәгәсини тәрк етмәсини вә сәсвермәјә тәләб олунан шәхсијјәт вәсигәси илә кәлмәсини тәләб етмәлидир.

ЈАДДА САХЛА!

Сечичи шәхсијјәт вәсигәсини (паспорт јахуд 9 №-ли форма) тәгдим етмәсә, она ҺЕЧ БИР сечки бүллетенләри верилмәмәлидир.

3.4 СӘСВЕРМӘ ОТАҒЫНДАН КӘНАРДА СӘСВЕРМӘ ПРОСЕСИ

Сәһһәтинә вә ја дикәр үзрлү сәбәбләрдән сечки мәнтәгәсинә кәлә билмәјән шәхсләр сәсвермә отағындан кәнарда сәс вермәк һүгугуна маликдирләр. Сәсвермә отағындан кәнарда сәс вермәк истәјән шәхсләр сечки күнүнә ән азы 24 саат галмыш бу барәдә МнСК-ја јазылы мүрачиәт етмәлидирләр. МнСК сәсвермә отағына кәлә билмәјән сечичиләрә сәсвермәдә иштирак етмәк имканы јаратмалыдыр.

Сечки күнү **МнСК СӘДРИ**:

→ сәсвермә отағындан кәнарда сәс вермәк истәјән шәхсләрин әризәләрини нәзәрдән кечирмәли вә бу шәхсләрин үнванлары көстәрилән сијаһыны һазырламалыдыр;

→ МнСК-нын ики үзвүнү сәсвермә отағындан кәнарда сәс верилмәсини тәшкил етмәк үчүн ајырмалыдыр;

→ сәсвермә отағындан кәнарда МнСК үзвләринин сәсвермәни нә вахт тәшкил едәчәјини гәрара алмалыдыр;

→ МнСК үзвләринин мәнтәгә сечки комиссијасындан һәр ики нөвдән олан нечә бүллетен алдыгларыны гејд етмәлидир. Дашынан сечки гутусу сечки мәнтәгәсиндән чыхарылмаздан әввәл мүшаһидәчиләрин мүшајиәти илә ону мөһүрләмәлидир;

240

→ сәсвермә отағындан кәнарда сәсвермәни тәшкил етмәк мәгсәдилә МнСК үзвләринин сечки мәнтәгәсини тәрк етмәләри барәдә мүшаһидәчиләрә мә'лумат верир вә онлары сәсвермә просесиндә иштирак етмәјә дә'вәт едир.

МнСК-нын сәсвермә отағындан кәнарда сәсвермәни тәшкил етмәјә чавабдеһ олан үзвләри:

→ әризәләрин сајына ујғун һәр ики нөвдән олан сечки бүллетенләри алырлар;

→ сәсвермә отағындан кәнарда сәс вермәк истәјән сијаһы үзрә биринчи сечичинин јашадығы

→ сәсвермә отағындан кәнарда сәс вермәк үчүн мүрачиәт етмиш сечичиләрин һәр бирини үнванында тапмалы вә саламламалыдырлар;

→ сәсвермә отағындан кәнарда сәсвермә үчүн јазылмыш әризәләрдә сечичинин адыны јохламалыдырлар;

→ сечичинин шәхсијјәт вәсигәсини (паспорт, 9 №-ли форма) тәләб етмәлидирләр;

→ сәсвермә отағындан кәнарда сәс вермәк үчүн јаздығы әризәни бир даһа јазылы сурәтдә имзасы илә тәсдиг етмәсини сечичидән хаһиш етмәлидирләр.

Әкәр сечичи сәсвермә отағындан кәнарда сәс вермәк үчүн әввәлчәдән әризә јазмајыбса, буну МнСК үзвләринин иштиракы илә етмәлидир:

→ шәхсијјәт вәсигәсиндәки мә'луматлары сечичинин сәсвермә отағындан кәнарда сәс вермәк үчүн јаздығы әризәсиндә гејд етмәлидирләр;

→ сечки бүллетенинин јухары саг күнчүндә МнСК-нын мөһүрү олмасыны тә'мин етмәлидирләр;

→ сечки бүллетенинин јухары сол күнчүнү имзаламалы, кәсмәли вә сахламалыдырлар;

→ сечичијә ики мүхтәлиф сечки бүллетени вермәли вә бу китабчада көстәрилән сәсвермә гајдаларыны она изаһ етмәлидирләр;

→ сечичијә сечки бүллетенләрини алмасы барәдә гол чәкдирмәлидирләр;

→ сечичинин сечки бүллетенләрини кизли долдурмасыны тә'мин етмәлидирләр.

Әкәр сечичи сечки бүллетенини долдураркән сәһвә јол вермишсә, она јени сечки бүллетени вермәлә биләр. Анчаг әввәлчә корланмыш сечки бүллетени МнСКјә гајтарылмалыдыр (бу китабчанын сырадан чыхмыш сечки бүллетенләринә даир мүддәаларына бах).

Сечичи сечки бүллетенини алмаг вә долдурмаг үчүн зәрури һалларда көмәк истәјә биләр. МнСК үзвләринин вә мүшаһидәчиләрин сечки бүллетенини алмагда вә долдурмагда сечичијә көмәк етмәсинә ичазә верилмир. Сечичијә көмәк едән шәхсин ады сечичинин сәсвермә отағындан кәнарда сәс вермәк үчүн јаздығы әризәдә гејд едилмәлидир:

→ долдурулмуш сечки бүллетенләрини сечки гутусуна салмаг үчүн сечичијә көстәриш вермәлидирләр;

→ сечичијә тәшәккүр етмәлидирләр; бүтүн сечки материалларыны јығыб сахламалы вә мүшаһидәчиләрлә бирликдә сәсвермә отағындан кәнарда сәсвермә тәшкил олунанчаг башга үнвана кетмәлидирләр;

→ сәсвермә отағындан кәнарда сәс вермәк үчүн мүрачиәт етмиш бүтүн сечичиләр сәс вердикдән сонра дашынан сечки гутусуну, истифадә олунмамыш сечки бүллетенләрини (әкәр варса), еләчә дә јазылы әризәләри дәрһал сечки мәнтәгәсинә гајтармалыдырлар.

241

МнСК-нын сәсвермә отағындан кәнардә сәсвермәнин тәшкилинә чавабдеһ олан үзвләри сечки мәнтәгәсинә кәлән кими **МнСК сәдри**:

→ истифадә олунмамыш сечки бүллетенләринин сајыны гејд етмәлидир;

→ сырадан чыхмыш сечки бүллетенләринин сајыны гејд етмәлидир;

→ сечичи сијаһысында сәсвермә отағындан кәнарда сәс вермиш сечичиләрин адынын гаршысында гејдләр апармалыдыр.

ЈАДДА САХЛА!

Мүшаһидәчиләрә дашынан сечки гутусуну мүшајиәт етмәјә ичазә верилмәлидир.

Сәсвермә отағындан кәнарда сәс верилмәсинә даир јазылы әризә олмалыдыр.

Сечки мәнтәгәси бағландыгдан сонра сәсләрин һесабланмасы башлананадәк дашынан сечки гутусу АЧЫЛМАМАЛЫДЫР.

3.5 СӘСВЕРМӘ МҮДДӘТИ БАША ЧАТДЫГДА СӘСВЕРМӘ ОТАҒЫНДА ОЛАН СЕЧИЧИЛӘР НӘ ЕТМӘЛИДИРЛӘР

Саат 19.00-да МнСК сәдри сәсвермәни учадан бағлы е'лан едир. Јалныз сәсвермә кабинәсиндә олан вә ја сечки бүллетенләри алмыш сечичиләрә сәсвермәни баша чатдырмаға ичазә верилир. Һәмин сечичиләрә, сәс верән кими сечки мәнтәгәсини тәрк етмәк көстәриши верилмәлидир.

Бу сечичиләрдән, МнСК үзвләриндән, аккредитасијадан кечмиш мүшаһидәчиләрдән,һабелә мәтбуат нүмајәндәләриндән башга бүтүн шәхсләрдән сечки мәнтәгәсини дәрһал тәрк етмәк тәләб олунмалыдыр. Бундан сонра МнСК үзвләри сәсләрин һесабланмасына һазырлашырлар.

242

4. СӘСЛӘРИН ҺЕСАБЛАНМАСЫ ВӘ НӘТИҸӘЛӘРИН МҮӘЈЈӘН ЕДИЛМӘСИ

4.1 СӘСЛӘРИН ҺЕСАБЛАНМАСЫНА ҺАЗЫРЛЫГ

Ахырынҹы сечиҹи сәс вердикдән сонра МнСК сәдри сечки бүллүтенләрини сајмаг һүгугу олан шәхсләрдән башга, һамынын сечки мәнтәгәсини тәрк етмәсини тә'мин етмәлидир. Отаг мүһафизә олунмалыдыр. ЈАЛНЫЗ:

- МнСК үзвләри, бирмандатлы сечки даирәси үзрә вә ја ваһид сијаһы үзрә гејдә алынмыш намизәдләр, јахуд онларын вәкил едилмиш шәхсләри
- Сәлаһијјәтли мүшаһидәчиләр
- Сәлаһијјәтли мәтбуат нүмајәндәләри

сечки бүллетенләринин сајылмасында иштирак едә биләрләр.

МнСК сәдри сечки бүллетенләринин сајылмасында иштирак едәҹәк шәхсләрин сијаһысыны һазырлајыр.

Сечки бүллетенләринин сајылмасы үчүн мүвафиг шәраит јарадылмасындан өтрү, лазым олмајан материаллар вә аваданлыг бир тәрәфә јығылмалыдыр. Сајылмаг үчүн бүтүн сәнәд формаларынын әл алтында олмасыны јохламаг лазымдыр. Лазым олан материалларын Јаддаш-сијаһысы ашағыда көстәрилиб:

СӘСЛӘРИН ҺЕСАБЛАНМАСЫНА ҺАЗЫРЛЫГ ҮЧҮН ЛАЗЫМ ОЛАН СӘНӘД ВӘ АВАДАНЛЫГ ҺАГГЫНДА ЈАДДАШ

- Сечиҹи сијаһылары
- Әлавә сечиҹи сијаһылары
- Истифадә едилмәмиш сечки бүллетенләринин сајы
- Корланмыш сечки бүллетенләри (зәрфләрин ичиндә)
- Бирмандатлы сечки даирәси үзрә 1 сајлы протоколун вә ваһид чохмандатлы сечки даирәси үзрә 2 сајлы протоколун гараламасы вә әсли
- Мүшаһидәчиләр үчүн әлавә бош протокол формалары
- МСК тәрәфиндән верилмиш 1 вә 2 сајлы протоколларын бөјүдүлмүш формалары
- МСК-нын «МнСК протоколларынын долдурулмасы вә јохланмасы гајдалары» һаггында тә'лимат
- Нефт лампалары/шамлар
- Калкулјатор (әкәр варса)

МнСК сәдри МнСК үзвләринин сечки бүллетенләринин сајылмасы вә сәсвермәнин нәтиҹәләри һаггында бирмандатлы сечки даирәси үзрә 1 сајлы протоколун вә ваһид чохмандатлы сечки даирәси үзрә 2 сајлы протоколун долдурулмасы гајдаларына бәләд олмалырына бир даһа әмин олмаг үчүн һәмин гајдалары онлара изәһ етмәлидир.

МнСК сәдри тәтбиг олуначаг үмуми әмәлијјатлар барәдә изаһат вермәлидир:

→ Протоколун тәртибаты заманы һәр бир бәнд отагда учадан е'лан олунур.

→ Рәсми протоколларын тәртиб едилмәсиндән әввәл протоколун бөјүдүлмүш вә гаралама формасында мә'луматлар сөзлә вә рәгәмлә ифадә едилир.

→ Мүшаһидәчиләр протоколларын сурәтини ала биләрләр. Протоколларын сурәтләри МнСК-нын мөһүрү илә тәсдиг едилмәлидир.

243

МнСК сәдри сечки гутуларынын ачылмасындан әввәл тәтбиг олуначаг һазырлыг ишләрини изаһ едир:

1-чи һәрәкәт – Сечичиләр сијаһысындакы сечичиләрин үмуми сајыны һесабланмасы вә гејд едилмәси

2-чи һәрәкәт – ДСК тәрәфиндән верилмиш бүллетенләрин сајынын гејд едилмәси

3-чү һәрәкәт – Сечки мәнтәгәсиндә сечичиләрә верилмиш бүллетенләрин *һесабланмасы вә гејд* едилмәси

4-чү һәрәкәт – Сәсвермә отағындан кәнарда сәс вермиш сечичиләрә верилмиш бүллетенләрин *һесабланмасы вә гејд* едилмәси

5-чи *һәрәкәт* – Истифадә едилмәмиш вә корланмыш сечки бүллетенләринин ләғв едилмәси, һесабланмасы вә гејд едилмәси

Сонра МнСК сәдри *сечки гутуларыны ачдыгдан сонра* сәсләрин *һесабланмасыны* вә сәсвермәнин нәтичәләри һаггында протоколларын тәртиб едилмәсини изаһ едир:

6-чы һәрәкәт – Дашынан сечки гутусунун ачылмасы вә сечки бүллетенләринин сајылмасы

7-чи һәрәкәт – Бирмандатлы вә чохмандатлы сечки даирәләри үзрә сечки гутуларынын ачылмасы

8-чи һәрәкәт – Е'тибарлы сечки бүллетенләринин мүәјјән едилмәси, сечиб ајрылмасы, сајылмасы вә гејд едилмәси

9-чу һәрәкәт – Е'тибарсыз сечки бүллетенләринин сајылмасы вә гејд едилмәси

10-чу һәрәкәт – Мүәјјәнләшдирилмиш формада олмајан бүллетенләрин сајылмасы вә гејд едилмәси

11-чи һәрәкәт – Намизәдләрә вә партијалара верилмиш е'тибарлы сәсләрин ајрылмасы, *һесабланмасы вә гејд едилмәси*

12-чи *һәрәкәт* – Бүтүн *намизәдләрин*, сијаси партијаларын, сијаси партија блокларынын әлејһинә верилмиш сәсләрин һесабланмасы вә гејд едилмәси

13-чү һәрәкәт – Сечки бүллетени алмыш сечичиләрин сајынын гејд едилмәси

ЈАДДА САХЛА!

Сәсләрин һесабланмасы сәсвермәјә јекун вуруланадәк фасиләсиз апарылмалыдыр.

→ *Әввәл сәсвермәнин нәтичәләри һаггында протоколларын илкин ГАРАЛАМАСЫНЫ тәртиб един. Siz гаралама протоколундакы сәһвләри дүзәлдә биләрсиниз;*

→ *рәсми протоколлар мүрәккәблә тәртиб едилмәлидир вә бу протоколлара һеч бир дүзәлиш етмәк олмаз;*

→ *бу Јаддаш Китабчасынын 1-6-чы һәрәкәтләрини вә сәсвермәнин нәтичәләри һаггында һәр ики -1 вә 2 сајлы протоколларын 1, 2, 3, 4 вә 5-чи бәндләриндәки мә'луматлары* ***Сечки гутулары ачылмаздан әввәл*** *јазмалысыныз.*

24

4.2 СӘСЛӘРИН ҺЕСАБЛАНМАСЫ ВӘ СӘСВЕРМӘНИН НӘТИҸӘЛӘРИ ҺАГГЫНДА ПРОТОКОЛУН ДОЛДУРУЛМАСЫ ҮҮН ТӘ'ЛИМАТ

Һәр һансы сечки гутусуну ачмаздан әввәәл, ашағыдакы просесләри һәјата кечирин:

1-чи һәрәкәт – Сечичиләр сијаһысындакы сечичиләрин үмуми сајыны һесабланмасы вә гејд едилмәси

→ Сечичиләр сијаһысындакы сечичиләрин үмуми сајыны һесаблајын вә е'лан един;

→ һәр ики протоколун – 1 вә 2 сајлы протоколларын 1-чи бәндиндә сечичиләр сијаһысындакы сечичиләрин үмуми сајыны сөзлә вә рәгәмлә гејд един.

Бундан сонра,

→ Әлавә сечичиләр сијаһысындакы сечичиләрин сајыны һесаблајын вә е'лан един;

→ бу рәгәми һәр ики протоколун – 1 вә 2 сајлы протоколларын 1-чи бәндиндә сөз вә рәгәмлә гејд един.

2-чи һәрәкәт – ДСК тәрәфиндән верилмиш бүллетенләрин сајынын гејд едилмәси

→ Бирмандатлы вә ваһид чохмандатлы сечки даирәләри үзрә сечки бүллетенләринин сајы сечки күнүндән әввәл ДСК тәрәфиндән МнСК-ныза верилән бүлетенләр һаггында тәртиб олунмуш актда гејд олунуб (Јаддаш китабында гејд олундуғу кими);

→ һәр ики нөв сечки бүллетенинин сајыны е'лан един;

→ һәр ики протоколун – 1 вә 2 сајлы протоколларын 2-чи бәндиндә һәмин рәгәми сөзлә вә рәгәмлә гејд един.

3-чү һәрәкәт – Сечки мәнтәгәсиндә сечичиләрә верилмиш бүллетенләрин һесабланмасы вә гејд едилмәси

Бу рәгәм сечичиләр сијаһысындакы сечичиләрин имзаларынын сајы илә мүәјјән олунур.

→ Сечичиләр сијаһысында «Сечичинин сечки бүллетени алмасы һаггында имза» графасындакы имзалары сајын;

→ әлавә сечичиләр сијаһысында «Сечичинин сечки бүллетени алмасы һаггында имза» графасындакы имзалары сајын;

→ сечки мәнтәгәсиндә сечичиләрә верилмиш бүллетенләрин сајыны алмаг үчүн бу ики рәгәми топлајын;

→ алынмыш рәгәми е'лан един;

→ һәр ики протоколун – 1 вә 2 сајлы протоколларын 3-чү бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

4-чү һәрәкәт – Сәсвермә отағындан кәнарда сәс вермиш сечичиләрә верилмиш бүллетенләрин һесабланмасы вә гејд едилмәси

→ Сәсвермә отағындан кәнарда сәс вермәк үчүн верилмиш вә сечки бүллетени алмасы барәдә сечичинин бир даһа тәсдиг етдији әризәләрдәки имзаларын үмуми сајыны һесаблајын;

→ һәмин рәгәми е'лан един;

→ сәсвермәнин нәтичәләри һаггында һәр ики протоколун – 1 вә 2 сајлы протоколларын 4-чү бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

245

5-чи һәрәкәт – Истифадә едилмәмиш вә корланмыш сечки бүллетенләринин ләғв едилмәси, һесабланмасы вә гејд едилмәси

Бу мәрһәлә үчүн бирмандатлы сечки даирәси вә чохмандатлы сечки даирәси үзрә истифадә едилмәмиш сечки бүллетенләрини ајры-ајры топалара јығын.

Бирмандатлы сечки даирәси үзрә истифадә олунмамыш сечки бүллетенләри:

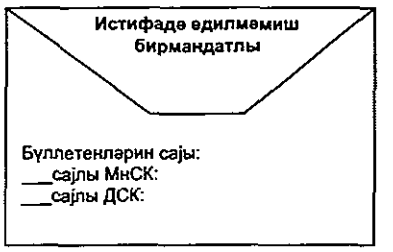
→ әввәлчә бирмандатлы сечки даирәси үзрә истифадә едилмәмиш һәр бир сечки бүллетенини ашағы саг күнчүнү кәсмәклә ләғв един;

→ сонра бирмандатлы сечки даирәси үзрә истифадә едилмәмиш сечки бүллетенләринин һамысыны сајын;

→ Һәмин рәгәми е'лан един.

→ бирмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв едилмиш сечки бүллетенләрини зәрфин ичәрисинә гојун вә үзәриндә «Истифадә едилмәмиш, бирмандатлы» сөзләрини јазын;

→ бирмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв олунмуш бүллетенләрин сајыны, МнСК вә ДСК-нын нөмрәләрини зәрфин үзәриндә гејд един.



Чохмандатлы сечки даирәси үзрә истифадә едилмәмиш сечки бүллетенләри:

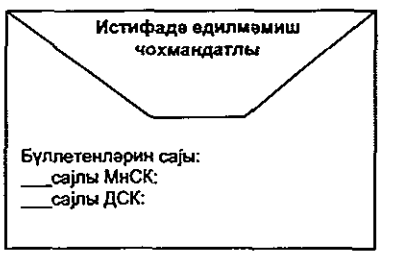
→ әввәлчә чохмандатлы сечки даирәси үзрә истифадә едилмәмиш һәр бир сечки бүллетенини ашағы саг күнчүнү кәсмәклә ләғв един;

→ сонра чохмандатлы сечки даирәси үзрә истифадә едилмәмиш сечки бүллетенләринин һамысыны сајын;

→ Һәмин рәгәми е'лан един;

→ чохмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв едилмиш сечки бүллетенләрини зәрфин ичәрисинә гојун вә үзәриндә «Истифадә едилмәмиш, чохмандатлы» сөзләрини јазын;

→ чохмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв олунмуш бүллетенләрин сајыны, МнСК вә ДСК-нын нөмрәләрини зәрфин үзәриндә гејд един.



Сонра корланмыш сечки бүллетенләри үчүн әмәлијјатлара башлајын:

ЈАДДА САХЛА!

Корланмыш сечки бүллетенләринин сајы сырадан чыхараг гајтарылмыш бүллетенләрин гејд олунмасы үчүн һазырланмыш актларда көстәрилән саја бәрабәр олмалыдыр.

246

→ әввәлчә, ичәрисиндә фәрди корланмыш сечки бүллетенләри олан зәрфләри ачын вә бүллетенләри бирмандатлы вә чохмандатлы сечки даирәси үзрә топалара ајырын;

→ бүтүн корланмыш бүллетенләрин ортадан кәсилмәклә ләғв едилдијини јәгин един (әкәр бу едилмәјибсә).

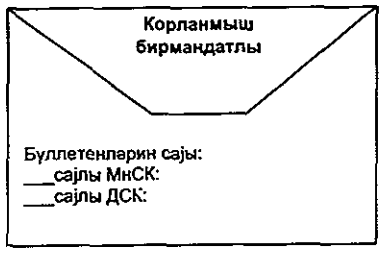
Бирмандатлы сечки даирәси үзрә корланмыш бүллетенләр:

→ бирмандатлы сечки даирәси үзрә корланмыш бүллетенләри сајын;

→ һәмин рәгәми е'лан един;

→ бирмандатлы сечки даирәси үзрә ләғв едилмиш вә корланмыш бүллетенләри зәрфин ичәрисинә гојун вә гејд един «Корланмыш, бирмандатлы»;

→ бирмандатлы сечки даирәси үзрә ләғв олунмуш вә корланмыш бүллетенләрин сајыны, МнСК вә ДСК-нын нөмрәләрини зәрфин үзәриндә гејд един.



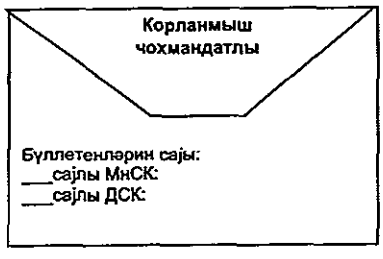
Чохмандатлы сечки даирәси үзрә корланмыш бүллетенләр:

→ чохмандатлы сечки даирәси үзрә корланмыш сечки бүллетенләрини сајын;

→ һәмин рәгәми е'лан един;

→ чохмандатлы сечки даирәси үзрә ләғв едилмиш вә корланмыш бүллетенләри зәрфин ичәрисинә гојун вә гејд един «Корланмыш, чохмандатлы»;

→ чохмандатлы сечки даирәси үзрә ләғв олунмуш вә корланмыш бүллетенләрин сајыны, МнСК вә ДСК-нын нөмрәләрини зәрфин үзәриндә гејд един.



1 сајлы протоколун 5-чи бәндиндәки рәгәми һесабламаг үчүн: бирмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв олунмуш бүллетенләрин вә бирмандатлы сечки даирәси үзрә корланмыш вә ләғв олунмуш бүллетенләрин сајыны топлајын.

247

2 сајлы протоколун 5-чи бәндиндәки рәгәми һесабламаг үчүн: чохмандатлы сечки даирәси үзрә истифадә едилмәмиш вә ләғв олунмуш бүллетенләрин вә чохмандатлы сечки даирәси үзрә корланмыш вә ләғв олунмуш бүллетенләрин сајыны топлајын.

ЈАДДА САХЛА!

Һәр ики протоколда – 1 вә 2 сајлы протоколларын 2-чи бәндиндәки рәгәм 3,4 вә 5-чи бәндләрдәки рәгәмләрин чәминә бәрабәр олмалыдыр.

Бу Јаддаш китабчасынын 1-5 һәрәкәтләрини тамамладыгдан вә протоколун гараламасынын 1-5-чи бәндләрини долдурдугдан сонра СЕЧКИ ГУТУЛАРЫНЫ ЈОХЛАЈЫН.

Һәр бир сечки гутусуна габағчадан мүдахилә едилмәсини истисна етмәк үчүн онун мәһүрү мүшаһидәчиләрин иштиракы илә јохланылмалыдыр.

6-чы Һәрәкәт – Дашынан сечки гутусунун ачылмасы вә онун ичиндәки сечки бүллетенләринин сајылмасы

→ Дашынан сечки гутусуну ачын;

→ онун ичиндәки бүтүн сечки бүллетенләрини мүшаһидәчиләрин көзү гаршысында чыхарын;

→ һәр сечки бүллетенинин гатыны ачын вә ашағыда верилмиш критеријалара әсасән мүәјјәнләшдирилмиш формада олмајан бүллетенләри кәнара јығын;

СЕЧКИ БҮЛЛЕТЕНИНИН МҮӘЈЈӘНЛӘШДИРИЛМИШ ФОРМАЛЫ ОЛДУҒУНУ ТӘ'ЈИН ЕТМӘК ҮЧҮН ЈАДДАШ

✓ Сечки бүллетени Мәркәзи Сечки Комиссијасы тәрәфиндән рәсми һазырланмышдыр.

✓ Бүллетенин јухары саг күнчүнә МнСК-нын рәсми мәһүрү вурулуб.

✓ Бүллетенин јухары сол күнчү кәсилмишдир.

→ мүәјјәнләшдирилмиш формалы олан бирмандатлы вә чохмандатлы сечки бүллетенләрини сајын;

→ һәр ики нөв – бирмандатлы вә чохмандатлы сечки бүллетенләринин сајыны е'лан един;

→ бу рәгәми һәр ики протоколун – 1 вә 2 сајлы протоколларын 6-чы бәндиндә сөзлә вә рәгәмлә гејд един;

→ сечки гутусундан бүллетенләрдәки сәсләри һесабламајын. Сәсвермәнин кизлилијини тә'мин етмәк үчүн бу бүллетенләр сонрадан башга сечки гутуларындан чыхмыш бүллетенләрлә гарышдырылачаг;

→ 10-чу һәрәкәтә гәдәр мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләрини кәнарда сахлајын.

Дашынан сечки гутусундан чыхарылмыш сечки бүллетенләринин сајы сәсвермә отағындан кәнарда сәс вермәк истәјән сечичиләрә верилмиш сечки бүллетенләринин сајына бәрабәр, ја да бундан аз олмалыдыр (4-чү бәнддә көстәрилдији кими).

248

ЈАДДА САХЛА!

Бу рәгәм протоколларын 4-чү бәндиндә көстәрилән рәгәмдән чох оларса, бутун сечки бүллетенләри МнСК-нын гәрары илә е'тибарсыз сајылмалыдыр.

Белә олан һалда, Сечки Ганунунун 71-чи маддәсинин 2-чи бәндинә әсасән, дашынан сечки гутусуну мүшајиәт едән комиссија үзвләринин сојадлары көстәрилмәклә јазылы акты рәсми протокола әлавә етмәк Сиздән тәләб олунур.

Бу һал баш верәрсә, дашынан сечки гутусундан чыхарылмыш бүллетенләрдәки сәсләри ҺЕСАБЛАМАЈЫН.

7-чи һәрәкәт – Бирмандатлы вә чохмандатлы сечки даирәләри үзрә сечки гутуларыны ачын

Сизин сечки мәнтәгәниздә 2 сечки гутусу олмалыдыр. Әввәлчә, бирмандатлы сечки даирәси үзрә сечки гутусуну ачын:

→ сечки гутусуну мүшаһидәчиләрин көзү гаршысында ачын вә онун ичәрисиндәки бүтүн сечки бүллетенләрини чыхарын;

→ һәр сечки бүллетенинин гатыны ачын вә 10-чу һәрәкәтә гәдәр мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләрини кәнарда сахлајын. МҮӘЈЈӘНЛӘШДИРИЛМИШ ФОРМАДА ОЛМАЈАН бүллетенләр сәсләрин һесабланмасында нәзәрә алына билмәз;

СЕЧКИ БҮЛЛЕТЕНИНИН МҮӘЈЈӘНЛӘШДИРИЛМИШ ФОРМАЛЫ ОЛДУҒУНУ ТӘ'ЈИН ЕТМӘК ҮЧҮН ЈАДДАШ

✓ Сечки бүллетени Мәркәзи Сечки Комиссијасы тәрәфиндән рәсми һазырланмышдыр;

✓ бүллетенин јухары саг күнчүнә МнСК-нын рәсми мөһүрү вурулуб;

✓ бүллетенин јухары сол күнчү кәсилмишдир;

→ нөвләринә көрә ајыраркән мүәјјәнләшдирилмиш формалы сечки бүллетенләрини сајын;

→ һәр ики нөв бүллетенин сајыны е'лан един;

→ 1 вә 2 сајлы протоколларын 7-чи бәндиндә дүзкүн рәгәмләри сөзлә вә рәгәмлә гејд един.

Дашынмаз сечки гутуларындан чыхарылмыш сечки бүллетенләринин сајы сечки мәнтәгәсиндә сечичиләрә верилмиш сечки бүллетенләринин сајына бәрабәр, ја да бундан аз олмалыдыр (3-чү бәнддә көстәрилдији кими). Бу рәгәм 3-чү бәнддә гејд олунан рәгәмдән чох оларса, мүвафиг сечки бүллетенләринин һамысы МнСК-нын гәрары илә е'тибарсыз сајылмалыдыр.

ЈАДДА САХЛА!

8-чи һәрәкәтдә көстәрилдији кими е'тибарлы вә е'тибарсыз сечки бүллетенләрини ајырмаздан әввәл, сәсвермәнин кизлилијини тә'мин етмәк үчүн дашынан вә дашынмаз сечки гутуларындан чыхарылмыш мүәјјәнләшдирилмиш формалы сечки бүллетенләрини гарышдырын.

249

8-чи һәрәкәт – Е'тибарлы сечки бүллетенләринин мүәјјән олунмасы, сечилмәси, һесабланмасы вә гејд олунмасы

Е'тибарлы вә е'тибарсыз бүллетенләри сәлигә илә ајры-ајры ики топаја ајырын. Әкәр бүллетен ашағыдакы шәртләрә чаваб верирсә е'тибарлы сајылыр:

СЕЧКИ БҮЛЛЕТЕНЛӘРИНИН Е'ТИБАРЛЫ ОЛМАСЫНЫ ТӘ'ЈИН ЕТМӘК ҮЧҮН ЈАДДАШ

- ✓ Ичәрисиндә сечки бүллетени олан сечки гутусундакы мүәјјәнләшдирилмиш формалы бүллетенләрин сајы сечичиләрә верилмиш бүллетенләрин сајындан чох дејил;
- ✓ сечки бүллетениндә намизәдин, сијаси партијанын јахуд сијаси партијалар блокунун адындан сағдакы квадратда гојулмуш ишарәдән сечичинин ирадәсини ифадә етмәсини мүәјјәнләшдирмәк мүмкүндүрсә;
- ✓ бүллетен ләғв олунмајыб. Ләғв едилмиш бүллетенин ашағы саг күнчү кәсилмиш олур;
- ✓ бүллетенә анчаг бир ишарә гојулуб.

ВАЧИБДИР!

Әкәр бирмандатлы сечки даирәси үзрә бүллетен чохмандатлы сечки даирәси үзрә сечки гутусунда вә ја әксинә, оларса, һәмин сечки бүллетени «Сечки бүллетенинин е'тибарлы олмасыны тә'јин етмәк үчүн јаддаш»ын шәртләринә чаваб верирсә е'тибарлы һесаб олунур.

→ е'тибарлы сечки бүллетенләрини сајын;

→ бу рәгәми е'лан един;

→ 1 вә 2 сајлы протоколларын һәр икисинин 8-чи бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

9-чу һәрәкәт – Е'тибарсыз сечки бүллетенләринин сајылмасы вә гејд олунмасы

ЈАДДА САХЛА!

Бүллетен долдуруларкән ишарә бир квадратдан чох јердә гојуларса вә ја һеч бир ишарә гојулмазса, һәмин сечки бүллетени е'тибарсыз сајылыр.

Сечки бүллетенинин е'тибарлылығына шүбһәләр јарандыгда, МнСК мәсәләни сәсвермә јолу илә һәлл едәрәк сечки бүллетенинин е'тибарлы олуб-олмамасы барәдә гәрар гәбул етмәлидир.

Сечки бүллетенинин е'тибарсыз сајылмасы һаггында гәрар гәбул едиләрсә, онун арха тәрәфиндә е'тибарсыз сајылманын сәбәбләри көстәрилмәлидир вә бу гејдләр МнСК-нын сәдри вә ики катибинин имзасы илә тәсдигләнмәлидир .

→ 8-чи һәрәкәт заманы сечилмиш е'тибарлы вә е'тибарсыз сечки бүллетенләриндән е'тибарсыз сечки бүллетенләринин үмуми сајыны һесаблајын;

→ бу рәгәми е'лан един;

→ 1 вә 2 сајлы протоколларын һәр икисинин 9-чу бәндинин биринчи һиссәсиндә бу рәгәми сөзлә вә рәгәмлә гејд един;

→ сонра бир квадратдан чох ишарә гојулмуш сечки бүллетенләрини сајын;

→ бу рәгәми е'лан един;

→ 1 вә 2 сајлы протоколларын һәр икисинин 9-чу бәндинин икинчи һиссәсиндә бу рәгәми сөзлә вә рәгәмлә гејд един;

→ сонра һеч бир ишарә гојулмајан, лакин верилмиш сәс кими сечки гутусуна салынмыш сечки бүллетенләрини сајын;

→ сонра бу рәгәми е'лан един;

→ 1 вә 2 сајлы протоколларын һәр икисинин 9-чу бәндинин үчүнчү һиссәсиндә бу рәгәми сөзлә вә рәгәмлә гејд един;

→ сечки Ганунунун 71-чи маддәсинин 4-чү бәндинә әсасән е'тибарсыз сечки бүллетенләри ајрыча јығылыб бағланмалыдыр.

250

10-чу һәрәкәт – Мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләринин сајылмасы вә гејд олунмасы

6-чы һәрәкәт заманы дашынан сечки гутусундан чыхмыш мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләри вә 7-чи һәрәкәт заманы дашынмаз сечки гутуларындан чыхмыш мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләри кәнарда сахланылырды. Инди исә ашағыдакылары јеринә јетирин:

→ мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләринин чәмини һесаблајын: дашынан сечки гутусундан чыхмыш гејри-мүәјјән формалы сечки бүллетенләри ҮСТӘКӘЛ дашынмаз сечки гутуларындан чыхмыш мүәјјәнләшдирилмиш формада олмајан сечки бүллетенләринин сајы;

→ бу рәгәми е'лан един;

→ 1 вә 2 сајлы протоколларын һәр икисинин 10-чу бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

МСК-нын 29/122 сајлы "Азәрбајчан Республикасынын Милли Мәчлисинә Сечкиләр үзрә Сечки Мәнтәгәсиндә Сәсләрин һесабланмасы, Сәсвермәнин Нәтичәләри һаггында Мәнтәгә Сечки Комиссијасы Протоколларынын Долдурулмасы вә Јохланылмасы Гајдалары һаггында" Тә'лиматына әсасән:

"Гејд 3: Сәсләрин һесабланмасы үчүн бүллетенләр ајры-ајры топаларa јығылмалыдыр. Бүтүн намизәдләрин, сијаси партијаларын вә сијаси партијалар блокунун әлејһинә верилмиш бүллетен топасындан әлавә леһинә сәс верилмиш намизәдләр, сијаси партијалар вә сијаси партијалар блокларынын сајы гәдәр бүллетен топалары олмалыдыр."

11-чи һәрәкәт – Намизәдләрин, сијаси партијаларын вә сијаси партија блокларынын леһинә верилмиш е'тибарлы сәсләрин ајрылмасы, һесабланмасы вә бөлүшдүрүлмәсинин гејд олунмасы

Бирмандатлы сечки даирәси үзрә бүллетенләрдән башлајын:

→ 1 сајлы протоколун 11-чи бәндиндә верилмиш чәдвәлә бүтүн намизәдләрин адларыны әлифба сырасы илә јазын;

→ *һәр бир намизәдин леһинә верилмиш сәсләри* һесаблајын;

→ һәр бир намизәдин леһинә верилмиш сәсләрин сајыны е'лан един;

→ һәр бир намизәдин адынын гаршысындакы мүвафиг графада бу рәгәми сөзлә вә рәгәмлә гејд един;

→ леһинә верилмиш бүтүн сәсләрин чәмини һесаблајын вә бу рәгәми чәдвәлин ашағысында верилмиш мүвафиг графада сөзлә вә рәгәмлә гејд един.

Сонра чохмандатлы сечки даирәси үзрә бүллетенләрлә әмәлијјаты давам етдирин:

→ *2 сајлы протоколун* 11-чи бәндиндә верилмиш чәдвәлдәки ардычыллыгла һәр бир сијаси партијанын вә ја сијаси партијалар блокунун леһинә верилмиш сәсләри һесаблајын;

→ һәр бир сијаси партијанын вә ја сијаси партијалар блокунун леһинә верилмиш сәсләрин сајыны е'лан един;

→ *һәр бир сијаси партијанын вә ја сијаси партијалар блокунун адынын гаршысындакы* мүвафиг графада бу рәгәми сөзлә вә рәгәмлә гејд един;

→ леһинә верилмиш бүтүн сәсләрин чәмини һесаблајын вә бу рәгәми чәдвәлин ашағысында верилмиш мүвафиг графада сөзлә вә рәгәмлә гејд един.

251

12-чи һәрәкәт – Бүтүн намизәдләрин, сијаси партијаларын, сијаси партијалар блокларынын әлејһинә верилмиш сәсләри һесабланмасы вә гејд едилмәси

Бирмандатлы сечки даирәси үзрә бүллетенләрдән башлајын:

→ Бүтүн намизәдләрин әлејһинә верилмиш е'тибарлы сәсләри һесаблајын;

→ Бүтүн намизәдләрин әлејһинә верилмиш сәсләрин сајыны е'лан един;

→ 1 сајлы протоколун 12-чи бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

Сонра чохмандатлы сечки даирәси үзрә бүллетенләрлә әмәлијјаты давам етдирин:

→ бүтүн сијаси партијаларын вә ја сијаси партија блокларынын әлејһинә верилмиш е'тибарлы сәсләри һесаблајын;

→ бүтүн сијаси партијаларын вә ја сијаси партија блокларынын әлејһинә верилмиш сәсләрин сајыны е'лан един;

→ бу рәгәми 2 сајлы протоколун 12-чи бәндиндә сөзлә вә рәгәмлә гејд един.

13-чү һәрәкәт – Сечки бүллетени алмыш сечичиләрин сајынын гејд едилмәси

→ Протоколун 13-чү бәндиндәки рәгәми алмаг үчүн 3-чү вә 4-чү бәндләрин чәмини һесаблајын;

→ бу рәгәми е'лан един;

→ һәр ики протоколун – 1 вә 2 сајлы протоколларын 13-чү бәндиндә бу рәгәми сөзлә вә рәгәмлә гејд един.

252

4.3 СӘСВЕРМӘНИН НӘТИҸӘЛӘРИ ҺАҐҐЫНДА ҐАРАЛАМА ПРОТОКОЛЛАРЫНЫН ДҮЗКҮНЛҮЈҮНҮН ЈОХЛАНЫЛМАСЫ

Сәсвермәнин нәтиҹәләри һаггында ҐАРАЛАМА протоколу долдурулдугдан сонра ашағыдакы ґајдалардан истифадә едәрәк ҐАРАЛАМА протоколундакы рәгәмләрин дүзкүнлүјүнү онлар рәсми протоколлара көчүрүлмәздән ӘВВӘЛ јохлајын.

1-ҸИ ЈОХЛАМА – СЕҸКИ БҮЛЛЕТЕНЛӘРИНИН ҸӘМИ

1. Сечки мәнтәгәсиндә сечиҹиләрә верилмиш сечки бүллетенләринин ҹәми (протоколларын 3-ҹү бәндиндән) [ ]
2. **ҮСТӘКӘЛ**: сәсвермә отағындан кәнарда сәс верән сечиҹиләрә верилмиш сечки бүллетенләринин ҹәми (протоколларын 4-ҹү бәндиндән) [ ]
3. **ҮСТӘКӘЛ:** ләғв олунмуш бүллетенләрин ҹәми (протоколларын 5-ҹи бәндиндән) [ ]
4. **ҸӘМИ = 1 + 2 + 3** [ ]

1-ҸИ ЈОХЛАМА: **4-ҸҮ СЫРАНЫН КӨСТӘРИҸИСИ БӘРАБӘР ОЛМАЛЫДЫР**: МнСК-ја верилмиш бүллетенләрин ҹәминә (протоколларын 2-ҹи бәндиндән) [ ]

2-ҸИ ЈОХЛАМА – МҮӘЈЈӘНЛӘШДИРИЛМИШ ФОРМАЛЫ СЕҸКИ БҮЛЛЕТЕНЛӘРИНИН САЈЫ Е'ТИБАРЛЫ ВӘ Е'ТИБАРСЫЗ БҮЛЛЕТЕНЛӘРИН ҸӘМИНӘ БӘРАБӘРДИР

1. Дашынан сечки гутусундан чыхан мүәјјәнләшдирилмиш формалы сечки бүллетенләринин ҹәми (протоколларын 6-ҹы бәндиндән) [ ]
2. **ҮСТӘКӘЛ**: дашынмаз сечки гутуларындан чыхан мүәјјәнләшдирилмиш формалы сечки бүллетенләринин ҹәми (протоколларын 7-ҹи бәндиндән) [ ]
3. **ҸӘМИ = 1 + 2** [ ]
4. Е'тибарлы сечки бүллетенләринин ҹәми (протоколларын 8-ҹи бәндиндән) [ ]
5. Е'тибарсыз сечки бүллетенләринин ҹәми (протоколларын 9-ҹу бәндиндән) [ ]
6. **ҸӘМИ = 4 + 5** [ ]

2-ҸИ ЈОХЛАМА: 3-ҸҮ СЫРА 6-ҸЫ СЫРАЈА БӘРАБӘР ОЛМАЛЫДЫР

3-ҸҮ ЈОХЛАМА – БҮТҮН Е'ТИБАРЛЫ ИШАРӘЛӘРИН ҸӘМИ БҮТҮН НАМИЗӘДЛӘРИН ЛЕҺИНӘ ВЕРИЛМИШ СӘСЛӘРИН ҸӘМИНӘ БӘРАБӘРДИР

1. Намизәдләрин леһинә верилмиш сәсләрин ҹәми (протоколларын 11-ҹи бәндиндән) [ ]
2. **ҮСТӘКӘЛ:** намизәдләрин, партијаларын вә партија блокларынын әлејһинә верилмиш сәсләрин ҹәми (протоколларын 12-ҹи бәндиндән) [ ]
3. **ҸӘМИ = 1 + 2** [ ]
4. Е'тибарлы сечки бүллетенләринин ҹәми (протоколларын 8-ҹи бәндиндән) [ ]

3-ҸҮ ЈОХЛАМА: 3-ҸҮ СЫРА 4-ҸҮ СЫРАЈА БӘРАБӘР ОЛМАЛЫДЫР

Әкәр бу үч тәнләшмә дүздүрсә, демәли, сәсвермәнин нәтиҹәләри һаггында ҐАРАЛАМА протоколлары дүзкүн долдурулмушдур. Ґаралама протоколларындакы бүтүн мә'луматлары диггәтлә вә сәлигә илә 1 вә 2 сајлы рәсми протоколлара көчүрмәк олар.

253

4.4 СЕЧКИ МӘНТӘГӘСИ БАҒЛАНМАЗДАН ӘВВӘЛ РӘСМИ ПРОТОКОЛЛАРЫН ДОЛДУРУЛМАСЫ ВӘ НӘТИҸӘЛӘР ҺАҒҒЫНДА ҺЕСАБАТЫН ВЕРИЛМӘСИ

Мәнтәгә сечки комиссијанызда сәсвермәнин нәтиҹәләрини мүәјјән етмәк үчүн сәсвермәнин нәтиҹәләри һаггында 1 вә 2 сајлы рәсми протоколлары долдураркән верилмиш Јаддаш-сијаһыда көстәрилән һәр бир тапшырығы иҹра един:

- ❑ Һәр ики ҒАРАЛАМА протоколуну јохлајын вә онларын дүзкүн долдурулдуғуну јәгин един.
- ❑ Мә'луматлары гәләмлә рәсми протокола көчүрүн, 1 сајлы протоколдан башлајын.
- ❑ Протоколларын һәр үч нүсхәсини имзалајын. Протоколла разылашмајан МнСК-нын һәр һаксы бир үзвү протоколу имзаламагдан имтина едә биләр вә протоколун сон сәһифәсинин мүвафиг јеріндә бунун сәбәбини јаза биләр вә ја өз хүсуси рә'јини әлавә едә биләр.
- ❑ Үмуми таныышлыг үчүн протоколун үчүнчү нүсхәсини сечки мәнтәгәсинин кедиш-кәлиш асан олан јеріндә асын.

ЈАДДА САХЛА!

МнСК-нын сәдри вә мүвафиг сәлаһијјәтләр верилмиш һәлледичи сәс һүгуглу үзвләри мүшаһидәчиләр тәрәфиндән сурәти чыхарылмыш һәр бир протоколун дүзкүн вә дәгиг олмасыны јохламалыдырлар.

Әкәр мә'луматлар дүздүрсә, онлар «Әсли илә дүздүр» сөзләрини јаздыгдан сонра протоколлары имзалајыр, комиссијанын мөһүрү илә тәсдигләјир вә тәсдигетмә тарихини гојурлар.

Мүстәсна һаллар:

Протоколлар имзаландыгдан СОНРА МнСК онларда сәһв вә јанлышлыг ашкар етдикдә, бу мәсәләјә өз иҹласында бахмалыдыр. МнСК мүшаһидәчиләрә, медија нүмајәндәләринә, намизәдләрә, онларын вәкилләринә, сијаси партија вә сијаси партија блокунун нүмајәндәләринә иҹласын јери вә вахты һаггында мә'лумат вермәлидир. Бу һалда јени протокол тәртиб едилир вә «тәкрар» сөзү јазылмагла һәмин протокол тә'хирә салынмадан ДСК-ја көндәрилир.

Сечки мәнтәгәси үзрә сәсвермәнин нәтиҹәләрини ДСК-ныза көндәрмәздән әввәл:

→ Әввәлҹә тәләб олунан бүтүн сәнәдләри топлајын:

МнСК тәрәфиндән алынмыш сечки бүллетенләринин сајы һаггында сәнәд,
Истифадә едилмәмиш сечки бүллетенләринин ләғв олунмасы һаггында сәнәд,
Сәсвермә вәсигәләри һаггында сәнәд – верилмиш вә истифадә едилмәдији үчүн ләғв олунмуш вә
Кәсилмиш сол күнҹләрин вә корланмыш сечки бүллетенләринин сајы һаггында сәнәд;

→ сәнәдләрин МнСК сәдри вә катибләри тәрәфиндән имзаландығыны јәгин един;

→ МнСК-ја үнванланмыш бүтүн шикајәтләрин тәсдиг олунмуш нүсхәләриндән вә мүвафиг гәрарлардан бир топлу дүзәлдин;

→ сонра, МнСК-ја үнванланмыш шикајәтләрин вә МнСК-нын бу шикајәтләр барәдә гәрарларынын әсилләрини мүвафиг рәсми протоколларын биринчи нүсхәләринә әлавә един;

→ онлары јухарыда тәләб олунан сәнәдләрлә биркә ики зәрфә гојун (һәр зәрфә бирини);

→ зәрфи мөһүрләјин вә МнСК-нызын нөмрәсини зәрфин үстүнә јазын;

→ һәр зәрфин үстүндә протоколун нөвүнү (нөмрәсини) вә зәрфдә олан сәнәдләрин сијаһысыны јазын;

→ зәрфләри **сечки күнүндән 24 саат кечмәмиш мүддәтдә** ДСК-ныза көндәрин (Зәрфләри тә'хирә салмадан көндәрә билмирсинизсә, онлар ДСК-ја көндәриләнә гәдәр МнСК бинасында һәјата кечириләчәк тәһлүкәсизлик тәдбирләри һаггында мүшаһидәчиләрә вә медија нүмајәндәләринә мә'лумат верин).

254

ЈАДДА САХЛАГ
Һәр һансы бир протокол:
Карандашла долдурулубса; јахуд
Дүзкүн долдурулмајыбса; јахуд
Бошдурса; јахуд
Дүзәлишләр едилибсә; јахуд
МнСК үзвләринин әксәријјәти тәрәфиндән ИМЗАЛАНМАЈЫБСА
ДСК-ныз һәмин протоколу Е'ТИБАРСЫЗ һесаб едәчәк.

Сәнәдләрин МнСК катибләри тәрәфиндән сахланылмасы үчүн:

→ әввәлчә, сечичиләр сијаһыларыны вә әлавә сечичиләр сијаһысыны, сечки бүллетенләрини (сајылмыш, бағланмыш вә мөһүрләнмиш), гејдијјатдан чыхма вәсигәләрини, кәсилмиш сол күнчләри вә мүшаһидәчиләр вә медија нүмајәндәләринин сијаһысыны топлајын;

→ бу сәнәдләри вә мүвафиг рәсми протоколун икинчи нүсхәсинә әлавә едилмиш МнСК-ја үнванланан шикајәтләрин тәсдигләнмиш сурәтләри вә бу шикајәтләр барәдә мүвафиг гәрарлары јығыб бағлајын;

→ сечки сәнәдләринин ДСК-ја көндәрилмәси һаггында 2 нүсхәдә акт тәртиб един;

→ бу сәнәдләри Сиз МнСК фәалијјәтини дајандырана гәдәр сахламалысыныз.

Сечкиләрин нәтичәләри рәсми е'лан олундугдан сонра 10 күндән кеч олмајараг Сиз сечки сәнәдләрини ДСК-ја көндәрирсиинз. .

4.5 СЕЧКИ МӘНТӘГӘСИНИН БАҒЛАНМАСЫ

МнСК сәдри ашағыдакылары јәгин етдикдән сонра:

→ протоколларын һәр икиси МСК-нын тә'лиматларына ујғун долдурулуб;

→ рәсми протоколун бир нүсхәсини әлдә етмәк истәјән бүтүн мүшаһидәчиләрә МнСК-нын мөһүрү илә тәсдигләнмиш сурәти верилиб;

→ бүтүн сечки материаллары тәләб олунан гајдада јығылыб бағланыб, јахуд ДСК-ја көндәрилиб вә ја МнСК-нын бинасында мүвәггәти оларак лазыми гајдада мүһафизә олунур;

→ бүтүн мүшаһидәчиләр вә мәтбуат нүмајәндәләри сечки мәнтәгәсини тәрк едибләр

комиссија үзвләрини бурахыб, сечки мәнтәгәсини бағлаја биләр.

255

ATTACHMENT 12

On December 12.....
What Will Change in Your Community?

On December 12 you will have the opportunity to take an important step to improving your local community by participating in the Municipal Elections. Vote for municipal members who understand your community's needs and who will work with you to improve local conditions.

MUNICIPALITIES

So, What is a Municipality?

A Municipality is a form of local self-government that enables citizens to deal with important local issues independently and freely. A municipality has its own property, local budget and elective self-government bodies. It is governed by a municipal council that is made up of between 5 and 19 elected municipal members depending on the size of the municipality's population.

Who are Municipal Members?

- ✓ A municipal member is a resident of the local community who is elected at the Elections to Municipalities.
- ✓ The term of office for a municipal member is five years.

What is the Role of Municipal Members?

Municipal members are citizens from your local community and elected to resolve the local important issues. The primary role of municipal members is to work together with citizens in the community in order to provide goods and services that improve living conditions. Municipal members communicate with community members in order to learn about their needs. They meet at least once per month to discuss these needs and by majority vote decide which ones to address. Municipal members have the authority to deal with a variety of local issues such as health, education, transportation, power supply, job creation or cultural services.

How do Municipal Members Ascertain the Needs of the Community?

- Local referendums with open or secret voting are conducted to decide upon important local issues.

- In territories with fewer than 500 people, citizens may conduct meetings in that area to express their opinions about local issues. Citizens' meetings are valid if attended by at least 25% of the citizens who have the right to vote and who live in the municipality.

- Citizens also have the right to initiate action to establish municipal statutes on important local issues in accordance with the municipal charter. Municipal draft statutes presented by the people must be discussed at open meetings, with the participation of the people's representatives, and the results must be announced officially.

PARTICIPATION IN MUNICIPALITIES' JOBS

Why Participate?

Local self-government in Azerbaijan allows citizens to address important local issues independently and freely. If you are concerned about local issues such as health, education, transportation, power supplies, job creation or culture where you live, then you need to become involved in municipality activities.

How Do You Participate?

The first step to becoming involved in your municipality is by choosing who your municipal members will be. Vote on 12 December!

VOTERS' RIGHTS

All citizens of the Azerbaijan Republic who are 18 years old or older have the right to vote to elect municipal members.

Citizens of the Azerbaijan Republic who are 21 years old or older can be nominated as a candidate in the Municipal Elections.

Internally displaced people vote in the municipality in which they currently reside.

Voters directly elect the members of municipalities. Members to each municipality will be elected in accordance with the number mentioned in the law. You should not mark more than the relevant number of the candidates on the ballot paper.

Voters vote in person and in secret.

- This is your choice
- No one can vote for you.

ESTABLISHING A MUNICIPALITY

How Elected Municipal Officials are Determined

The candidates with the highest individual vote totals are elected in accordance with the number of municipal members defined by the law.

Municipal Charter

A Municipal Charter defines the framework in which a municipality functions. It determines the composition and borders of a municipality as well as its structure, powers and regulations for forming local municipal bodies and organizing municipal services. A municipality's charter is adopted at a municipal meeting or at a citizens' meeting. The charter must be registered by the relevant executive authority.

How Do You Participate After You Have Elected Your Municipal Members?

Once your municipal members have been elected and your municipality charter has been registered, you can participate in implementing local self-government in a variety of ways including:

- participating in local referendums;
- attending citizens' meetings;
- informing your municipal members about your community's needs;
- drafting municipal statutes; and
- becoming involved in local committees, associations, charitable organizations, etc. that deal with local issues.

Your Municipality – Your Chance to Improve Your Community!

Elections to Municipalities

✓ What day: **December 12, 1999**
✓ What time: **Voting Station hours are from 08:00 – 20:00**
✓ Where: **Precinct Election Commission building**
✓ Who can vote: **Any citizen of Azerbaijan Republic who is 18 years old or older and who resides in the relevant municipality can vote.**
✓ What to take: **A passport, Form No.9 or your military ID card in order to identify yourself!**

ATTACHMENT 13

СЕЧИЧИЛӘРИН ҺҮГУГЛАРЫ

Әкәр Сиз Азәрбајчан Республикасынын вәтәндашысынызса, сечки күнү 18 јашыныз тамам олмушса, јахуд јашыныз бундан јухарыдырса, бәләдијјәјә үзвләр сечмәјә һүгугунуз вар. Јашадығыныз әразі Сизин һансы бәләдијјәјә сәс верәчәјинизі мүәјјән едир. Мәчбури көчкүнләр һазырда јашадыглары әразидә сәс верәчәкләр. Сечичи јалныз бир сечичи сијаһысына дахил едилә биләр.

СӘСВЕРМӘ ҺҮГУГЛАРЫ

Бир сечичи кими Сизин бирбаша бәләдијјәјә үзвләр сечмәјә һүгугунуз вардыр. Сиз шәхсән вә кизли сәс верирсиниз.

Сизин әвәзинизә башгасынын сәс вермәси, сәсинизин кизлилијинин позулмасы, ирадәнизи ифадә етмәнизә мүдахилә олунмасы гејри - ганунидир.

Мәншәјинизә, сијаси бахышларыныза, сосиал вә әмлак вәзијјәтинизә, ирги вә милли мәнсубијјәтинизә, чинсинизә, тәһсилинизә, дилинизә, динә мүнасибәтинизә, мәшғулијјәтинизин нөвүнә вә характеринә көрә сечки һүгугларынызын мәһдудлашдырылмасы гадағандыр.

Сизин бәләдијјәниз јашадығыныз әразини инкишаф етдирмәк үчүн имканлар јарадыр.

СЕЧИЧИ СИЈАҺЫЛАРЫНЫН ЈОХЛАНМАСЫ

Әкәр Сиз Азәрбајчан Республикасынын вәтәндашысынызса, сечки күнү 18 јашыныз тамам олмушса, јахуд 18-дән јухарыдырса вә сәсвермә һүгугунуз варса, адыныз әразисиндә јашадығыныз сечки мәнтәгәсинин сечичиләр сијаһысына дахил едилмәлидир.

Мәнтәгә сечки комиссијасы нојабрын 12-дәк сечичиләр сијаһысыны Сизин таныш олманыз үчүн әлверишли јердә асмалыдыр. Јохлајын вә јәгин един ки, адыныз вә барәниздәки дикәр мә'луматлар сечичиләр сијаһысына дүзкүн јазылыб. Әкәр адыныз сијаһыда јохдурса, паспортунузу, 9№-ли форманы, ја да һәрби билетинизи тәгдим едәрәк адынызы сијаһыја салдырын. Барәниздәки мә'луматлар јанлышдырса, дүзәлишләр олунмасыны тәләб един.

Мәнтәгә сечки комиссијаныз тәләбинизи тә'мин етмәсә, јазылы шәкилдә шикајәт верә биләрсиниз. Мәнтәгә сечки комиссијасы 24 саат әрзиндә шикајәтинизә бахыб, ја адынызы сијаһыја дахил етмәли, јахуд сијаһыда дүзәлишләр апармалы, ја да шикајәтинизин тәмин едилмәмәси сәбәбләрини көстәрмәклә Сизә јазылы чаваб вермәлидир.

Әризәнизә рәдд чавабы алдыгда јухары сечки комиссијасына вә ја мүвафиг мәһкәмәјә мүрачиәт едә биләрсиниз. Мәһкәмә шикајәтә үч күн мүддәтиндә, сечки күнү исә тәхирә салмадан бахмалыдыр.

СЕЧКИГАБАҒЫ ТӘШВИГАТ ҺАГГЫНДА

Сечкигабағы тәшвигат нојабрын 17-дә башланыр вә декабрын 11-дә саат 24.00-да сона чатыр.

Азәрбајчан Республикасынын вәтәндашлары, бәләдијјә үзвлүјүнә намизәдләр, онларын вәкилләри, сијаси партијалар вә сечичиләрин тәшәббүс группары манеәсиз сечкигабағы тәшвигат апармаг һүгугуна маликдирләр. Довләт һакимијјәти органларына, бәләдијјәләрә, һәрби һиссәләрә, дини гурумлара, сечки комиссијаларынын үзвләринә сечкигабағы тәшвигат апарылмасы гадаған едилир.

Сечки күнү сәс вермәнизә тә'сир көстәрмәк мәгсәдилә сечки кампанијасында Сизә рүшвәт, мәсәлән, пул, әмтәә, хидмәтләр тәклиф едилмәси, күзәштли шәртләрлә мал сатылмасы гадағандыр.

СЕЧКИ ҚҮНҮ НӘ ЕТМӘЛИСИНИЗ

12 декабр 1999-чу илдә сәсвермә саат 8.00-да башланыр вә 20.00-да гуртарыр. Сечки мәнтәгәсинә дахил оларкән мәнтәгә сечки комиссијасынын үзвүнә паспортунузу, 9№-ли форманы вә ја һәрби билетинизи тәгдим един.

Паспортун, 9№-ли форманын вә ја һәрби билетин серијасыны вә номрәсини сечичиләр сијаһысына јазмағыныз тәләб олуначаг. Сечичиләр сијаһысында сизә даир мә'луматларын дүзкүнлүјүнү јохлајын. Мә'луматлар дүздүрсә, сијаһынын "Сәсверәнин сечки бүллетени алмаг барәдә имзасы" графасында имза един.

Сизә сечки бүллетени вериләчәк. Һәр сечичи јалныз бир сечки бүллетени алачаг вә јалныз һәмин бүллетендә сәсвермә ишарәси гоја биләр. Әкәр сечки бүллетенинин јухары саг күнчүндә мәнтәгә сечки комиссијасынын мөһүрү илә тәсдигләнмиш ики үзвүнүн имзасы варса вә јухары сол күнчү кәсилибсә, бүллетен етибарлы һесаб олунур.

Кизли сәсвермә кабинәсинә кечин вә бүллетенинизин мүвафиг квадратларында сәсвермә ишарәси гојун. Сәсвермә кабинәсиндә Сиздән башга һеч кәс олмамалыдыр. Сизин сәсиниз кизлидир.

Сечки бүллетениндә бәләдијјәнизин үзвлүјүнә намизәдләрин сијаһысындакы һәр адын саг тәрәфиндә квадрат көрөчәксиниз. Сиз һәмин квадратларда бәләдијјәнизә сечиләчәк намизәдләрин сајына үјғун вә ја ондан аз сајда ишарә гојa биләрсиниз. Мәнтәгә сечки комиссијасы бәләдијјәнизә сечиләчәк үзвләрин сајы барәдә Сизә мәлумат верәчәк. Бәләдијјәјә сечмәк истәдијиниз намизәдләрин адындан саг тәрәфдәки квадрата гәләмлә "X" ишарәси гојун.

Диггәтли олун ки, бүллетендә тәләб олунандан артыг ишарә гојмајасыныз. Артыг ишарә гојмағыныз Сизин бүллетенин етибарсыз сајылмасы илә нәтичәләнәр.

Сечки бүллетенинизә ишарә гојдугдан сонра, кимә сәс вердијинизи кизли сахламаг үчүн бүллетени гатлајын, ону сечки гутусуна салын вә сәсвермә мәнтәгәсини тәрк един.

КӨМӘЈӘ ЕҺТИЈАҸЫҢЫЗ ВАРСА

Әкәр сечки бүллетенини мүстәгил јазыб долдурмаг имканыныз јохдурса, башга бир шәхсә көмәк үчүн мүрачиәт едә биләрсиниз. Һәмин шәхс мәнтәгә сечки комиссијасынын үзвү вә ја мүшаһидәчи олмамалыдыр.

СӘҺВӘ ЈОЛ ВЕРМИСИНИЗСӘ

Сечки бүллетенини сәһв долдурмушсунузса, ону мәнтәгә сечки комиссијасынын үзвүнә гајтарын. Мәнтәгә сечки комиссијасынын үзвү сырадан чыхмыш сечки бүллетенини јениси илә әвәз едәчәк.

СЕЧКИ МӘНТӘГӘСИНДӘН КӘНАРДА СӘСВЕРМӘ

Әкәр сәһһәтинизә көрә вә ја дикәр үзүрлү сәбәбдән сәсвермә мәнтәгәсинә кәлә билмирсинизсә, онда сәсвермә отағындан кәнарда сәс вермәк истәјинизи мәнтәгә сечки комиссијаныза билдирә биләрсиниз. Сизин хаһишиниз јазылы шәкилдә олмалыдыр вә мәнтәгә сечки комиссијасына сечки күнүндән ән азы 24 саат әввәл тәгдим едилмәлидир.

СЕЧКИ КҮНҮ ТӘҺЛҮКӘСИЗЛИК

Әкәр сәсвермә мәнтәгәсиндә асајиш позулса, мәнтәгә сечки комиссијасы ичтимаи асајиши бәрпа етмәк үчүн сәсвермә мәнтәгәсинә хидмәти формада олан полис ишчиләрини дәвәт едә биләр. Ичтимаи асајиш бәрпа олунан кими һәмин полис ишчиләри сәсвермә мәнтәгәсини дәрһал тәрк едирләр вә мәнтәгәдән 100 метр аралы мәсафәдә дајанырлар.

БӘЛӘДИЈӘЛӘРӘ СЕЧКИЛӘР

Күнү:	12 декабр 1999-чи ил
Вахты:	Сәсвермә мәнтәгәләри 8-дән 20-дәк ачыгдыр
Јери:	Мәнтәгә сечки комиссијасының јерләшдији бина
Ким сәс вера биләр:	Јашы 18 вә ондан јүхары олан, мүвафиг әразидә даими јашајан һәр бир Азәрбајчан вәтәндашы
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Azərbaycan - Açıq Cəmiyyət İnstitutu

262

ATTACHMENT 15

BRIEFING PAPER

SECOND READING DRAFT OF LAW ON THE RULES FOR ELECTIONS TO MUNICIPALITIES

The draft law 'On rules for Elections to Municipalities' has just passed its second reading by the Milli Majlis. There are a number of technical and operational matters covered in the draft that would need to be improved to bring election operations in line with international good practice. More significantly, there are 4 apparent major deficiencies in the law that would seriously affect the general credibility of elections held under its provisions. A brief note on each of these issues follows.

Participation of Political Parties in Municipal Elections

The draft law does not contain any specific statement that includes political parties amongst those organisations which may nominate candidates for municipal elections, and which may appoint observers to be present at election commission meetings and in voting stations. This omission has been explained as an 'error'. It is apparently the intention to include these when the draft is amended prior to the third reading.

Amendment Required: Political parties should be specifically included with those organisations defined in the draft law as able to nominate candidates for election, and appoint observers with rights of access to election processes.

Proposed Election System

The election system proposed for all but the smallest municipalities (see note on "*Electing Municipal Councils in Municipalities with a Population of Less than 500*" below) is a multiple mandate majoritarian system, known to political scientists as the 'Block Vote' system. Under the proposed version of this system, each municipal territory forms a single constituency for the election, and the number of positions on the council (*n*), are filled by the *n* highest vote winning individual candidates on a single ballot. Voters must vote on a single ballot paper for the same number of candidates as there are vacancies, for their vote to be considered valid.

Comment

- This system is widely regarded by political scientists as producing unfair results, as it tends to greatly magnify the disproportionality - inherent in all majoritarian electoral systems - between votes won by candidates from a party/group and representatives elected. Under this system it is highly possible for a group/party whose candidates achieve a little over 50% of the votes to win between 90 and 100% of the elected positions.

- In municipalities with higher numbers of representatives to be elected (up to 19 councillors will be elected) this system can lead to a significant proportion of invalid votes

- Attempting to educate voters to place multiple marks on ballot papers for this election, whereas for parliamentary and presidential elections they place a single

mark, is likely to create confusion: not only for these elections, but also at next year's parliamentary elections.

- This system is not used anywhere in the world for local government elections, unless one counts the Palestine Authority elections as local elections. Of 211 countries in the world which hold national elections, data for 1997 (the latest available) shows that a multi-mandate majoritarian system was used only in Bermuda, Fiji, Kuwait, Laos, Maldive Islands, Mauritius, Palestine Authority, Philippines, Thailand and the US Virgin Islands. The Philippines and Mauritius intend moving from this system, as it is widely regarded as producing unfair results, and adopting instead the list Proportional Representation system.

- Amongst the countries ranked as 'not free' in the Freedom House 'Freedom of the World Index', a disproportionate number use a 'Block Vote' election system. It would be unfortunate for Azerbaijan to be associated with these countries.

- Administratively, use of this system can create greater difficulties in ensuring the accurate and effective printing and distribution of ballot papers. It also makes management of ballot paper counts very much more difficult and significantly decreases their transparency - an area of election operations in Azerbaijan which has already been criticised by observers at the 1998 presidential election.

These arguments are in addition to the potential for boycott of the elections by opposition parties if this system is used, and the adverse affects this will have on national and international credibility of these municipal elections.

Amendments Required: The multi-mandate majoritarian election system currently proposed should be discarded, and replaced by a system that fosters effective community decision-making, inclusiveness and pluralistic local community development. International experience over the last 15 years has been that a 'mixed' system – whereby in each municipality some representatives are elected from single mandate majoritarian constituencies, and the balance by a proportional representation ballot - is the most appropriate system in countries such as Azerbaijan.

Election Timeframe

The Azerbaijan Government has indicated that it will hold municipal elections this year, and any further delay in this broad timeframe is likely to lead to negative internal and international reactions.

Comment

- The Central Election Commission has indicated it would need at least the 110 days allotted in the current draft to organise election processes properly for voting and the count. This is not unreasonable: as a general rule of thumb, international election administrators would advise that around 170 days would be required between the date of passage of new election legislation and voting day, particularly in decentralised election management systems such as that proposed for these

elections. Any decrease in the current 110 day timeframe available is likely to have an adverse effect on election quality.

- This 110 day countdown cannot commence until local the election law is passed and local government territories have been determined. For territorial determination to meet European Charter of Local Self Government requirements, there must be consultation with local populations. The methodology for such consultations has yet to be devised.

Action Required: As a matter of urgency the government needs to decide how the boundaries of municipal areas are to be determined and commence public consultations for this process. This requires immediate introduction of the relevant legislation. Any attempt to reduce the overall election timeframe from 110 days should be resisted. But, in doing this, it is imperative that all relevant legislation is passed and accepted by the community in the very near future so that this timeframe may commence sufficiently early to allow elections this year.

Proposed Method of Electing Municipal Councils in Municipalities With a Population of Less Than 500

Leaving aside the question of whether it is sensible to encourage municipal units of such an economically unsustainable size, the proposed system of election of the 5 municipal councillors in such municipalities is by open ballot at a public meeting. The methodology of this meeting and its voting is to be contained in a separate law yet to be presented to the Milli Majlis. Various unofficial estimates are that between 10% and 20% of the population could be included in municipalities covered by this provision.

Comment

- Using an open ballot system, in which how each voter votes is publicly known, is contrary to all modern conceptions of the election framework required for a 'free' election.

- The 'open ballot' method would also appear to be contrary to the requirements of Article 3.2 of the European Charter of Local Self Government, which states that local self government *' ... shall be exercised by councils or assemblies composed of members freely elected by secret ballot ...'* Article 25 of the UN Covenant on Civil and Political Rights also requires elections to be held by secret ballot.

Amendment Required: The law should give no option but that all elections for municipalities be conducted by secret ballot.

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BRIEFING PAPER – NUMBER 2

FRAMEWORK FOR MUNICIPAL ELECTIONS

Following the earlier briefing paper on improvements required to the draft law 'On Rules for Elections to Municipalities' there are 3 further issues on which significant change will be required if the election framework is to encourage community participation, promote public confidence in the integrity of election processes, and meet accepted international standards

Summary

These issues are:

- Reform of the composition and methods of appointment of the Central Election Commission (as regulated by the Law on the Central Election Commission); the Territorial Election Commissions managing the election in each municipal area; and the Precinct Election Commissions managing each voting station (the latter two as defined in the draft law On Rules for Elections to Municipalities)

- Ensuring that the provisions for transparency contained in the draft law On Rules for Elections to Municipalities are strengthened, especially in relation to the rights of observers of election processes

- Ensuring that the territories of municipalities are determined by a process properly defined in a law and according to a method that takes into account the opinions of local populations.

Changes to existing or draft laws in respect of the first two of these issues are important not only for the basic domestic and international credibility of the planned municipal elections, but to promote the participation in these elections of a broad range of political forces within Azerbaijan. Reforms in relation to these two issues are two of the demands of DemBloc as a necessary precondition for participation by its member parties in the municipal elections.

A comment on each of these issues follows.

Composition of and Method of Appointment to Election Commissions

Central Election Commission

Members of the Central Election Commission (CEC) are appointed to and hold office under the Law on the Central Election Commission. Half of the 24 members of the CEC are appointed by the President; the other half by Parliament. Under the current regime, this would provide a CEC totally appointed by the ruling party. As a compromise gesture before the presidential elections of 1998, the president offered to reserve for the opposition parties 4 of the 12 seats within his power to appoint, while parliament left vacant one of their appointments, to be filled by the opposition. The CEC functioned with only 19 members until the registration of candidates, whereupon 4 opposition parties who had registered presidential candidates each appointed a member to the CEC.

A major reason for the boycott of the presidential election by a number of major opposition parties was what, in their view, was the politically biased nature of the CEC. This is the CEC that is still in place, and will assume the powers to appoint Territorial Election Commissions, issue instructions and procedures for the elections, and exert oversight of election processes at the municipal level, for the municipal elections.

Territorial and Precinct Electoral Commissions

Under the draft law On Rules for Municipal Elections, Territorial Election Commissions and Precinct Election Commissions will be chosen by a lottery under rules to be devised by, and under the supervision of, the Central Election Commission. Candidates for these Commissions must be non-partisan, preferably have higher education, and can be nominated by local public associations, voters meetings and political parties. The method of nomination, grounds for its acceptance or rejection and the method of official recording of a nomination are not specified in the law. There is no requirement for a CEC member to be present at these lottery draws, for any official protocol of the results of the lottery to be drawn up, and most importantly, for any independent or political party observation of the process of selecting the successful candidates for these election commissions. The strongly expressed view of opposition parties is that the selection process for these lower level commissions will be a sham, and supporters of the ruling party will be installed.

Comment

- There are a number of models for staffing election commissions within the developed and emerging democracies. The basic principles are that:
  - The composition of election commissions is a vital component in the real and perceived legitimacy of an election process and must have the support of the broadest possible range of community interests
  - To ensure that there is a credible basis for the legitimacy of elections, bodies that administer elections should be created separate from other governmental functions and in reality and perception be administered independently of the partisan interests of the government

- The current Law on the Central Election Commission, and the proposals for appointment to Territorial and Precinct Election Commissions in the draft law On Rules for Elections to Municipalities do not satisfy either of these principles

- Attempting to identify 'non-partisan' members of election commissions is not appropriate for Azerbaijan. Whilst an ideal approach, it is only practicable and appropriate in societies where there is a general acceptance of a tradition of 'non-partisan' public duty, and where election commission personnel will not be subject to partisan influence or corruption. Neither of these conditions currently hold in Azerbaijan.

- The appointment of Central Election Commission members by the president and by a totally government controlled parliament does not separate election administration from the partisan interest of the government. Elections will thus fail one of the basic tests of perceived credibility and legitimacy.

- The appointment of Territorial and Precinct Election Commissions by a process that is not subject to public scrutiny, and is controlled by the Central Election Commission - a body that is not perceived as credible by a major portion of political interests - in a manner unspecified in law, again fails the basic tests of perceptions of credibility and legitimacy

- The composition and performance of the current Central Election Commission and other election commissions was heavily criticised in the OSCE observation report on the 1998 presidential elections in Azerbaijan. Some samples from their report:
  - (on the CEC) "The law on the CEC, approved by parliament on 15 May 1998, clearly does not provide for an adequate representation of the major political interests in the CEC (OSCE/ODIHR Report, Presidential Elections in the Republic of Azerbaijan, October 11 1998, page 8)
  - (on the territorial and precinct commissions - on presidential candidates' representatives appointed to these commissions) " .... in many instances at territorial and precinct level, those appointed were neither formally included in the lists of commission members nor in the regular work of the commission." (ibid, page 13)
  - OSCE recommended that the CEC and Election Laws be amended to "ensure full-fledged multi-party election commissions at all levels and throughout the entire election process' (ibid, page 24)

- To promote the credibility of the election process, the more appropriate model for staffing election commissions at all levels in Azerbaijan is the 'balanced partisan' approach. This is the model that is used at precinct level in many parts of the United States. It is the model supported by OSCE, the UN and other professional election assistance organisations for use in nations whose democratic institutions are developing. Under this model, political interests directly nominate acknowledged partisan members to the election commission at various levels. Integrity of the commissions' work is assured by the competing interests of the political membership. Decision making within the commissions generally would require, under the relevant laws, more than a simple 50.1% majority. The proportion of pro-government to pro-opposition members of election commissions would vary in different countries, but would almost always be the result of consensus between the government and other political interests. Schemes would include equal representation for all registered political parties; or 50:50 pro-government and pro-opposition representation; or proportional representation of political parties on the basis of some test of relative public support.

Amendments Required

Both the Law on the CEC and the draft law On Rules for Elections to Municipalities must be amended to provide for direct nomination by political parties of members to election commissions at all levels: Central, Territorial and Precinct. The exact membership for each commission should be defined in these laws following government discussions and consensus with political parties

Transparency of Election Processes

One of the most significant methods of assisting integrity of an election process is enabling the open, public scrutiny of all decisions and actions taken by election commissions. The provisions for this transparency of operations contained in the draft law On Rules for Elections to Municipalities are considerably less rigorous than those in the Law on Presidential Elections - whose functioning was criticised as inadequate by organisations such as OSCE in their reports on the presidential elections. The provisions of the draft law for municipal elections give a limited group of organisations the right to be present at limited categories of events, with no right to obtain copies of official documents, and unclear

258

standing to challenge any actions or decisions of election commissions or other authorities. The current provisions for election observation and transparency of election operations fall far short of international standards.

Comment

- A basis of election transparency is that a wide range of community and international organisations may view the operations of the election. The current draft excludes political parties from appointing observers to the work of election commissions. It also so vague in its definition of which domestic organisations may appoint observers - "public unions" - that Territorial Election Commissions could well exclude from observation NGOs with the experience and ability to observe election processes thoroughly. At the 1998 presidential election, it was necessary to pressure the government to include a specific reference to domestic NGOs in the law to assure that they would be allowed to appoint observers. Even then, 2 reputable NGOs were refused the necessary registration to appoint observers.

- To be able to monitor the work of election commissions, observers need to know when and where commission activity is taking place. There is no provision in the law that observer organisations must be advised of election commission meetings and other election activities, such as ballot paper printing and distribution scheduling.

- For election observation to be effective, it is absolutely vital that the law defines that observers must be given, on request, certified copies of election documents – particularly the protocols at Precinct and Territorial Election Commission levels detailing the results of vote counts. The current draft law does not provide observers with any entitlement to copies of any election documents. OSCE in its report on the 1988 presidential election found serious flaws is the counting process and recommended that "The transparency of aggregation procedures at TEC and CEC level need to be significantly improved. This should also include clear provisions for allowing both international and domestic observers, as well as candidates' representatives, to immediately receive copies of protocols and aggregation tables ..." (ibid, page 26)

- The draft law at present only gives observers the right to be present at election commission meetings, and in voting stations between the opening of the voting station and the finalisation of counting. Much election activity whose integrity is vital for election legitimacy takes place at other times and venues – for example the printing, distribution and return of ballots, campaign activities, transport of election materials, amongst many other activities. For proper guarantees of election integrity the rights of observers to be present at all election related activities needs to be assured in the law.

- It is not clear from the draft law which persons or organisations have the standing to initiate challenge or complaint proceedings against the activities of election commissions. This should be clearly and broadly defined to include all persons/organisations with an interest in the election's outcome – eligible voters, political parties, candidates and organisations they represent, observers and their organisations, election commissions.

- In many emerging democracies the law provides that observers – particularly from political parties - may sign the ballot count protocols and other election documents to testify to their accuracy and authenticity. They may also formally note their disagreement with the information contained in the protocol, or other document, on the document itself. In some countries, such verification of the ballot count protocols by political party observers is mandatory for the count to be considered valid.

Amendments Required

Amendments to the draft law be inserted to ensure that political parties and non government and other domestic and international civic organisations have the right to appoint observers for these elections; that observers are informed of all election commission meetings and election activities and have the right to attend at all of these; that observers have the right to obtain certified copies of all election documents; and that observers sign ballot count protocols to testify to their accuracy and authenticity. This also protects election commissions from any later unfounded allegations of fraud by these observers.

Determination of Municipal Territories

The first reading draft of the law On Rules for Municipal Elections contained some detail on how the territories of municipalities were to be determined. This was deleted from the second reading draft, which states only that territories will be determined according to the relevant law. Territories of municipalities must be determined at least 120 days before the planned voting day, so that Territorial Election Commissions can be formed.

Comment

- The 120 day lead time is necessary for any adequate election preparation, however unless territories are formed immediately, it will be difficult to sustain and have elections this year.

- Informal advice has been received that the government's intention is to determine local government territories by decree or regulation (and probably on the advice of executive committees) , rather than develop and have passed an appropriate law that meets international standards. IFES understands that a transitional provision, to allow this for the first municipal elections, is to be inserted in the draft municipal elections law.

- The European Charter of Local Self Government, in Article 5, states that 'Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of referendum where this is permitted by statute' To determine local government boundaries without any local community consultation would appear to be clearly in breach of this provision. Garalov and Aleskerov both acknowledged the need to consult local opinion during the parliamentary discussions of the draft law.

- To commence municipal government without any consultation with local populations on municipal territories, and to determine municipal territories by decree rather than according to law, is a poor start for the domestic and international credibility of the government's intentions towards local self-government.

Action Required

A draft law on determination of municipal territories should be introduced into parliament immediately . For the first and all subsequent municipal elections, municipal territories should only be determined or altered after genuine consultation with the local populations concerned.

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PROPOSED FRAMEWORK FOR MUNICIPAL ELECTIONS - AZERBAIJAN 1999

CONSTITUTIONAL REQUIREMENTS

Under the current constitution, the first municipal elections in Azerbaijan should have been held by end 1997. The government has now announced that municipal elections will be held on 12 December 1999

LEGAL FRAMEWORK

It is intended that the municipal councils to be elected for each municipal area will co-exist with the existing appointed regional and local executive authorities. The legal framework for relationships between executive authorities and municipal bodies is yet to be developed

The basic framework for the introduction of municipalities is contained in two laws on municipal issues which were passed by the Milli Majlis on 2 July: the Law On Status of Municipalities, and the Law on Rules for Municipal Elections. The texts of the laws were published on 28 July 1999. There have been opposition claims, denied by the government, that the text of the laws differs from the text voted on by deputies.

These laws were drafted by the Permanent Parliamentary Commission on Local Government, with assistance from specialist bodies such as the CEC. The presidential apparat was not openly involved in the development of these laws. Comments on drafts of these laws were received from international bodies, including the Council of Europe. These latter comments have been made available to deputies of parliament. It is apparent that some significant matters raised by the Council of Europe have not been incorporated into these laws.

Additional framework for these elections has been defined in the presidential decrees on Municipal Elections and On Status of Municipalities, both published on 28 July, and in instructions issued by the CEC. The first of these – on the rules for establishing Territorial Election Commissions – was published on 6 August

ADMINISTRATIVE FRAMEWORK

For the administration of the elections for municipalities, the Central Election Commission will play a restricted role compared to the 1998 presidential elections. It's prime responsibilities are:

- determining municipal boundaries
- writing directions and instructions for the election and organising training
- monitoring compliance with the law and determining complaints
- arranging ballot paper printing
- approving rules and documents developed by lower level commissions
- distributing election finance

There will be 83 Territorial Election Commissions created to manage election operations in municipalities within their respective regions. It is not clear yet how many municipalities will be created – there are 4,485 administrative territorial units which could each potentially be a separate municipality. Of these 4,176 are rural and 85 urban, and 224 are within Nakhchivan. It is also not clear how much of Azerbaijan will be covered by municipal structures. Settlements/villages that do not want to have a municipality will initially be left outside the municipal structures. It appears that executive committees are determining who 'wants' a municipality

Performance of municipal councils will be monitored and/or controlled through the Ministry of Justice, in a manner yet to be determined It is claimed that there will be no central control of municipalities, however there have been plans for a national coordination council chaired by the President. The State auditor will audit municipal finances. How this will all work hopefully will be detailed in presidential decrees or legislation yet to be tabled in parliament.

271

DETAILS OF LEGAL FRAMEWORK

Law On Status of Municipalities

The Law **On Municipal Status** provides a general broad framework for municipalities. It does not provide the detail that would generally be found in a framework for municipal operations with regard to municipal territories; service provision; taxing powers; finances; property acquisition, control and disposal; relationships with other organs of State; municipal charters. These issues will be covered in separate legislation or presidential decrees. Drafts of these have not yet been issued, however the presidential decree of 28 July commanded the preparation of:

- proposals to the President on: division of state and municipal property, municipal taxes, payments for natural resource usage
- regulations on municipal purchasing and registration of municipal economic and financial activity
- draft laws on municipal property, including its privatisation, municipal services, municipal referendums, municipal budgets, methods of implementing local self government, citizens applications to municipalities and their bodies, and other issues .

Basic features of the law **On Status of Municipalities** include

- Municipal councils elected for a five year term by secret ballot. It is not clear if all the country will be covered by municipalities, or if councils will be elected in all small municipalities

- An encouragement of small municipalities.

- A single tier municipal structure. There will be no regional councils in rural areas – each village will have a separate body. Similarly in the large cities each settlement will have its own council – there will be no city wide coordinating municipal council

- Municipalities will each adopt their own charter defining their structure, functions and responsibilities, based on a sample charter to be developed centrally

- A large range of potential functions in the health, culture, education, property, sanitation, transport, information, recreation, economic, environmental and welfare fields is available to municipalities. However, municipalities have residual functions – they cannot operate in fields covered by State organisations or State programs.

- Elected municipal bodies operate outside the central state structure, and in a yet undefined way relate with the state-appointed executive committees.

- Municipalities are given certain rights. These include: to have their own staff; to provide municipal services; to have an independent budget; to acquire, maintain and privatise property; to establish credit institutions; to raise income through taxes or other means. How and to what extent these may be done has not yet been defined.

- State property will be transferred to municipalities by a means yet to be determined, though preliminary advice has been received that a commission will be formed in each municipality, comprising a single representative from each of the State Committee on Property, the relevant regional executive authority and the municipality, to determine property transfers. 33% of land will be owned by municipalities (according to a presidential decree of 1997). There has also been preliminary advice that municipalities will not be responsible for any past debts associated with property transferred. Whether past debts will be settled before transfer is not known.

- Voters may determine municipal issues by means of referendum, using either an open or secret ballot. The proportion of voters required to initiate a referendum is not stated

- Municipalities that cannot provide a minimum level of services may be supported with State funds

Law On Rules for Municipal Elections

The Law **On Rules for Municipal Elections** covers issues relating to the election of municipal councils, except for the appointment and conduct of members of the Central Election Commission (CEC) (covered in the Law on the CEC). The CEC remains the same as it did for the presidential a election, when its composition was one reason for a partial opposition boycott. This law envisages

- Municipal boundaries for this election will be determined according to existing administrative boundaries by the Central Election Commission on advice from the government's regional executive committees

- Municipal councils will be elected by a free and secret ballot of eligible voters who are 18 or more years old. Internally Displaced Persons will be able to vote and stand as a candidate at their current temporary addresses.

- Candidates, who must be 21 or more years old, can be nominated individually, by voters initiative groups and by registered political parties. Candidacy must be supported by a specified number of signatures of registered voters, varying according to the population of the municipality . Parties may nominate in a each municipality a number of candidates equal to or less than the number of councillors top be elected.

- There will be between 5 and 19 elected members of a municipal council, depending on the population of the municipality.

- Voters lists will be prepared by each Precinct Election Commission, on the basis of information provided by executive authorities by 2 November. By 12 November, each Precinct Election Commissions must have its voters list on public display . Voters can request amendment to their details on the voters list, or if they have been omitted from the voters list they can be added to a supplementary voters list on production of their passport, Form 9 ID, or Military ID if a permanent member of the military. These changes can be made through to the end of voting day.

- The election system is a 'multi mandate majoritarian' system. Each voter may vote for a multiple number of candidates, according to the different numbers of representatives to be elected in each specific municipality. A brief explanation of this unusual system is at Attachment 1 to these notes. There are provisions for mobile ballot boxes to enable voting by the house-bound, and for voters to be assisted to vote in voting stations. At least 25% of the voters on the voters list in any electoral territory must vote for that election to be valid

- Administration of these elections will be largely decentralised to regionally based Territorial Election Commissions, and voting station Precinct Election Commissions. Major functions such as the printing of candidate names and details on ballot papers will be decentralised to each Territorial Election Commission.

- Election day is 12 December 1999. Territorial Election Commissions must be appointed by 95 days before election day (8 September), Precinct Election Commissions by 80 days before (23 September). There is a 25 day official campaign period. By international standards for a first, and especially decentralised, election, this is a short time frame.

- Both Territorial and Precinct (voting station) election commission membership will be largely determined by a lottery, under rules devised by the CEC. Local party branches, public associations and meetings of voters may each nominate a candidate to participate in this selection by lottery. There is also provision for additional direct representation on these commissions for political parties who have nominated candidates for election.

- Accredited observers from international and domestic registered organisations and political parties may observe all election processes, and may obtain copies of official result protocols. OSCE will not be sending observers. No other credible international election monitoring body has yet indicated that it will send observers.

- Vote counting will be undertaken in each voting station. Official results must be provided from each voting station to the relevant Territorial Election Commission within 24 hours of the close of voting. Territorial Election Commissions must determine election results within 2 days of election day (including completion of any court ordered recounts).

Territorial Election Commissions must advise the CEC of election results within 72 hours of the close of voting . The CEC must officially announce the election results within 20 days after election day (1 January 2000) and publish full result details within 2 months of election day.

PRESIDENTIAL DECREES OF 28 JULY

On 28 July, the same date as the election and status laws were published, two decrees concerning municipalities were also published

Decree on Status of Municipalities

The Cabinet of Ministers was directed generally address the issue of municipalities, and specifically to

- prepare and present to the president proposals on
  - resolving issues where the law on status of municipalities and existing legislation coincides
  - the division of state and municipal property
  - municipal taxes
  - payments to municipalities for usage of natural resources
- provide the president with information on areas where the powers of the Cabinet of Ministers and the Central Executive Authorities coincide with the powers in the law on the status of municipalities.
- prepare and present to the president draft regulations on
  - municipal purchasing and supply
  - registration of the economic and financial activity of municipal enterprises and organisations
- prepare and present to the president a draft law defining the consequences of not implementing decisions made by municipalities

The Milli Majlis was directed to prepare and adopt laws on

- Municipal property and privatisation of municipal property:
- Municipal services, municipal budgets
- Municipal referendums, methods of implementing local self government
- Appeals by citizens against actions of municipalities, municipal bodies and their officials
- Other issues

Executive authorities with specific duties under the municipal, laws were identified:

- the Ministry of Justice as responsible for registration of municipal charters and administrative oversight of municipalities
- the State Committee on Statistics for collection of municipal statistics.

The CEC was directed to prepare within 2 months instructions on establishing initiative groups and rules for the conduct of citizens meetings

Decree on Municipal Elections

This decree dealt with the following issues

- the election date was set for 12 December 1999
- the CEC was directed to provide funding estimates to Cabinet within 1 month and Cabinet was directed to ensure sufficient funds are available
- relevant executive authorities were directed to fulfil their responsibilities under the municipal election law by reviewing, and updating their information on voters and providing voters lists in the required format to PECs
- Relevant executive authorities were directed to fulfil their responsibilities under the municipal election law by
  - Making arrangements for display of printed election campaign materials
  - Organising voting station premises for PECs
  - providing assistance to election commissions
- the Ministry of Foreign Affairs was directed to make arrangements for voters outside Azerbaijan. The CEC advises that, in practice, this will entail advising these voters to return to Azerbaijan if they want to vote in these elections.
- relevant bodies were instructed to invite foreign governments, international organisations, foreign parliaments and foreign election commissions to send observers and to assist these observers in their duties.

ATTACHMENT 1

ELECTION SYSTEM

The following brief explanation of the election system to be used is provided as it is a rare system with which few people are likely to be familiar. It is not a normal 'majoritarian' system, in the sense this is used throughout the world

The system proposed to be used is 'Multi mandate majoritarian', often known as the 'block vote' system. It is used in few countries: in Laos, Fiji, Kuwait, Bermuda, Maldives and a few other small states, and by the Palestine Authority (the only place where it is used for 'local' government elections). Thailand is the only significant country in which it is used.

This system is widely regarded as producing unfair results. It can easily give a party or group over 90% of the elected representatives with only a plurality of the vote for all their candidates. It was used to this effect by Marcos in the Philippines. Countries such as Jordan, Philippines and Mauritius have moved from this system due to dissatisfaction with it's results, and are now using the list proportional representation system. But it has the advantage of being a cheap system to implement.

How does it work?

- Each municipality forms a single constituency, from which are elected all the council representatives.
- Parties can nominate a number of candidates equal to or less than the number of vacancies. Voters groups may also nominate a candidate. Individually nominated candidates may also stand. Thus in a municipality electing 9 councillors, conceivably there could be 50 to 60 candidates listed on the ballot paper. Where 19 representatives are to be elected, if all major parties nominate candidates there could be well over 500 candidates
- All candidates appear in alphabetical order on the ballot paper, and the party/group with which they are affiliated is also identified on the ballot.
- Voters may vote for between 1 and "n" candidates, where "n" is the total number of councillors to be elected in the municipality, for their vote to be valid
- When the votes are counted, a separate, consecutive count will need to be conducted for each candidate on the ballot paper, if transparency and integrity is to be maintained.. At no time during the count will it be possible to organise separate piles of ballot papers representing each candidate's votes. It will also require additional time consuming procedures to reconcile total votes to ballot papers: to be effective, these must be done and their results recorded at the beginning of the ballot paper count.
- The candidates with the highest individual vote totals are elected, in accordance with the number of vacant positions for councillor

This system is not supported by the Council of Europe, or the opposition parties in Azerbaijan. Both have recommended the use of a 'mixed' system - part proportional representation, part majoritarian. Both have also recommended that a straight majoritarian system be used in municipalities where party list system elections are not practicable. The system to be used is complex in administration, presenting particular difficulties for both the design of ballot papers and the count , and may be confusing to voters.

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BRIEFING PAPER – NUMBER 4

SUMMARY OF OUTSTANDING ISSUES IN MUNICIPAL LEGISLATION

The following dot points are issues that it would be useful to reinforce in meeting Ramiz Mekhtiev

Composition and Method of Appointment of Election Commissions

In all discussions so far the government has indicated that it is not willing to move from its current proposed methods of appointing the Central Election Commission (50% by parliament, 50% by the president) or Territorial Election Commissions (selected by lottery from candidates nominated by public organisations, political parties and voters initiative groups) Similar methods of appointment, and the performance of the resulting election commissions, were both strongly criticised by observer groups at the 1998 presidential elections.

- To promote the credibility of the election process, the most appropriate model for staffing election commissions at all levels in Azerbaijan is the 'balanced partisan' approach. This is the model that is used at precinct level in many parts of the United States. It is the model supported by OSCE, the UN and other professional election assistance organisations for use in nations whose democratic institutions are developing. Under this model, political interests directly nominate acknowledged partisan members to the election commissions at various levels. Integrity of the commissions' work is assured by the competing interests of the political membership. Decision making within the commissions generally would require, under the relevant laws, more than a simple 50.1% majority. The proportion of pro-government to pro-opposition members of election commissions would vary in different countries, but would almost always be the result of consensus between the government and other political interests. Schemes would include equal representation for all registered political parties; or 50:50 pro-government and pro-opposition representation; or proportional representation of political parties on the basis of some test of relative public support.

Amendments Required

Both the Law on the CEC and the draft law On Rules for Elections to Municipalities must be amended to provide for direct nomination by political parties of members to election commissions at all levels: Central, Territorial and Precinct. The exact membership for each commission should be defined in these laws following government discussions and consensus with political parties

Transparency of Election Processes

The provisions of the draft law for municipal elections give a limited group of organisations the right to be present at limited categories of events, with no right to obtain copies of official documents, and unclear standing to challenge any actions or decisions of election commissions or other authorities. The current provisions for election observation and transparency of election operations fall far short of international standards.

On a number of issues IFES has raised, there have been indications that the third reading draft law will be changed to take into account IFES comments, but as yet we have not sighted these changes and it would be useful to reinforce the need for these changes. These are in the areas of:

- Domestic organisations who may appoint observers – at present this is limited to "registered public associations (organisations)"

- Allowing observers to be present at all election related activities, rather than just election commission meetings

- Providing observer groups of advance notice of election related activities

- Giving to any "interested person" the right to challenge election commission decisions ('*interested person*' is not defined in the legislation – and should be)

Additionally there are two issues on which there is not yet agreement that the government will act to remedy the draft law:

- For election observation to be effective, it is absolutely vital that the law defines that observers must be given, on request, certified copies of election documents – particularly the protocols at Precinct and Territorial Election Commission levels detailing the results of vote counts. The current draft law does not provide observers with any entitlement to copies of any election documents. OSCE in its report on the 1988 presidential election found serious flaws is the counting process and recommended that "The transparency of aggregation procedures at TEC and CEC level need to be significantly improved. This should also include clear provisions for allowing both international and domestic observers, as well as candidates' representatives, to immediately receive copies of protocols and aggregation tables ..." (OSCE/ODIHR Report on 1998 Presidential Election, page 26)

- In many emerging democracies the law provides that observers – particularly from political parties - may sign the ballot count protocols and other election documents to testify to their accuracy and authenticity. They may also formally note their disagreement with the information contained in the protocol, or other document, on the document itself. In some countries, such verification of the ballot count protocols by political party observers is mandatory for the count to be considered valid.

Amendments Required

Amendments to the draft law be inserted to ensure that political parties and non government and other domestic and international civic organisations have the right to appoint observers for these elections; that observers are informed of all election commission meetings and election activities and have the right to attend at all of these; that observers have the right to obtain certified copies of all election documents; and that observers sign ballot count protocols to testify to their accuracy and authenticity..

Determination of Municipal Territories

Territories of municipalities must be determined at least 120 days before the planned voting day, so that Territorial Election Commissions can be formed. One version of the third reading draft in circulation provides that the CEC will determine municipal boundaries for this first election, on the basis of advice received from executive committees. Government officials have assured IFES that the government's intention is to follow this path.

Comment

- The 120 day lead time is necessary for any adequate election preparation, however, unless territories are formed immediately, it will be difficult to sustain the timeframe and have elections this year.

- The European Charter of Local Self Government, in Article 5, states that 'Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of referendum where this is permitted by statute' To determine local government boundaries without local community consultation in all areas of the country would appear to be clearly in breach of this provision

- To commence municipal government without full consultation with local populations on municipal territories, and to determine municipal territories by decree rather than according to law, is a poor start for the domestic and international credibility of the government's intentions towards local self-government.

Action Required

A draft law on determination of municipal territories should be introduced into parliament immediately . For the first and all subsequent municipal elections, municipal territories should only be determined or altered after genuine consultation with the local populations concerned.

Election System

Discussions have indicated that the government is no longer intending to use the multi mandate majoritarian (block vote) system proposed in the second draft of the law. However it does still appear in some versions of the third reading draft in circulation. There is no agreement, however, within government officials, on what system will be used. Some officials favour a fully single mandate majoritarian system; some a mixed proportional representation/single mandate majoritarian system; others the mixed system in larger towns and cities (say above 20,000 people), with a single mandate majoritarian system to be used elsewhere – similar to the system used in France (and recommended by the Council of Europe)

- The need to use a mixed system in all municipalities, in order to provide stable municipal governance, develop local political party pluralism, and provide inclusiveness of community representation on municipal councils, should again be stressed.

- There will be objections that this will not be possible in small municipalities. The problem is of their own making, in creating so many small (under 500 persons) municipalities. (incorrectly justified by claiming the European Charter on local self Government requires them to do so). The government also feels they will be attacked by the opposition if they try to put a minimum size limit on municipalities: this would be less likely if the government was seen to give ground on important issues such as the composition of election commissions.

Amendments required

The draft law clearly specifies that a 'mixed' proportional representation/single mandate majoritarian election system be used in all municipalities.

Participation of Political Parties

Despite government assurances, political parties were yet again not included in the list of organisations who may nominate candidates for municipal elections in the initial third reading draft circulated to deputies. IFES again been assured that this was a mistake (if so it is a mistake supported by the presidential apparat)

- Reinforcement that political parties must appear in writing, in the law, amongst the organisations which may nominate candidates, would be appreciated.

Size of Municipal Territories

While some elements of the government recognise the folly of creating thousands of tiny, unsustainable, municipal, others are using 'democracy' justifications for continuing this course (giving people small municipalities so they can see that they don't work, and fixing this up at the next elections in 5 years time) It is also incorrectly claimed that to put a population minimum on municipalities would be in breach of the European Charter on Local Government

- Some elements of the government are willing to propose a minimum level of population for a municipality of 5000 people. Adoption of this proposal would solve many election administration problems (it would provide a reduction in costs, in complexity of ballot paper print, in numbers of Territorial Election Commissions and Precinct Commissions and hence the training load and quality control burden), and

municipal sustainability problems (it would give a broader tax and services base on which municipalities could operate) that will occur under the present drafts encouragement of tiny municipalities.

Amendment Required

The law on municipal status be amended to provide for a minimum population for a municipality – 5000 would seem appropriate – for this first creation of municipalities.

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ATTACHMENT 16

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS COMMENTS ON DRAFT LAWS OF THE REPUBLIC OF AZERBAIJAN: ON RULES FOR MUNICIPAL ELECTIONS ON STATUS OF MUNICIPALITIES

The International Foundation for Elections Systems (IFES) has studied in detail the drafts of these laws presented for both their first and second readings in the Milli Majlis. IFES has appreciated the opportunity to be present at both sessions of the Milli Majlis and meetings of the Permanent Parliamentary Commission on Local Government, and to witness the discussions of these draft laws amongst those deputies who attended and officials of the State.

In the variety of democratic societies within the world there are many differences of detail in the organisation of elections and institutions of municipal governance. Azerbaijan is a country with its own individual character and history, and whose municipal institutions and elections require methods specifically appropriate for Azerbaijan. However there are basic principles of the implementation of a democratic process that do not vary from country to country . These basic principles have been defined by the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA) and the International Foundation for Election Systems (IFES) in various parts of their jointly produced compendium and encyclopedia of election practice – the Administration and Cost of Elections Project (1998). Some relevant principles noted in this encyclopedia are:

- Ensuring representative elected institutions
- Fostering perceived legitimacy
- Ensuring accountability
- Providing incentives for conciliation
- Ensuring equity, accessibility, security, transparency and professionalism in election operations
- Promoting sustainability and cost effectiveness of election processes
- Neutrality of the authority administering elections

The following comments are provided to assist the Permanent Parliamentary Committee on Local Government and the Parliament of the Republic of Azerbaijan in its final considerations of these draft laws. In all comments, the object has been to show where improvements to the drafts can be made to ensure that municipal elections in Azerbaijan meet international standards and the above basic principles of democratic elections.

DRAFT LAW ON RULES FOR MUNICIPAL ELECTIONS

There is much in the draft of this law presented for its second reading that could be regarded as conforming to international norms in election practice. However in a number of key areas, the requirements of the draft are less than what would be required to meet international standards for providing a just, equitable and transparent framework for elections. In other areas, there are improvements that could be made to the draft law that would significantly enhance the integrity of election processes.

Two general issues that affect the basic credibility of the planned municipal election process require special comment. It is noticeable that in one critical aspect of both

organisation and management of municipal elections – the composition of the Central Election Commission, the Territorial Election Commissions and Precinct Election Commissions – the strong criticisms of the composition of the CEC and the performance of these bodies in international observers' reports of the 1998 Presidential Election, have not been recognised in the drafting of the law On Rules for Municipal Elections.

Additionally, the transparency of election processes was strongly criticised by international observers at the 1998 Presidential Election. Despite this, the articles in the draft law On Rules for Municipal Elections dealing with transparency of election processes in fact require a lesser level of transparency of processes than the similar articles in the law on presidential elections. For there to be confidence in the conduct of the election, requirements for transparent processes need to be significantly strengthened, not decreased.

One further general improvement that could be made to the legislation is the inclusion of an Article containing definitions of the numerous technical election related terms occurring throughout the draft law. These election terms are not always understood by lawyers, let alone the ordinary candidate or voter.

Composition and Roles of Election Commissions

Article 9 of the draft law provides the basis for the powers of the Central Election Commission (CEC) for the municipal elections. The CEC, amongst other powers, forms Territorial Election Commissions; prepares instructions under this law for these elections, and controls the processes to ensure the application of this law. It is recognised that the draft law On Rules for Municipal Elections devolves many election functions from the Central Election Commission to the Territorial Election Commissions, however it still retains significant functions, including those noted above.

The CEC is appointed according to the "relevant law" of the Republic of Azerbaijan (Article 8) Following the 1998 Presidential Elections this law was strongly criticised, for example in the report by the Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights' report on the 1998 presidential elections in Azerbaijan. This report stated that this law

"does not provide for an adequate representation of the major political interests in the CEC."

The method of appointment to the CEC currently is the same for the municipal elections. Similarly Territorial Election Commissions (TEC) and Precinct Election Commission (PEC) members are chosen in a lottery process, controlled by a member of the Central Election Commission, from nominations of 'non-partisan' persons. There are no provisions for transparency in this lottery process, such as formal observation by representatives of political parties and other observers from the local non-government organisation sector and international organisations. This process also does not provide for 'adequate representation of the major political interests at the TEC and PEC level.

The composition of the bodies that administer elections is a vital part in both the actual and perceived credibility of an election process. The above methods of appointing the members of all election commissions may well negatively affect at the very least the perceptions of the integrity and legitimacy of the elections which they will be controlling.

As Article 11 defines the term of office of the Territorial Election Commissions as being the same as that of the municipality, it is now even more important that these bodies enjoy the confidence of the wide range of community interests.

As Azerbaijan does not have a long established democratic tradition, the ability to identify and appoint 'non-partisan' personnel will generally be viewed with significant suspicion, especially by organisations and individuals in opposition to the government. For this reason a 'balanced partisan' method of appointing members of election commissions - at CEC, TEC and PEC levels - would be an appropriate model to assist the credibility of municipal election processes. This method incorporates direct appointment to the various election commissions of representatives of political parties, in a manner in which there is balanced representation between pro-government and pro-opposition forces on each election commission.

Transparency of Election Processes

A number of articles in the draft law deal with the transparency of the municipal election processes, and particularly the roles of observers of the processes in assessing their integrity and ensuring the accountability of election administrators. The provisions in this regard are generally very weak, weaker still than the similar provisions contained in the Law on Presidential Elections for the 1998 Presidential Elections in Azerbaijan. They do not provide a sufficient framework for transparency in the election. The following suggested changes would assist the draft law On Rules for Municipal Elections to meet international norms in transparency of election processes.

In Article 15, modification to provide for the accreditation of political parties, candidates and responsible domestic non-governmental organisations to provide observers to the work of election commissions, before and during voting day, during the ballot counts, transmission of materials and for compilation and announcement of results, is a significant pre-requisite for transparency in the municipal election processes. In all democratic countries, political parties have the right to appoint observers to election processes. In many emerging democracies, domestic non-government observers have provided significant legitimacy to election processes. If election commissions are not to be chosen on a 'balanced partisan' basis, as recommended above, the range of domestic observers to be accredited becomes an even more important factor in promoting election credibility.

In Article 15 there is no requirement for any advance notice to observers of election commissions meetings – either publicly or privately advised to all organisations accredited to send observers. An amendment to this effect is needed to ensure that observers are aware of the time and place of election commissions' meetings.

Article 15 contains no provisions to ensure that observers can be present at such activities such as the transfer of protocols between PECs and TECs, the transfer of ballot papers and materials, amalgamations of count results and other such activities that are vital to the integrity of election processes. This article should be amended to ensure that observers may be present at all election processes.

In Article 15 and in Articles 39 and 40 there are no provisions that observers must be provided by the relevant election commissions, on request, with certified copies of completed results protocols, and of any other sample or completed official election

documents. This is the most basic guarantee of the integrity of election processes, and its omission from the draft law is a considerable defect with regard to election transparency. Amendments to these articles to provide observers with the unfettered right to obtain copies of all and any official election documents should be made. The right of observers to obtain certified copies of results of counts from each Precinct Election Commission and Territorial Election Commission should be specifically included in the law.

An amendment in the second reading draft deleted the former requirement in Article 37 of the first reading draft that a protocol be drawn up for pre-voting day transfers of ballot papers between different levels of election commissions. To assist transparency of ballot paper allocations, this requirement should be reinstated, and provisions made for copies of these protocols be provided to observers.

It is not clear why the requirement, in Article 36 of the first reading draft, that voting stations within military establishments must be accessible to observers has been deleted from the second reading draft. It is clearly in the interests of perceptions of integrity of the election process that this provision be reinstated.

In general, it has been found in recent elections in emerging democracies that integrating observers into the election processes, by requiring or allowing them to sign the protocols of actions that they have observed - whether for sealing of ballot boxes, results of vote counts, transfers of ballot papers, or for any significant recorded election action, both enhances public transparency and legitimacy of the election, and provides protection for the election management bodies against later unfounded claims of election malpractice. Observers should also have the right to note their disagreement with any of the information contained in a protocol or election form on the protocol/form itself. Amendments of this nature, concurrent with the vital amendments to give observers the right to obtain copies of election documents, would further promote the integrity of the election processes.

Proposed Election System

Multi mandate Majoritarian System

A different election system has been proposed in each of the two drafts of the law On Rules for Municipal Elections. The second reading draft, in Article 1, proposes a 'multi mandate majoritarian system'. This system is known to western political scientists as the 'block vote' system. This system is widely regarded by political scientists as producing unfair results, as it tends to greatly magnify the disproportionality - inherent in all majoritarian electoral systems - between votes won by candidates from a party/group and representatives elected. Under this system it is highly possible for a group/party – whether pro-government or pro-opposition - whose candidates achieve a little over 50% of the votes to win between 90 and 100% of the elected positions.

This system is not used anywhere in the world for local government elections, unless one counts the Palestine Authority elections as local elections. Of 211 countries in the world which hold national elections, data for 1997 (the latest available) shows that a multi-mandate majoritarian system was used only in Bermuda, Fiji, Kuwait, Laos, Maldive Islands, Mauritius, Palestine Authority, Philippines, Thailand and the US Virgin Islands. The Philippines and Mauritius intend moving from this system, as it is widely

regarded as producing unfair results, and adopting instead the list Proportional Representation system. Amongst the countries ranked as 'not free' in the Freedom House 'Freedom of the World Index', a disproportionate number use a 'Block Vote' election system. It would be unfortunate for Azerbaijan to be associated with these countries.

For voters, multi mandate majoritarian systems can be confusing, especially when, as specified by Article 38 of the draft law, the voter must mark exactly the same number of candidates as there are elected positions to be filled. The effectiveness of voter education campaigns is likely to be severely undermined by this requirement, as, under the proposed system, different municipalities will be electing different numbers of representatives from the one multi mandate constituency. Especially in municipalities with higher numbers of representatives to be elected (up to 19 councillors will be elected) this system can lead to a significant proportion of invalid votes. Attempting to educate voters to place multiple marks on ballot papers for this election, whereas for parliamentary and presidential elections they place a single mark, is likely to create confusion: not only for these elections, but also at next year's parliamentary elections.

Administratively, use of this system can create greater difficulties in ensuring the accurate and effective printing and distribution of ballot papers. It also makes management of ballot paper counts very much more difficult and time consuming, as a separate, consecutive count will need to be conducted for every candidate on the ballot paper – which could easily be as high as 100 in larger municipalities. It is unlikely that such counts would be completed within the 24 hours of voting day stipulated by Article 39 of the current draft law. The counting method required will also significantly decrease the transparency and accountability of the count. This is an area of election operations for the 1998 Presidential Elections in Azerbaijan about which international observers recommended that significant improvements were required. To make maintaining transparency in counts a more complex process would hinder, rather than assist any efforts to improve transparency.

The proposal to use this election system would leave Azerbaijan with a municipal elections system that is widely regarded internationally as unfair, that would be difficult for voters to understand, and that has significant administrative problems.

If a multi mandate majoritarian system is retained; amendments will be required to Article 39, to clarify the different procedures and reconciliations that will be necessary during the count of ballot. Article 41 will also require clarification, to define the specific circumstances under which a tied vote may require a lottery draw between candidates with equal numbers of votes

Single mandate Majoritarian System

The first reading draft of the law On Rules for Municipal Elections, in Article 1, provided for a single mandate majoritarian system of elections for municipal councils. This is a system that is used for municipal elections in a large number of developed democracies. It is not a question of whether a single mandate majoritarian system is democratic – which it undoubtedly is – but whether it is appropriate for the environment of the municipal elections in Azerbaijan. Choices of election system are a matter of different philosophical approaches to democracy, and its desired outcomes. A single mandate majoritarian system would be seen as emphasising strong government with a particular

285

viewpoint dominating, even where only a small majority, or even a minority, of voters subscribe to this viewpoint. Single mandate majoritarian systems would also be seen as encouraging, in the municipal elections context, a close and direct link between voters and their elected representatives.

In developing democracies there are different and additional considerations. Internationally, in developing democracies, there has been equal focus on implementing *election systems that provide representation for a range of community viewpoints in* representative institutions; that foster community association with multi party politics and political pluralism; that encourage the sense of a legitimate and viable 'opposition'; that encourage conciliation rather than domination; and that promote the accountability of government. For municipal elections, the multiple needs of: ensuring a direct representative link to each local community; stable municipal governance; and promotion of political pluralism amongst local communities have led election system designers internationally to favour the 'mixed' election system – whereby some representatives to a municipal council are elected from single mandate majoritarian constituencies, and the balance by proportional representation for the whole municipal area, from party lists.

This 'mixed' system for municipal elections would currently be a more appropriate system for Azerbaijan, than any of the alternative election systems.

Participation of Political Parties

In the second reading draft, political parties are not included in Article 15 amongst the organisations that may nominate observers to election processes, or in Article 23 amongst the organisations that may nominate candidates for the municipal elections. *Participation of legally recognised political parties is a basic component of democratic* processes, and to deny them participation in an election for any level of community governance could be regarded as a restriction on general civil and political rights. The draft law should be amended to specifically include political parties as organisations that may nominate candidates for election and have accredited observers at all election commissions' activities.

If any form of majoritarian system is used for voting, it is important that the party affiliation of each candidate is printed, by the relevant election management authority, after each candidate's name, on each ballot paper . This is now standard practice in majoritarian systems, and is necessary to allow each voter to more easily identify his/her preferred candidate. A requirement for this should be added to Article 37 of the draft law.

Municipal Territories

Article 10 of the draft law On Rules for Municipal Elections states that territories of municipalities will be determined in accordance with the laws of the Republic of Azerbaijan. No draft law for determination of municipal territories has yet been presented to the parliament for consideration. It is important that territories for these first municipal elections are determined according to a law that defines the criteria for creating, splitting or amalgamating a *municipal territory. To create municipal areas for these first elections* by executive diktat, or regulation of an executive body, or by consultation merely with the existing regional or local executive committees would be contrary to accepted international norms of local self government. It would be denying the local population the

286

opportunity to have their views on municipal boundaries considered. Article 5 of the European Charter on Local Self Government states that " Changes to local authority boundaries shall not be made without prior consultation of the local communities concerned, ..."

The current provision in Article 11 of the draft law should be clarified to ensure that there is genuine consultation of local populations on municipal boundaries before these are determined for the first and for subsequent municipal elections, and that determination of municipal boundaries must be made according to the relevant law, rather than by executive authority decree or regulation.

Election Timeframes

Article 10 of the draft law provides that Territorial Election Commissions must be formed 110 days before voting day. This would be less than the normal minimum time period that experienced international election administrators would recommend as necessary for a country such as Azerbaijan to undertake preparations for the first municipal elections Any attempt to shorten this election preparation period, given the need to educate voters and candidates in a new form of local self government, the large number of Territorial Election Commissions, and the proposed initiation of decentralised election management is likely to seriously threaten the quality of the election. It would be an unwise decision to shorten this proposed timeframe.

Before Territorial Election Commissions can be formed, municipal territories must have been defined. The draft law for defining municipal territories has not yet been presented to parliament. For the commitment to hold municipal elections this year to be achieved, it is vital that the draft law on determining Municipal Territories be introduced for discussion in parliament as a matter of urgency .

Political Campaigning

Articles 33 and 34 of the draft law On Rules of Municipal Elections give considerable powers to local executive authorities of the State to determine meeting venues and space allocations and locations for displays of printed materials. Given the association of these bodies with the current government, and in the eyes of many with one political party, it would be more equitable if these powers resided in an appropriately appointed Territorial Election Commission. This would considerably assist perceptions of election campaign equity and legitimacy. Tightening of the wording to ensure that some candidates materials are not relegated to less visible areas would also assist the integrity of this section.

In Article 33, the 5 day period within which a decision must be made on use of premises or a location for campaigning appears longer than is necessary, and could be used as a barrier to flexible campaigning in the week before voting day. An amendment to reduce this period to 2 days would be appropriate.

Voters Lists

The Articles (in particular 21 and 22) dealing with voters lists are less prescriptive and comprehensive than would be usual in modern election legislation to international standards. Some issues may well be able to be dealt with in instructions from the CEC,

but it would be more usual for such matters as the following to be dealt with by legislative means: the need to certify as correct the final lists used in voting stations after requests for amendments have been processed; times and manner in which PECs receive requests for revisions of voters lists; methods of ensuring that voters appear on one voters list only; methods of amending and assuring the integrity of amendments made to voters lists as a result of requests from voters. The draft in these Articles would benefit from thorough review to bring it up to international good practice standards.

Complaints and Challenges

Article 18 of the draft law On Rules for Municipal Elections does not clarify who has the standing to file a complaint with an election commission or relevant court. The trend in democracies is to give this right to anyone with a genuine interest in the outcome of the election: persons eligible to vote; observers, parties and candidates; election administrators. Article 18 should be amended to include this broad definition.

Article 18 of the draft law On Rules for Municipal Elections also appears to allow simultaneous appeals about the actions of an election commission to be made to the superior election commission and the relevant court. There would be less room for confusion and more certainty in challenges to the decisions of election commissions if a single track appeal process were defined in the draft law. Changes necessary for this should be made to Article 18.

It also does not appear clear from Article 18 which is the relevant court for hearing challenges to election results. This should be clarified in this Article. It would be appropriate that this court be the Supreme Court, rather than local courts.

Article 16 appears to require that chairpersons of election commissions pass on any dissenting opinions from election commission members to the superior election commission by three days before voting day. It would be more appropriate if this provision read, as do other similar provisions in this draft law, that these dissenting opinions must be passed on to the superior election commission within three days of their receipt by the chairperson of the election commission.

Voting by Internally Displaced Persons

Transitional provisions of the law On Rules for Municipal Elections ensure that Internally Displaced Persons may both vote and nominate as a candidate in the area in which they are temporarily living. This is a highly principled position to have been adopted by the drafters of this legislation. While the addition to the voters lists of other citizens voting in respect of temporary addresses is dealt with in Chapter 2 of the draft law, there are no provisions for dealing with Internally Displaced Persons. To assist election integrity, the transitional provisions should include a definition of the manner in which Internally Displaced Persons will be included in the correct voters lists.

As a longer term proposal, the independent development of voters lists for all elections, without any reliance on executive authorities, should be considered.

Production of Ballot Papers

Article 37 of the draft law provides that ballot papers are printed in accordance with the instructions of the Central Election Commission. IFES understands from this that the CEC will provide numbered ballot paper blanks to the Territorial Election Commissions, who will be responsible for entering the candidate details on each ballot paper. IFES also understands that in some municipalities there is no overprinting capacity and that it is intended in such municipalities that each candidate's name and details be typewritten or even handwritten on every ballot paper. The potential for error or manipulation of such a process is considerable. The law should be amended to require that all ballot papers must be printed by standard print methods - not individually typed or handwritten.

The draft law's devolution of such a major task as ballot paper printing to very large numbers of Territorial Election Commissions at the local level is also a high risk strategy. Printing of ballots at regional, or if necessary central level, would be a more effective and quality-controllable strategy.

Voting and Counting Rules

There are a number of perhaps less visible but nonetheless significant improvements for election integrity that should be made to Articles 38 and 39 of the draft law. In international good practice it would be usual, in the election legislation, to:

- Specify classes of voters eligible to be assisted in voting
- Explicitly state that only one person can be inside a voting compartment marking a ballot paper at any time (apart from defined assisted voters)

Additionally:

- It is not considered good practice to allow voting stations to close early, particularly where voters may establish their entitlement to vote on voting day itself
- It would be appropriate that the draft law define that the ballot paper is folded after being marked, so that each voter's vote remains secret
- The treatment of spoilt ballot papers is not in line with international standards, which would require that the spoilt ballot be cancelled - and set aside so that it cannot enter the ballot box - before a fresh ballot paper is issued to a voter
- It would be usual international practice for all voters inside the voting station as at the close of voting to be allowed to vote, not just those who had already been issued with ballot papers. The implication of the wording of this section is that voters will receive their ballot papers before a voting compartment is necessarily free for them to use. This is regarded internationally as very bad practice as it encourages voters to vote outside the secrecy of the voting compartment.
- The provisions for counting ballots in mobile ballot boxes seem to leave open the possibility that very small numbers of ballots could be counted separately, thus endangering the secrecy of the ballot. This is not in line with international good practice
- At the count it would be more usual and good practice to mark the reverse of all challenged ballot papers – not just those determined as invalid – with the decision of the PEC, asserted to by a required number of members.
- It is presumed that guidance for ballot paper reconciliations will be included in instructions provided by the CEC. However some basic outline in the law of the required reconciliation procedures would be usual.

- It would be usual for all ballot - related election material to be preserved for a defined period – often 6 months or 1 year after the election.

290

DRAFT LAW ON STATUS OF MUNICIPALITIES

The draft law On Status of Municipalities provides a framework for municipal governance that is in many respects unexceptionable. However of itself it does not provide a sufficient framework for the introduction of municipal government of any substance. It is in the main a series of what could be termed 'motherhood' statements: municipalities will have a budget of their own; municipalities will have their own services; municipalities may raise taxes; municipalities can own and privatise property; municipalities will have boundaries. These provisions lack the all-important details necessary for their implementation.

Without being able to view the proposed subsidiary provisions dealing with such issues as municipal property, municipal taxes and finance, municipal services and relation of municipalities with other organs of state, it is difficult to give a full opinion on the draft law On Status of Municipalities. IFES full comments on the proposed status of municipalities must be reserved until the full provisions of legislation affecting municipalities are known.

A pre-requisite for effective municipal government will be the passage of law dealing fully with those issues noted above, and those other issues requiring definition for a municipality to function. To have municipal elections without having acceptable laws on these issues in place – or without amending the draft law On Status of Municipalities to fully define these issues, is likely to create only a shell of municipal government.

The draft law also appears to give to municipalities functions that are residual from those provided by the executive bodies. In creating an active and healthy municipal sector, it would be more usual for legislation to encourage both a more positive role for elected municipal authorities and to emphasise the lead role taken by elected municipal authorities, in assessing and determining the provision of services by executive authorities within each municipal area. Article 4 and 5 of the draft law would greatly benefit from amendment in this regard.

There are also some specific issues contained within this law that would benefit from improvement

Appointment of Councils in Small Municipalities

Article 27 of the draft law provides for 'secret or open' voting. Article 28 provides that in municipal areas with a population of less than 500 persons, the municipal council will be elected at a meeting, by an open vote, with the meeting and voting to be conducted under the provisions of a law whose draft has not yet been presented to parliament.

This provision is cause for serious concern. Open voting for elected governance bodies is against the secret ballot provisions that are at the heart of democratic elections, and it is incompatible with international standards of democracy. It leaves voters liable to coercion and intimidation – especially in a small community environment. It is contrary to the provision in Article 3.2 of the European Charter on Local Self-Government that local council members shall be ' ... freely elected by secret ballot on the basis of direct, equal, universal suffrage ...' (however this article would allow votes of assembled citizens on other issues).

Articles 27 and 28 of this draft law, and any related provisions in the draft law On Rules for Elections to Municipal Councils (for example Article 5) should be amended to require that all elections for each local council representative must be by secret ballot.

Encouragement of Small Local Government Areas

Article 11 of the draft law states that local citizens cannot be deprived, on the basis of population numbers, of the right to form their own municipality. Other provisions of the law indicate an encouragement of the creation of small municipalities. Discussions with senior officials have indicated that as many as 20% of the population of Azerbaijan may be included on municipalities each of which has a population of less than 500 people.

This is contrary to the trend in almost all democracies in the last 20 years, where the move has been towards amalgamating small, historic, non-viable local government areas into economically and managerially sustainable units. In envisaging many small municipal units, the draft law On Status of Municipalities will encourage the formation of *economically unsustainable municipal areas*, that will need assistance in the short term for economic survival and will take time and additional expense to organise amalgamation with other areas in future to assure economic viability.

It is highly unlikely that a multitude of small local government areas will each be able to be self reliant economically. Lack of economic self reliance will lead to a dependence on local or regional executive powers for financial assistance. There is then a substantial danger that these executive bodies, through financial dependence, will be able to dominate the activities of the elected municipal councils.

There are two approaches that could be taken to amending the legislation to promote the financial independence of municipalities. Article 11 could be amended to provide a minimum benchmark population for the creation of a municipality. Alternatively, provision could be made for a dual layer of municipal councils - with small settlements as of right being part of a larger regional representative body. Either solution would enhance the sustainability and economic viability of local self government, compared to the provisions of the current draft law.

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МЕЖДУНАРОДНЫЙ ФОНД ИЗБИРАТЕЛЬНЫХ СИСТЕМ
КОММЕНТАРИИ К ЗАКОНОПРОЕКТАМ АЗЕРБАЙДЖАНСКОЙ РЕСПУБЛИКИ: О ПОРЯДКЕ ПРОВЕДЕНИЯ МУНИЦИПАЛЬНЫХ ВЫБОРОВ О СТАТУСЕ МУНИЦИПАЛИТЕТОВ

Международный Фонд Избирательных Систем (IFES) детально изучил данные законопроекты, представленные на первое и второе чтение в Милли Меджлис. IFES благодарен за возможность присутствовать на обоих заседаниях Милли Меджлиса и встречах Постоянной Парламентской Комиссии по Органам Местного Самоуправления, и наблюдать за ходом обсуждения этих законопроектов вместе с присутствовавшими депутатами и членами Правительства.

Среди множества демократических обществ, существующих в мире, есть много различий в деталях организации выборов и органов муниципальной власти. Азербайджан является страной со своими собственными индивидуальными характеристиками и своей историей, чьи муниципальные органы и выборы требуют применения методов, специфичных только для Азербайджана. Однако, существуют основные принципы применения демократического процесса, которые остаются неизменными от страны к стране. Эти основные принципы были определены Организацией Объединенных Наций, Международным Институтом Демократии и Содействия в Выборах (МИДСВ) и Международным Фондом Избирательных Систем (IFES) в различных разделах совместно подготовленного ими руководства и энциклопедии методики проведения выборов – проект «Администрация и стоимость Выборов» (1998) (ACE PROJECT). Некоторые важные принципы, упомянутые в этой энциклопедии, упомянуты ниже:

- Обеспечение репрезентативных выборов в различные органы
- Обеспечение поддержания подразумевающейся легитимности
- Обеспечение подотчетности
- Стимулирование достижения соглашений
- Обеспечение равенства прав, доступности, безопасности, гласности, и профессионализма при выборах
- Обеспечение приемлемости и ценовой эффективности процесса выборов
- Нейтралитет управляющих выборами органов

Нижеследующие комментарии приведены с целью оказания содействия Постоянной Комиссии по Органам Местного Самоуправления, а также Парламенту Азербайджанской Республики при окончательном рассмотрении этих законопроектов. Все эти комментарии имеют своей целью указать на то, как можно улучшить эти законопроекты, чтобы муниципальные выборы в Азербайджане соответствовали международным стандартам и вышеупомянутым основным принципам демократических выборов.

ПРОЕКТ ЗАКОНА О ПОРЯДКЕ ПРОВЕДЕНИЯ МУНИЦИПАЛЬНЫХ ВЫБОРОВ

Многое в проекте этого закона, представленного на второе рассмотрение, может считаться соответствующим международным нормам проведения выборов. Однако, в нескольких ключевых местах, законопроект предъявляет меньше требований, чем было бы нужно для соответствия его международным стандартам обеспечения гласности, справедливых и равноправных условий для выборов. В остальных местах, к законопроекту могут быть сделаны поправки, которые могут значительно улучшить объективность процесса выборов.

Два основных вопроса, которые влияют на доверие к процессу планируемых муниципальных выборов, требуют отдельных комментариев. Заметно, что в одном критическом аспекте организации и управления муниципальными выборами – формирования Центральной Избирательной Комиссии, Территориальной Избирательной Комиссии и Участковой Избирательной Комиссии – острая критика в отношение комплектации ЦИК и деятельности этих органов в отчетах международных наблюдателей за президентскими выборами 1998 года, не была принята во внимание при составлении проекта закона О Порядке Проведения Муниципальных Выборов.

В дополнение к этому, обеспечение гласности процесса выборов сильно критиковалось международными наблюдателями за президентскими выборами 1998 года. Несмотря на это, статьи законопроекта О Порядке Проведения Муниципальных Выборов, связанные с обеспечением гласности процесса выборов, фактически требуют меньшего уровня гласности процессов, чем сходные статьи в законе о президентских выборах. Для того, чтобы у народа было доверие к процессу проведения выборов, требования к гласности процесса должны быть значительно увеличены, а не уменьшены.

Одно из основных улучшений, которое может быть сделано в законодательстве – это включение в него Статьи, определяющей множество технических терминов связанных с выборами, повсеместно встречающихся в законопроекте. Эти термины, связанные с выборами, не всегда понятны даже для юристов, не говоря уже об обычных кандидатах или избирателях.

Состав и Роль Избирательных Комиссий

Статья 9 законопроекта предоставляет основу для определения полномочий Центральной Избирательной Комиссии (ЦИК) при муниципальных выборах. ЦИК, среди прочих полномочий, обладает властью формировать Территориальные Избирательные Комиссии; подготавливать инструкции по таким выборам на основании данного закона, а также контролировать процесс, с целью обеспечения применения этого закона. Предусматривается, что проект закона О Порядке Проведения Муниципальных Выборов передаст многие функции Центральной Избирательной Комиссии Территориальным Избирательным Комиссиям, оставив, однако, за Центральной Избирательной Комиссией значительные полномочия, включая те, которые были указаны выше.

ЦИК назначается согласно «соответствущему закону» Азербайджанской Республики (Статья 8). После Президентских выборов 1998 года в Азербайджане, этот закон подвергался резкой критике, например, в отчете Организации по Безопасности и Сотрудничеству в Европе/Отдела по Демократическим Органам и Правам Человека. В этом отчете говорится, что данный закон

«не обеспечивает адекватного представления основных политических интересов в составе ЦИК»

Методы назначения ЦИК при выборах в муниципальные органы власти в настоящий момент остаются неизменными. Подобным образом, члены Территориальных Избирательных Комиссий (ТИК) и Участковых Избирательных Комиссий (УИК) выбираются по жребию, проведение которого контролируется

членом Центральной Избирательной Комиссии, из числа «беспартийных» кандидатов. В процессе этого жребия не существует механизмов обеспечения открытости, как например, формального наблюдения со стороны представителей политических партий и прочих наблюдателей из местных неправительственных и международных организаций. Этот процесс также не обеспечивает 'адекватного представления основных политических интересов' на уровне ТИК и УИК.

Состав органов, управляющих выборами – это важный аспект как реальной так и осознанной объективности процесса выборов. Вышеупомянутые методы назначения членов всех избирательных комиссий вполне могут негативно отразиться, по крайней мере, на восприятии объективности и легитимности выборов, которые они контролируют. Так как Статья 11 определяет срок полномочий Территориальных Избирательных Комиссий таким же как и для муниципальных органов, в настоящее время стало более важным, чтобы эти органы пользовались доверием у широкого круга населения.

Так как в Азербайджане традиции демократии существуют не так долго, к возможности определить и назначить «беспартийный» персонал будут, в основном, относиться с подозрением, особенно, организации и частные лица, находящиеся в оппозиции правительству. По этой причине, подходящим методом достижения доверия к процессу муниципальных выборов является назначение членов избирательных комиссий – на уровне ЦИК, ТИК и УИК – по «сбалансированно-партийному» методу. Этот метод включает в себя прямое назначение в различные избирательные комиссии представителей политических партий, способом, при котором достигается баланс между про-правительственными и про-оппозиционными силами в каждой избирательной комисии.

Открытость Избирательных Процессов

Несколько статей в законопроекте связаны с открытостью процесса проведения муниципальных выборов и, в особенности, с ролью наблюдателей за этими процессами, при определении их объективности и обеспечении подотчетности администраторов выборов. Вопросы, связанные с этой областью, в основном, очень слабо отражены, даже слабее, чем подобные вопросы в Законе о Президентских Выборах для Президентских Выборов 1998 года в Азербайджанской Республике. Они не достаточно обеспечивают прозрачность процесса выборов. Нижеследующие предполагаемые изменения помогут в достижении соответствия Закона о Порядке Проведения Муниципальных Выборов с международными нормами обеспечения гласности процесса выборов.

В статье 15, внесение изменения с целью принятия во внимания аккредитации политических партий, кандидатов и ответственных внутренних неправительственных организаций на предоставление наблюдателей за работой избирательных комиссий, до и во время дня выборов, во время подсчета голосов, передачи материалов и за обработкой и обнародованием результатов, является важным условием обеспечения открытости муниципальных выборов. Во всех демократических государствах политические партии имеют право назначать наблюдателейна выборах. Во всех странах с развивающейся демократией, местные неправительственные наблюдатели значительно увеличивают легитимность избирательного процесса. Если избирательные комиссии не избираются на основании «сбалансированно-

295

партийного» метода, как рекомендовано выше, состав местных наблюдателей, подлежащих аккредитации, является еще более важным фактором в стимулировании доверия к выборам.

Статья 15 не требует предварительного уведомления всех аккредитованных организаций, следящих за заседаниями избирательных комиссий – рекомендованных частным или общественным путем – о направлении своих наблюдателей. Таким образом, требуется внести соответствующее дополнение, с целью обеспечения осведомленности наблюдателей о месте и времени встреч избирательных комиссий.

Статья 15 не содержтит положений о том, что необходимо обеспечить возможность присутствия наблюдателей на таких мероприятиях, как передача протоколов между УИК и ТИК, передача бюллетеней и материалов, обобщений результатов подсчетов, и других мероприятиях, являющихся необходимыми для достижения объективности процесса выборов.

Статья 15 и Статьи 39 и 40 не упоминают, что соответствующими избирательными комиссиями наблюдателям, по их просьбе, могут быть предоставлены заверенные копии заполненных протоколов результатов выборов, а также другие образцы или заполненные официальные избирательные документы. Это является основной гарантией объективности избирательного процесса, и отсутствие этого пункта в проекте закона является значительным дефектом в области открытости процесса выборов. Необходимо внести дополнения к этим статьям, с целью обеспечения наблюдателей неотъемлемым правом запрашивать копии всех и любого официального избирательного документа. Право наблюдателей запрашивать заверенные копии результатов подсчетов голосов из каждой Участковой Избирательной Комиссии и Территориальной Избирательной Комиссии должно отдельно упоминаться в законе.

Дополнение во втором чтении законопроекта исключило ранее принятое в первом чтении требование в Статье 37 в отношение того, что должен составляться протокол предвыборных передач избирательных бюллетеней между различными уровнями избирательных комиссий. С целью обеспечения открытости процесса передачи избирательных документов, это требование должно быть возвращено, и статья должна упоминать о предоставлении копий этих протоколов наблюдателям.

Неясно, почему требование Статьи 36 в первом чтении законопроекта, в отношении того, что избирательные участки в военных частях должны быть доступными для наблюдателей, было изъято во втором чтении. Вполне понятно, что возвращение этого требования будет в интересах объективного восприятия процесса выборов.

В общем, в процессе проведения недавних выборов в странах с развивающейся демократией, было установлено, что интегрирование наблюдателей в процесс выборов, путем требования, или разрешения им подписывать протокол действий, которые они наблюдали – не зависимо от того, будет ли это запечатывание избирательных ящиков, результаты подсчета голосов, передача избирательных бюллетеней, или любое другое важное записанное мероприятие по выборам – помогает в восприятии общественностью объективности и легитимности выборов и обеспечивает защиту органов управления выборами от возможных будущих необоснованных

296

жалоб по поводу упущений в процессе выборов. Наблюдатели также должны иметь право отметить свое несогласие по поводу любой информации, записанной в протоколе или избирательной форме непосредственно на протоколе или форме. Дополнения такого характера, вместе с необходимыми дополнениями, принятыми с целью предоставления наблюдателям права получать копии избирательных документов, еще больше стимулируют объективность процесса выборов.

Предложенная избирательная система

Многомандатная Мажоритарная Система

В каждом из двух проектов закона О Порядке Проведения Муниципальных Выборов предложена разная избирательная система. Проект, предложенный во втором чтении, в Статье 1, предлагает «многомандатную мажоритарную систему». Эта система известна западным политологам как система «блочного голосования» "Block Vote". Эта система широко оценивается западными политологами как система, приводящая к несправедливым результатам, так как она стремиться сильно увеличить непропорциональность – присутствующую во всех мажоритарных избирательных системах – между голосами, собранными кандидатами от партии/группы и избранными представителями. При такой системе становится вполне возможным чтобы группа/партия – не зависимо от того, является ли она про-правительственной или про-оппозиционной – чьи кандидаты набирают чуть больше 50% голосов, получила от 90 до 100% избираемых позиций.

Такая система не используется нигде в мире для выборов в органы местеого самоуправления, если только не считать выборы Палестинской Автономии местными выборами. Из 211 стран в мире, которые проводят национальные выборы, данные за 1997 год (последние доступные данные) показывают, что многомандатная мажоритарная система использовалась только на Бермудах, Фиджи, Кувейте, Лаосе, Мальдивских островах, Маврикии, Палестиной Автономии, Филиппинах, Таиланде, и Виргинских Островах (территория США). Филиппины и Маврикий планируют отойти от этой системы, так как считается , что она приводит к несправедливым результатам, и принять вместо нее списочно-пропорциональную репрезентативную систему. Среди стран, определенных как «несвободные» в Индексе Свободы в Мире, подготовленном организацией «Freedom House», большинство использует при выборах систему блочного голосования. Для Азербайджана было бы непредпочтительно быть ассоциированным с этими странами.

Для избирателей, многомандатная мажоритарная система может быть сложной в восприятии, особенно когда, как указано в Статье 38 проекта закона, избиратель должен указать столько же кандидатов, сколько должно быть заполнено позиций. Эффективность кампаний по информированию избирателей скорее всего будет значительно снижена из-за этого требования, так как по предложенной системе в различные муниципалитеты будет избираться различное количество представителей из числа единого многомандатного избирательного округа. В особенности в муниципалитетах с большим количеством представителей, подлежащих выбору (будет избираться до 19 представителей), эта система может привести к возникновению значительной части недействительных голосов. Попытка информировать избирателей о необходимости ставить сразу несколько отметок в бюллетене при этих выборах, в то время как при парламентских и президентских выборах

297

они ставят одну отметку, скорее всего приведет к путанице – не только на этих выборах, но также и на выборах в парламент в следующем году.

В отношении административных вопросов, использование этой системы может привести к большим трудностям в обеспечении точности и эффективности печати и распространения избирательных бюллетеней. Она также усложняет и увеличивает сроки управления подсчетом количества бюллетеней, так как необходимо будет провести отдельные последовательные подсчеты для каждого кандидата на избирательном бюллетене – количество которых может достигать 100 в крупных муниципальных округах. Вряд ли такие подсчеты будут завершены в пределах 24 часов после дня голосования, как указано в Статье 39 настоящего законопроекта. Применяемый способ подсчета также значительно снизит восприятие объективности и точность отчета по результатам. Это как раз является той областью, в отношение которой во время Президентских Выборов 1998 года в Азербайджане международные наблюдатели посоветовали ввести значительные улучшения. Усложнение поддержания открытости процесса выборов при подсчетах голосов, скорее повредит, чем поможет в улучшении открытости выборов.

Предложение использовать такую избирательную систему приведет Азербайджан к системе муниципальных выборов, которая широко оценивается за рубежом как несправедливая, которая будет сложна в восприятии со стороны избирателей, и с которой связаны значительные административные проблемы.

Если многомандатная мажоритарная система будет сохранена, к Статье 39 необходимо будет внести поправки, чтобы более четко определить различные процедуры и подтверждения, которые будут необходимы при подсчете голосов. Статья 41 также потребует объяснения, для определения особых ситуаций, при которых равное количество голосов потребует применение системы жребия между кандидатами, набравшими равное количество голосов.

Одномандатная мажоритарная система

Статья 1 проекта закона О Порядке Проведения Муниципальных Выборов, предложенная в первом чтении, обеспечивает наличие одномандатной мажоритарной системы выборов в муниципальные советы. Эта система применяется при муниципальных выборах во многих странах с развитой демократией. Вопрос заключается не в том, является ли одномандатная мажоритарная система демократической, так как она несомненно является таковой, а в том, является ли она подходящей для муниципальных выборов в Азербайджане. Выбор избирательной системы – это вопрос различных философских подходов к демократии, и требуемых от нее результатов. Одномандатная мажоритарная система будет восприниматься как подчеркивающая наличие сильного правительства с какой-то преобладающей позицией, даже когда очень маленькое большинство, или даже меньшинство избирателей поддерживают эту позицию. Одномандатная мажоритарная система также будет восприниматься как стимулирующая, в контексте муниципальных выборов, тесную и прямую связь между избирателями и избранными ими представителями.

В странах с развивающейся демократией существуют различные дополнительные аспекты, которые необходимо принять во внимание. В международном масштабе, в странах с развивающейся демократией

298

одинаковое внимание уделяется применению избирательных систем, которые способствуют представлению широкого круга различных точек зрения общества в представительских организациях; которые стимулируют ассоциацию общества с многопартийной политикой и политическим плюрализмом; которые поощряют чувство легитимной и стабильной «оппозиции»; которые поощряют взаимное сотрудничество, а не преобладание; и которые способствуют подотчетности правительства. Для муниципальных выборов, большая необходимость обеспечения прямой представительской связи с каждой группой общества; стабильного муниципального регулирования; и поощрения политического плюрализма в обществе привела создателей избирательных систем в международном масштабе к выражению предпочтения в отношении «смешанной» системы выборов – при которой некоторые представители муниципального совета избираются из одномандатных мажоритарных округов, а остальные – с использованием пропорционального представительства всего муниципального округа, из общего списка партий.

Такая «смешанная» система муниципальных выборов была бы в настоящий момент более предпочтительной для Азербайджана, чем любая альтернативная система выборов.

Участие Политических Партий

Статья 15 законопроекта во втором чтении не включает политические партии в число организаций, которые могут подавать запрос на участие своих наблюдателей за процессом выборов, а Статья 23 – не включает их в число организаций, которые могут подавать заявку на участие своих членов в муниципальных выборах. Участие законно признанных политических партий является основным компонентом демократических процессов, и их недопуск к участию в выборах в органы управления обществом любого уровня может считаться ограничением общих гражданских и политических прав. Проект закона должен быть дополнен, чтобы отдельно включать политические партии в качестве организаций, которые могут подавать заявки на участие собственных кандидатов в выборах и иметь аккредитованных наблюдателей за всеми действиями избирательных комиссий.

Если любая из форм мажоритарной системы используется при голосовании, важно чтобы принадлежность кандидата к конкретной партии была напечатана соответствующим управляющим полномочным лицом, рядом с именем каждого кандидата, на каждом избирательном бюллетене. Сейчас это является стандартной практикой в мажоритарных системах, и является необходимой, чтобы позволить каждому избирателю легче узнать своего предпочитаемого кандидата. Требования к этому должны быть добавлены к Статье 37 законопроекта.

Муниципальные Территории

В Статье 10 законопроекта о Порядке Проведения Муниципальных Выборов говорится, что территории муниципальных органов будут определятся в соответствии с законами Азербайджанской Республики. Никакого проекта закона об определении муниципальных территорий до сих пор не было представлено на рассмотрение в Парламент. Важно, чтобы территории для этих первых муниципальных выборов были определены в соответствии с законом, который определял бы критерии создания, разделения или

объединения муниципальной территории. Создание муниципальных территорий для этих первых муниципальных выборов путем исполнительного диктата, или указов исполнительной власти, или просто консультацией с существующими региональными или местными исполнительными комитетами, не соответствовало бы общепринятым международным нормам местного самоуправления. Это лишило бы местное население возможности иметь собственную позицию по границам муниципальных территорий. Статья 5 Европейской Хартии по Вопросам Местного Самоуправления гласит, что: «Изменения границ территорий местных органов власти не должны вноситься без предварительной консультации с заинтересованными местными группами общества,....»

Текущий вариант Статьи 11 проекта закона должен быть сделан более ясным, так, чтобы он упоминал, что перед тем, как определить муниципальные границы в первый раз и при будущих муниципальных выборах, необходимо провести консультацию с местным населением по этому вопросу, и что определение муниципальных границ должно проводиться в соответствии с законом, а не по указу или инструкции исполнительной власти..

График Выборов

В соответствии со Статьей 10 проекта закона Территориальные Избирательные Комиссии должны формироваться за 110 дней до дня выборов. Это меньше, чем обычные минимальные временные рамки, которые опытные международные администраторы выборов порекомендовали бы как необходимые для такой страны, как Азербайджан, при проведении подготовки к первым муниципальным выборам. Любая попытка сократить этот подготовительный период, учитывая необходимость информирования избирателей и кандидатов о новой форме самоуправления, большое количество Территориальных Избирательных Комиссий, и предложенную децентрализацию процесса управления выборами, скорее всего будет угрожать качеству выборов. Сокращение этого предложенного периода было бы неправильным решением.

Перед тем, как могут быть сформированы Территориальные Избирательные Комиссии, должны быть определены муниципальные территории. Законопроект о правилах определения муниципальных территорий еще не был представлен на рассмотрение в Парламент. Для того, чтобы желание провести муниципальные выборы в этом году воплотились в жизнь, необходимо чтобы законопроект о правилах определения Муниципальных Территорий был представлен на рассмотрение в Парламент как можно скорее.

Политические Кампании

Статьи 33 и 34 проекта закона о Порядке Проведения Муниципальных Выборов предоставляют значительную власть местным исполнительным властям Государства, при определении места встреч, предоставлению пространства и установлению стендов с печатными материалами. Принимая во внимание ассоциацию этих органов с текущим правительством, и в глазах многих – с одной политической партией, было бы более объективно, если бы эта власть была предоставлена соответственно назначенной Территориальной Избирательной Комиссии. Это значительно бы помогло в восприятии объективности и легитимности проведения избирательной кампании. Использование более четко выраженных слов в законопроекте так, чтобы

300

обеспечить ситуацию, при которой материалы некоторых кандидатов не будут располагаться в менее видимых местах, также помогло бы в достижении объективности этого раздела.

В Статье 33, 5-дневный срок, в течение которого должно быть принято решение по использованию здания или по месту проведения кампании кажется более долгим, чем необходимо, и может использоваться в качестве барьера для проведения кампаний всего за неделю до дня выборов. Следовало бы принять изменение к этой статье, указывающее 2-дневный период.

Списки Избирателей

Некоторые Статьи (в особенности 21 и 22), связанные со списками кандидатов, являются менее четкими и понятными, чем обычно требуется от современного выборного законодательства, соответствующего международным стандартам. Некоторые вопросы вполне могут быть рассмотрены в инструкциях ЦИК, но для таких вопросов как нижеследующие рассмотрение законодательными органами было бы более стандартной процедурой: необходимость утверждения правильности окончательных списков, используемых на избирательных участках, после того, как запрос на изменение будет обработан; время и способы получения УИК запросов на пересмотрение списка избирателей; методы обеспечения того, что избиратели указаны в списках лишь однажды; методы изменения и обеспечения объективности изменений в списках избирателей в результате запроса со стороны избирателей. Эти статьи законопроекта можно было бы улучшить путем детального рассмотрения с целью приведения их в соответствие с международными стандартами.

Жалобы и Протесты

Статья 18 законопроекта о Порядке Проведения Муниципальных Выборов четко не указывает у кого есть право подать жалобу в избирательную комиссию или соответствующий суд. Демократические государства стремятся предоставить эти право всем, кто может быть заинтересован в результатах выборов: лицам имеющим право голоса; наблюдателям, партиям и кандидатам; управляющим процессом выборов. Статья 18 должны быть изменена так, чтобы включать это широкое определение.

Статья 18 проекта закона о Порядке Проведения Муниципальных Выборов также позволяет подавать апелляции по поводу действий избирательной комиссии одновременно в высшую избирательную комиссию и в соответствующий суд. Было бы меньше непонятных моментов и больше определенности в оспаривании решений избирательных комиссий, если бы законопроект определял один путь апелляции. Необходимые изменения, связанные с этим, должны, таким образом, быть внесены в Статью 18.

Статья 18 также четко не определяет какой суд является соответствующим для рассмотрения протестов по результатам выборов. Статья должна это четко определять. Было бы более подобающим, если бы таким судом стал Верховный Суд, а не местные суды.

Статья 16 требует, чтобы председатели избирательных комиссий передали все негативные мнения членов избирательной комиссии высшей избирательной комиссии за три дня до дня выборов. Было бы лучше, если бы эти Статья как и остальные сходные статьи в данном законопроекте, требовала бы

301

предоставление таких негативных мнений в высшую избирательную комиссию в течение трех дней с их получения председателем избирательной комиссии.

Голосование Вынужденных Переселенцев

Переходные Положения проекта закона о Порядке Проведения Муниципальных Выборов обеспечивает возможность вынужденным переселенцам избирать и быть избранными в округе, в котором они временно проживают. Это высокопринципиальная позиция, которая была принята создателями законопроекта. В то время как добавление к списку избирателей остальных граждан голосующих как зарегистрированные по временным адресам покрывается Статьей 2 законопроекта, по вынужденным переселенцам не существует каких-либо положений. С целью обеспечения объективности выборов, переходные положения данного законопроекта должны включать определение способа, которым вынужденные переселенцы должны включаться в правильные списки избирателей.

В качестве более долгосрочного решения должна рассматриваться возможность независимой разработки списка кандидатов для всех выборов, без какой-либо зависимости от исполнительной власти.

Разработка Избирательных Бюллетеней

По Статье 37 законопроекта, избирательные бюллетени печатаются в соответствии с инструкциями Центральной Избирательной Комиссии. IFES понимает под этим, что ЦИК предоставит пронумерованные бланки избирательных бюллетеней Территориальным Избирательным Комиссиям, которые будут ответственны за внесения деталей связанных с каждым кандидатом в каждый избирательный бюллетень. IFES также понимает, что в некоторых муниципалитетах нет печатных возможностей на готовых бланках, и что в таких муниципалитетах имя и прочая информация по каждому кандидату будут печататься на машинке, или даже вписываться от руки в каждый избирательный бюллетень. Потенциал возникновения ошибки или манипуляции при таком процессе довольно значителен. Закон должен быть изменен так, чтобы все избирательные бюллетени печатались стандартными методами печати – а не отдельно на машинке или от руки.

Передача полномочий по такому важному вопросу как печать избирательных бюллетеней очень большому количеству Территориальных Избирательных Комиссий на местном уровне, предусмотренная законопроектом, также несет большую степень риска. Печать бюллетеней на региональном, или, если это необходимо, на центральном уровне, было бы более эффективным и качественным решением.

Голосование и Правила Подсчета Голосов

Существует несколько, возможно менее видимых, но тем не менее значительных улучшений, которые могут быть сделаны в Статьях 38 и 39 законопроекта, с целью улучшения ситуации по объективности выборов. В международной практике для выборного законодательства обычным является:

- Конкретное определение классов избирателей, которым может быть оказана помощь при голосовании

302

- Четкое обозначение того, что только один человек может находиться внутри кабины для голосования и ставить отметки на избирательный бюллетень (кроме определенных случаев с избирателями, которым требуется помощь)
- Крайняя нежелательность разрешения избирательным участкам закрываться раньше положенного времени, особенно в местах, где избиратели могут решение о голосовании непосредственно в день выборов
- Было бы правильнее, если по проекту закона бюллетень после голосования должен был бы складываться, чтобы предпочтения каждого избирателя оставались тайной
- Обработка испорченных избирательных бюллетеней не соответствует международной практике, которая требует, чтобы испорченный избирательный бюллетень был аннулирован и отложен в сторону, чтобы он не мог быть помещен в урну для голосования перед тем, как избирателю дадут новый бюллетень
- Обычно, по международным стандартам, всем избирателям находящимся внутри избирательного участка во время его закрытия, должна быть предоставлена возможность проголосовать, а не только тем, кому уже были выданы бюллетени. Смысл слов в текущем варианте подразумевает, что избиратели, получающие свои бюллетени перед кабиной для голосования могут сразу свободно их использовать. Это считается очень плохой практикой в мире, так как в этом случае получается, что избирателей поощряют голосовать за пределами кабинки, обеспечивающей им конфиденциальность.
- Положения по подсчету голосов в передвижных урнах для голосования оставляют открытой возможность того, что небольшое количество бюллетеней может быть подсчитано отдельно, таким образом, нарушая конфиденциальность бюллетеня. Это не соответствует международным стандартам.
- При подсчете, было бы более целесообразно делать пометку о решении ОИК, заверенном необходимым количеством членов, на задней стороне всех бюллетеней, которые были оспорены, а не только на тех, которые считаются аннулированными.
- Предполагается, что правила подтверждения бюллетеней будут включены в инструкции, предоставленные ЦИК. Однако, обычно требуется предоставление хотя бы каких-то общих положений закона о требуемых процедурах подтверждения.
- Обычно все материалы связанные с избирательными бюллетенями хранятся в течение заранее определенного периода – зачастую в течение 6 месяцев или 1 года после выборов.

ЗАКОНОПРОЕКТ О СТАТУСЕ МУНИЦИПАЛИТЕТОВ

Законопроект О Статусе Муниципалитетов закладывает основу муниципального управления, которое является незаменимым по многим показателям. Однако, сам по себе он не дает необходимой основы для введения системы муниципальной власти любого типа. В большинстве своем, это просто серия постановлений, которые находятся в «зачаточном» состоянии, о том что: муниципалитеты будут иметь собственный бюджет; муниципалитеты будут предоставлять свои собственные услуги; муниципалитеты могут вводить собственные налоги; муниципалитеты могут владеть и приватизировать частную собственность; муниципалитеты будут иметь свои границы. В этих положениях отсутствуют важные детали необходимые для их исполнения.

Без наличия возможности рассмотреть предложенные положения, связанные с такими вопросами, как муниципальная собственность, муниципальные налоги и финансирование, муниципальные услуги и связи муниципальных органов с прочими органами государства, сложно выразить конкретное мнение по законопроекту О Статусе Муниципалитетов. IFES должен повременить с окончательными комментариями по предложенному статусу муниципальных органов до тех пор, пока не станут известны все положения законодательства, связанного с муниципалитетами.

Предварительным условием эффективного муниципального управления является принятие закона, связанного со всеми вопросами, обсуждаемыми выше, и прочими вопросами, требующими своего выяснения, перед тем как муниципалитеты начнут функционировать. Муниципальные выборы без наличия соответствующих законов по этим вопросам – или без изменения законопроекта О Статусе Муниципалитетов, чтобы он полностью определял эти вопросы – скорее всего приведет к созданию только оболочки муниципального управления.

Законопроект также предоставляет муниципальным органам функции, которые являются остаточными от тех, которые были предоставлены исполнительным органам. Для создания активного и здорового муниципального сектора, было бы более обычной практикой, если бы законодательство стимулировало более положительную роль избранных муниципальных властей, а также подчеркивало ведущую роль этих избранных муниципальных властей в оценке и определении объема предоставления услуг исполнительными властями в каждом муниципальном округе. Изменения в этом направлении значительно улучшили бы Статьи 4 и 5 законопроекта.

В этом законе существуют некоторые специфические вопросы, улучшение которых также принесло бы определенную пользу.

Назначение Советов в Небольших Муниципалитетах

Статья 27 проекта закона предусматривает «закрытое или открытое» голосование. Статья 28 предусматривает, что в муниципальных округах с населением менее 500 человек, муниципальный совет будет избираться на собрании, путем открытого голосования, а такое собрание и голосование будет проводиться по закону, проект которого до сих пор не был представлен в Парламент.

Такое положение служит причиной серьезного беспокойства. Открытое голосование при выборе органов власти противоречит положениям о конфиденциальности бюллетеня, которые являются основой демократических выборов, а также не соответствуют международным демократическим стандартам. Оно оставляет возможность для принуждения и запугивания избирателей – особенно в маленьких группах населения. Оно противоречит положениям Статьи 3.2 Европейской Хартии о Местном Управлении, гласящей, что местные члены совета должны «...свободно избираться путем тайного голосования на основании прямого, равного, универсального избирательного права...» (хотя эта статья оставляет возможность общему собранию граждан голосовать по другим вопросам).

Статьи 27 и 28 этого проекта закона, и любые связанные с этим вопросом положения в проекте закона О Порядке Проведения Выборов в Муниципальные Советы (например, Статья 5) должны быть изменены так, чтобы все выборы в совет местных представителей проводились на основе тайного голосования.

Поощрения Создания Небольших Зон Местного Управления

Статья 11 законопроекта гласит что местные граждане не могут быть лишены права формировать свои собственные муниципальные органы по причине небольшой численности населения. Прочие положения закона поощряют создание небольших муниципалитетов. Обсуждения с представителями верховной власти показали, что до 20% населения Азербайджана может быть включено в муниципалитеты, в каждом из которых численность населения будет менее 500 человек.

Это противоречит общепринятым направлениям почти во всех странах с развитой демократией за последние 20 лет, в которых в последнее время наблюдается стремление к объединению небольших, исторических, нежизнеспособных зон управления в эффективные, с экономической и управленческой точек зрения, единицы. С учетом возможного наличия многих небольших муниципальных единиц, проект закона О Статусе Муниципалитетов будет поощрять формирование экономически невыгодных муниципальных округов, которым в краткосрочном плане потребуется поддержка для экономического выживания, а также много времени и финансовых затрат в будущем, при организации их объединения с другими зонами, для содействия их экономическому развитию.

Маловероятно, что каждая из множества небольших зон местного управления будет экономически самодостаточной. Отсутствие экономической самодостаточности приведет к зависимости от финансовой помощи местных или региональных исполнительных властей. Соответственно, возникает значительная опасность, что эти исполнительные органы, при помощи финансового давления, смогут управлять деятельностью избранных муниципальных органов.

Существуют два подхода, которые могут использоваться при изменении законодательства так, чтобы оно поощряло финансовую независимость муниципалитетов. Статья 11 может быть изменена так, чтобы она указывала минимальную численность населения для создания муниципалитета. В качестве альтернативы, можно принять положения по двухслойной структуре муниципальных советов – с тем чтобы небольшие населенные пункты имели право быть частью более крупного регионального представительского органа.

305

Любой из этих методов приведет к улучшению стабильности и экономической ситуации органов местного самоуправления, по сравнению с положениями текущего законопроекта.

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306

ATTACHMENT 17

IFES International Foundation for Electoral Systems

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IFES Technical Observation for the November 5, 2000 Parliamentary Election

Observation Handbook

Table of Contents:

I. Election Day Observation Form ____ A

II. Election Watch: Azerbaijan ____ B

III. IFES Support to the 2000 Parliamentary Elections ____ C

IV. IFES Programming in Azerbaijan ____ D

V. Press Articles ____ E

VI. Election Observation: The Question of Why ____ F

VII. Observation and Monitoring Training Seminar Outline ____ G

IIX. Electoral Assistance by the United Nations ____ H

IX. EU's Mediterranean Training Seminar on Monitoring Elections I

X. Guidelines for Monitoring and Observing Elections ____ J

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IFES TECHNICAL OBSERVATION

2000 PARLIAMENTARY ELECTIONS AZERBAIJAN

ELECTION OBSERVATION FORM

NAME OF THE OBSERVERS:	1.	2.
PRECINCT ELECTION COMMISSION LOCATION:		
DISTRICT:		

TIME OF VISIT	ARRIVAL:	DEPARTURE:
NUMBER OF REGISTERED VOTERS AT THE STATION:		
NUMBER OF VOTERS WHO HAVE VOTED:		

VOTER EDUCATION MATERIAL	YES	NO
WERE IFES OUTDOOR VOTER EDUCATION POSTERS ("WHY?" AND "ARE YOU READY?") VISIBLE IN TOWN?		
DID YOU FIND ANY EVIDENCE OF IFES POSTERS BEEN OVERHUNG BY POSTERS OF POLITICAL PARTIES?		

BEFORE ENTERING THE POLLING STATION	YES	NO
WERE POLITICAL PARTIES CAMPAIGN MATERIALS DISPLAYED IN PROXIMITY OF THE STATION?		
WAS THERE ANY POLITICAL PARTIES CAMPAIGN ACTIVITY IN PROXIMITY OF THE STATION?		
WAS THE PHYSICAL ACCESS TO THE STATION DIFFICULT?		
WAS THERE ANY INTIMIDATION OF VOTERS?		

OPENING OF THE POLLING STATION (TO BE ANSWERED ONLY IF PRESENT AT THE OPENING OF THE POLLS)	YES	NO
DID THE POLLING STATION OPEN ON TIME?		
WERE ALL MEMBERS OF THE PEC PRESENT?		
WAS THE BALLOT BOX PROPERLY SEALED BY PEC CHAIR?		
WAS THE CONTROL SHEET SIGNED BY THE FIRST VOTER BEFORE BEING DEPOSITED IN THE BALLOT BOX?		
WERE THE ESTABLISHED OPENING PROCEDURES FOLLOWED?		

INSIDE THE POLLING STATION	YES	NO
WAS THE VOTERS' LIST DISPLAYED SO TO BE INSPECTED BY VOTERS BEFORE VOTING?		
WAS IFES "STEPS IN THE VOTING PROCESS" POSTER DISPLAYED INSIDE THE STATION?		
WAS IFES "STEPS IN THE VOTING PROCESS" POSTER DISPLAYED IN SUCH WAY TO BE READ BY VOTERS BEFORE VOTING?		
WAS ANY REPRESENTATIVE OF PARTIES AND BLOCS, PROXIES OF CANDIDATES PRESENT?		
WAS ANY DOMESTIC OBSERVER PRESENT?		
WERE ANY OTHER INTERNATIONAL OBSERVERS PRESENT?		
WERE UNAUTHORISED PEOPLE PRESENT?		
WAS THE FLOW OF VOTERS IN THE STATION PROPERLY REGULATED?		
WAS CAMPAIGN MATERIAL FROM POLITICAL PARTIES VISIBLE INSIDE THE STATION?		
WAS THE LAYOUT OF THE STATION PROPERLY ARRANGED?		
WERE VOTING BOOTHS POSITIONED IN SUCH WAY TO ENSURE SECRECY OF THE VOTE?		
WERE PARTY AND CANDIDATE LISTS AND SAMPLE BALLOTS DISPLAYED IN SUCH A WAY TO BE EXAMINED BY VOTERS BEFORE VOTING?		

309

VOTING PROCEDURES	YES	NO
WERE ALL THE OFFICIAL VOTING PROCEDURES APPLIED DURING YOUR VISIT?		
DID YOU OBSERVE ANY OF THE FOLLOWING (PLEASE PROVIDE DETAILS IN THE NOTES):		
• PROBLEMS WITH IDENTIFICATION OF VOTERS		
• PROBLEMS WITH THE VOTERS' LIST		
• PROBLEMS WITH THE VOTING LICENSE		
• ELIGIBLE VOTERS DENIED THEIR RIGHT TO VOTE		
• INELIGIBLE VOTERS ALLOWED TO VOTE		
• PROBLEMS WITH AUTHENTICATION OF BALLOT PAPERS (NOT SIGNED/MARKED WITH HOLOGRAM/STAMPED)		
• INSUFFICIENT BALLOT PAPERS OR MATERIALS		
• VOTING OUTSIDE THE BOOTHS		
• PROBLEMS WITH ASSISTANCE TO ILLITERATE VOTERS		
• BALLOT BOXES NOT SEALED PROPERLY		
• PROBLEMS WITH HANDLING OF SPOILED BALLOTS		
WERE THERE ANY INTENTIONAL VIOLATIONS OF SECRECY?		
WAS ANY IRREGULARITY REPORTED TO YOU?		
HAD VOTING BEEN SUSPENDED AT ANY TIME?		

CLOSING OF THE POLLING STATION *(TO BE ANSWERED ONLY IF PRESENT AT THE CLOSING OF THE POLLS)*	YES	NO
DID THE POLLING STATION CLOSE ON TIME?		
WERE THERE STILL PEOPLE IN LINE WHEN THE POLLING STATION CLOSED?		
WERE THE PEOPLE STILL IN LINE ALLOWED TO VOTE?		
WERE OBSERVERS AND PARTY/BLOC/CANDIDATES REPS ALLOWED TO REMAIN INSIDE THE POLLING STATION TO OBSERVE THE COUNTING?		
WERE THE ESTABLISHED CLOSING PROCEDURES FOLLOWED?		
DID OTHER INTERNATIONAL OR DOMESTIC OBSERVERS OR PARTY/BLOC/CANDIDATES REPS REPORT ANY VIOLATIONS TO YOU?		
DID OBSERVERS OR PARTY/BLOC/CANDIDATES REPS LODGE ANY COMPLAINT?		

COUNTING PROCEDURES *(TO BE ANSWERED ONLY IF PRESENT AT COUNTING)*	YES	NO
WERE COUNTING PROCEDURES FOLLOWED AS ESTABLISHED BY THE LAW?		
WERE ONLY AUTHORIZED PERSONS ALLOWED TO BE PRESENT?		
WERE UNUSED AND SPOILED BALLOT PAPERS COUNTED BEFORE OPENING THE BALLOT BOX?		
WAS THE CONTROL SHEET INSIDE THE BALLOT BOX?		
WERE PROTOCOLS FILLED IN CORRECTLY AND STAMPED WITH PEC STAMP?		
DID ALL PEC MEMBERS AGREE WITH THE RESULTS WRITTEN IN THE PROTOCOLS?		
WERE OBSERVERS ALLOWED TO FOLLOW THE BALLOTS, THE PROTOCOLS AND THE OTHER ELECTION DOCUMENTS TO DEC?		

OVERALL ASSESSMENT OF THE PEC MEMBERS PERFORMANCE	YES	NO
DID THE PEC MEMBERS APPEAR TO BE ADEQUATELY TRAINED?		
DID THEY APPEAR TO KNOW THEIR DUTIES AND TO BE ABLE TO CARRY THEM OUT EFFICIENTLY?		
WERE THEY FULLY CONVERSANT WITH THE PRESCRIBED PROCEDURES?		
WERE THE PEC MEMBERS NON-PARTISAN IN THEIR JOB?		

310

OVERALL ASSESSMENT OF THE PROCESS	
*EVALUATE THE GENERAL CONDUCT OF THE ELECTION PROCESS AT THIS STATION IN TERMS OF THE REGULATIONS OF THE PRESIDENTIAL ELECTION LAW AND ACCORDING TO INTERNATIONAL STANDARDS. PLEASE CHECK **ONLY** THE RELEVANT BOX:*	
1. THE ADMINISTRATION OF THE PROCESS WAS COMPLETELY UNSATISFACTORY AND THERE WERE SERIOUS VIOLATIONS OF THE ESTABLISHED PROCEDURES	
2. THE ADMINISTRATION OF THE PROCESS WAS DEFICIENT AND SOME IRREGULARITIES WERE OBSERVED	
3. THE ADMINISTRATION OF THE PROCESS WAS SATISFACTORY WITH MINOR TECHNICAL INFRINGEMENTS/IRREGULARITIES	
4. THE ADMINISTRATION OF THE PROCESS MET ACCEPTABLE INTERNATIONAL STANDARDS AND THERE WERE NO VIOLATIONS	
5. THE ADMINISTRATION OF THE PROCESS WAS IN FULL COMPLIANCE WITH INTERNATIONAL STANDARDS	

COMMENTS:
PLEASE PROVIDE DETAILS ON YOUR CHOICE FOR THE OVERALL ASSESSMENT OF THE PROCESS (1 T0 5 ABOVE):

311

VOTING PROCEDURES	YES	NO
WERE ALL THE OFFICIAL VOTING PROCEDURES APPLIED DURING YOUR VISIT?		
DID YOU OBSERVE ANY OF THE FOLLOWING (PLEASE PROVIDE DETAILS IN THE NOTES):		
• PROBLEMS WITH IDENTIFICATION OF VOTERS		
• PROBLEMS WITH THE VOTERS' LIST		
• PROBLEMS WITH THE VOTING LICENSE		
• ELIGIBLE VOTERS DENIED THEIR RIGHT TO VOTE		
• INELIGIBLE VOTERS ALLOWED TO VOTE		
• PROBLEMS WITH AUTHENTICATION OF BALLOT PAPERS (NOT SIGNED/MARKED WITH HOLOGRAM/STAMPED)		
• INSUFFICIENT BALLOT PAPERS OR MATERIALS		
• VOTING OUTSIDE THE BOOTHS		
• PROBLEMS WITH ASSISTANCE TO ILLITERATE VOTERS		
• BALLOT BOXES NOT SEALED PROPERLY		
• PROBLEMS WITH HANDLING OF SPOILED BALLOTS		
WERE THERE ANY INTENTIONAL VIOLATIONS OF SECRECY?		
WAS ANY IRREGULARITY REPORTED TO YOU?		
HAD VOTING BEEN SUSPENDED AT ANY TIME?		

CLOSING OF THE POLLING STATION *(TO BE ANSWERED ONLY IF PRESENT AT THE CLOSING OF THE POLLS)*	YES	NO
DID THE POLLING STATION CLOSE ON TIME?		
WERE THERE STILL PEOPLE IN LINE WHEN THE POLLING STATION CLOSED?		
WERE THE PEOPLE STILL IN LINE ALLOWED TO VOTE?		
WERE OBSERVERS AND PARTY/BLOC/CANDIDATES REPS ALLOWED TO REMAIN INSIDE THE POLLING STATION TO OBSERVE THE COUNTING?		
WERE THE ESTABLISHED CLOSING PROCEDURES FOLLOWED?		
DID OTHER INTERNATIONAL OR DOMESTIC OBSERVERS OR PARTY/BLOC/CANDIDATES REPS REPORT ANY VIOLATIONS TO YOU?		
DID OBSERVERS OR PARTY/BLOC/CANDIDATES REPS LODGE ANY COMPLAINT?		

COUNTING PROCEDURES *(TO BE ANSWERED ONLY IF PRESENT AT COUNTING)*	YES	NO
WERE COUNTING PROCEDURES FOLLOWED AS ESTABLISHED BY THE LAW?		
WERE ONLY AUTHORIZED PERSONS ALLOWED TO BE PRESENT?		
WERE UNUSED AND SPOILED BALLOT PAPERS COUNTED BEFORE OPENING THE BALLOT BOX?		
WAS THE CONTROL SHEET INSIDE THE BALLOT BOX?		
WERE PROTOCOLS FILLED IN CORRECTLY AND STAMPED WITH PEC STAMP?		
DID ALL PEC MEMBERS AGREE WITH THE RESULTS WRITTEN IN THE PROTOCOLS?		
WERE OBSERVERS ALLOWED TO FOLLOW THE BALLOTS, THE PROTOCOLS AND THE OTHER ELECTION DOCUMENTS TO DEC?		

OVERALL ASSESSMENT OF THE PEC MEMBERS PERFORMANCE	YES	NO
DID THE PEC MEMBERS APPEAR TO BE ADEQUATELY TRAINED?		
DID THEY APPEAR TO KNOW THEIR DUTIES AND TO BE ABLE TO CARRY THEM OUT EFFICIENTLY?		
WERE THEY FULLY CONVERSANT WITH THE PRESCRIBED PROCEDURES?		
WERE THE PEC MEMBERS NON-PARTISAN IN THEIR JOB?		

International Foundation for Election Systems
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IFES Support to the 2000 Parliamentary Elections of the Republic of Azerbaijan

With a team of elections professionals, IFES is working to encourage the sustainable development of a democratic system of elections in Azerbaijan. Over the past year IFES has provided targeted legal assistance to the Milli Majlis, the Presidential Administration, and opposition parties in support of the reform of the Law on the Central Election Commission and the Law on Elections to the Milli Majlis of the Republic of Azerbaijan. Currently, in support of the 5 November elections, IFES is providing technical assistance to the Central Election Commission (CEC) in three key areas: election administration technical assistance, election official training assistance, and voter education/information.

Election Administration Technical Assistance

To promote international standards in election administration and to encourage increased efficiency in election conduct, IFES Election Administration Consultant Micheline Begin is working with the CEC to develop and implement election regulations resulting from the new election legislation. IFES advises the CEC to adopt procedures and forms that strengthen the capacity of election commissions to administer elections fairly and that support increased transparency and integrity in the election process. To further support these objectives, IFES monitors all CEC sessions and observes election official briefings conducted by the CEC. IFES collaborates with OSCE/ODIHR and informs other international organizations in providing this assistance.

Election Officials Training Assistance

To strengthen the capacity of the CEC to prepare polling station officials to administer the elections, IFES Project Manager Elsie Chang is creating, together with the CEC legal department, a comprehensive Precinct Election Commission Guidebook. This guide, like those IFES created with the CEC for the 1998 Presidential and 1999 Municipal elections will provide polling station officials with all election day administration procedures in a user-friendly format, including step-by-step vote counting procedures. The guide will be distributed to the PECs by the CEC, through the Constituent Election Commissions. IFES anticipates that each of the 4, 843 PECs will receive three copies of the guide. In addition, IFES will make copies of the PEC Guide available to all domestic and international election observers.

Voter Education/Information Campaign

To increase availability of information on election rights and voting procedures under the recently enacted legislation governing the elections, IFES Voter Education/Information Consultant Amanda Weisbaum is working with the CEC Secretariat to develop and implement a voter education/information campaign. This campaign consists of both electronic and print materials; public service announcements (PSAs), pamphlets and voting procedure posters for polling stations will be produced. To insure broad dissemination of campaign materials, distribution of the PSAs and print materials will be done in cooperation with the CEC, Internews, and other domestic and international NGOs. IFES undertakes this program with production assistance from Internews and financial assistance from the British Embassy, in addition to that provided by USAID.

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INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS PROGRAMMING IN AZERBAIJAN

In 1995, at the request of USAID, IFES conducted an on-site analysis of the electoral climate in Azerbaijan as the country prepared for the November 12 Parliamentary elections and a Constitutional Referendum. As a result of those meetings and based on a review of relevant laws related to the conduct of elections, the IFES team issued initial conclusions and recommendations regarding the political environment and the status of preparations for elections. Although assistance to the Central Election Commission (CEC) was not possible at that time due to Congressional restrictions on non-humanitarian aid to the Government, IFES continued to follow events in Baku after the 1995 elections in anticipation that future technical efforts may be possible.

In March 1998, after a number of restrictions were lifted, IFES sent a team to Baku, including a legal advisor and an election administrator, to define activities to be undertaken in support of existing and emerging election systems. During its assessment, IFES met with members of the CEC, representatives from the Office of the President, various ministries, representatives from territorial commissions, political parties, non-governmental organizations, and international donor organizations. Later, in May and June 1998 IFES provided legal commentary on the draft of the Law of Azerbaijan on Presidential Elections.

IFES established a permanent presence in Azerbaijan in August 1998 and undertook activities in support of the October 1998 Presidential Elections. This on-site effort included: providing technical assistance to the CEC in the implementation of the new election law and, together with OSCE, assisted the CEC in the development of the Official Election Day Manual and training over 500 election officials. A national voter education campaign resulted in over 180,000 posters and fliers distributed, seven televised voter education spots, and a national televised election law forum.

In support of the December 1999 local elections, IFES provided commentary and advice to the Milli Mejlis and other interested parties regarding municipal election legislation, and continued technical assistance to the CEC. In collaboration with the CEC, IFES conducted a voter education campaign that included both print and electronic media components—a total of 9 television PSAs were broadcast on both state and private stations and over 1 million posters and brochures were distributed to all regions of the country. In addition, together with the CEC, IFES produced a polling station manual for precinct election commissions. In 2000 IFES continues to assist the Milli Mejlis and the CEC and continues to work with local democracy non-governmental organizations in preparation for Parliamentary elections anticipated to take place in November 2000. Work includes legislation advisory work, direct technical assistance, the continuation and development of the IFES/Azerbaijan Resource Center, voter and civic education and training for the elections and other democracy-based activities.

Articles: Notes:

Radio Free Europe/ Radio Liberty

By Liz Fuller

On 5 November, the Azerbaijani electorate will go to the polls to elect a new parliament. But few people believe the ballot will be free, fair, and democratic. Opposition Musavat Party chairman Isa Gambar, for example, told RFE/RL on 31 October that "the Azerbaijani people and international community know that Heidar Aliev's government is trying to falsify the elections."

Observers do not doubt that the official election returns will give the ruling Yeni Azerbaycan Party (YAP) an overall majority of the 125 mandates. That party is headed by President Heidar Aliev, and its election campaign is being spearheaded by his son Ilham, who is being groomed to succeed to the presidency. Ilham Aliev heads YAP's list of candidates to contest the party list seats and will almost certainly be elected speaker of the new legislature.

In the hope of preventing a repeat of the massive falsification that marred both the 1995 parliamentary elections and the 1998 presidential poll. the Azerbaijani opposition suggested early this year that the UN should oversee the November parliamentary ballot. When the UN said it could not do so without an invitation from the Azerbaijani leadership, the opposition drafted its own election legislation, which the parliament refused to consider.

In the early summer, the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights consulted with both the Azerbaijani authorities and the opposition and succeeded in persuading the former to accept some of its proposed amendments to the legislation aimed at minimizing the potential for fraud. But in a report released earlier this week, Human Rights Watch described the new election legislation as less democratic in many respects than the laws it superseded.

The beginning of the election campaign was overshadowed by the arrest in late August of Rauf Arifoglu, editor of the newspaper published by the opposition Musavat party, on charges of involvement in a plane hijack, planning a coup, and illegal weapons possession. (He was released on bail in late September after countless protests from the international community.)

In late August, the Supreme Court ruled that the article of the election law excluding parties that registered with Justice Ministry less than six months before the announcement of the elections was unconstitutional. That decision paved the way for the participation in the ballot of former parliamentary speaker Rasul Guliev's the opposition Democratic Party of Azerbaijan. But the Central Electoral Commission (the majority of whose 18 members are loyal to the authorities) initially registered only five parties wishing to contest the 25 seats to be allocated under the proportional system: Yeni Azerbaycan, the opposition Azerbaijan National Independence Party, the Civic Solidarity Party, the

Communist Party, and the "reformist" wing of the Azerbaijan Popular Front Party. (The last-named party split into two wings, reformers and conservatives, in August, shortly before its chairman, former President Abulfaz Elchibey, died of cancer.)

In early October, in response to calls by the OSCE and the U.S. State Department to register the Democratic and Musavat Parties, President Aliev instructed the Central Election Commission to register those two parties as well as six others that had initially been barred from contesting the party list seats. Aliev also said he would instruct the commission to register all candidates who wished to contest the 99 single mandate constituencies (no voting is taking place in the 100th constituency, Nagorno-Karabakh).

But local election commissions, whose members are appointed by the Central Election Commission, registered only 409 of more than 1,000 would-be candidates. And of those 409, only 25 percent or so represent opposition parties, while 140 are members of Yeni Azerbaycan and 149 are nominally independent but approved by the Azerbaijani leadership. Human Rights Watch has listed numerous examples of refusals by local election commissions to register opposition candidates.

Unlike in 1995, however, many voters have held rallies in recent weeks to protest such decisions by local election officials. And opinion polls suggest that such measures may have undermined support for Yeni Azerbaycan. The findings, released earlier of this week, of two such polls suggested that Musavat is the most popular political party with some 28 percent support, while Yeni Azerbaycan is in second place with 20 percent.

Assuming those findings are accurate, they are nonetheless unlikely to be reflected in the poll outcome. Official returns are likely to give Musavat less than the minimum 8 percent of the party list vote needed to qualify for representation under the proportional system and thus leave Gambar, who heads Musavat's party list, outside the new legislature. Opposition politician Matlab Mutallimli, the head of a committee to defend the rights of would-be candidates who were refused registration, has even claimed that the results of the poll have been determined in advance, and he published a list of names of those deputies to be "elected" in the 99 single-mandate constituencies. A similar list made public on the eve of the 1995 poll proved almost 100 percent accurate.

Articles: Notes:

RADIO FREE EUROPE/RADIO LIBERTY, PRAGUE, CZECH REPUBLIC

RFE/RL CAUCASUS REPORT
Vol. 3, No. 43, 3 November 2000

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HEADLINES

* MUSAVAT'S POPULARITY ON THE RISE...
* ...WHILE AZERBAIJAN POPULAR FRONT LOSES SUPPORT

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MUSAVAT'S POPULARITY ON THE RISE... A poll conducted between 21-29 October by the ADAM Center for Social Research among some 500 residents of Baku suggests that, at least in the capital, the opposition Musavat party would win more votes than any other in free and fair parliamentary elections. Twenty-four percent of respondents said they hope for a Musavat victory in the 5 November parliamentary elections, while only 20 percent hoped that the ruling Yeni Azerbaycan party will win.

In a separate poll of 817 people who said they intend to go to the polls on 5 November, almost half --47 percent -- said they will vote for opposition candidates, while less than one quarter -- 22 percent, said they will vote for Yeni Azerbaycan's candidates. Musavat would garner 26.1 percent of those respondents' votes, Etibar Mamedov's Azerbaijan National Independence Party 7.5 percent, the Democratic Party of Azerbaijan, which is headed by exiled former parliament speaker Rasul Guliev, 6 percent, and the Liberal Party of Azerbaijan, whose chairwoman is Lala Shovket, 3.2 percent. Twenty-one percent of those respondents said they will vote for Yeni Azerbaycan. The findings of the ADAM survey are corroborated by a second poll conducted by the Meridian center, which estimated support for Musavat at 29.8 percent.

Even if those findings cannot be extrapolated to the country as a whole, the discrepancy between the level of support expressed for the Musavat Party and that for Yeni Azerbaycan gives grounds for serious thought. Those findings suggest that the authorities' campaign to tarnish Musavat's reputation by implicating Rauf Arifoglu, editor of the party's newspaper "Yeni Musavat," in an airplane hijack and planning a coup attempt has not had the desired effect (see "RFE/RL Caucasus Report," Vol. 3, No. 36, 7 September 2000) has misfired. Whether the insults and insinuations leveled at opposition leaders in his electioneering speeches by President Heidar Aliev's son Ilham, who is a deputy chairman of Yeni Azebaycan, may have proven equally counter-productive is a matter for conjecture.

The findings of the survey also suggest that since the death in August of ex-president and Azerbaijan Popular Front Party chairman Abulfaz Elchibey, Musavat's leader Isa Gambar has inherited the mantle of the most respected opposition leader. They also suggest that public infighting between rival factions within Yeni Azerbaycan may have further undercut support for a party which is widely perceived as corrupt and engaged in primarily defending the political influence and economic interests of its members.

Those polled say that they will be surprised, however, if their preferences are clearly reflected in the outcome of the ballot: 59 percent of the respondents in the ADAM poll said they do not believe the parliamentary election will be free and fair, although 43 percent added that they believe it would be possible to ensure that the poll was free and fair if the country's leadership wished to do so. Specifically, in the light of President Aliev's well-known hatred for

Gambar, who heads the list of Musavat candidates contesting the party lists seats, it is doubtful whether official returns will give Musavat the minimum 8 percent of the vote needed to win parliamentary representation under the proportional system. (Liz Fuller)

...WHILE AZERBAIJAN POPULAR FRONT LOSES

further unexpected and thought-provoking finding of the ADAM poll was the erosion of support for the now divided Azerbaijan Popular Front Party (AHCP): 4.3 percent of respondents said they intend to vote for the "reformist" wing of that party which is headed by Ali Kerimov, and 2.3 percent for the "conservative" wing, of which Mirmahmud Fattaev was elected chairman at a congress in Baku on 28-29 October attended by 339 delegates from 72 of the party's regional organizations. Fattaev said after that congress that the conservatives will apply for registration with the Ministry of Justice as a separate entity.

It is not clear to what extent voters' alienation from the AHCP is to be attributed to the death of its charismatic chairman as opposed to the split in the party's ranks. That split of the AHCP into two entities had a negative impact on its participation in the election campaign. First, the split stymied plans made in July by the (then still united) AHCP to align with Musavat and run a joint list of candidates to contest the 25 seats in the new 125-seat legislature that are to be allocated under the proportional system. After the split, the Central Electoral Commission registered only the list submitted by the Ali Kerimov's reformists, but not that of the conservative wing.

In addition, many "conservative" AHCP candidates, including Fattaev, were initially refused registration to run in single-mandate constituencies. After Fattaev appealed that refusal, the Court of Appeal recommended to the Central Electoral Commission that he be registered, according to "Yeni Musavat" on 26 October. The two wings have between them registered a total of 40 candidates to run in the 99 single-mandate constituencies. (No voting is taking place in Stepanakert.) No AHCP candidates featured on the list of deputies to be "elected" that was made public last week by Social Justice Party chairman Matlab Mutallimli (see "RFE/RL Newsline," 26 October 2000).

Nor has Musavat's stated backing for the conservative wing of the AHCP and the election "alliance" subsequently concluded between those two organizations helped the AHCP conservatives' popularity. Whether or not that alliance is extended after the elections will in all likelihood depend on the number of seats each party garners in the new legislature. (Liz Fuller)

Election Watch: Azerbaijan

Country	Election Type	Date
Republic of Azerbaijani	Parliamentary	November 5, 2000

At stake in this election:

- Seats in the National Assembly: 124

Description of government structure:

- Chief of State: President Heydar ALIYEV
- Head of Government: Prime Minister Artur RASIZADE
- Assembly: Azerbaijan has a unicameral National Assembly (*Milli Mejlis*) with 125 seats.

Description of electoral system:

- The president is popularly elected for a five-year term.
- Members of the National Assembly are elected by a mixed system with 100 seats elected by absolute majority vote and the remaining 25 seats allotted according to party list proportional representation.

Main parties in the electoral races:

- **Party: New Azerbaijan Party (YAP)**
  Leader: Heydar ALIYEV
  Seats won in last election: 54

- **Party: Musavat Party**
  Leader: Isa GAMBAR
  Seats won in last election: 1

- **Party: Democratic Party of Azerbaijan (ADP)**
  Leader: Rasul GULIEV
  Seats won in last election: NA

- **Party: Azerbaijan National Independence Party (ANIP)**
  Leader: Etibar MAMEDOV
  Seats won in last election: 4

- **Party: Azerbaijan Popular Front Party (AXCP)**
  Leader: Vacant
  Seats won in last election: 4

When was the last election? Number of seats in last election?

- Parliamentary elections last held: November 12 and November 26, 1995
- Seats decided in the last election: 124

Population and number of registered voters:

- Population: 7,748,163 (July 2000)
- Number of registered voters: 4,241,550 (1998 Approx.)

Of Interest:

- The Central Electoral Commission initially barred 14 political parties, including the Musavat Party and the Democratic Party of Azerbaijan, from contesting the seats allocated for distribution by proportional representation. The commission reversed its decision on October 8, 2000 following a request by President ALIEV.

Election Observation: The Question of Why

presented by

Keith Klein
Director of Programs for Africa and the Near East
The International Foundation for Election Systems

at the

Mediterranean Training Seminar
on the
Organization and Monitoring of Democratic Elections
Halki, Greece

September 14, 1998

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Election Observation: The Question of Why

What is the future of international election observation? As you who are participating in this seminar are both potential observers and observees, this is not simply an academic question.

For the past several years, I have been hearing from time to time that the era of international election observation is over, or at least that we're nearing the end of the era of big election observation missions. Often, one hears this following a large election observation effort, such as in South Africa, or Bosnia, or Albania. In the past month, some have said that this summer's international election observation exercise in Cambodia will be the last "big one." I think that it is useful to ask why, in recent years, we keep hearing the death knell of international election observation. It is also interesting to ask why these predictions that the international observation era is ending have never come to pass, at least not yet.

If the era of international election observation will soon come to an end, that implies that the era also had a beginning. It further implies that the "international election observation era" had a rationale, a justification for coming into being, and this reason for being is not longer valid, at least according to some. To say that the era of international election observation may be ending focuses us on the question of why such a custom arose and flourished in the first place. Why have elections needed observing? What is accomplished through international election observation? How close do actual accomplishments of international observation come to matching the hoped for accomplishments? And have the enormous resources put into election observation, both by international and domestic groups, been justified by the results, by the impact that observation has had on strengthening elections and democracy?

Perhaps taking a quick look at the history of international election observation will help us to understand the original rationale for it. The international observation of elections is largely a phenomenon of the second half of the twentieth century, beginning with the United Nations role in promoting and assisting decolonization. More than twenty election observation missions, largely in Africa and the South Pacific, were initiated by the UN General Assembly and the Trusteeship Council from the late 1940s through the late 1980s. The Commonwealth also sent observer missions to a few independence elections in the 1960s, and to the Rhodesia/Zimbabwe elections in 1980. These observation missions, sent at the invitation of the administering election authority, served to assess and endorse a process whereby a newly independent government was chosen. In 1980, the Commonwealth also accepted an invitation to observe elections in Uganda. These elections were not related to decolonization but to conflict resolution. Starting in the 1960s, the Organization of American States began sending observer delegations to elections at the invitation of member states. Some of these missions, especially to El Salvador in 1982 and 1984, were in the context of conflict resolution and peacekeeping.

322

.ıted Nations undertook its first election observation in a sovereign country, also in .-conflict context, in Nicaragua in 1989. With less justification, but with the :cedent of Nicaragua, the UN also sent an observer mission to Haiti in 1990.

In 1991, the Commonwealth Heads of Government endorsed the Harare Guidelines on the establishment of Commonwealth observer groups. Also in 1991 the OAS General Assembly issued the Santiago Commitment to Democracy which called for a greater role for the organization in promoting and preserving democracy in member states, including, implicitly, election observation. In 1990, the Conference for Security and Co-operation in Europe (now the OSCE) agreed on the Copenhagen Document which committed member states to periodic and genuine elections and stated that the presence of election observers can enhance the integrity of the electoral process. Thus, through the evolution of the positions of these four multilateral organizations, the stage was set at the beginning of the 1990s for an expansion of the role of election observation, not just in the context of decolonization and conflict resolution, but in the more general context of promoting and strengthening electoral democracy. Not only were intergovernmental organizations poised to take on this new role, but also there was a growing number of non-governmental organizations that had begun to observe elections in the 1980s through their interest in protecting human rights and assisting democratic transitions.

One can see a rationale of sorts for the initial phase of international election observation, at the conclusion of decolonization and conflict resolution efforts. The international community had an involvement and interest in these processes, and therefore had an interest in seeing them through to their successful conclusion. What is also discernible is a level of naivete that these processes would come to a neat and tidy conclusion once elections were held, as well as a naivete that the international community could sustain an interest in seeing the process through to a more stable point of conclusion. Once the realm of international observation expanded beyond elections as part of decolonization and conflict resolution, the simple justification of "seeing a process through to its conclusion" was no longer adequate. Why international observers went to Haiti in 1990 or to Zambia in 1991 is a little more complicated, and a little more difficult to answer satisfactorily. What did they hope to accomplish? And did they accomplish what they hoped to accomplish?

Over the course of the past decade, groups that organize international election observation missions have gained experience and have gotten better at observing elections. Through this experience, and various opportunities to reflect upon it, the community of groups has also gotten better at articulating what their objectives are and what the possible methodologies are. A large number of guidelines and manuals have been written in the past several years.

The grandfather of all these manuals is Guidelines for International Election Observing, written by Larry Garber for the International Human Rights Law Group in

1984. It is easy to recognize Garber's book as the foundation for guides and manuals written in the 1990s, but it is also easy to recognize that the more recent publications hav progressed greatly in terms of sophistication, detail and nuance. A few of the more notable ones include the Council of Europe's *Handbook for Observers of Elections*, *The OSCE/ODIHR Election Observation Handbook*, and Stefan Mair's *International Election Observation: One Form of Democratization Assistance*. These guides and manuals, with considerable consistency among them, present a coherent and well-thought-out set of conditions, methodology and code of conduct for election observation. With the widespread availability of these publications, I will not take time to dwell on those issues in this setting.

It is of value, I think, to look back again at these fundamental questions that are provoked each time someone predicts the end of the international election observation era, and each time, after a major observation effort when people ask, Was it worth it? What do we expect out of international election observation? What are the expected results? Why do we do it? Should we keep doing it? If so, how can we do it better?

A quick look at the recent experience of election observation in Cambodia provides some illustration of how expectations and impact play out. Nearly seven hundred international observers were in Cambodia for parliamentary elections on July 26, 1998. About five hundred were part of a UN-coordinated Joint International Observer Group. Thousands of domestic observers were also organized, such that there were domestic, non-partisan observers in nearly every polling station on election day. Two days after the election, the JIOG issued a statement that the vote and count had been sufficiently free and fair to reflect the will of the people. An independent American group from the National Democratic Institute also issued a statement on July 28 stating that the balloting and counting processes were generally well administered. NDI had also released a statement on July 14, two weeks before the election, saying that "The process leading up to the elections scheduled for July 26 is fundamentally flawed." In addition to the UN group and the major domestic monitoring groups saying that the voting and counting were "good enough" and some others saying that, even with a good performance on voting day, the process was fundamentally flawed, there were unnamed western diplomats quoted in the press saying things like "It is incredibly disingenuous and intellectually dishonest as well as possibly immoral for the international community to come here and say, 'OK, you have democracy,' when the reality on the ground is much different." What are domestic and international audiences to make of this mixed verdict? Controversy regarding the election still is raging in Cambodia, with the major opposition parties, rightly or wrongly, refusing to accept the results. At this point, nearly two months after the elections, it is difficult to say exactly what the impact of the international observation effort in Cambodia has been.

Sometimes, there are expectations for election observation which go beyond what can be accomplished given the resources available for the effort. Sometimes a group of ten observers, after spending four days in a country at the time of an election, is asked to

give a verdict on whether the election was free and fair or not. Clearly, in most circumstances, that small group is not qualified to answer that question, and yet there is often the expectation that they will. And sometimes they do answer the question, whether they are qualified or not. It is sobering to realize, however, that in Cambodia, nearly 700 shortterm international observers and a small number of longterm observers were not sufficient to achieve the expectation of both the Cambodians and the international-community – to deliver a convincing assessment of the election that would be accepted by winners, losers and the public at large. If 700 observers is not enough in a country of 5 million voters, what is? No wonder the prediction of the end of the era of international election observation is often heard these days. The international community cannot afford such expensive efforts with little discernible impact indefinitely.

This very brief look at the historical origins of international election observation and at current practices does not resolve the fundamental question that I have posed in this paper, which is why election observation is considered useful or even necessary for many elections. What is the intended impact of election observation? Does the actual impact match that which is intended? I'd like to search for the answer to that question another way, by looking at the nature of the election process itself.

The logic of election observation is based, I think, on a few implicit principles or assumptions. First, there is an assumption that elections are important, and that, even though elections are also national, sovereign, and, in a sense, private processes, some elections are important beyond their borders.

Second, there is an assumption, or recognition, that elections are difficult and challenging operations, and complex processes that cannot be comprehended in their entirety except with access to a large amount of information.

Third, elections are vulnerable to failure. They are high stakes competitions, which are played according to rules. As with any rule-governed competition, referees and judges are necessary to ensure that the rules are observed.

The fourth assumption is that, in emerging democracies and first-time elections, the structures and institutions that act as referees and judges are weak, and therefore the elections are especially vulnerable to manipulation.

Finally, there is the proposition that some elections are judged vulnerable enough and important enough that extra-national players need to get involved. On this final point, after taking the first four assumptions as givens, we can, indeed we must, ask why? Why do extra-national players, increasingly in the past decade, choose to get involved in vulnerable, important elections?

In established democracies, structures and institutions, acting as referees and

judges, are in place to catch and punish those who break the rules in elections. To be sure, these structures and institutions are imperfect, and a certain amount of manipulation of the rules does take place in any country, in any election. But for the most part, these systems operative effectively to limit abuse, and the election process is trusted by the voters. The threat of punishment, through the vigilance of the referees and judges (which includes the media as well as state structures of investigation and enforcement), is both corrective and preventive. Actual rule-breakers are caught, and potential rule-breakers are discouraged because of the threat of being caught. When the referees and judges are working effectively, the majority of citizens are barely aware of them. Thus, in many established democracies, the portion of the community acting as an active watch-dog, as monitors, is relatively small.

In established democracies, the referee and judge functions operate through the mechanisms of transparency and accountability. These mechanisms depend on three conditions in order to work properly, First, the flow of information is relatively free and timely in reaching either the interested public or the enforcing institutions. There are what I will call feedback loops. Information is accessible, gathered and disseminated to those who are interested. Second, those in a referee or judge role, be they the voting public or legal structures, have the ability to act on that information; the technical capacity is there. Third, the political will is there. With these three conditions in place, the risk of punishment, of being held accountable for one's actions, in the court of public opinion or within the formal legal system, is fairly high for those who are tempted to break the rules. This transparency and accountability, when working properly, has the result that, first, political actors can trust that they will be found out, and punished, if they break the rules, and second, the public can trust that elections are credible and legitimate, that is, they are meaningful; unless significant manipulation comes to light. Therefore, in the established democracies in Europe and North American, most of us can sit at home on election night, trusting, waiting for CNN to tell us the results.

In some elections, however, we don't have a level of trust such that we can just sit at home waiting for the results. We form domestic monitoring organizations and spend time and resources on actively monitoring the election process. Or we get on planes and travel long distances as international monitors. Why do we do this? We do it, I think, because we have calculated that the election process is (1) important and (2) vulnerable. Why is it vulnerable? Because the institutions acting as referees and judges, those that should be providing transparency and accountability, are weak. Their weakness comes from inefficiencies in the information feedback loop, from the lack of technical capacity to respond to that information, or to the lack of political will to keep the actors in the election process accountable. Observation groups, either domestic or international, are formed in response to this judgment of relative importance and relative vulnerability, a vulnerability that results from the weakness of structures that bring accountability and transparency. That, at the most fundamental level, I believe, is why monitoring and observation exists. What observers and monitors do in response to that vulnerability is the

next crucial question.

I've said that weakness in accountability and transparency results from weakness in one or more of three conditions: an efficient information feedback system, technical capacity to respond to information, and political will to respond, particularly in enforcing accountability. The impact of international election observers and domestic monitors is a product of how well they address and strengthen those three conditions.

To the degree that observers and monitors set explicit objectives in these terms, they sometimes set out to have an impact on strengthening political will. Most often, however, observer objectives focus on the area of information flow. Observers take on an information gathering and disseminating task, because the structures and institutions that are in place are not doing the job properly or sufficiently. There are a variety of ways, some more effective than others, of strengthening the feedback loop process. International election observer missions often choose a strategy that is probably the least effective in producing a real impact, a strategy that I will call the single feedback loop. The logic for this strategy, which implicitly is the logic followed by many international observation efforts, is the following: 'Because we extra-national players, perceiving an election to be both important and vulnerable, do not trust that the election will go well, and because we do not trust that the information feedback loop will work well enough for anyone, especially us, to really assess the meaning of the elections, we will come and watch them from up close to see for ourselves. What we learn we will share with the world, so that all will know how meaningful these elections were, and so that those in charge can be held accountable.' Using this strategy, information is gathered, usually focusing on election day, and the information is shared with the world once, after the fact.

An alternative strategy, still addressing the necessary condition of an effective information feedback system, would be to create multiple feedback loops. The logic of this strategy is the following: 'We will try to fill in medium or long-term information needs, through the course of the entire election process, in the hope that our frequent and accurate gathering and dissemination of information will play a preventive and corrective role by strengthening or adding to transparency and accountability.' Observers using this logic clearly take on a role that is not merely one of evaluation but also one of assistance. This is the type of role that domestic monitoring groups are more likely to be able to accomplish, but international observer groups sometimes attempt it as well.

I would suggest that this second strategy is one that will have more of an impact on the election process that is being observed, and thus, in my mind, is the preferred strategy. There are many problems with the purely evaluative role, the single-feedback-loop strategy. One of the most important I will call the "free and fair trap." Election observers, after an election, are inevitably asked the question "Was the election free and fair?" While an accurate answer to that question is rarely conveyed in a simple yes or no, the world has shown itself to be little interested in a nuanced answer.

If observers have answered the question 'Why are we observing?' with the answer that I suggest: 'In order to have a beneficial impact on the process by enhancing the flow of accurate information,' then subsequent questions of mission design and methodology become easier to answer. One of those subsequent questions I will mention in passing. If our task is to put a supplementary mechanism in place to help those who care about this election assess how meaningful it is, what is important that we look at? I would suggest that there are two fundamental questions that determine the legitimacy and credibility of an election. First, are the voters able to express their individual, informed choices? Second, are the results an accurate aggregation of the informed choices? Those are the two fundamental "ends" of a good election process. Everything else, from voter registration to voter education, are means to those ends. Observing and assessing results aggregation is relatively simple, although often not easy. While it is susceptible to direct, verifiable observation, the other "end", free, informed, expression of choice, is not. How observer groups gather information so as to make an accurate judgment on that question is the next big dilemma in observation planning, but one which is outside the scope of this paper.

To begin to sum up, what have we learned from this exploration of the "Why observe?" question? Elections, being competitive processes that are vulnerable to manipulation, require transparency and accountability to prevent and correct that manipulation. An essential ingredient for transparency and accountability is freely flowing information. The primary reason that there is a need for observers, both domestic and international, is that this information is not sufficiently available, and is not providing corrective and preventive feedback to the system and to the community of interest in the election. Observers take on the task of enhancing that flow of information, by gathering and disseminating it, either in one big, final feedback loop following the election, or in smaller, more frequent loops, including before election day.

What are the implications of this for you are potential organizers and participants in domestic and international observation? First, I would emphasize that the fact that observation of elections has become almost routine has made us lazy. We do not always rigorously ask ourselves the question of Why? It is important to be clear on what is the need that is being addressed by an observation effort, whether international or domestic, and what is the expected impact or outcome of the effort. It is important to remember that making the effort to have neutral observers or monitors at polling places on election day is not self-justifying. That, in and of itself, does nothing to make the election more credible, nor does it necessarily enhance the free flow of information. The perceived needs will vary, but they will often center around the areas of transparency, accountability, confidence, and information flow and feedback. Election observers can have an impact on addressing those kinds of needs, but not without careful needs identification and careful strategizing on what kind of impact is desirable and feasible.

Most importantly, this line of analysis should lead us to realize that an election is a

process, a system that is complex, with lots of players, components, and requirements for success. One requirement is transparency and information flow. When you choose to monitor or observe, you choose to take part in that system and process, to lend your hand to its hoped-for success. To take the stance that observation or monitoring is external to the process, separate from it, dooms your effort to sterility and failure. Election observation and monitoring is part of the process, a process that observers are hoping to assist and improve.

Finally, in practical terms this means that observers should not lend their hand to a process that is doomed to failure. Second, it makes no sense to hoard or withhold information when your role is to enhance the free flow of information. And third, it means that as observers you must take your effort as seriously as you take the whole election process. Your failure contributes to the system's failure. Your success contributes to democracy's success.

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Training Seminar

Observation and Monitoring of the Democratic Process

Halki, September 1998

Fida Nasrallah

Electoral Reform International Services

14th September 1998

1- Introduction

Election observation and the monitoring of burgeoning democracies have become a flourishing 'industry'. This has become more so since the fall of the Berlin Wall in 1989 when a new format of governance was ushered in – one in which crises are managed through a specific political formula – namely the conduct of democratically held elections. Whether this 'democratic' blueprint is the ideal panacea for all countries is far from certain, but that is the subject of a different type of paper at a different kind of conference. What has become certain, however, is the blueprint's popularity.

The conduct of a transparent and open election process is fundamental to a democratic society. Such a process presupposes the adherence to fundamental rights and principles. These rights include the right of political participation, the right to freedom of expression, of movement and of association or assembly and the principles include those of Universality, Equality, Fairness, Secrecy, Freedom, Transparency and Accountability.

Elections *per se* are a necessary but insufficient condition for establishing and promoting democratic principles. Indeed, dangers arise when elections are seen to constitute the *end* of a process rather than the *beginning* of the long road towards reconciliation and reconstruction, when focus is placed on elections as a *goal* rather than a *means* towards the attainment of higher goals.

For this reason, election observation must be more than a technical exercise as it is possible for an election to be skilfully conducted on a technical level whilst being severely flawed on other levels. Thus any observation exercise will need to carefully weigh the positive technical aspects against the larger political dimension. Conversely, its conclusions would also need to strike a balance between the scale of irregularities and their proportion to fairness.

2- What is International Election Observation?

An election observation mission is established when a country intending to hold national elections invites a regional or an international organisation (such as the European Union, the United Nations, the Organisation for Security and Co-operation in Europe, the Organisation of African States, etc.) to send an international team of experts to observe the elections and pronounce on their results. A Needs Assessment Mission is initiated several months prior to the election in order to prepare for a long-term observation. This mission finds out about the legal framework governing the election, assesses the extent, needs and context of the observation mission, and initiates contact with the national electoral authorities.

The observation mission's primary purpose is to guarantee the integrity of an election process. However, an invitation by a government to have its elections observed does not signify an endorsement of the process. Nor does the simple presence of international observers legitimise the electoral exercise. Such legitimisation is given after a thorough review of the entire electoral exercise and a positive report on its findings is issued.

In transitional democracies, however, observers and monitors play an important role in reassuring a sceptical public about the importance of the electoral process and the relevance of voter participation. Their presence at polling stations may help in deterring or overcoming administrative errors. It could also deter fraud, although one could equally argue that fraud does not usually take place on polling day. The deployment of observers in sensitive areas may help discourage intimidation before and during polling.

Domestic observers should play an important role in election observation. They are, unfortunately, sidelined when an international mission takes place. At times they are denied accreditation. At others, accreditation is granted haphazardly in a cynical attempt to divest them of legitimacy, as was the case in the recent elections in Cambodia. But in any case when domestic observers rely on non-partisan civic organisations, that are more interested in *process* than in *outcome* they constitute better watchdogs than international observers. They understand the political climate, the language, the customs and remain in the country and provide continuity long after the electoral exercise is over. Domestic observers are of course more open to accusations of partisanship and bias, but to claim than an international election observation mission is unbiased and devoid of political agendas is to ignore reality.

When an international election observation unit is set up it usually has a formal structure. This structure can be adapted by domestic observers, if not in terms of design, than at least in terms of expertise.

A) The Observation Unit

The Observation Unit is usually comprises the following components

- Head of Mission: The Head of Mission's position is mainly a political job but his/her main task is to provide support to the activities of the long and short term observers. The Head of Mission offers an on-going assessment as to whether the conditions for effective observation are being respected by the host government. He or she will consult with the relevant embassies and will work closely with the host country's national body designated to administer the elections. The Head of the Observation Unit also maintains regular contact at the national level with relevant ministries, political parties, NGOs, civic associations and the media.

The Head of the Observation Mission is usually supported by a team of advisors – their number varies according to the size and importance of the mission. Usually the Head of Mission is supported by:

- Analyst: The Analyst is in charge of analysing and interpreting data. He or she must see all the observers' reports and ensure regular contact with them. The analysis advisor also collects all information regarding opinion polls and designs the forms or questionnaires for the Observers. He or she also analyses and interprets survey data, including the quick count.
- Media Advisor: Documents the media's coverage of political and electoral issues and provides daily briefs to the members of the Electoral Unit and also briefs the observers. The Media Advisor writes an evaluation of the media's role in the elections.
- Legal Advisor: Analyses the electoral law and regulations and scrutinises, from a legal perspective, all procedures dealing with registration, electoral administration, candidates' nominations, campaign, voting and counting. The Legal Advisor also follows up on appeals and complaints and presents a final evaluation of the electoral process.
- Administrative/Financial unit: is in charge of all the administrative and financial requirements of the Observation Unit. He or she administers the mission's budget, rents offices for the headquarters and regional co-ordinators, hires and buys necessary equipment such as phones, faxes, stationery, etc.; arranges accommodation and transport for observer training sessions and prepares the final accounting report. The

Administrative/Financial Advisor usually arrives two weeks before the rest of the members of the to prepare the organisational infrastructure.

- Logistics Advisor: The Logistics Advisor is in charge of ensuring comprehensive logistical support to all of international observers. He or she provides the observers with the necessary accreditation and communication equipment, maps, bags, uniforms, medical kits, interpreters, card, drivers, and briefing packs. The briefing pack usually contains the Handbook of Election Observation, the election Rules and Regulations, the electoral law, some recent articles and political reports, Reporting Forms and Questionnaires and Maps. The Logistics Advisor also develops a deployment plan that ensures a representative sample of the country on polling day and a post-election de-briefing. Deployment is usually made in pairs, usually of opposite sexes, varying age groups, one of which is usually an elections expert and the other a country or area specialist. The Logistics Advisor is responsible for planning an evacuation in the event of an emergency and also ensures that observers receive adequate information and briefing on security issues. . It is the responsibility of the Logistics Advisor to organise the observers' arrival to and departure from the country.
- Trainer: Organises a training session for the members of the election unit prior to the start of the mission. Also ensures that observers receive a comprehensive briefing and training sessions before deployment. Training usually comprises the following elements: 1) some information about the organisation in charge of observing the elections. 2) general information about the host country - history, geography, language, customs, ethnic and religious groups, and do's and don'ts. 3) political background of the host country - overview of the process leading up to the elections. 4) background on political parties and the de facto powers in the country - militias, the Army. 5) election rules and regulations. 6) tasks of international observers. 7) methodology of observation. 8) observers' code of conduct and 9) a security briefing. The Training Advisor is also responsible for writing the Observers' Manual as well as the drafting the appropriate forms and questionnaires.

B) Regional Co-ordinators:

In most host countries it will be necessary to divide the observation mission by region. Each region will have a Regional Co-ordinator appointed. Regional or Provincial Co-ordinators support the Long Term Observers, help in their deployment and provide logistical support.

3- Observers' Mandate:

The observation of elections is not a one-day event. It must take into consideration the entire

voting and the count, the public declaration of results, and the instalment into office of those elected. In this respect, the observation mission usually comprises different kinds of observers making different kinds of observations. Long-term observers cover all the election phases with the objective of gaining an in-depth knowledge of the various stages of the election cycle. Short-term observers, however, mainly cover the closing days of the campaign, Election Day and the immediate post-election period. STOs also provide visibility for the organisation in question by their widespread presence throughout the country.

- The Role of Long Term Observers: The role of Long Term Observers (LTOs) is to acquire first hand knowledge about the effectiveness and impartiality of the pre-election administration; the implementation of the election law and regulations; the nature of the campaign; and the political environment. LTOs are usually deployed in teams of two, if the mission is large enough, in selected places throughout the country. This is done mostly for security reasons. The findings in their weekly reports will usually form the basis of the briefings for the short-term observers. LTOs will also responsible for assisting the short-term observers (STOs) when they are deployed.

LTOs observe the following aspects of the pre-election and campaign periods:

1. **Electoral Commissions:** Selection of members of the national body; impartiality of members; level of training; sufficient understanding to meet the requirements of an election (number of ballots, ballot boxes, polling stations, etc), effective communication between the commissions.
2. **Voter Education:** Observers should assess the extent and effectiveness of voter education. Effective information needs to be disseminated regarding voters' rights and responsibilities. Voters need to be informed on how, where and when to vote. Various NGOs, political parties and civic organisations usually contribute to the voter education effort. But the primary responsibility lies in the hands of the body responsible for administering the election. It is usually the source of accurate information although such information may also be manipulated if not carefully watched.
3. **Voter Registration:** All citizens must be given the right to vote if they reach the qualifying age. A national register of electors is produced and observers must assess whether the process in terms of the registration timetable, identification requirements, qualification, disqualification (nationality, age, residence), and publications of the register were respected. It is also important to evaluate the implementation of the registration process in order to ensure that no unreasonable restrictions (race, religion, gender, ethnic origin, political affiliation) are placed on voter registration. Some restrictions do apply,

however, such as those on residence, citizenship, or persons in legal detention, or the mentally impaired.

4. **Registration of Candidates and Political Parties:** All political movements and parties must be able to nominate candidates on equal terms. Again, restrictions such as residency requirements and citizenship may apply.
5. **Special Voting Provisions:** Are there provisions for voting in military barracks, hospitals, or prisons? Are there provisions for absentee voting? Are there special provisions for the handicapped and the illiterate? Has the system been abused?
6. **Complaints and Review Process:** Is there an impartial, national body available to consider appeals? Have appeals and complaints been dealt with adequately?
7. **The Political Campaign:** Was there freedom of expression? Did all parties enjoy the right to hold meetings and rallies? Have there been prohibited campaign activities? Was any party enjoying state funding?
8. **Media Coverage:** is there equal access to the media? Is there balance and impartiality in reporting?

- Short Term Observers (STOs): The role of Short Term Observers is primarily to observe the end of the campaign period, polling day and the post-election period. Things that short-term observers look out for in the pre-election period include:

1. Evidence, such as posters, leaflets and other campaign literature, indicating that an election is taking place soon?
2. Civic or voter education? Was the electorate aware that there was an election and what it was for?
3. Was media coverage balanced or did it favour one party or one candidate?
4. Was the political climate free of intimidation?

Election Day is the time when most attention is placed on the role of observers – both domestic and international. Inside the polling stations, they have the following tasks:

1. **Polling Station Electoral Commissions:** Observe whether they are performing their task with impartiality and competence. Ask whether they have been trained. Ask about the number of ballots received? What was the total number of voters on the register? How many voters had voted? Was anyone turned away?
2. **Polling Stations:** Assess the accessibility and size of the polling stations.
3. **Polling Materials:** Was all the crucial materiel available? Was it secured or had it been tampered with? Were security provisions made for its storage?
4. **Polling Procedures:** Was the Polling Station opened on time? Was there proper checking

present inside the polling station? Were there provisions for the elderly, disabled and the illiterate? Was there a large number of voters requiring assistance?

5. **Party Representatives:** Were there party representatives present? How many parties were represented? Were they all properly accredited? Were they interfering in the process? Did they have any complaints about the conduct of the process?
6. **Domestic or International Election Observers:** Were there any domestic observers present? Were they properly accredited? Did they have any complaints?
7. **Conduct of Counting:** Assess adequacy of space, conditions (was it too crowded?), were there party representatives present? Were there domestic observers? Was the count transparent? Was the count conducted solely by the members of the Polling Station Commission? Were invalid ballots properly and uniformly identified? Were they inordinately high? What was done with unused ballots?
8. **Completion of Protocols:** Was all the paperwork properly completed, signed and sealed by the members of the Polling Station Commission? Did party agents see and approve the protocol? Were they invited to sign it?
9. **Transport of Materiel to Constituency Commissions:** Did the material stay in the Polling Station overnight? Was there adequate security?
10. **Collation and Declaration of Results:** Was there proper consolidation from all the various levels: Polling Stations, to Constituency Level, to the National Level, to the announcement and publication of the results. Were preliminary results announced according to a prearranged and publicly announced schedule?
11. **Appeals Procedures:** Were there any appeals? Were they properly dealt with?

4- **Debriefing and Reporting:**

Debriefing usually takes place in closed session 24-48 hours after the elections. Each team reports on its findings and they all try to reach a common conclusion on how they believe the process went. A press conference is then scheduled and a post-election preliminary statement issued. It usually reflects the most important findings and concerns of the pre-election period and on the findings on Election Day. The preliminary statement is followed by a final statement that is based on post-election findings. Post election findings can significantly alter the contents of the final report. Indeed, it is principally at this moment that the presence of domestic observers is critical. Long term international observers and legal advisors have to leave some time - usually after the verification and announcement of results. It is left up to the domestic observers to pick up the pieces.

Observer Code of Conduct

Observers are required to follow some general rules and adhere to certain guidelines. These include:

- Be neutral, impartial and without bias in the conduct of their duties. They must refrain from expressing preference in relation to national authorities, political parties, candidates or issues.
- Always carry appropriate identification and the accreditation issued by the host government or election commission. They must also identify themselves to any interested authority upon request.
- Observers must respect at all times national laws and recognise the sovereignty of the host State.
- Observers must not display any partisan symbols, colours or other partisan paraphernalia
- Observers must not take photos inside the Polling Stations. It is unprofessional.
- The role of the observer is to observe and report but not to intervene. They must not instruct or contradict the decisions of election officials. If irregularities occur, they may be brought to the attention of the local election officials. However, they must also be reported to the organisation's Observation Unit.
- Always go through the Chairperson of the Polling Station if there are comments or questions
- Must refrain from participating in any complaints or resolutions.
- Must not interfere in the election process, polling procedures or the vote count.
- Observers must base all their conclusions on well-documented, factual and verifiable evidence and a comprehensive review of relevant circumstances
- Observers must refrain from making premature or personal comments about their observation to the media and will limit their remarks to general information about the nature of their activity as observers.
- Observers must be present at briefing and debriefing sessions.

The Rights of International Observers

In the conduct of their duty, international observers have the following rights:

- The right to travel anywhere in the country in fulfilment of their duties without the prior notification of the national authorities. The only restriction is their personal security

- The right to accompany the transportation of election documents and ballots to any local, provincial or national election commission.

- The right to observe all the meetings concerned with appeals, objections and complaints at all levels.

- The right to observe the tabulation of results at all levels and review and compare the final result with preliminary results recorded during the counting of ballots on polling day

- The right to speak to or meet with any political party, candidate or election official

- The right to visit any number of polling stations, any number of times without interfering in the electoral process.

The Principles in a Democratic Tradition

1. **Universality:** Guarantees registration for both candidates and voters in an impartial and non-discriminatory manner. All citizens who have reached a qualifying age should be allowed to vote.

2. **Equality:** Every vote be given equivalent weight to that of other voters to ensure equal representation. Under the majority voting system, the size of the electorate in each constituency should be roughly the same. Under a system of proportional representation, the electorate may vary but the number of representatives for each district should be proportional to the size of the electorate.

3. **Fairness:** A level playing field must be assured for every participant in the election process. Equal information must be made available on all participants and the issues they represent.

4. **Secrecy:** The voter marks the ballot alone in the voting booth. The marked ballot cannot be viewed before it is deposited in the ballot box.

5. **Freedom:** The voter must have the right to cast a ballot free from intimidation. Guaranteeing the right of political participation, of freedom of expression, of movement and of association or assembly.

6. **Transparency:** The elections must be conducted according to the due process of the law under rules that are open and inclusive in nature. Transparency limits the possibility for electoral fraud. The vote count should be visible and verifiable on all levels at all times.

7. **Accountability:** The principle of accountability requires that those elected are duly installed in office and are accountable to the electorate that voted them into office.

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ELECTORAL ASSISTANCE BY THE UNITED NATIONS

A. CONTEXT AND OBJECTIVES

The United Nations has been involved in the field of electoral assistance since its founding in 1945. Its charter enshrines the principle of self-determination and places the promotion and protection of human rights as one of the Organization's central purposes. While the work of the United Nations in elections is today most closely associated with comprehensive modern peace-keeping operations such as those undertaken in Cambodia, El Salvador or Mozambique, these efforts represent the culmination of decades of work in the area of elections, both in developing international standards and through assistance to Trust and non-Self-Governing Territories in their efforts to achieve self-determination.

United Nations electoral assistance should be understood in a broad sense. Historically, it included advancing the principle of self-determination of peoples through the development of self-government and decolonization. In the modern period, it has entailed establishing and advancing the principle of democracy and political rights.

Today, the United Nations system is engaged in a wide range of development assistance activities, which are intended to support the efforts of governments to promote democratic election processes. Since 1989, the United Nations has received over 140 requests for electoral assistance form Member States. Member States most often seek advice and assistance on legal, technical, administrative and human rights aspects of organizing and conducting democratic elections or seek the Organization's assistance in supporting the international observers of an electoral process.

B. THE FOCAL POINT FOR ELECTORAL ASSISTANCE

In view of the increasing demand for United Nations electoral assistance, in 1991 the General Assembly (resolution 46/137) requested the Secretary-General to designate a focal point to assist him in coordinating and considering request for electoral assistance. Currently, the Under-Secretary-General for Political Affairs serves as the focal point for electoral assistance activities.

In that resolution, the General Assembly underscored "the significance of the Universal Declaration of Human Rights and the International Covenant on civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in genuine and periodic elections". It further stressed "its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed", and declared "that determining the will of the people requires an electoral process that provides

an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws". In addition, the resolution stated "that the international community should continue to give serious considerations to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures."

In practice, the objectives of United Nations electoral assistance are two-fold:

(a) To assist Member States in their efforts to hold credible and legitimate democratic elections in accordance with internationally recognized criteria established in universal and regional human rights instruments; and

(b) To contribute to building the recipient country's institutional capacity to organize democratic elections that are genuine and periodic and have the full confidence of the contending parties and the electorate.

C. THE ELECTORAL ASSISTANCE DIVISION

The United Nations Electoral Assistance Unit (re-designated as Electoral Assistance Division in 1994) was established in April 1992 following General Assembly resolution 46/137 to assist the Focal Point in carrying out his functions. Major activities of the Electoral Assistance Division (EAD) include:

- Evaluating government requests for electoral assistance;
- Conducting needs-assessment missions;
- Collaborating in the design of electoral assistance activities with other UN system agencies;
- Developing the electoral component of peace-keeping operations;
- Provision of logistical and advisory support to international observer groups;
- Facilitation of coordination of assistance among donor countries;
- Maintenance of a roster of electoral experts;
- Organization of conferences and training courses;
- Assistance in the administration of UN electoral Trust Funds;
- Serving as the organization's institutional memory in the electoral assistance field.

EAD maintains a small staff that is supplemented, as required, with short-term electoral experts to fulfill the particular needs of a requesting government. The Division works in close co-operation with other UN system agencies, inter-governmental and non-governmental organizations to ensure that electoral assistance activities are complementary and cost-effective. This has allowed EAD to remain efficient and flexible in responding to the high volume and diversity of requests received.

D. OTHER UN AGENCIES INVOLVED IN ELECTORAL ASSISTANCE

United Nations electoral assistance is a system-wide endeavour, tapping the complementary expertise and capacities of several organs of the United Nations family. In the field of technical assistance, the Electoral Assistance Division continues to work closely with the United Nations Development Programme, the United Nations Department of Economic and Social Affairs and the Office of Project Services. When appropriate, the participation and support of the Centre for Human Rights has been requested and obtained. EAD has also collaborated closely with the United Nations Volunteer Programme of UNDP to recruit volunteers to provide technical and observation assistance to major missions (e.g. Cambodia, South Africa, Mozambique, Eastern Slavonia, Liberia).

E. PRE-CONDITIONS FOR PROVIDING ASSISTANCE

Before the United Nations can provide any type of electoral assistance, the Organization must first carefully assess the pre-election conditions in the requesting country. With this in mind, the procedure for obtaining electoral assistance is as follows:

The Government must send and official written request for assistance to the United Nations Focal Point for electoral assistance activities (the Under-Secretary-General for Political Affairs) at least three months before the scheduled election to allow for meaningful involvement. The usual sources of requests are the national electoral authorities, the Office of the President or the Ministry of Foreign Affairs.

The Electoral Assistance Division will consult with the relevant regional division of the Department of Political Affairs and the UNDP Resident Representative concerned, among others, about whether pre-election conditions in the requesting country satisfy the established criteria for United Nations electoral assistance;

If the Focal Point determines that an in-depth assessment of the pre-election conditions is required before deciding whether to provide assistance, the Electoral Assistance Division, usually in cooperation with UNDP, will dispatch a needs-assessment mission to evaluate the political, material, institutional and security situation in the requesting country. The mission will also assess the appropriateness, necessity and potential impact of United Nations assistance and ascertain whether the main contesting political parties and representatives of civil society support United Nations involvement. As no precise formula exists for determining when a pre-election situation precludes United Nations electoral assistance, the decision not to support an electoral process may ultimately require a political judgement by the Focal Point in consultation with the Secretary-General.

F. MAIN TYPES OF ASSISTANCE ACTIVITIES

There are two main categories of United Nations electoral assistance: (i) standard electoral assistance activities, and (ii) major electoral missions,

which are normally conducted within the context of comprehensive peacekeeping operations.

Standard electoral assistance activities: Since the establishment of the Electoral Assistance Division (then the Electoral Assistance Unit) in 1992, the United Nations has provided various forms of electoral assistance to over 70 Member States. Experience has demonstrated the importance of tailoring such assistance to meet the particular needs of the requesting Member State. Although considerable international attention has been given to the role of the United Nations in supporting the election components of peace-keeping operations, most electoral assistance provided by the Organization takes the form of relatively small-scale, technical assistance activities that do not require a specific mandate from the General Assembly or the Security Council. Based on a request form a Member State, the following standard types of electoral assistance activities can be adapted and modified to suit the particular needs of a requesting country:

Coordination and support of international observers: This form of assistance is most commonly utilized when several governments and organizations have been invited by a Member State to observe an election. The United Nations Electoral Assistance Division established a small secretariat in the requesting country in cooperation with UNDP to help coordinate and provide logistical support to international election observers (e.g. sponsored by Member States, intergovernmental or non-governmental organizations) that together comprise a joint international observer group or JIOG. Optimally, such assistance begins just prior to registration of voters and continues throughout the campaign period, concluding with the announcement of the election results. Throughout the operation, the United Nations maintains a clear public position of neutrality. The international observer groups that comprise the JIOG normally issue a joint statement of their finding s in the pre- and immediate post-election period in addition to issuing their own reports. The costs of this type of assistance are offset by contributions to the operation from Member States sponsoring observers.

There are two major advantages to this type of assistance: (i) the United Nations retains a low political profile while providing support to an important political process, and (ii) the approach is the least intrusive of national sovereignty while at the same time providing the benefits of a coordinated international observation exercise. This type of assistance was first tested in Ethiopia and Kenya in 1992 and subsequently provided to the international observation of elections in Niger (1993), Lesotho (1993), Malawi (1993 and 1994), Tanzania (1995), Armenia (1995), Azerbaijan (1995), Sierra Leone (1996), Mali (1997), Algeria (1997), among others.

Technical Assistance: Technical assistance is the most frequently requested type of electoral assistance and covers a broad range of short- and long-term assistance to national election authorities responsible for administering elections in their countries. The United Nations, through its various subsidiary bodies, regularly provides

advice and assistance to electoral authorities in such areas as electoral administration and planning, voter registration, election budgeting, review of electoral laws and regulations, training of election officials, logistics, voter and civic education, procurement of election materials, coordination of international donor assistance, electoral dispute resolution, computerization of electoral rolls, boundary delimitation, among others. The range of technical assistance that can be provided by the United Nations has continued to expand as experience grows.

Support for National Electoral Monitors: This form of assistance underscores the importance of building the domestic observation capacity of Member States by supporting the activities of civil society to monitor elections on a non-partisan basis. Following a government request, technical assistance (e.g. training, advisory assistance) may be provided to a national network of domestic monitoring groups sponsored by local non-partisan, civic organizations, This type of assistance is best utilized in countries that are relatively well developed and pluralistic and possess a viable community of civic organizations interested in undertaking national election observation activities. Support for national election observers was provided in Mexico in 1994 and 1997.

Limited Observation ("Follow and Report"): In special cases, a small United Nations observer team, usually composed of UN political affairs officers, may be sent to a country to follow the final phase of an electoral process and issue an internal report to the Secretary-General on its conduct

Major Electoral Missions: Major electoral missions require a mandate from the General Assembly or the Security Council and are considered exceptional activities of the Organization. Such missions are normally a central element of comprehensive peacekeeping operations that include an electoral component. To date, the United Nations has provided the following types of electoral assistance in the context of major missions:

Organization and conduct of an electoral process: If the United Nations is mandated to organize and conduct an election or a referendum, the Organization assumes the role normally fulfilled by national electoral authorities. This mandate requires the establishment of a system of laws, procedures and administrative measures necessary for the holding of free and fair elections, as well as the actual administration of the electoral process, e.g. the establishment of a legal framework, the registration of voters, and the proper conduct of elections in accordance with international norms. Due to the cost, scope and lead-time required, among other factors, this type of assistance is unlikely to be undertaken except in post-conflict situations characterized by insufficient national institutional capacity to organize elections.

For example, the United Nations Transitional Authority in Cambodia (UNTAC) was responsible for the organization and execution of national elections in Cambodia in May 1993 as part of a comprehensive peace plan. The United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was

requested to organize elections for all government bodies in April 1997, in cooperation with Croatian authorities. The United Nations mission for the Referendum in Western Sahara (MINURSO) is responsible for the organization and conduct of a referendum in Western Sahara.

Supervision of an electoral process: A second and equally rare form of electoral assistance is election supervision. Election supervision has been undertaken largely in the context of decolonization, as such an approach is not appropriate for use in sovereign States. In this context, a Special Representative of the Secretary-General must certify not only the results of the elections or referenda but also all stages of the process, including both political and electoral components with respect to their fairness and appropriateness. These components must be clearly identified at the outset. For example, the United Nations Transition Assistance Group (UNTAG) was mandated to supervise the elections for Namibia's independence held November 1989 and organized by the administrative power, South Africa.

Verification of an electoral process: A more common type of electoral assistance provided in the context of a "major mission" is the verification of elections. Although this form of assistance also requires authorization by the Security Council or the General Assembly, it is less intrusive for the host country, as the Government remains responsible for the organization and conduct of the elections. United Nations verification missions have no legally binding powers but are mandated to observe and verify the legitimacy of the various stages of the electoral process and the compliance of the national authorities with the electoral regulations. International observers are deployed throughout the country to closely follow all aspects of an electoral process. An extensive chronological and geographical coverage of the electoral process is the basis for the final statement of the Special Representative of the Secretary-General on the conduct of elections.

Verification missions have been undertaken in Angola (UNAVEM II), El Salvador (ONUSAL), Eritrea (UNOVER), Haiti (ONUVEH), Mozambique (UNOMOZ), Nicaragua (ONUVEN), South Africa (UNOMSA), and Liberia (UNOMIL).

G. MEMBER STATES REQUESTS RECEIVED UP TO DATE

The enclosed Tables provide a statistical summary and a detailed breakdown of the missions undertaken by the United Nations since 1989.

HINTS for

The Independent Electoral Commission

- Has the Commission been properly constituted and have the various tasks been assigned to members (e.g. Commission Chairman, Spokesperson, Commissioner in Charge of Procurement and Logistics, Voter Registration Commissioner, Party and Candidate Registration Commissioner, Civic Education Commissioner, Freedom of Campaigning Commissioner, Commissioner in Charge of Recruiting and Training Local Polling Officers)?
- Have you identified the major tasks ahead and prepared your schedule of activities accordingly?
- Are you working on the various forms and/or documents needed, e.g. for voter registration, party and candidate registration, voter education leaflets and posters, training manuals for polling station officers, ballot papers, vote-counting papers?
- Have you got a clear idea whether all elections can go ahead at the same time?
- Have you created field teams for the registration of voters at their place of residence, voter education, etc.?
- Are you monitoring the electoral campaign, to see if the political parties and their candidates follow the rules, campaigning is unhindered by the Government and the opposition alike in all areas, etc.?
- Have you considered asking for advice from experts?
- Have you located the necessary material for the voter registration cards, the ballot papers, ballot boxes, screens, indelible ink (?), voter education leaflets, voter lists, polling station list, polling station identification labels, observer accreditation cards (for UNEOMH, other internationals, domestic NGOs, political parties)?
- Have you used the media to disseminate election-related information, including voter education?

Recommended reading:
'Techniques for Effective Elections Management', by Joe Baxter, in *Elections: Perspectives on Establishing Democratic Practices*, UN Department for Development Support and Management Services, New York, 1997

Every effort should be made for the Commission decisions to be reached by consensus. However, if that proves impossible, decisions can be taken by the positive vote of at least seven Commissioners. The Commission Chairman shall be elected by and from within the Commission members themselves at their first meeting, preferably by consensus. The Commission will hold regular plenary meetings, with an agenda set by the Chairman after consultations with the members. Items can be added onto the agenda following a request to this effect by at least two Commissioners.

Although the Commission shall remain collectively responsible for the performance of the tasks assigned to it by the Accord, specific areas of the Commission's work may be allocated to individual Commissioners, excluding the Minister of the Interior and the three party-nominated Commissioners. The latter four can only participate in the decision-making meetings of the Commission and shall not be involved in the day-to-day electoral preparations.

The Commission may ask for technical assistance in the carrying out of its functions. Experts may come from within the country or from international organisations such as the United Nations or regional bodies. Such experts can only advise the Commissioners and local staff and can make no decision or at no instance can they get involved in the carrying out of tasks.

After all elections stipulated in the Accord have been completed, the Constitutional Assembly will decide whether to extend the mandate of the Independent Electoral Commission indefinitely, or institute other mechanisms for organizing and conducting elections in the future.

3) Observation / monitoring of the elections

The signatories to the Accord agreed to allow international and domestic groups to monitor the preparations for and the holding of the elections. At the core of the international presence will be the United Nations Electoral Observer Mission in Halkiland (UNEOMH), to be headed by a senior official appointed by the UN Secretary-General (Special Representative of the Secretary-General / SRSG). UNEOMH can deploy personnel in all Provinces and municipalities of the country and can have access to all election-related premises, including the polling stations on election day, for the sole purpose of observing and not interfering in any way in the

COMPREHENSIVE ACCORD FOR PEACE AND RECONCILIATION

On 10 September 1998, on the grounds of the National Museum of Halkiland, the representatives of the Government and of the main political parties of the country (i.e. the National Party, the Popular Party and the People's Radical Party) agreed on a 'Comprehensive Accord for Peace and Reconciliation' (hereafter to be known as 'the Accord'), meant to usher in a new era of domestic stability, democracy and prosperity. The Accord heralded the end of several years of low-intensity but bitter and destructive conflict between the Government and Government forces and the radical opposition and its paramilitary units. Domestic indignation at the increasing suffering and pressures from abroad culminated in the parties coming together for several rounds of talks, which finally resulted in the said agreement. A large range of issues was covered by the Accord, including the preparation and conduct of democratic elections with universal participation, the creation of a Truth and Reconciliation Commission to investigate allegations of serious crimes committed by either the Government or opposition agents during the conflict years, the reorganisation of the armed forces, the police and the judiciary, the repealing of discriminatory laws, etc. Hereafter a summary is given only of the articles of the Accord governing the preparation and holding of elections.

Election-related provisions

1) Democratic elections at all levels

Within six months of the signing of the Accord, elections should be held for the following public offices:

a) *The President of the Republic*, to be elected for a seven years non-renewable term by direct vote of all citizens of the Republic. If there are more than two candidates and none of them gets 50%+1 of the votes in the first round, a second round will be held between the two candidates that received the largest number of votes. The second round will take place two weeks after the first one.

b) *The members of the National Assembly*, which in this instance is also to convene as Constitutional Assembly. Five Assembly members will be elected for five-year terms by the citizens residing in each one of the twenty-nine provinces of the country, and

d) The Press

(Pro-government press 'The Nation', pro-opposition press 'The People's daily', CNN)

e) Domestic civil society

(A loose local citizens' group: 'Democratic Assembly' (DA), one more radical human rights group: 'Citizens for Human Rights and Democracy' (CIHURID))

f) International NGO

('International Electoral Observation Services' (INEOS))

g) International official observers

('UN Electoral Observer Mission in Halkiland' (UNEOMH); diplomatic representatives of the EU, the USA and a regional organisation)

Seminar participants should be assigned in such a way as to help them realise the perspectives and problems of persons and groups to which they do not normally belong in real life, e.g. some government officials will be given NGO or international observer roles, etc.

Simulation Supervisors and Senior Advisors

The Simulation Supervisors oversee the conduct of the exercise, receive all communications issued by the teams and keep an eye so that the exercise does not degenerate to unrealistic actions and reactions. Occasionally, they may 'play God' by introducing a new element in the process, something that may change the course of events and create new conditions to which the simulation teams will have to adjust.

The Seminar speakers / instructors will offer their rich knowledge of and experience in electoral matters to the simulation teams before and during the actual simulation. The teams are advised to initiate contact with the persons most experienced in the kind of tasks they have been assigned at the earliest possible time.

Mediterranean Training Seminar on the Organisation and Monitoring of Democratic Elections

September 10-18, 1998

An introduction to the Electoral Process Simulation

Goals served by the exercise

The simulation exercise is meant to serve the following goals:

a) To acquaint participants with all phases of an electoral process, starting with the creation of an Electoral Commission, agreement on the rules to govern the elections, voter registration, civic education, procurement of necessary material, logistics, electoral campaigning by parties and candidates, the role of the media, the role of local and international NGOs, the role of intergovernmental organisations, the actual voting and counting, etc.

b) To demonstrate that a democratic electoral process is defined not by a mere adherence to a certain ritual, but by the application of democratic principles throughout the complex process.

c) To clarify the roles of the various actors and to indicate optimal ways through which each one can contribute to a fairer and more democratic election.

d) To show that transparency and accountability throughout the process can lead to broadly acceptable results, and therefore to domestic peace and stability, increased legitimacy of the political system, approval by the international community, etc.

Participants should try to make good use of the lessons learnt in the first part of the Seminar, and should try to take advantage of the continuing presence of distinguished speakers / instructors as well as of the Simulation Supervisors, in order to clarify concepts and procedures.

EUROPEAN UNION
MEDA Programme
for Democracy

ELIAMEP
Hellenic Foundation for
European and Foreign Policy

Mediterranean Training Seminar on the Organisation and Monitoring of Democratic Elections

Electoral Process Simulation

prepared by Georgios Kostakos, PhD

September 10-18, 1998
Halki, Dodecanese islands, Greece

356

HINTS for

Domestic civil society

- Have you formally constituted yourselves in associations?
- Are you following the IEC decisions and acts? What do you make of them?
- Have you applied for consultative status with the IEC?
- Are you in touch with the international observers, have you asked for technical advice, etc.?
- Are you following all phases of the electoral preparations, are you pleased with them?
- Have you publicised your findings and views through the press?
- Are you going to get involved in voter education and are you cautious enough not to be seen as favouring one or another candidate (if you really do not want to)?
- Have you registered any serious objections with the IEC and/or the international observers regarding any phase of the electoral preparation and the actual voting and counting?
- Have you accredited your members with the IEC, so that they can observe the voting and counting on election day?
- Have you trained your observers so that they can perform their tasks adequately?

HINTS for

The Political Parties

- Have you been following closely the work of the IEC, through your member on it but also the media etc.? Do you agree with what has been decided there? Have you submitted any proposals of your own?
- Have you chosen your candidates for each post, have you agreed on an electoral campaign schedule and on the relevant material (fliers, radio and TV messages, etc.) that you need to produce?
- Have you registered your party and your various candidates with the IEC?
- Have you planned your own voter education and sensitisation campaign? Are you sure that your sympathisers will be registered to vote and that they will know how to vote for You?
- Are you in touch with the press, does your point of view get across, are you pleased with their coverage?
- Have you established links with international and domestic observer groups, have you conveyed to them any potential grievances?
- Have you planned your monitoring of the polling stations on election day? Have you accredited polling station representatives / monitors with the IEC?

HINTS for

International official observers

- Have you established your headquarters and field presence?
- Have you clarified your priorities, main tasks, and schedule of activities?
- Have you established consultation links with all major domestic actors?
- Are you following the IEC decisions and acts closely?
- Are you following all phases of the electoral preparations, are you pleased with them and how do you express your views in a discreet and diplomatic way?
- Do you report to your national and international headquarters regularly?
- What is your strategy towards the local and international media?
- Are you going to get involved in voter education or any other task beyond pure monitoring and are you cautious enough not to be seen as favouring one or another candidate (if you really do not want to)?
- Have you registered any serious objections with the IEC and/or the Government etc. regarding any phase of the electoral preparation and the actual voting and counting? Have you reported to your central HQ accordingly and have you asked for advice and/or some kind of assistance?
- Have you prepared the necessary material and have you made the relevant provisions in order to train short-term observers who will arrive just before the elections? What should they be looking at primarily during the voting and counting process?
- What is your final pronouncement regarding the 'freedom and fairness' of the electoral process?

projecting whether elections will be "genuine":

-are there genuine *procedures* to accommodate the will of the people?
-will there be genuine *effects*, including a transfer of power?
-is there to be a genuine *choice* of different parties or candidates?

evaluating equal access to candidature and service:

-do the laws, procedures or facts on the ground operate to discriminate against possible candidates?

measuring potential for an informed choice by the electorate:

-has campaigning been adequate to make people understand issues and positions?
-have understandable voter education materials reached all sectors of the voting public?
-do voters in fact understand the central issues and parties?

evaluating plans for the electoral administration

-is the administrative structure independent and objective?
-is it effective?
-is a single line of ultimate authority established?
-is the method of appointment objective and unbiased?
-is the means of compensation potentially corrupting?
-will staff have the necessary qualifications to perform well?
-are all levels of staff insulated from bias?
-from political pressure?
-from politically motivated salary adjustment or denial?
-are legal guarantees in place to prevent corruption ?
-to prevent bias?
-to prevent fraud?
-is there public consensus on the administrative structure?
-will there be adequate advance training of officials?

examining constituency delimitation

-do the districts and boundaries respect equal suffrage?
-are they drawn to discount the votes of a particular group?
-a particular geographic area?
-do they take into account available demographic information?
-is there an accurate census?
-do they take topography into account?
-do they take geographic distribution into account?
-will polling stations be distributed evenly?

evaluating registration of electors

-is advance registration proposed?
-are provisions for qualifications fair?
-are resident requirements fair?
-are procedures for lists and registers fair?
-are they effective?
-are procedures established for challenges to the lists?
-for appeals on such decisions?
-are lists accessible to interested parties?
-do disqualifying factors represent impermissible discrimination?
-do they allow maximum reasonable enfranchisement?
-are there technical barriers to voting by qualified persons?
-procedures for registration of those approaching minimum age?
-is the registration period long enough for maximum access?
-if no advance registration, will there be other means of:
  -preventing double voting?
  -preventing unqualified voting?

GUIDELINES FOR ELECTORAL ASSISTANCE, MONITORING AND OBSERVATION

United Nations Office of the High Commissioner for Human Rights

A Human Rights Checklist for Examination of Electoral Arrangements

purposes of un involvement include:

-confidence building
-deterrence of violence and intimidation
-facilitation of dispute resolution
-deterrence of fraud
-detection of fraud
-encouragement of acceptance of results
-support for civic education
-promotion and protection of human rights

subjects for monitors and advisors include:

-the development of election law and procedures
-the electoral administration
-registration
-voter list preparation
-campaign period
-civic education
-the vote
-the media
-the count
-the results and follow-up (hand-over of power, etc:)
-the situations of minorities and other vulnerable groups before, during and after elections

The will of the people shall be the basis of the authority of government.
-article 21 (3), UDHR

questions for monitoring, observation and verification include:

-is the presence of observers expressly provided for?
-will national observers be allowed?
-will international observers be allowed?
-is their role clearly set out by law?
-is their role described in voter education materials?
-are they to be afforded free movement within the country?
-will they have access to all important events?
-how will they be protected from harm?
-how will interference with their duties be prevented?
-how will they be trained and oriented?
-will they be sufficient in numbers?
-how will they be housed and otherwise accommodated?
-what will be their specific role?
-will they have standing to file complaints and petitions?

advance questions for united nations involvement

-has a formal request/mandate been received from the government?
-does broad public support exist for un involvement?
-is there sufficient advance time for meaningful un involvement?
-is there a clear international dimension to the situation?
-human rights concerns to be advanced?
-conflict resolution potential?
-has a decision in favour of un involvement been rendered by an authoritative un body (e.g., the security council, the general assembly)?
-does a situation of gross violations of human rights exist?
-is the scope of assistance requested appropriate?
-should it be expanded?
-should it be reduced?
-will un involvement encourage unwarranted confidence in a flawed or disingenuous process?
-will un involvement improve

in effect?
-are any exceptional measures strictly required by the exigencies of the situation?
-are exceptional measures calculated to corrupt the process?
-are exceptional measures calculated to unnecessarily delay the process?
-are there problems with discrimination on the basis of race, colour, gender, language, religion, opinion, origin, property, birth or other status?

offenses, penalties, and maintenance of order:

-does the law protect the process from corruption?
-from official nonfeasance, misfeasance, and malfeasance?
-from obstruction?
-from undue influence?
-from personation?
-from bribery?
-from treating?
-from intimidation?
-evidence of disappearances?
-allegations of torture?
-cases of arbitrary arrest and detention?
-cases of summary or arbitrary executions?
-any such cases brought to the attention of the various thematic mechanisms of the un commission on human rights?
-does the law guard against all forms of illegal and corrupt practices?
-do penalties and procedures respect international standards for the administration of justice?
-are police to be present at the polls?
-if so, is this only to the extent absolutely necessary?
-will it have an intimidating effect on voters?
-could polling officials fulfil the police function in some cases?
-is criminal liability imposed for official misconduct?
-is civil liability imposed for recovery against officials?

evaluating media access and regulation:

-are arrangements in place for fair media access?
-by all parties?
-by all candidates?
-are the major information media government-controlled?
-are the major information media government-licensed?
-are safeguards provided against censorship?
-against favouritism?
-against unfair government advantage?
-against unequal access during campaign periods?
-are there provisions for equal time?
-for equal priority of broadcasts?
-is there broad agreement on the regulation system?

public information and voter education enquiries:

-is a voter education campaign planned?
-is it sufficiently funded?
-is it unbiased?
-is it based upon the level of voting experience of the population?
-is it educationally appropriate?
-is it culturally appropriate?
-is it targeted to all qualified age groups?
-does it encourage participation by women?
-does it encourage participation by all ethnic groups?
-does it explain where to vote?
-does it explain when to vote?
-does it explain who can vote?
-does it explain how to vote?
-is it conducted in all native languages?
-does it encourage confidence in the process?
-is literature widely available?
-is programming widely broadcast?
-are outlying and rural areas reached?

examining issues of legal authority and structure:

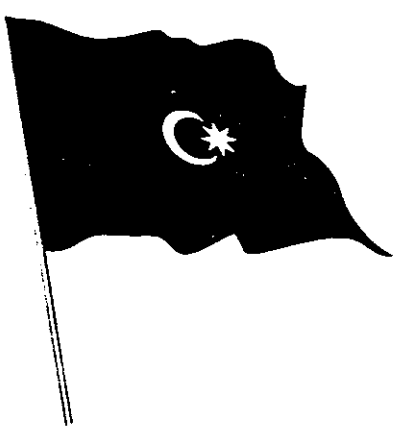
-are political rights enshrined in the constitution?
-in other high organic law of the state?
-does this expressly include the right to free elections?
-to periodic elections?

ATTACHMENT 18

БӘЛӘДИЈЈӘЛӘРӘ

БӘЛӘД ОЛАГ,

ӨЗҮМҮЗӘ КӨМӘК ОЛАГ!



Бәләдијјә нәдир?

Бәләдијјәләрә үзвләр Азәрбајчанда илк дәфә олараг 1999-чуил декабрын 12-дә кечирилән бәләдијјәләрә сечкиләр нәтичәсиндә сечилди.

Бәләдијјә вәтәндашлара јерли әһәмијјәтли мәсәләләри мүстәгил вә сәрбәст шәкилдә һәлл етмәк имканы верән јерли өзүнүидарә формасыдыр. Азәрбајчанда бәләдијјәнин өз әмлакы, јерли бүдчәси вә сечкили органлары вар. Јерли әһәмијјәтли игтисади, сосиал, мәдәни, еколожи мәсәләләрин һәлли үчүн бәләдијјәләр Гануна ујғун олараг онлара верилмиш сәлаһијјәтләрдән истифадә едирләр.

Бәләдијјәләрин өз сәлаһијјәтләри дахилиндә гәбул етдикләри гәрарлар бәләдијјә әразисиндә јерләшән бүтүн һүгуги вә физики шәхсләр үчүн мәчбуридир.

Јерли ичра һакимијјәтләри бәләдијјә структурунун бир һиссәси дејил вә бәләдијјәләрин ишинә нәзарәт етмир. Бәләдијјәләрин ишинә һәр һансы бир формада мүдахилә олунарса, бәләдијјәләр Азәрбајчан Республикасы ганунвәричилијинә әсасән мәһкәмәјә мүрачиәт едә биләрләр.

Бәләдијјә үзвләри кимләрдир?

Бәләдијјә үзвү јерли әразинин бәләдијјәләрә сечкиләрдә сечилмиш вә даими јашајан вә гејдијјатда олан сакинидир. Бәләдијјә үзвүнүн сәлаһијјәт мүддәти 5 илдир.

Бәләдијјә үзвүнүн вәзифәләри вә сәлаһијјәтләри нәдән ибарәтдир?

Бәләдијјә үзвләри јерли әһәмијјәтли мәсәләләри һәлл етмәк үчүн сечилмишләр. Бәләдијјә үзвләринин башлыча вәзифәләриндән бири әразидә әһалинин һәјат шәраитинин јахшылашдырылмасы үчүн хидмәтләрин тә'мин едилмәсиндә вәтәндашларла биркә ишләмәкдир. Бәләдијјә үзвләри әрази сакинләринин еһтијачларыны өјрәнмәк мәгсәдилә онларла үнсијјәт јарадырлар. Онлар әһалинин еһтијачларыны мүзакирә етмәк үчүн ајда азы бир дәфә көрүшүрләр вә һансы еһтијачын илк нөвбәдә тә'мин олуначағыны сәс чохлуғу илә гәрара алырлар. Бәләдијјә үзвләринин:

- јерли вергиләр вә өдәнишләри мүәјјән етмәк;
- јерли сосиал мүдафиә вә сосиал инкишаф програмларыны гәбул вә ичра етмәк;
- јерли игтисади програмлары гәбул вә ичра етмәк;
- јерли еколожи програмлары гәбул вә ичра етмәк;
- јерли мәдәни програмлары гәбул вә ичра етмәк

сәлаһијјәти вардыр.

Вәтәндашлар бәләдијјәләрин ишиндә нечә иштирак едә биләрләр?

18 јашы тамам олан бүтүн вәтәндашлар, мәчбури көчкүнләр дә дахил олмагла јашадыглары әразидәки бәләдијјәнин ишиндә иштирак едә биләрләр. Иргиндән, чинсиндән, дилиндән, мәншәјиндән, динә мүнасибәтиндән вә ја сијаси бахышларындан асылы олмајараг вәтәндашлар јерли өзүнүидарәни бирбаша вә ја өз нүмајәндәләри васитәсилә һәјата кечирә биләрләр. Вәтәндашларын бәләдијјәләрин ишиндә иштирак етмәк јоллары ашағыдакылардыр:

- бәләдијјәдә кечирилән көрүшләрдә иштирак етмәк;
- бәләдијјә үзвләринә әразинин еһтијачларыны чатдырмаг;
- јерли ассосиасијаларда, вәтәндаш групларында вә ја мәһәллә комитәләриндә иштирак етмәк;
- јерли референдумда иштирак етмәк;
- јерли сечкиләрдә иштирак етмәк;
- јерли рә'ј сорғуларында тәшәббүскар олмаг вә ја иштирак етмәк;
- бәләдијјә мүлкијјәтинин өзәлләшдирилмә гајдаларынын вә шәртләринин мүәјјән едилмәсиндә иштирак етмәк.

Вәтәндашларын јығынчаглары.

500-дән аз әһалиси олан әразиләрдә вәтәндашлар јерли әһәмијјәтли мәсәләләрә даир рә'јләрини бildирмәк вә һәмин мәсәләләрин һәлли јоллары һаггында тәклифләр вермәк үчүн јығынчаглар кечирә биләрләр. 18 јашы тамам олан вә бәләдијјәнин әразисиндә јашајан вәтәндашларын бу көрүшләрдә иштирак етмәк һүгугу вар. Вәтәндашларын јығынчаглары сәсвермә һүгугу олан вә мүвафиг бәләдијјә әразисиндә јашајан вәтәндашларын азы 25 фаизи иштирак етдикдә сәлаһијјәтлидир.

IFES-ин "Вәтәндашларын Маарифләндирилмәси Програмы"нын мәгсәди нәдир?

IFES, Сечки Системләри үзрә Бејнәлхалг Фонд, баш гәраркаһы Вашингтонда јерләшән гејри һөкумәт вә битәраф тәшкилатдыр. IFES 100-дән чох өлкәдә сечкиләрин тәшкил олунмасы вә кечирилмәсинә, вәтәндашларын маарифләндирилмәсинин һәјата кечирилмәсинә јардым көстәриб.

2000-чи илин ијул вә сентјабр ајларында һәјата кечирилән IFES-ин "Вәтәндашларын Маарифләндирилмәси Програмы" вәтәндашлары бәләдијјәләрин фәалијјәти илә таныш етмәк вә онлары јашадыглары әразидә јерләшән бәләдијјәләрин ишиндә иштирак етмәјә һәвәсләндирмәк мәгсәдилә тәртиб олунмуш програмдыр. IFES трејнерләри мүзакирә группары васитәсилә бәләдијјәләрин структуру, онларын өһдәликләри вә вәтәндашларын иштиракы барәдә мә'луматлары бөлүшмәк үчүн бәләдијјәләрдәки вәтәндашларла көрүшүрләр. Програмымыз бәләдијјә үзвләри, ичра һакимијјәтләри, Азәрбајчан һөкумәти илә әмәкдашлыг шәраитиндә һәјата кечирилир.

Вәтәндашлар үчүн суаллар

Сиз бәләдијјәнизин ишиндә иштирак едәрәк өзүнүзә көмәк едирсинизми? Бәләдијјәнизә даир мә'луматыныз вармы? Өзүнүзә ашағыдакы суаллары верин:

- Бәләдијјәнизин үзвләрини таныјырсынызмы?
- Бәләдијјәнизин нечә үзвү вар?
- Бәләдијјәнизин шурасы өз низамнамәсини гәбул едибми?
- Бәләдијјәнизин низамнамәси Әдлијјә Назирлијиндә гејдијјатдан кечибми?
- Сиз бәләдијјәнизин кечирдији көрүшләрдә иштирак етмисинизми?
- Сиз бәлидијјәнизин үзвләринә јашадығыныз әразинин еһтијачлары барәсиндә мә'лумат верирсинизми?

IFES Азәрбајчанда

IFES президент сечкиләри әрзиндә Мәркәзи Сечки Комиссијасы (МСК) илә һәјата кечирдији сечичиләрин маарифләндирилмәси вә сечки комиссијаларынын үзвләри үчүн трејнинг програмлары васитәсилә 1998-чи илдән Азәрбајчанда демократик ислаһатлары дәстәкләјиб.

IFES бәләдијјәләрә сечкиләр үчүн ганун лајиһәләринин һазырланмасында Милли Мәчлисә дә көмәклик көстәрмишдир. IFES Азәрбајчанда илк дәфә 1999-чу илдә кечирилән бәләдијјәләрә сечкиләрин һазырланмасында МСК-ја көмәјини давам етдирмишдир. IFES Азәрбајчанда апарылан сечки ислаһаты просесинә һәср олунмуш фәалијјәтини парламент сечкиләри илә давам етдирир.

Елси Чанг
Програм үзрә Директор

Афиг Чаһанкиров
Програм үзрә Ассистент

Трејнерләр:

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Бу маарифләндиричи програм USAID-нин јардымы васитәсилә һәјата кечирилиб.

365

ATTACHMENT 19

Сечиҹиләр үчүн јаддаш

5 НОЈАБР 2000
МИЛЛИ МӘҸЛИСӘ СЕЧКИЛӘР

Азәрбајҹан
Республикасы

366

Сечичиләр үчүн јадда ш

2000-чи ил нојабрын 5-дә Азәрбајчан Республикасынын Милли Мәчлисинә сечкиләрдә Сизин иштирак етмәк имканыныз вар. Әразинизин еһтијачларыны билән вә рифаһынызы јүксәлтмәјә чалышан Милли Мәчлис депутатлығына намизәдләрә сәс верин.

Милли Мәчлис нәдир?

Милли Мәчлис Азәрбајчан Республикасында ганунверичилик һакимијјәтини һәјата кечирән али ганунверичи органдыр. Милли Мәчлисин 124 депутаты ганун вә гәрар лајиһәләри һазырлајыр, бу лајиһәләр мүзакирә олунур вә сәсвермә илә гәбул едилир. Президент Апараты, мүвафиг ичра һакимијјәти органлары, назирликләр дә өз ганун лајиһәләрини тәгдим едә биләрләр. Бүтүн актлар Милли Мәчлисдә демократик мүзакирәләр вә сәсвермә васитәсилә гәбул едилмәлидир.

Милли Мәчлисин һәр ил пајызы ики сессијасы чағырылыр: февралын 1-дән мајын 31-дәк вә сентјабрын 30-дан декабрын 30-дәк.

Милли Мәчлисдә

- бирмандатлы 99 сечки даирәсиндән сечилмиш 99 депутат
  вә
- чохмандатлы сечки даирәси үзрә сечилән 25 депутат тәмсил олунур.

Сизин депутатыныз ролу нәдән ибарәтдир?

Һәр бир депутатын сәсвермә һүгуғу вар вә о, мүзакирәјә чыхарылан мәсәләјә сәс вермәк үчүн мәс'улијјәт дашыјыр. Депутатлар һәмчинин сечилдикләри әразинин әһалиси илә дә мүнтәзәм көрүшмәлидирләр. Милли Мәчлис үзвләринин сәлаһијјәт мүддәти 5 илдир.

Сечкидә нә үчүн иштирак етмәлисиниз?

Милли Мәчлисин гәбул етдији ганун вә гәрарлар Сизин вә аиләнизин рифаһында өз әксини тапыр. Бунлар јашадығыныз әразидә асајишин мүһафизәси, инсан һүгуглары, мәһкәмә системи, сәһијјә, нәглијјат, енержи тә'минаты, тәһсил, тичарәт, иш јерләринин јарадылмасы кими мәсәләләрә вә с. аиддир. Әразидә рифаһын јүксәлдилмәсинә хидмәт едәчәк вә бунун үчүн адыныздан мәс'улијјәти өз үзәринә көтүрәчәк депутаты мәһз Сиз сечмәлисиз. Сәс вермәклә Сиз бу гәрарлары адыныздан гәбул едәчәк шәхси сечирсиниз. Сизин сечкидә иштиракыныз вә сәс вермәјиниз чох вачибдир.

Бәрәниздәки мә'луматларын јохланылмасы

Јашадығыныз сечки мәнтәгәси үзрә сечичиләр сијаһысы октјабрын 11-дән Сизә тәгдим олуначаг. Сечичиләр сијаһысында Сизин һаггыныздакы мә'луматда сәһв вә јанлышлыглар варса, јахуд адыныз сијаһыда јохдурса, дүзкүн гејд олунмаг үчүн мәнтәгә сечки комиссијаныза мүрачиәт един.

Сечичиләрин һүгуглары

Сечкиләр күнү 18 јашы тамам олан, јахуд јашы 18-дән јухары Азәрбајчан Республикасынын вәтәндашлары сечкиләрдә иштирак едә биләрләр.

Сечичинин һансы сечки мәнтәгәсиндә сәс верәчәји онун јашадығы әразә илә мүәјјәнләшир.

Сечичиләр шәхсән вә кизли сәс верирләр

- сечкиләр Сизин өз сечиминиздир
- һеч кәс Сизин әвәзинизә сәс верә билмәз!

Мүшаһидәчиләр

Јерли вә бејнәлхалг мүшаһидәчиләр, һәмчинин медија нүмајәндәләри сечки мәнтәгәсиндә сәсвермәни мүшаһидә едә биләрләр. Мүшаһидәчиләрин рәсми сәнәдләри вә ја аккредитасија ләвһәчикләри олмалыдыр. Мүшаһидәчиләр тәшвигат мәгсәди күдән емблемләр кәздирә билмәзләр. Сәсләрин һесабланмасы просесинин сонунда мүшаһидәчиләр сәсвермәнин нәтичәләри һаггында протоколун сүрәтини ала биләрләр. Мүшаһидәчиләр сәсвермә просесинә мүдахилә едә вә ја сечичијә тә'сир көстәрә билмәзләр.

Мүшаһидәчинин видео вә ја фото камерасы варса, о, кизли сәсвермә кабинәсинин ичәрисиндән башга, сәсвермә просесинин һәр һансы бир мәрһәләсини чәкә биләр.

Сечки бүллетени

Һәр бир сечичи ики сечки бүллетени - бирмандатлы сечки даирәси үзрә бир бүллетен вә чохмандатлы сечки даирәси үзрә бир бүллетен алыр. Јәгин един ки, һәр ики сечки бүллетенинин саг тәрәфиндәки квадратлары дүзкүн ишарәләмисиниз. Сечки бүллетенләрини мүвафиг сечки гутуларына салын.

Әкәр Сиз намизәдләрин вә ја партијаларын, сијасы партијалар блокунун һеч биринә сәс вермәк истәмирсинизсә, "Бүтүн намизәдләрин әлеһинә", јахуд "Баһид намизәдләр сијаһыларынын һамысынын әлеһинә" сәтрини саг тәрәфиндәки квадраты ишарәләјин. Бу Сизә һеч кимә сәс вермәдән вә сечки бүллетенини е'тибарсыз етмәдән сечимә өз мүнасибәтинизи билдирмәјә имкан верир.

Көмәк

Сиз сечки бүллетенини охумагда вә ја ишарәләмәкдә чәтинлик чәкирсинизсә, көмәк үчүн (мәнтәгә сечки комиссијасынын үзвләри вә мүшаһидәчиләр истисна олмагла) мүрачиәт едә биләрсиниз. Сизә көмәк едән шәхс өз адыны, атасынын адыны вә сојадыны сечичиләр сијаһысында Сизин адынызын јанында јазмалыдыр.

Әкәр Сиз сечки мәнтәгәсинә кедә билмирсиниз

Сәһһәтинизә көрә вә ја башга үзүрлү сәбәбләрдән сечки мәнтәгәсинә кәлә билмирсинизсә, бу барәдә сәсвермә күнүндән 24 саат әввәл мәнтәгә сечки комиссијаныза хәбәр вермәлисиниз. Комиссија Сизә дашынан сечки гутусунун көндәрилмәсини тәшкил етмәлидир. Сечки күнү сечки бүллетени өзү Сизә кәләчәк!

Сечки просесиндә ганун позунтусу олдугда

Сечки просесләри һаггында јазылы шикајәтинизи сечки күнүндән әввәл вә ја сәсвермә күнү, әразисиндә јашадығыныз сечки мәнтәгәсинин мәнтәгә сечки комиссијасына тәгдим едә биләрсиниз. Мәнтәгә сечки комиссијасынын шикајәтинизлә әлагәдар гәрары Сизи гане етмирсә, даирә сечки комиссијасына, Мәркәзи Сечки Комиссијасына вә лазым кәләрсә, мәһкәмәјә шикајәт едә биләрсиниз.

Сечки күнүндән әввәл

Һарада:

Сечки мәнтәгәнизин һарада јерләшдијини мәнтәгә сечки комиссијасында ајдынлашдырын.

Нәји јохламалы:

Сечичиләр сијаһысында барәниздәки мә'луматларын дүзкүнлүјүнү јохлајын. Сәһв вә ја јанлышлыглар варса, мәнтәгә сечки комиссијасына өз һаггынызда дүзкүн мә'лумат верин.

Өз сечки мәнтәгәниздә сәс верә билмәјәчәксинизсә, гејдијјатданчыхма вәсигәси алмаг үчүн мүрачиәт един. Сиз бу сәнәдлә сәсвермә күну олачағыныз һәр һансы сечки мәнтәгәсиндә сәс верә биләрсиниз. Өз мәнтәгә сечки комиссијанызын үзвләриндән Сизә мә'лумат вермәји хаһиш един.

Сәсвермә күну

Күн: 5 нојабр 2000-чи ил

Вахт: Сәсвермә саатлары: 08.00 - 19.00

Сәсвермәјә кедәркән өзүнүзлә нә көтүрмәлисиниз?:

Шәхсијјәтинизи тәсдиг едән паспортунузу вә ја 9 №-ли форманы

ATTACHMENT 20

Draft

Law of Azerbaijan Republic on Presidential Elections

Chapter 1
General Provisions

Article 1. Main Principles of Presidential Elections

According to Article 101 of Constitution of Azerbaijan Republic, the President of Azerbaijan Republic is elected by the citizens of Azerbaijan Republic on the basis of free, personal and confidential voting.

Participation of Azerbaijan Republic citizens (hereinafter referred to as Citizens) in the Presidential Elections of Azerbaijan Republic (hereinafter referred to as Presidential elections) is voluntary. Every citizen who stays or lives abroad has right to take part in Presidential elections during the period of their preparation or execution.

All electors participating in the elections have equal rights and they vote for or against candidate being elected for Presidential post.

It is prohibited to control elector when he expresses his will.

Article 2. Legislation of Presidential Elections

Legislation of Presidential elections is formed on the basis of this and other Laws of Constitution of Azerbaijan Republic (hereinafter referred to as Constitution).

Article 3. Appointment of Presidential Elections

Elections day is appointed for the 1st Sunday after date of expiry of President's authorities determined by Constitution.

According to the Constitution, the date of Presidential Elections to be considered as date of his entry to authority. The date of Elections should be determined by Central Electoral Commission not later than 4 months before election.

If authority period of President determined and controlled by Constitution is interrupted, then elections should be held earlier.

According to Articles 104 and 107 of Constitution of Azerbaijan Republic elections should be held by Central Electoral Commission at last Sunday in 3 months after adoption of corresponding decision by Constitutional Court or Milli Majlis (Parliament) of Azerbaijan Republic. The period of electoral activity

determined by Law is shortened to its 4/1 part.

The decision about date of elections should be announced by Central Electoral Commission by means of the media.

Article 4. Presidential Elections

The presidential elections should be held on the basis of electoral precinct all over the state.

The preparation and holding of Presidential elections as well as control on elector's rights should be provided by electoral commissions.

The preparation and holding of Presidential Elections by electoral commissions within their authority does not depend on state government or local self-controlling organs.

The activity of electoral commission should be performed on the basis of cooperation.

Article 5. Law on candidacy to Presidential post

Electors, electoral unions, electoral blocks have right to nominate candidate for Presidential Elections.

Article 6. Law on Propagandizing during Pre -electoral Period

According to this Law, State determines free holding of pre-electoral propaganda for citizens, political parties and public unions (hereinafter referred to as Public Organization).

It is allowed for citizens and public organizations to perform propaganda activity among electors in manner determined by Law to agitate them to vote for or against candidate to Presidential post.

State gives equal rights to candidates for Presidential post to use means of state and the media.

Article 7. Financing of Presidential Elections

Financing of all arrangements dealing with preparation and holding of Presidential Elections should be performed for expenses of state budget.

In order to finance pre-electoral propaganda activity of candidates for position of President a special electoral fund should be formed.

Article 8. Publicity of preparation and holding of Presidential election

All decisions of electoral commissions and state government organs dealing with preparation for holding of Presidential elections should be announced.

Chapter 2
Organizing of presidential elections.

Article 9. System of electoral commissions of Presidential Elections

Organs performing preparation and holding of Presidential Elections are shown below:

-Central electoral commissions
-Territorial (region, city) electoral commissions
-Precinct electoral commissions

Article 10. Central Electoral Commissions

Central Electoral Commissions consists of chairman of permanent commissions of Milli Majlis according to their positions. Other members of Central Electoral Commission should be assigned in number equal to number of chairman of permanent commissions according to article 109, line 32 of Constitution of Azerbaijan Republic. Chairman, deputies of chairman and Secretary of Central Electoral Commission should be elected at the first meeting of Electoral Commission by its members by means of secret voting on the basis of majority system.

Central Electoral Commission manage the activity of electoral commissions performing preparation and holding of Presidential Elections.

Each person who passed registration as candidate for Presidential Position has right to assign his own representative which has voting right to Central Electoral Commission.

Article 11. Organization of territorial (region, city) Electoral Commission

Territorial Electoral Commission is organized by Central Electoral

Commission 60 days before day of election in composition of 5-9 members. Chairman, Deputy Chairman and secretary of territorial electoral commission are elected at its first meeting among members of electoral commissions by means of secret voting on the basis of majoritar system.

Independence on decision of central electoral commission and on the bases of majority of electors' votes according to one territorial-administrative law several electoral commissions can be formed.

Candidates to territorial electoral commission can be appointed by taking into account proposals and opinions of public organizations, work, service, study and living places expressed at their meeting. Each person who passed registration as candidate for Presidential position has right to assign his own representative, which has voting right to any territorial electoral commission.

Article 12. Organization of precinct Electoral Commission

Precinct electoral commission is organized by corresponding territorial electoral commission in composition of 5-10 members no later than 44 days before day of election.

Candidates to precinct electoral commission can be appointed by taking into account proposals and opinions of electors of public organizations, work, service, study and living places expressed at there meeting.

Chairman, deputy chairman an secretary of precinct electoral commissions should be elected among members of this commission by means of secret voting, on the basis of majority of votes its first meeting.

Precinct Electoral Commission of electoral precinct of ships which are in voyage during period elections should be organized by captain of the ship within period of time determined by this law or in exceptional cases no later than 5 days before day of elections.

Precinct Electoral Commission of Electoral precincts formed outside of territory of state should be organized by corresponding diplomatic representation or consulate managers or in case of military district located outside of state's territory precinct electoral Commission should be organized by its commander.

Each person who passed registration as candidate to Presidential position has right to assign his own representative, which has voting right, to any precinct electoral commission. Each candidate, electoral union has right to assign observer in voting booths of each electoral block of corresponding precinct electoral commission for the period of voting's holding since its beginning till the time of signing of official document on results of voting and copying of this document.

Article 13. Authorities of Central Electoral Commission

Central Electoral Commission has to perform below following authorities for preparation and holding of Presidential elections in manner determined by Law.

- Manager activity of electoral commission during Presidential Elections.
- Control legality of preparation and holding of Presidential Elections and secures application of this law.
- Adopt instructions and other normative document relevant to application of this law that is obligatory for all electoral commissions.
- Perform registration of electoral block.
- Perform registration of candidate to the position of President and their legalized representatives.
- Provide equal conditions to all candidates to Presidential position to perform their pre-electoral activity.
- Receive all information on preparation and holding of presidential election from executive authorities organs.
- Determine forms of voting ballot expressed in state language.
- Determine order of single numbering of electoral precincts
- Approve stamps samples of electoral commissions and determines order of distribution and keeping of electoral documents.
- Provide division of budget means separated for preparation and holding all elections, controls determined usage of these means, determines activity of electoral commissions during their authority period.
- Control provision of electoral commissions with premises, transport and communication and solves all matters dealing with material-technical provision of electors.
- Consider all complaint claims about decisions and acts of electoral commissions and takes reasonable decisions on these claims.
- Determine order of preparation of voting results.
- Determine results of Presidential elections, submits and announces them in constitutional court within 3 days after voting day; passes all documents dealing dealing with preparation and holding of elections to archive.
- Organized holding of repeated presidential elections.
- Organized holding of repeated voting of Presidential elections.
- Perform other authorities according to this Law.

Central Elections Commission has its own official media organ.

Central Elections Commission is juridical person and performs permanent activity.

Article 14. Authorities of territorial (region, city) electoral commisions.

Territorial (region, city) electoral commission has to perform below following authorities for preparation and holding of Presidential Elections in manner determined by Law:

- perform control of preparation and holding of Presidential elections in corresponding territory and informs population of the territory with address and telephone number of Precinct Electoral Commission;
- provide communication with precinct electoral commission of corresponding territory and consider all complaints about decisions and actions of this electoral commissions and takes reasonable decision on these claims;
- give instructions on spending of financial means for preparation and holding of elections and provides division of these means among precinct electoral commissions;
- provide equal conditions for candidates to Presidential position to perform their pre-electoral activity in corresponding territory;
- provide delivery of voting ballots and other documents to precinct electoral commission;
- render organizational and technical assistance to precinct electoral commission at their electoral precinct to perform work for holding of elections;
- determine voting results of Presidential Elections in corresponding territory, passes these results to mass media and submits;
- protocols describing results of voting to Central electoral commission;
- provide delivery of all documents dealing with preparation and holding of election to Central electoral commission;
- perform other authorities according to this Law.

Authority period of territorial electoral commission expires by official announcement of results of Presidential elections.

Article 15. Authorities of precinct electoral commission

Precinct electoral commission has following authorities:

- inform about address and working hours of precinct electoral commission of corresponding area and about day and place of elections;
- compile list of electors of corresponding electoral precinct;
- introduce electors to list of electors, considers, claims on mistakes and error appeared in this list, performs corresponding revisions in this list;
- prepare special places for voting boxes and other accessories necessary for holding of voting;

- control proper arrangement of means of pre-electoral propaganda on the area of electoral precinct;
- provide voting in electoral precinct at day of elections;
- perform calculation of votes for Presidential elections at electoral precinct;
- consider all complaint claims on insubordination to this Law and takes reasonable decisions;
- perform other authorities according to this Law.

Authority period of precinct electoral commission expires by official announcement of results of Presidential Elections.

Article 16. Status of member of electoral commission

Member of electoral commission has voting right, should take part at all meetings of electoral commission.

Candidates to Presidential position their closest relatives, their legalized representatives, wife cannot be member of electoral commission:
- should be informed in advance about meetings of corresponding electoral commission;
- take part in meeting of electoral commission, give proposals on matters which are within authority of the commission, take part in voting on such matters;
- may ask questions to other participants of meeting of electoral commission on matters which are in agenda of this meeting, can get essential answers on his questions.
- corresponding and subordinate electoral commissions have right to be introduced with any document and can get an approved copy of this document.

Member of electoral commission can be released from his duties before expiry of his membership by decision of organ which assigned him on this part in following Cases:
- in case of written refuse from his authority of member of electoral commission;
- in case of loss of Azerbaijan citizenship by member of electoral commission;
- in case of entry to force decision of court on member of electoral commission;
- in case of incapacity or limited capacity of member of electoral commission or entry to force of decision of court about disappearance or death of member of electoral commission.

Salary of member of electoral commission released from work on preparation and holding of elections should be paid from means separated by state for elections.

Member of electoral commission cannot be transferred to another job or cannot be released from his port by initiative of employer during authority period.

Member of electoral commission cannot be made answerable for crime

375

without consent of corresponding prosecutor.

Authorities period of representatives of candidate to Presidential position determined by Central Electoral Commission expires within 30 days period after official announcement of results of Presidential elections.

Authorities period of representatives of candidates to Presidential position determined by Territorial Electoral Commission and Precinct Electoral Commission expires by expiry date of these electoral commissions.

Article 17. Publicity of activity of electoral commissions

Activity of electoral commissions should be public and open.

Representatives of candidate to Presidential position, his attorney, elector's unions elector's blocks, initiative groups of electors and means of mass media have right to take part in meeting of electoral commissions.

Decisions of electoral commissions should be announced by means of publicity and other means of mass media.

Electoral Commission should inform citizens with results of registration of candidates, their biography, results of voting on each candidate as well as results of Presidential elections.

Candidates, public organizations, elector's unions, block of electors, observers, foreign (international) observers, representatives of means of mass media have right to take part in work of precinct electoral commission during day of voting since its beginning till moment of legalizing of documents of voting results at electoral precinct. Foreign (international) observers should perform their activity according to corresponding legislation.

Observer of candidates, public organizations, unions of electors or block of electors, acting for their interest, should have document approving their authorities. This document should contain name, family name, father's name, living place of observer and number of electoral precinct where he will be sent.

This document is in force by submitting of passport (personal certificate or any other document replacing it) of observer. It is not required to inform in advance about sending of observer to electoral precinct.

Observer has following right:

- to take part in voting of electors which cannot come to voting place because of their health or any other weighty reason;
- to be familiar with list of electors;
- to appeal to precinct electoral commission with proposals and dicers;
- to complaint to territorial electoral commission for actions (or inaction) of precinct electoral commissions.

Interference to work of precinct electoral commission is not allowed.

Desires and proposals of observers can be considered by chairman of precinct electoral commission, in necessary cases at meetings of precinct electoral commissions.

Article 18. Organization of activity of electoral commission

Meeting of Central electoral commission is considered as valid in case of presence of 2/3 part of this commission's members.

Meetings of other commission are considered as valid in case of presence of majority of their members. In case of equality of votes for or against decision being considered at meeting of electoral commission vote of it chairman is decisive.

All decisions reached within authority of electoral commission should be obligatory for subordinate electoral commissions.

Election of chairman, deputy chairman, deputy chairman and secretary of Central Electoral Commission decisions of Central Electoral Commission on registration of candidates for President position or proposal of Supreme Court of Azerbaijan Republic about cancel of registration of candidates for President position, provision of financing for preparation and holding of elections, determination of results of elections, ascertainment of elections as valid or invalid, holding of repeated voting or holding of repeated elections should be taken by total majority of votes of Central Electoral Commission's members.

Election of chairman, deputy chairman, secretary of different electoral commissions, decisions on financial provision for preparation and holding of elections, determination of results of elections should be taken by total majority of votes of commission's members.

Decisions of electoral commissions on other matters should be taken at meeting of electoral commission by majority of votes of members participating at this meeting.

Decision of electoral commission should be signed by chairman and secretary of this commission.

Member of electoral commission who doesn't agree with its decision has right to apply with special reference in written form.

Chairman of electoral commission should send this apply to higher electoral commission no later than 3 days before elections . . . . . .

Decisions of electoral commission which contradict to legislation or those which are outside of authority determined for the electoral commission should be canceled by higher electoral commission or by corresponding court.

Meeting of electoral commission should be called and held by its chairman or deputy chairman assigned by chairman.

Representatives of interested part have right to participate at meeting of electoral commission during consideration of complaint.

Different numbers of commission's staff can take part in activity of this commission as employee on the basis of decision of chairman, deputy chairman, secretary of commission and decision of this commission.

Salaries of member of electoral commission should be paid in manner and order determined by Central Electoral Commission from means separated for activity of this commission.

Different electoral commissions can organize staff on temporary basis within confine of budget means during the period of preparation and holding of elections.

Article 19. Assistance in activity of electoral commissions

State organs, public organizations enterprises, offices and organizations as well as persons holding leading posts of these organizations should provide electoral commissions with assistance to perform their authorities, including reply for any application of electoral commissions within 5 days, in emergency cases they should reply at elections day and provide them with necessary information.

Article 20. Complaints for decisions and actions of Electoral Commission

All complaints for decisions and actions (or inaction) of leading persons of Central Electoral Commission can be sent to Supreme Court of Azerbaijan Republic.

All complaints for decisions and actions (or inaction) of leading persons of Electoral Commission can be sent to higher electoral commissions or to corresponding court.

It is not necessary to apply to higher electoral commission before applying to court.

All complaints (applications) received by Court should be considered in period of time determined by this Law.

All complaints (applications) received by higher electoral commission should be considered in period of 5 days since its receipt, or in emergency cases at day of elections and decision should be reached.

All complaints (applications) with details, which need additional checking should be considered in period of 10 days.

Higher electoral commissions can take decision of complaints (applications) and if necessary can cancel decisions of subordinate electoral

commissions.

Court and prosecutor organs should work every day including Sundays in order to manage to consider complaint (application) in time.

Article 21. Organization of electoral precincts.

In order to perform holding of electors' voting and calculation of votes at President election electoral precincts should be organized.

In order to provide electors with comfort and taking into account local conditions, electoral precincts should be organized not later than 60 days before elections day.

Electoral precincts should meet following requirements.

-each electoral precinct should consists of at least 3 000 electors;

-Electoral precincts of sanitariums, clinics, resorts, hospitals other permanent medical - prophylactic organizations, or any other temporary residence of elector, or regions of state located in distant, difficult of access places should be organized in determined by Law period, i.e. 5 days before date of Elections.

Servicemen should vote in common electoral precincts, or electoral precincts for servicemen whose service place is far away from their living place can be formed as an exception.

In this case, it is obligation of commander of military district to organize precinct according to decision of corresponding electoral commission.

Members of electoral commissions, observers, candidates and their legalized representatives should be provided by access to voting booths by presentation of corresponding certificate.

Electoral precincts for citizens of Azerbaijan Republic who live outside of the state should be organized on the territory of diplomatic representation or consulate of Azerbaijan Republic in corresponding country.

Information about list of precinct electoral commissions, their location (address), contact numbers, indication of there territorial borders should be spread by means of mass media, no later than 40 days before date of collections.

Article 22. List of electors and order of its preparation

List of electors should be made up by precinct electoral commission on the basis of information represented by corresponding executive authority organ, in form determinate by it.

Elaboration of lists of registered electors is done every year by corresponding organs of executive authority at 1st January and 1st July.

Information about electors should be sent to Electoral Commissions by corresponding executive authority organ not later than 40 days before date of elections.

Lists of electors should be made up in alphabetical or any other (residential district of population, streets, buildings) order on the basis of their addresses.

List should contain following information about elector: first name, family name, father's name, birth year (for electors who reached age of suffrage information about birth date should be added), address of living place.

List of servicemen-electors of military district, list of electors and members of their families living on the territory of military district and other electors should be prepared by commander of military district in period determined by Law.

Names of servicemen living outside of military district area should be entered to common lists on the basis of their living places. Lists of electors staying in sanitariums, dispensary or other temporary residences should be made up by manager of this organization.

Electors' list of electoral precincts of ship which is in voyage should be prepared by captain of this ship.

List of electors of electoral precincts located outside of state territory should be made up on the basis of information given by corresponding diplomatic representation or consulate of the Azerbaijan Republic.

List of electors should be made up in form approved by Central Election Commission in duplicate and signed by chairman and secretary of Precinct Electoral Commissions.

Precinct Electoral Commissions should have one copy of electors' list. Second one should be given to corresponding Territorial Electoral Commission no later than 16 days before date of elections.

Article 23. Order of enter of citizens' names to the list of electors.

According to the Article 56 of the Constitution of the Azerbaijan Republic names of citizens of Azerbaijan Republic which have reached age of suffrage and older should be entered to the list of electors.

The fact of the voter's living at this specific precinct is taken as the basis for including him into the list of electors which corresponds to the Law on freedom of move and choose of place of living.

Electors name should be entered to the list of electors of one electoral precinct.

Name of electors staying at the day of elections in sanitariums, dispensaries, resorts, different stationary medical-dispensary enterprises and other places of temporary residence should be entered to the lists of electors of

corresponding electoral precinct.

Names of internal students and post-graduate students living in hostels should be entered to the list of electors of corresponding hostel.

Electors' list of electoral precinct located outside of the area of the state should contain names of citizens of Azerbaijan Republic living outside of the country, citizens owning foreign passport of Azerbaijan Republic for long-term or electors performing their official business trips.

If any owner of foreign passport of Azerbaijan Republic being in official business trip for special invitation or performing tourist travel would apply to located abroad electoral precinct, their names should be entered to the list of electors.

If name of any person living on the territory of certain electoral precinct due to some reasons wasn't entered to the list of electors of this precinct, his name can be entered to additional list of electors after submitting documents identifying his personality and living place.

Article 24. Familiarizing electors with list of electors

List of electors should be presented not later than 30 days prior date of elections.

Each citizen has right to give information about order of making up of electors' lists by precinct electoral commission and about mistakes and errors which took place in list of electors.

Precinct electoral commission should check this information, correct all mistakes and errors appeared in list of electors or in case of repudiating of such application should submit reasonable written explanation within 24 hours.

After decision of precinct electoral commission elector can apply to higher electoral commission or to court. Court should consider this application within 3 days or in case of elections day immediately.

Decision on corrections in electors' list of applying elector should be performed immediately by precinct electoral commission.

It is forbidden to make any corrections in lists of electors after calculation of votes.

Chapter III
Electoral Unions

Article 25. Essence of Electoral Unions

The Electoral Unit is the public organization registered by order of the

Central Electoral Commission as defined by existing legislation. The public organization has a right to nominate candidates for government body elections.

Electoral blocks created during President elections have rights similar to rights of Electoral Units.

Article 26. Electoral Blocks

Electoral Blocks can be created as stipulated by Article 28 of this Law and they must consist of at least 2 public organizations.

The public organization included into electoral block can not act as an independent electoral block during the election period, neither can it be included into any other electoral block.

Decision about joining the electoral block can be worked out at the congress (conference) of the public organization.

Electoral Blocks are registered by the Central Electoral Commission.

Registration of electoral blocks; decisions of public organization congress (conference); general statement on creation of electoral block; protocols of congress (conference); general statement on creation of electoral block signed by authorized representatives of public organizations should be implemented not later five days after they are submitted to the Central Election Commission.

Article 27. Authorized Representatives of Electoral Units, Electoral Blocks and electors initiative groups

Authorized representatives of electoral units, electoral blocks and electors initiative groups are appointed pursuant to this Law to participate in Presidential elections and in financial issues.

Article 28. Participation of electoral Units, Electoral Blocks and Electors initiative groups in Presidential elections

Electoral Units, electoral blocks, electors initiative groups equally participate in President elections in the order stipulated by this Law.

Chapter 4
Procedure of nomination and registration of candidate to President.

Article 29. Nomination of Candidate to President by Electoral Unite and Electoral Block.

A candidate to Presidential position is nominated at public organization's congress (conference). Electoral unit, electoral block have a right to nominate one candidate to President. Decision on nomination of candidate to President is worked out through secret voting.

Electoral Unit, electoral block can nominate a person not a member at the public organization part of electoral block or unit as a candidate to president.

Authorized representatives of electoral unit submit protocol of the congress (conference) of the public organization as well as its decision on candidate to President to the Central Election Commission.

The decision on nominating a candidate should contain following information: candidate's name, surname, patronymic middle name, date of birth, place of work, occupation and address.

Alongside with these documents the following documents should be also passed: certificate about registration of the public organization; registered charter of the public organization, family name, name, middle name, date of birth and address of authorized members of electoral unite as well as power of attorney of each member of electoral unit certified in order stipulated by the Law.

Authorized member of electoral blocks together with the above mentioned documents submit protocols and decision of congress (conference) of public organization about joining electoral blocks; authorized members of public organizations submit jointly signed decision on creation of the electoral block to the Central Electoral Commission.

Article 30. Electors nominating a Candidate to President

Citizens or group of citizens of the state achieving the age of suffrage can create an initiative group consisting of not less than 100 people with the aim to nominate a candidate to President.

Initiative group of electors appeal in writing to the Chief Electoral Commission about registration of the group. An appeal should be accompanied by the protocol of the initiative group about appointing of authorized representatives, certified in order stipulated by law.

Appeals of initiative groups contain:

- name, surname, middle name, date of birth, occupation, place of work and address of candidate to president;

- name, surname, middle name, date of birth, address, number of identification document of members of electors initiative group.

Article 31. Collection of signatures to defend candidate to President

Electoral units, electoral blocks and initiative group of electors have to collect not less than 50000 signatures for a candidate to President.

Number of signatures not exceeding 0.5pecent of the total number of signatures should be gathered on the territory of each region (city) which holds elections.

On receipt on the document the Central Election Commission should correspond with this law within 5 days period. A decision should be taken on registration of authorized members of electoral units, electoral blocks or initiative groups of electors and provide them with certificate of registration.

In case of the Central Election Commission refusing to register authorized members of electoral unit, electoral block or initiative group of electors the decision on this refusal should be well-grounded. A complaint on this decision of refused registration can be forwarded to the Supreme Court of the Azerbaijan Republic, to which measures have to be taken no later than within 3 days of receipt.

Electoral units, electoral blocks or authorised representatives initiative groups of electors after they have received certificate about their registration can start collecting signatures for a candidate to a Presidential position. Collection of signatures is not allowed until certificate on registration is issued.

Signatures' lists are filled due to forms in the Attachments 1 and 2 to this Law. It lists of signatures name, surname, middle name, birth date and address of a candidate is shown.

If a candidate is nominated by electoral units, electoral blocks then in the list of signatures his affiliation to a corresponding electoral unit or block is to be shown.

Electors have right to sign for a candidate of various electoral units, blocks or initiative groups, but they should give a signature for one candidate only. When elector signs for a candidate he needs to write his own name, surname, middle name, birth date (in case if the elector is less than 18 years old - the mouth and the day need to be shown), address, number of passport or identification document; as well as the date of signing. Each list of signatures should contain name of region (city) where the signatures of electors were collected. Collection of signatures can be held in places residence, work, study, service unless these are

not places where propagandising or collection of signatures is not forbidden by law. It is not allowed for the person collecting signatures to force or to influence upon elector with the aim to get his signature.

Electoral units, blocks and authorised representatives of initiative groups of electors after they collected signatures on the territory of region (city) should count general number of electors who signed for a candidate on outside of the state.

Election units, election blocks and authorised representatives of initiative groups of electors should be provided with an application of the candidate to a Presidential position;

- A declaration of the candidate's income during last 5 years;
- Final protocol numbered according to territory of region (city) with attached lists of signatures which they should submit to the Central Election Commission up till 1800 hrs 60 days prior to the day of elections.

Central Election Commission issues a special document to authorised representatives certifying receipt of the above named documents.

In case of urgent of repeated Presidential elections the necessary number of votes according to the Law is reduced to 50%.

Article 32. Registration of the candidate to the Presidential Position

After receipt of the documents the Central Election Commission within a 10 days period checks the authenticity of documents of candidate to the Presidential position and not later than 50 days prior to the election announcers a decision on registration of the candidate or refusal on registration.

Electoral units, blocks, authorised representatives of initiative groups of electors, as well as candidate to the Presidential position and their attorneys can participate in the process when Central Election Commission checks validity of lists of signatures and other documents.

In case if there are any doubts about validity of lists of signatures or signatures themselves, the Central Election Commission arranges their examination at the places where they were signed.

It can be refused in registration of candidate to the Presidential position if the Constitution or the present Law are violated.

In case if candidate to the Presidential position is refused in registration by the Central Election Commission this decision should be well-grounded. The candidate to the Presidential position is informed about this decision. A complaint can be made to the Supreme Court of the Azerbaijan Republic about registration or refusal to register candidate to the Presidential position. This complaint should be examined within 3 days period.

Decision of the Supreme Court of Azerbaijan Republic concerning these issues is final and irrevocable.

Each registered candidate is given a certificate with the date of issues and period of validity. Information about registered candidates is passed to media for publication within 2 days.

If only one candidate to the Presidential position is nominated in the period stipulated in the 1st part of this Article, then elections are extended for 60 days more by the decision of the Central Election Commission.

If on the election day there are less than 2 registered candidates than for additional election arrangements elections are extended for 100 days more by the decision of the Central Election Commission.

Chapter 5
Status of the Candidate to the Presidential Position

Article 33. Equality of rights and obligations of Candidate to the Presidential Position

All registered candidates to the Presidential position have equal rights and obligations.

Article 34. Rights and obligations of candidate to the Presidential position

Candidate to the Presidential position has no rights to abuse his official position during election period in case if he (she) works in state or municipal bodies or in means of mass media.

Candidates after they are registered can be relieved of their posts or duties in military service by their personal application for the period from the day of registration till official announcing on the elections results. For this period the Central Election Commission in the order defined by Law assigns a candidate a financial compensation as an average monthly salary at expense of financial means allotted for elections in the amount not exceeding 20 minimum salaries.

Candidate to the Presidential position in the period since registration till official announcing on elections results can not be relieved of his job by initiative of employer, neither assigned to another job against his will; can not be requited to another job, sent to vocation or called for military service.

The period starting since day of official registration of candidate to the

Presidential position is added to the period of work experience of the candidate.

Candidate to the Presidential position starting the day of his official registration till the day of official announcing of elections results has a right of charge free use of transport means on the territory of the country (with exception of taxi or any ordered transport means). Expenses for transport usage are reimbursed from financial means allotted by the Central Electoral Commission for preparation and holding of elections.

Candidate to the Presidential position has a right at any time to withdraw his candidacy.

In case if withdrawal of candidacy is not happening under compulsion, part of financial means spent by candidate on elections, including pre-electoral propaganda campaign is partially compensated by the Central Electoral Commission.

Each candidate based on his application in writing about attorney to the Central Electoral Commission has a right to assign up to 20 representatives.

A person assign an attorney gets an identification document issued by the Central Electoral Commission and starts an activity supporting election of a candidate. Pursuant to the present Law employer should allow an attorney by his application a non-paid vacation. A candidate has a right at any time to withdraw an assigned attorney in which case he should inform the Central Electoral Commission, which in its turn liquidates issued identification document of attorney.

Candidate to the Presidential position can not be called to criminal account, arrested, be jailed, be subject of any defined by Court administrative measure unless it is approved by the Chief Prosecutor of Azerbaijan Republic. In case if such an approval is given by the Chief Prosecutor by the Azerbaijan Republic the Central Election Commission is immediately informed about this decision.

Chapter VI
Pre-Electoral Propaganda

Article 35. Pre-Electoral Propaganda and period of its holding.

Citizens of the Azerbaijan Republic, candidate to the Presidential position, electoral units, blocks, groups can hold pre-electoral propaganda campaign. It is forbidden to the following bodies to hold pre-electoral propaganda or to propagandize pre-electoral materials:

- military divisions, military bodies and organizations;
- charity and religious organizations;

- member of electoral commissions.

Pre-electoral propaganda can be held within since registration of a candidate and stop 24 hours prior to day of elections.

It is forbidden to hold any propaganda on the day of elections.

In areas of electoral commissions printing materials can be kept which were previously located hung in other places.

Pre-electoral propaganda can be held through:

- means of mass media;
- pre-electoral assurance and arrangements of mass character (pre-electoral meetings, meetings with voters, open discussions, debates, meetings, demonstrations, other events);
- printing and publishing and spreading of print materials, audio and other materials distribution;
- other forms not forbidden by Law.

It is not allowed to voters to use charge free (expect information services) or to have concessions in use of securities or other financial means. Candidates to the Presidential position their attorney or journalists - members of electoral commission in case if they occupy leading positions in means of mass media are not allowed to use propaganda through their means of media.

Article 36. Ban to abuse pre-electoral propaganda

It is not allowed to abuse freedom of press in pre-electoral propaganda. Appeals to overthrow constitutional state structure or to change it in a force way are not allowed in pre-electoral programs, propaganda materials, meetings, means of mass media etc. It is not allowed to print or to spread any materials based on social, origin, national, religious advantages; as well as materials calling to social, original, national or religious hostility.

It is not allowed (with exception of print illustrative materials and specially produced for elections badges and signs) to candidates to the presidential positions, electoral units, blocks initiative groups of electors and their authorized representatives to pass to voters money, gifts, valuable materials; to organize sales at cut rates or to distribute free goods or products.

Election commissions observe and control that pre-electoral propaganda does not violate legal rules.

In case if any information received about illegal speeches or illegal propaganda, the electoral commissions is not to react immediately, should appeal to the corresponding state bodies on order to prevent and to stop illegal propaganda activity.

Central Election Commission can appeal to the Supreme Court of the Azerbaijan Republic to abolish registration of the candidate to the Presidential position. This appeal should be answered by the Supreme Court within 3 days. In the case of 3 days period untill elections - the appeal should be studied immediately.

Article 37. Propaganda on Radio and TV

All candidates to the Presidential position are given equal air time (free-charge, equal duration, fixed time) which is covered by corresponding budget means.

Registered candidates, electoral units, blocks, initiative groups of electors can use state TV - radio channels in an accepted order for pre-electoral propaganda.

The mode and the way of use of air-time given to candidates, electoral units, blocks, initiative groups of voters is defined by the Central Election Commission with obligators consideration of proposal of candidates, electoral units, blocks, initiative groups of electors.

Radio and TV in pre-electoral period arranges and organizes open discussions, round tables, press - conferences, meetings, political advertisements and other propaganda not forbidden by law. In these cases the form and nature of the propaganda are independently defined by the candidate, electoral units, blocks initiative groups of electors. It is not allowed to interrupt pre-electoral TV-radio programs by any commercial or trade advertisement.

TV-radio programs or announcements about these pre-electoral programs should be given without any comments. Candidate, electoral units, blocks, initiative groups of electors are not expected to pay for any information service.

In case leading officers of TV-radio company, leaders of mass media journalists or attorneys candidates it is not allowed to be participate in propaganda in the pre-electoral are period with in their own organizations.

TV-radio programs containing pre-electoral propaganda are to be video and audio - recording and are kept in archives for 6 months after their air time.

Article 38. Propaganda in Periodicals.

It is not allowed to print propaganda about candidates, electoral units, blocks, initiative groups of electors in legislative bodies, executive bodies, official Law enforcement agencies and or publishing houses.

If organ of periodical edition has among its founders state or municipal members, or is financed fully or partially by means of the corresponding budget and allows to any particular candidate, electoral units, blocks, initiative groups of

electors to utilize this means, it should provide same terms and conditions of propaganda to other candidates, electoral units, blocks, initiative groups of electors.

Article 39. Pre-electoral meetings, and their terms and conditions.

State bodies, local self-governing organs should be supportive to candidate, electoral units, blocks, initiative groups of electors in arranging of their meetings with voters.

Applications and requests concerning venues to these events when sent to corresponding local executive powers or self-governing organizations should be answered with in 5 days and dealt with in a manner as defined by the Central Electoral Commission. Premises, properties of state, municipal, organizations, enterprises and etc., suitable for holding of meetings of candidates and their attorneys with voters as defined by electoral commission are given for meetings free of charge.

In such cases all candidates, electoral units, blocks, initiative groups of electors should be provided by equal treatment on behalf of the electoral commission.

Article 40. Distribution of printed materials.

Candidate to the Presidential position, electoral units, blocks, initiative groups of electors can print out posters, brochures and other propaganda materials. In printed material there should be information about the person or organization responsible for this issue.

It is not allowed to print or to publish any anonymous materials.

Propaganda materials can be fixed and hung in any place of premise with permission of its owner. Printed propaganda cannot be located on monuments, historical or architecturally valuable buildings, rooms of electoral commission and areas where elections will be held.

25 days prior to elections the corresponding local executive power should specify places for locating of print of propaganda material. These areas should be accessible and there should be at least one at each electoral precinct.

Each candidate, electoral units, blocks, initiative groups of electors should be given equal term for locating of propaganda material.

If any case of anonymous or fraud print out materials spreading is observed, the electoral commission should take necessary measures to stop this illegal activity and contact the corresponding organs.

Chapter VII
Financing of Elections.

Article 41. Provision of financing of preparation and holding of Presidential Elections.

The preparation and holding of Presidential Elections, with activity of electoral commission financing is provided by means of the state budget.

An amount of money defined and allotted for Presidential Elections is received by the Central Election Commission within ten days period after election day is announced and is equally split among local commissions.

If Presidential Elections are happening earlier than scheduled money is loaned by the Azerbaijan National Bank and this is meant to be compensated from the state budget.

If budget means are not passed to the account of the Central Election Commission in time the Central Election Commission can ask the National Bank of the Azerbaijan Republic for loan. In case if the letter refuses, the Central Election Commission can appeal in the manner of competition to Commercial Banks. Loans given as well as percent of interest should be repaid within 3 months period after the day of elections.

If money allotted for Presidential Elections is not enough for necessary repeated Presidential Voting and Presidential Elections, then the above mentioned actions can be performed.

Received amount is split among local electoral commissions:

Central Election Commissions together with the National Bank of the Azerbaijan Republic defines the rules of allotting of finances to electoral commissions. Chairmen of electoral commissions instruct and regulates spent of money, and are responsible for their financial documents to correspond regulations of electoral commissions.

Financial means not spent should be transferred from the account of electoral commissions in manner stipulated by part 1 of this article to the budget.

Article 42. Election Fund of the Candidate to the Presidential Position

The special fund is created by the candidate to the Presidential position. Money of this fund is kept on the corresponding state's special temporary accounts. The power to operate by money of this specially created fund is given to the founder of this fund.

Departments and divisions of the State Bank open special temporary accounts for registered candidate to the Presidential position informing the

Central Election Commission in written.

Amount of money of these accounts is not counted and is tax exempt.

Elections funds should be created by the following means:

- money allotted to the candidate by the Central Election Commission for pre-electoral propaganda;
- the special fund of the candidate should not exceed 5 000 minimum salaries defined on to the day of elections;
- money allotted to the candidate by electoral units, blocks, initiative groups of electors should not exceed 50 000 minimum salaries on to the day of elections;
- private, personal voluntary donations of physical bodies should not exceed 50 minimum salaries defined on to the day of elections;
- legal bodies voluntary donations should not exceed 5 000 minimum salaries defined on to the day of elections.

Article 43. Order of registration of Financial Means and Financial Report.

Order of registration and expertise of financial means allotted to the Presidential Elections as well as those from special funds of candidates corresponds the legislation and is defined by the Central Election Commission.

Candidates submit their financial reports not later than 10 days after results of elections are officially announced. Copies of these reports are passed by the Central Election Commission to mass media.

Precinct Electoral Commissions pass financial reports to Territorial Electoral Commission not later than 10 days after election results are announced.

Territorial Electoral Commission pass general financial report to the Central Election Commission not later than 30 days after elections results are announces.

The Central Election Commission presents financial report about expense of budget means not later than 2 months after elections results are announced. This financial report should be published by the official organ of the Central Election Commission and passed to the mass media.

Article 44. Non-spent financial means of Elections Funds

Candidate to the Presidential position after 30 days of elections returns non-spent money in proportion if allotted money to the Central Election Commission.

By end of this period non-spent budget means should be returned to the account of the Central Election Commission in State Banks.

Candidates with consent of the Central Election Commission returns remaining in their funds money to physical and legal donors, current accounts in

a proportional manner.

Article 45. Control-Monitoring Service

A specially control-monitoring service is created by the Central Election Commission from number of state specialists in order to control and monitor: how money allotted for Presidential Elections is spent; expenses of electoral commissions, sources of income; order in accounting of election funds; way of expense of financial means by candidates.

Chapter VIII
Voting and Determination of Presidential Elections Results

Article 46. Room for voting

Corresponding body of the executive power allocates special room to Precinct Electoral Commission. Voting place should be a hall with booth-type small rooms and places for secret voting.

In small booth-type rooms designed for secret voting a writing desk equipment should be provided.

No pencil should be used for this purpose. Precinct Electoral Commission provides boards with information material about candidates; samples of filled ballots which should be located either in the voting room or in front of it. In materials about candidates there should be no propaganda contained in their pre-electoral platforms. In a sample ballot there should be no name of candidate written.

Article 47. Voting ballot

Each voter gets one ballot for Presidential Elections. The next of the ballot is approved by the Central Election Commission in the state language not later than 28 days prior to elections.

Text of the ballot should be placed on one side of the ballot only. In this ballot names of registered candidate to the Presidential position should be shown in alphabetical order, as well as information contained in part 3 of Article 29 and part3 of Article 30 of this Law should be printed.

If an electoral units, electoral block nominates a candidate then their names are shown in the ballot; as well as it should be shown in the ballot if a candidate is a member of any public organization, which in its turn goes into

electoral unit or political party. To the right from the place where information about candidate is located an empty table should be placed. After list of all candidates a line with words "Against all candidates".

In each ballot there should be an explanation about way the ballot should be filled. Ballots are written in the state language. Ballots are printed by instruction of the Central Election Commission not later than 20 days prior to elections.

In case if a citizen 30 days prior to elections is sure that he by all means will not be able to attend an electoral precinct, he has a right to appeal to the precinct electoral commission in order to get a document on leave. A citizen should sign in the list of voters on getting a document on leave. This document is being registered in a special table. A citizen submitting a document on leave should be included to the list of any electoral precinct. Forms of documents on leave as well as a table for registration of these documents are approved by Central Election Commission.

Expeditions, trade, fishing, scientific research, military sea and rivers fleet vessels and other teams and groups happening to be in a remote place in the day of elections are allowed by Territorial Electoral Commissions not later than 15 days prior to elections.

At 8 a.m. on election day a chairman of electoral precinct announces the precinct open, shows empty voting boxes to members of electoral commissions, attorneys of candidates, observers, then seals the boxes invites the members of electoral commission to start voting.

Voter after he gets a voting ballots puts number of his passport or any identification document in the list of voters.

With a consent of a voter number of passport or any identification document can be written in the list of voters by any responsible member of the electoral commission. Voter checks written information and signs it. If a voter is not capable to receive a ballot by signing he can use an assistance of any person, excluding members of electoral commission. The person helping the voter signs the ballot in the place saying "signature of the voter receiving the ballot" and writes in his family name.

Each voter votes personally. It is not allowed to vote instead of any person.

The ballot is filled in the specially equipped booth where nobody apart from voter is allowed to enter.

The voter not capable to fill in the ballot can invite any person to the booth in order to help him excluding members of electoral commission, attorneys of candidate or observers.

The name of such a person is shown in the list of electors next to the elector's name confirming the receipt of the ballot. In the ballot the elector puts a note in the empty table to the right of the name of the candidate or places a note

within a table located to the right of line saying "against which candidates".

Filled in ballots are put by the voter into the voting box.

Voting box are placed in places where they can easily be observed by members of Electoral Commission and observers.

Members of electoral precinct should create voting conditions for all voters including those who are not able to attend the election room.

With this purpose a needed number of transportable voting boxes should be provided according to the decision of the Electoral Commission. Applications for voting outside of the voting precinct should be passed to the electoral commission's members by the voter in written.

In application information about the voter should be provided similar to one in the voter's list. Voter proves presence of the ballot by his own signature. Members of election commission going in accordance with applications take corresponding number of election ballots for signing.

A special act is written about used and returned back ballots separately noting their number.

At the same time, in the voters lists the fact is noted about voter voting outside of the voting place. In case of voting outside of the voting place observers can witness it.

The transportable boxes after they are returned into the electoral precinct should not be opened until counting of the votes. Voting outside of the voting room should be provided in a manner not to violate citizens rights to vote secretly and freely.

The Precinct Electoral Commission observes the order at the place of elections at the voting. This instructions obligatory for all persons in a voting room.

In case if the chairman of electoral commission is absent his responsibility are fulfilled by his deputy, the case of absence of the latter it becomes a duty of the secretary or other responsible member of electoral commission. In case if member of electoral commission tries to impact expression of will of the elector or infringes secret voting this person is debarred from voting, and observer is taken out of the room immediately. Decision about it is taken by electoral commission.

In case if voter considers that he spoiled the ballot by incorrectly filling it he has a right to ask the member of electoral commission providing him with a ballot to give him a new one.

Member of electoral commission provides a voter with a new ballot and puts a note about it to the right of the voter's name in the voter's list.

Further the spoiled ballot is destroyed on which a special act is being written.

Article 49. Counting of votes in election precincts.

When the election time is over chairman of electoral commission announces: "only voters who got ballots and are present in election room can vote." Before voting boxes are open members of electoral commission located in the voting room, representatives of candidates, observers, representatives of election blocks and foreign observers count unused voting ballots and destroy them.

The number of those ballots is announced, is fixed in final protocol of voting, after that chairman of election commission checks the seals of voting boxes, shows them to members of commissions and authorized representatives of candidates and then opens the boxes.

The voting boxes are opened in order: first- transportable boxes, then - fixed boxes.

At the beginning, the ballots in the transportable boxes are counted. Their number should correspond the number of applications for outside of election's room's voting.

In case if the ballot number in transportable boxes exceeds the number of applications - all ballots in transportable boxes are considered invalid by the decision of the election commission.

This fact is shown in the protocol on results of elections together with the name of members of election commission providing this outside of election's room's voting.

On counting votes of electors those ballots are put aside which: are indefinite form, are not officially prepared, are not proved by the members of election commission.

Ballots in which the will expression of the voter is not clear, or notes are put in more than one table, or is no note are considered invalid.

In case of doubts the matter is solved by election commission by voting.

In case if ballots are considered to be invalid the election commission puts a note on back side of it, explaining the reason. These notes on back side of the ballot are confirmed by at least three members of election commission. Invalid ballots are filed separately.

The counting of votes is performed by members of election commission without interruption and all members of election commission, observers, including international are informed about results of voting.

Precinct election commission writes at protocol on results of voting. In protocol the following information should be included:

- total number of voters included into the voters list with additional voters lists;
- total number of ballots given by election commission;
- total number of ballots given to voters in election day in voting precinct;

- total number of ballots given to voters for outside of voting room;
- number of destroyed ballots;
- number of ballots in fixed voting boxes (excluding indefinite ones);
- a number of ballots in transportable boxes (excluding indefinite ones);
- a number of ballots;
- a number of invalid ballots (including those without any notes);
- candidates first, middle, last names alongside with other information shown in voting ballots;
- number of votes given for each candidate;
- total number of votes for all candidates;

The number of voters according to this precinct is added to the number of those who vote with a leave documents. Those who voted with a leave document at other precincts but registered in this one are deducted from the number of voters.

The final protocol is prepared by members of election commissions, observers, attorney of candidates in 3 copies and signed by all members of election commission.

Those election commission members who do not agree with protocol entirely or partially write their special opinion.

First copy of the protocol contains complaints about violation of this Law received by election commission and actions taken by election commission in this connection. Copies of complaints and decisions of Precinct election commission are attached to the second copy of the protocol.

Final protocol should note contain any notes written in pencil or any corrections at all. If above mentioned causes doubts of higher election commission then repeated counting of votes should be performed.

Repeated counting of votes should be performed in the presence of members of higher election commission.

The first copy of the protocol of the Precinct election commission is sent to territorial election commission within 24 hours.

The second copy of the protocol together with ballots is being kept till the end of the commission's activity by secretary of election commission together with list of representatives of candidates electoral units, blocks, initiative groups of electors participating in counting of votes.

The third copy of the protocol is given to attorneys of candidates, observers, representatives of mass media for familiarization. Commissions created outside of the State sends first copy of the final protocol together with the additional documents directly to the Central Election Commission.

Election documents, election ballots are send to the corresponding territory election commission not later than 10 days after official definition of result of election.

Article 50. Definition of Election Results by territorial election commission.

Territorial commission within two days since election day based on protocols of Precinct election commission generalize all information and defines results of voting at this territory. Definition of materials contained in protocols of Precinct election commission is performed directly by authorized members of territorial election commission. Territorial election commission based on results of elections works out a protocol in which information about number of Precinct election commissions of this territory, number of protocols of Precinct election commissions and pursuant to article 49, part 15 generalized information of Precinct election commissions is included. Protocol of territorial election commission is worked out in three copies and is signed by all members of territorial election commission. To the protocol the general information united in the form of table of Precinct election commission over territory is obligatory added.

Those territorial election commission members who do not agree with protocol entirely or partially write their special opinion.

First copy of the protocol contains complaints about violation of this Law received by territorial election commission and actions taken by territorial election commission in this connection. Copies of complaints and decisions of territorial election commission are attached to the second copy of the protocol. The first copy of protocol of territorial election commission after being signed is send to the Central Election Commission together with final schedule.

The second copy of the protocol is being kept till the end of the commission's activity by secretary of territorial election commission together with list of representatives of candidates electoral units, blocks, initiative groups of electors participating in counting of votes.

The third copy of the protocol is given to attorneys of candidates, observers, representatives of mass media for familiarization. Commissions created outside of the State sends first copy of the final protocol together with the additional documents directly to the Central Election Commission.

Article 51. Definition of Presidential Elections results.

Central Election Commission not later than within 4 days defines results of Presidential Elections and submits them to the Constitutional Court of the Azerbaijan Republic.

Central Election Commission not later than within 4 days after elections day defines results of elections according to territories based on protocols of election commissions. The generalization of protocols of territorial election

commission is performed directly by Central Election Commission's members. Central election commission based on results of elections works out a protocol in which information about number of Territorial election commissions of this territory, number of protocols of Territorial election commissions and pursuant to article 49, part 15 generalized information of Territorial election commissions is included. Protocol of Central election commission is signed by all members of Central election commission. To the protocol the general information united in the form of table of Territory election commission is added.

Those Central election commission members who do not agree with protocol entirely or partially write their special opinion.

Copies of decisions of central election commission and copies of complaints are added to the second copy of the protocol.

The first and second copy of the protocol is being kept till the end of the commission's activity by secretary of Central election commission together with list of representatives of candidates, electoral units, blocks, initiative groups of electors participating in counting of votes.

The third copy of the protocol and general schedule is passed to attorneys of candidates, observers, members of Central Election Commission with voting right and representatives of mass media.

If there are any inconsistencies, mistakes or other errors in protocols of Central Election Commission, Central Election Commission has a right to decide on repeated counting of votes on the corresponding territory.

Repeated counting of votes is performed with participation of members of Central Election Commission. All documents of Central Election Commission, documents of Territorial and Precinct election commissions are kept within the period not less than 6 months; protocols on result of voting and the protocols on the results of elections are kept till the nomination of the day of elections.

Generalization of information contained in protocols of Election commission is performed by members of Central Election Commission. The candidate is considered to be elected if more than 2/3 of voters voted for him.

The number of electors participating in voting is defined on the basis of ballots contained in voting boxes and filled in in a definite way. If less than half of electors included into elector's lists participated in elections then the elections are considered as invalid by the Central Election Commission. The number of electors participating in elections is defined by signatures confirming receipt of ballots by them put in a list of electors. In case if results of expression of will of electors cannot be defined, Central Election Commission considers elections invalid. Central Election Commission works out a protocol of Presidential Elections in which includes the following:

- number of territorial election commissions as well as number of Precinct election commissions organized outside of the State;

- number of protocols of election commissions located outside of the State;
- total number of voters included into the voters list with additional voters lists;
- total number of ballots given Precinct election commissions;
- total number of ballots given to voters in election day;
- total number of ballots given to voters for outside of voting room;
- number of destroyed ballots;
- number of ballots in fixed voting boxes (excluding indefinite ones);
- a number of ballots in transportable boxes (excluding indefinite ones);
- a number of ballots;
- a number of invalid ballots (including those without any notes);
- candidate's first, middle, last names alongside with other information shown in voting ballots;
- number of votes given for each candidate;
- total number of votes given against all candidates.

Protocol about results of Presidential Elections obligatorily includes protocols of all Territorial election commissions, protocols of all held outside of the State Precinct election commissions.

Results of Presidential Elections after protocol being signed by election commission is announced in mass media not later than within 3 days.

Article 52. Repeated voting

In case if there are more than two candidates to Presidential Elections shown in voting ballot and non of them is elected, Central Election Commission holds repeated election among two candidates who collected a majority of votes. Repeated election is held in the second Sunday after general election day according to this Law, but is being held irrespective of Article 51, part 12.

Information about repeated election is published by mass media not later than within 2 days after this decision is taken by Central Election Commission.

If one candidate is left till holding of repeated elections, next candidate who gathered more number of votes is considered by the decision of Central Election Commission the second candidate to the Presidential Position. According to the result of the repeated voting such a candidate should be elected for whom more than a half of electors participated in elections voted.

Article 53. Repeated elections.

If Presidential Elections are considered not held or invalid, or if no candidate is elected as President in general election or repeated voting,- according to the decision of the Central Election Commission Presidential Elections are defined appointed. Assignment of candidates, their registration, other election

actions during repeated elections are defined by this Law.

In repeated elections time terms for election actions are reduced for 3 times (excluding time period noted in articles 49, 50 and 51). Information about repeated election commission, elections is published in mass media.

Repeated elections are held not later than 4 months after first elections.

Article 54. Publishing of results of Presidential Elections and results of voting

Information on results of voting over each Precinct election commission, information containing incorresponding commission's protocols should be passed to any voter or observer as well as representatives of mass media for familiarization.

Information about results of voting contained in territorial election commission is passed for publication not later than within 5 days after elections; information about results of voting contained in precinct election commission is passed for publication not later than within 15 days after elections.

Central Election Commission publishes results of presidential elections in mass media as well as information of territorial election commissions on election results is published not later than 1 month after elections.

Central Election Commission not later than 3 months after day of Presidential Elections publishes information about results of elections in its official publishing organ; as well as it publishes information about all election commissions excluding Precinct election commissions.

Article 55. Usage of automatic information system

If automatic information system is used during election commission creates a special group from the number of the members of election commission for performing a control over automatic information system.

All members of election commission can be familiarized with all information generated or entering into this automatic information system. The automatic information system is used with the aim to observe the course of election from the moment of information of subordinate election commissions passed to the higher election commission at the beginning of voting till protocols of Central Election Commission are signed. During this process no information should be passed to subordinate election commissions apart from those signals confirming receipt of information from higher election commissions. Information about progress and results of voting received through automatic information system is not considered to be general character primary information. Computer text should be included into election commission protocol and automatic information system kept by secretary of election commission.

Authenticity of the print out computer text is confirmed by signatures of persons responsible for receipt of information and members of group monitoring and observing the activity of automatic information system.

Chapter IX
Commencement of authority period of President

Article 56. Commencement of authority period of President

According to the Constitution and this Law the person elected as a President takes an oath within 3 days after Constitution Court officially announces results of Presidential Elections.

Starting with day of swear Azerbaijan Republic's President gets salary equal to 5 000 minimum salaries. Acting President performs his authorities until newly elected President takes over the power.

Chapter X
Responsibility for violation for citizens voting rights

Article 57. Responsibility for violation of citizens voting rights

Persons hindering realization of the right to elect and to be elected to Presidential Position, precluding pre-electoral campaign by violence, fraud, threat and other means, as well as members of electoral commissions, other officers frauding election documents, incorrectly counting votes, infringing to the legislation. Persons guilty in publishing fraud information about the candidate or spreading it by any other way or hindering meeting of candidate with electors are called to account.

Chapter XI
Final Provisions

Article 58. Coming into force of this Law.

This Law enters into force since a day of official publishing.

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402

ATTACHMENT 21

THE LAW OF THE AZERBAIJAN REPUBLIC
ON THE CENTRAL ELECTION COMMISSION OF THE AZERBAIJAN REPUBLIC

ARTICLE 1. The Status of the Central Election Commission of the Azerbaijan Republic

1.1 The Central Election Commission of the Azerbaijan Republic, which functions in accordance with Articles 83 and 101 of the Constitution of the Azerbaijan Republic, is a state body.

1.2 The Central Election Commission of the Azerbaijan Republic conducts the elections of the President of the Azerbaijan Republic and deputies of the National Assembly of the Azerbaijan Republic.

ARTICLE 2. The Rule Establishing the Central Election Commission of the Azerbaijan Republic

2.1 The Central Election Commission of the Azerbaijan Republic consists of 24 members with decisive voting rights.

2.2 12 members with decisive voting rights are nominated by the National Assembly of the Azerbaijan Republic and the other 12 members with decisive voting rights are nominated in accordance with paragraph 32 of Article 109 of the Constitution of the Azerbaijan Republic.

2.3 *The term of office of members of the Central Election Commission of the Azerbaijan Republic is 6 years. One third of the Central Election Commission of the Azerbaijan Republic is re-appointed by each government body which has appointed them, in equal numbers, every two years*

2.4 Members of the Central Election Commission's of the Azerbaijan Republic with decisive voting rights should be non-partisan. *Members of the Central Election Commission of the Azerbaijan Republic must have higher education.*

2.5 The Chairperson and the Deputy Chairperson of the Central Election Commission of the Azerbaijan Republic are elected at the first meeting by a secret ballot of the members of the Commission with decisive voting rights.

ARTICLE 3 Areas of Responsibility of the Central Election Commission of the Azerbaijan Republic

3.1 The Central Election Commission of the Azerbaijan Republic:

- *ensures that citizens' rights to participate in elections and referendums are enforced;*
- *prepares the standard allocations of technological equipment which are necessary for the work of subordinate election commissions, approves those standard allocations and ensures that these norms are followed;*

- *ensures the implementation of programs for preparation and conduct of elections and referendums: development of election systems: education of voters about the law: professional training of members of election commissions:*

- *performs activities relating to financing elections and referendums: approves rules for allocating broadcasting time for registered candidates. voters units and voters blocks; determines: results of the elections and referendums: and rules for publication of those results;*

- *distributes the funds allocated from the state budget of the Azerbaijan Republic for financing the preparation and conduct of elections and referendums. and controls expenditure for this purpose:*

- *assists subordinate election commissions on legal, procedural. organisational and technical issues;*

- *defines the standards for preparation of election ballot papers. referendum ballot papers. voters lists and other election and referendum documents:*

- *investigates complaints and applications about decisions, actions or omissions of subordinate election commissions and makes decisions, which must be based on the evidence, about these:*

- *performs other duties according to the relevant laws of the Azerbaijan Republic.*

3.2 *The Central Election Commission of the Azerbaijan Republic. together with the relevant Executive Authority and local self-government bodies, organizes a single system for registration of voters.*

3.3 *The Central Election Commission of the Azerbaijan Republic can adopt instructions and procedural directions, within its powers, on implementation of the laws on elections and referendums.*

3.4 *If the rights of citizens to participate in elections and referendums are violated by a subordinate election commission, and if the Central Election Commission (or relevant court) considers the results of the voting for the relevant area to be invalid due to this, the Central Election Commission can dismiss this subordinate election commission. Persons defined in the legislation of the Azerbaijan Republic can file a complaint to the Supreme Court of the Azerbaijan Republic about a decision of the Central Election Commission to dismiss a subordinate election commission. Such a complaint is accepted immediately for investigation and a decision on it is made not later than one week after its receipt. Not later than one week from the date that the decision of the Supreme Court of the Azerbaijan Republic comes into effect. the relevant subordinate election commission should be re-formed in accordance with the legislation.*

ARTICLE 4. Adoption of Resolutions of the Central Election Commission of the Azerbaijan Republic

4.1 The Central Election Commission of the Azerbaijan Republic adopts resolutions that are within its authority.

4.2 Resolutions of the Central Election Commission of the Azerbaijan Republic are adopted by secret and open voting of its members. If there is an equal number of votes for and against adoption of a resolution at a meeting of the Central Election Commission, the Chairperson of the Central Election Commission of the Azerbaijan Republic has the casting vote.

4.3 A meeting of the Central Election Commission is valid if attended by not less than two thirds of its members

ARTICLE 5. The Status of Members of the Central Election Commission of the Azerbaijan Republic

5.1 Each member of the Central Election Commission of the Azerbaijan Republic with decisive voting rights must take part in all its meetings.

5.2 Members of the Central Election Commission of the Azerbaijan Republic organize their activities within areas of responsibility that are in accordance with the regulations of the Central Election Commission, and they are responsible for their actions within these regulations.

5.3 Candidates for the Presidency of the Azerbaijan Republic and to the National Assembly of the Azerbaijan Republic, their close relatives, their agents, their direct dependents, the official representatives, observers *and members of subordinate election commissions* of political parties, representatives of initiative groups of voters, representatives of unions of voters and representatives of blocks of voters may not be 'members with decisive voting rights' of the Central Election Commission of the Azerbaijan Republic.

5.4 A member of the Central Election Commission of the Azerbaijan Republic:

- Is informed in advance about meetings of the Commission;
- Takes part in the meetings of the Commission. Gives suggestions on issues related to the authority of the Commission and takes part in voting on these issues:
- Can ask questions from the other participants of the meeting of the Commission relating to issues on the agenda and receive answers to his/her question;
- Has the right to become familiar with the different documents of the Commission and may obtain authorized copies of these documents.

5.5 A member of the Central Election Commission of the Azerbaijan Republic with decisive voting rights can be removed from the Commission according to the

resolution of the bodies which have nominated him, in the following circumstances:

- if he/she resigns in writing;
- if he/she is no longer a citizen of the Azerbaijan Republic;
- if he/she becomes a member of a political party;
- if he/she is officially convicted by a court;
- if he/she becomes a candidate for President of the Azerbaijan Republic or for deputy of the National Assembly of the Azerbaijan Republic;
- if he/she is a close relative, dependent or an agent of a candidate for the Presidency of the Azerbaijan Republic, or of a candidate for the National Assembly of the Azerbaijan Republic, or of a political party;
- if he/she is an official representative or observer for a candidate nominated by a political party, initiative group of voters, of election union, or election block for President of the Azerbaijan Republic or for deputy of the National Assembly of the Azerbaijan Republic;
- if he/she is subject to an official resolution of the court regarding disability, mental incapacity, death or disappearance;
- *if he/she is a member of a subordinate election commission;*
- *if he/she does not perform his/her duties and this is the subject of an official court ruling.*

5.6 During their term of office a member of the Central Election Commission cannot be dismissed from their employment, or transferred to another position, by an employer, without his/her own agreement.

5.7 The Central Election Commission may determine that a member of the Central Election Commission with decisive voting rights may work permanently for the Commission.

5.8 A member of the Central Election Commission of the Azerbaijan Republic cannot be indicted for a crime, or be subjected to administrative penalties determined by a court, without permission of the Prosecutor.

5.9 Members of the Central Election Commission of the Azerbaijan Republic have the right of free passage throughout the territory of the country and may use all kinds of public transport free of charge (except taxis and other unscheduled transport services). Travel expenditure throughout the country is paid from the Central Election Commission's allocation of funds.

ARTICLE 6. Organization of the Central Election Commission of the Azerbaijan Republic.

6.1 The salary of the permanent members of the Central Election Commission of the Azerbaijan Republic, the structure of the secretariat, staff time-table, and the salaries of the positions of the secretariat are paid according to the sum defined by the Central Election Commission of the Azerbaijan Republic within the limit allocated for their activities from the state budget.

6.2 The Central Election Commission of the Azerbaijan Republic has its own official press service.

6.3 The Central Election Commission of the Azerbaijan Republic is a legal entity.

ARTICLE 6. The Powers of the Central Election Commission of the Azerbaijan Republic

The powers of the Central Election Commission of the Azerbaijan Republic are defined by relevant laws.

ARTICLE 7. Date of Effect of this Law

This law comes into force on the date of its publication.

HEYDAR ALIYEV

PRESIDENT OF THE AZERBAIJAN REPUBLIC

Baku, May 15, 1998.
Amendments (in green) proposed by the President to the Milli Majlis on 3 October 1999.

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To: **Milli Majlis of the Azerbaijan Republic**

Based on Article 96 of the Constitution of the Azerbaijan Republic, a draft law of the Azerbaijan Republic on Amendments and Additions to the Law of the Azerbaijan Republic on the Central Election Commission of the Azerbaijan Republic is submitted for discussion.

Heydar Aliyev,
President of the Azerbaijan Republic

Draft

The Law of the Azerbaijan Republic on Amendments and Additions to the Law of the Azerbaijan Republic "On The Central Election Commission of the Azerbaijan Republic"

The Milli Majlis of the Republic of Azerbaijan decides:

I. To make the following additions and amendments to the law "On the Central Election Commission of the Azerbaijan Republic":

1. To add the following paragraph as the third paragraph, after the second paragraph of Article 2, and to consider the present third and fourth paragraphs as the fourth and fifth paragraphs

:

"The term of office the members of the Central Election Commission of the Azerbaijan Republic is 6 years. One third of the Central Election Commission of the Azerbaijan Republic is re-appointed by each government body, which has appointed them, in equal numbers, every two years".

To add the following sentence to the fourth paragraph of Article 2:

"Members of the Central Election Commission of the Azerbaijan Republic must have higher education."

2. To add the following new Article after the second one:

"Article 2-1. Areas of responsibility of the Central Election Commission of the Azerbaijan Republic".

The Central Election Commission of the Azerbaijan Republic:

- Ensures that citizens' rights to participate in elections and referendums are enforced;
- prepares the standard allocations of technological equipment which are necessary for the work of subordinate election commissions, approves those standard allocations and ensures that these norms are followed;
- ensures the implementation of programs for preparation and conduct of elections and referendums; development of election systems; education of voters about the law; professional training of members of election commissions;

- performs activities relating to financing elections and referendums; approves rules for allocating broadcasting time for registered candidates, voters units and voters blocks; determines: results of the elections and referendums; and rules for publication of those results;
- distributes the funds allocated from the state budget of the Azerbaijan Republic for financing the preparation and conduct of elections and referendums, and controls expenditure for this purpose;
- assists subordinate election commissions on legal, procedural, organisational and technical issues;
- defines the standards for preparation of election ballot papers, referendum ballot papers, voters lists and other election and referendum documents;
- investigates complaints and applications about decisions, actions or omissions of subordinate election commissions and makes decisions, which must be based on the evidence, about these;
- performs other duties according to the relevant laws of the Azerbaijan Republic.

The Central Election Commission of the Azerbaijan Republic, together with the relevant Executive Authority and local self-government bodies, organizes a single system for registration of voters.

The Central Election Commission of the Azerbaijan Republic can adopt instructions and procedural directions, within its powers, on implementation of the laws on elections and referendums.

If the rights of citizens to participate in elections and referendums are violated by a subordinate election commission, and if the Central Election Commission (or relevant court) considers the results of the voting for the relevant area to be invalid due to this, the Central Election Commission can dismiss this subordinate election commission. Persons defined in the legislation of the Azerbaijan Republic can file a complaint to the Supreme Court of the Azerbaijan Republic about a decision of the Central Election Commission to dismiss a subordinate election commission. Such a complaint is accepted immediately for investigation and a decision on it is made not later than one week after its receipt. Not later than one week from the date that the decision of the Supreme Court of the Azerbaijan Republic comes into effect, the relevant subordinate election commission should be re-formed in accordance with the legislation."

3. To add the following 3rd paragraph to Article 3:

   "A meeting of the Central Election Commission is valid if attended by not less than two thirds of its members."

4. To add the following paragraph as a second paragraph to Article 4 and to consider the second, third, fourth, fifth, sixth, seventh and eighth paragraphs as the third, fourth, fifth, sixth, seventh, eighth and ninth paragraphs:

   "Members of the Central Election Commission of the Azerbaijan Republic organize their activities within areas that are in accordance with the regulations of the Central Election Commission and they are responsible for their actions within these regulations".

- to add "members of the subordinate election commission" after "observers" in the third paragraph;
- to add the following ninth and tenth subparagraphs to the fifth paragraph:
  - "if he/she is a member of the subordinate election commission;
  - if he/she does not perform his/her duties and this is the subject of an official court ruling"

5. This law comes into force from the date it is signed.

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ATTACHMENT 22

Published in the official newspaper Azerbaycan on January 2000

LAW OF THE AZERBAIJAN REPUBLIC ON MUNICIPAL SERVICE

This Law governs the framework of municipal service in self-governing bodies and the status of municipal officials in the Azerbaijan Republic.

Article 1. Legislation on Municipal Service

1.1. The legal regulation of municipal service, as well as of the status of municipal officials, and conditions and rules for implementation of municipal service are defined by the Constitution, Laws of the Azerbaijan Republic and Municipal Charter.

Article 2. Definitions of Municipal Service and Municipal Official

2.1. Municipal Service – permanent professional staff for implementation of powers of self-governing bodies within these bodies.

2.2. Municipal Official – a person who is appointed to a position in a self-governing body and who provides services on a paid basis.

2.3. Persons who are not municipal members and who are not performing duties related directly to the activities of municipalities are not considered to be municipal officials.

Article 3. Executive Office of Municipality

3.1 The executive office of a municipality consists of the chairperson of the municipality, its structural departments formed in accordance with the law of the Azerbaijan Republic "On Status of Municipalities" and other executive structures.

3.2. The structure of the executive office of a municipality, its staff and expenses for its maintenance are approved by the municipality in accordance with a resolution of the Municipal Council.

3.3. The chairperson of the municipality manages the executive office of the municipality.

Article 4. Membership of Municipal Executive Office

4.1. Municipal officials consist of the following persons in accordance with the area in which the relevant municipality functions and the specific working conditions, and according to the rules and numbers allowed by the municipal charter:

- directors and deputy directors of offices;
- managers of departments and deputy managers;
- specialists, inspectors and others.

Article 5. Organization of Municipal Service

5.1. The chairperson of the municipality and managers of municipal departments of the executive office manage the municipal service, and they have the following duties:

- controlling the implementation of this law;
- organizing the improvement of professional skills;
- making proposals on replacement of municipal officials;
- implementing decisions of the municipal council a timely and specific manner.

5.2. Managers of executive structures established for implementing services to the local population and economic and social development programs, are appointed by the municipal chairperson in accordance with a decision of the municipality. Other employees are directly appointed by the municipal chairperson.

Article 6. Rights of Municipal Officials

Municipal officials have the following rights:

- to request from the official who has powers to hire and dismiss an employee: a written job description; and to create the necessary conditions to carry out the duties described;
- in accordance with defined rules. to obtain information and documents, necessary for implementing their responsibilities, from the relevant bodies, offices, organizations and citizens;
- to participate in investigating issues and in making decisions within their powers in relation to those issues;
- to create trade unions, to become members of them and become a representative of them;
- to develop professional skills (professional degree and professional preparation);
- to make proposals on development of municipal service;
- to demand protection of their rights and freedom.

Article 7. Responsibilities of Municipal Officials

Responsibilities of municipal officials are:

- to act in accordance with the Constitution of the Azerbaijan Republic and its laws;
- within their powers, to examine the requests of citizens, enterprises, offices and organizations, in accordance with the rules defined by the Legislation of the Azerbaijan Republic;
- to implement resolutions and decrees adopted by municipal management within the powers defined by the Law of the Azerbaijan Republic "On Status of Municipalities" and the Municipal Charter;

- to be disciplined in their work and implementation of their functions;
- to coordinate activity with the relevant structures of the local executive authority, to cooperate in the solution of local problems.

Article 8. Prohibitions in Relation to Municipal Service

Municipal officials are prohibited from the following actions:

- to occupy a position in the legislature, executive bodies or courts;
- to use information, that has been obtained in the performance of their duties, for other purposes.

Article 9. Official Card

9.1. Municipal officials are given an official card after they have been appointed to the municipal service.

Article 10. Working Hours, Vacation, Pension and Other Social Allowances of Municipal Officials

10.1. Determination and allocation of working hours, vacation, pension and other allowances for municipal officials is regulated by the legislation of the Azerbaijan Republic.

10.2. Other additional compensation and payments, as well as allowances, may be paid within the financial means of the municipality.

10.3. Other privileges and guarantees for municipal officials can be determined by the Municipal Charter.

10.4. The end of the term of office of municipal members cannot be a reason for the dismissal of municipal officials from their positions.

Article 11. Determination of Salary for Municipal Officials

11.1. Salary for municipal officials is paid from the budget of the municipality in accordance with the staffing structure approved by the municipality in accord with its financial means.

Article 12. Filing Complaints about Illegal Decisions and Actions (Omissions) of Municipal Officials

12.1. A complaint about an illegal decision, action or omission of a municipal official can be filed with the heads of structural departments of the municipality, the municipal chairperson or a court

Article 13. Accountability for Violation of this Law

Persons who do not follow this Law are accountable in accordance with the legislation of the Azerbaijan Republic.

Article 14. Date of Effect

This law comes of into force from the date it is published.

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ATTACHMENT 23

DemCongress Draft
3 February 2000

THE LAW OF THE AZERBAIJAN REPUBLIC ON ELECTIONS TO MILLI MAJLIS OF THE AZERBAIJAN REPUBLIC

SECTION I
BASIS OF ELECTIONS

CHAPTER I
COMMON PROVISIONS

Article 1. Basic Principles of Elections

The basic principles of elections to the Milli Majlis of the Azerbaijan Republic are defined by Articles 83-86 of the Constitution of the Azerbaijan Republic.

Article 2. Conduct of elections on the basis of majoritarian and proportional election systems

2.1. 62 deputies of the Milli Majlis are elected on the basis of a single representation norm of voters, using a majoritarian election system in single-mandate election areas. The single representation norm of voters is determined by dividing the total number of voters by 62.

2.2. 63 deputies of Milli Majlis are elected on the basis of votes cast for candidates nominated by political parties (or blocks of political parties) using a proportional representation election system in a single, multi-mandate election area.

Article 3. General Suffrage

3.1. On election day all citizens of the Azerbaijan Republic who are 18 or more than 18 years old have the right to vote to elect deputies to the Milli Majlis.

3.2. Citizens of the Azerbaijan Republic can be elected as deputies to the Milli Majlis as long as they are not included in those prohibited by Article 85.2 of the Constitution of the Azerbaijan Republic.

3.3. Those persons who have been found to be mentally incapacitated by a court and those who are undergoing compulsory treatment at a psychiatric hospital in accordance with a decision of a court, do not participate in these elections.

3.4. Those persons who are serving in an executive authority or in a court can be nominated as candidates for deputy of the Milli Majlis only after they have resigned from their positions.

3.5. Those persons who are in paid employment with state enterprises, except in scientific, pedagogical and artistic activities, must resign from their positions within a week of being registered as candidates for deputy of the Milli Majlis.

3.6. It is prohibited to limit the electoral rights of citizens of the Azerbaijan Republic directly, indirectly or in any other form because of a person's origin, political thought, social or material position, race or creed, gender, education, language, religious attitude, type of business and character. Persons in breach of this principle will be held accountable for their actions..

Article 4. Equal Suffrage

4.1. Each citizen of the Azerbaijan Republic who has the right to vote has one vote in a single mandate area and one vote in the multi mandate area, and he/she votes twice.

4.2. All citizens are represented in the Milli Majlis on an equal basis, in accordance with the representation norm defined before the elections.

Article 5. Direct Suffrage

5.1. Voters are to directly elect the deputies to the Milli Majlis.

Article 6. Secret Ballot

6.1. Voters vote in person and secret. It is prohibited to control voters' choices of who they vote for.

Article 7. Accountability for Violation of Citizen's Rights to Vote

7.1. Those persons, including officials, who:

- have influenced voters in implementing their rights to vote freely or the activity of election commissions and their members by: deceit, use of force or threatening to use force, abuse of their supervisory or service position, using material or other dependencies;
- have falsified election documents, including those who have voted more than once, who have miscounted the votes or who have used other methods;
- have used his/her position or have illegally given gifts to electors to persuade electors to vote for a specific candidate;
- have distributed misinformation about candidates;
- have done other actions which impugn candidates' honour and dignity;
- have obstructed the legal activity of candidates, political parties (or blocks of political parties), candidates' agents, local observers as well as international observers;
- have violated the requirements of the election campaign;

416

- have obstructed the conduct of pre-election meetings;
- have falsified the results of the elections

are accountable for their actions in accordance with the legislation of the Azerbaijan Republic.

CHAPTER II
TRANSPARENCY

Article 8. Transparency During the Preparation and Conduct of Elections

8.1. Elections are organised and conducted transparently. State bodies which organize the elections and political parties and citizens that participate in the elections act transparently.

8.2. All decisions of state bodies and election commissions about the organisation of elections should be published, or citizens should be informed about these by other means, if other methods are not required by the law.

8.3. A timetable of election activities is prepared by the Central Election Commission in accordance with this law. It is published in the press at least 110 days prior to election day.

8.4. Citizens and political parties are informed about all activities relating to the organization of elections, through the press or by other means, at the latest 3 days before they take place.

Article 9. Transparency in the Activity of Election Commissions

9.1. Election commissions function transparently.

9.2. Observers of candidates for deputy, political parties (or blocks of political parties), public associations (organizations) and foreign countries, as well as international organizations, agents of political parties (or blocks of political parties), and representatives of mass media have the right to be present at the meetings of election commissions.

9.3. Decisions of election commissions should be published in the press, or announced in other Mass Media, or the population is informed about these by other means, immediately. Election commissions inform the population about their work, the formation of election areas and precincts, the membership of election commissions, their place and working hours, voters lists, the results of registration of candidates and political parties (or blocks of political parties) and information about them, as well as the results of the elections.

Article 10. Observers at the Elections

417

10.1. Observers of candidates for deputy, political parties (or blocks of political parties) which have nominated candidates, public associations (organizations), as well as political parties and trade unions, agents of candidates for deputy, and representatives of the mass media can observe the election processes. Candidates, political parties (blocks of political parties), public associations (organizations) and trade unions have the right to appoint observers to be present in the voting stations from the time the voting starts up to and including when the commission has finalized the voting result documents for the election.

10.2. The same organizations also have the right to appoint observers to other election commissions. Observers are issued cards as determined by the Central Election Commission.

10.3. Observers' cards are valid only if presented together with and identity card (passport) and this is sufficient authorisation to observe the election process. Precincts do not have to be advised in advance of observer's visit.

10.4. Observers of international organizations and foreign countries have the right to observe the elections. Foreign countries and international organizations can apply to the Central Election Commission or relevant bodies of the Azerbaijan Republic with a request to participate in the elections. Observers of foreign countries and international organizations are accredited by the Central Election Commission. On the basis of their requests to be accredited to observe the elections, the Central Election Commission provides the representatives of foreign countries and international organizations with cards in the approved form valid for the election period. Observers of foreign countries and international organizations can observe the elections freely and independently, without any obstacles, in accordance with the legislation of the Azerbaijan Republic, and this must be facilitated. Observers of foreign countries and international organizations have equal rights with the observers of candidates, political parties (or blocks of political parties) which have nominated candidates, public associations, political parties and trade unions.

10.5. Observers, agents and representatives of mass media can obtain the final protocol of Precinct Election Commissions. Blank forms of the final protocol must be freely given to candidates for deputy, by the Territorial Election Commissions, up to 2 days prior to election day. Candidates for deputy and their agents can make copies of these blank forms and submit them observers, agents and representatives of mass media. After the results of the elections are finalized, the blank forms are compiled by observers, agents and representatives of the mass media. They are verified by the chairperson and secretary of the commission after they have been checked.

Article 11. Observers Rights and Duties

11.1. Observers can observe the elections in voting stations and other election commissions freely and independently, without any obstacles and this must be facilitated. Observers have the following rights:

- to attend the meetings of election commissions;

418

- to observe the activity of Precinct Election Commissions in the relevant voting stations from the time voting starts up to and including when the commission has finalized the voting result documents for the election; to observe the activity of Central and Territorial Election Commissions up to and including when the commissions have finalized the voting results;
- to accompany mobile ballot box;
- to become familiar with the voters lists;
- to give comments and suggestions to election commissions;
- to file complaints with superior election commissions or courts regarding the actions or omissions of election commissions or their members;
- to meet with authorised candidates' agents, political parties (or blocks of political parties) and with candidates themselves;
- to become familiar with the voting results of each Precinct Election Commission, and with the information contained in the protocols of relevant election commissions;
- to obtain an approved copy of protocols on voting results of each Precinct Election Commission from the relevant commissions;
- to conduct press conferences and make statements to the mass media;
- to be present during the transfer of ballot papers to the relevant election commissions and to obtain an approved copy of the protocols recording this;
- to be present during the counting and canceling of unused ballot papers by Precinct Election Commission members, to observe the counting of ballot papers from the mobile ballot box and the ballot box in the voting station, and the count of votes;
- to become familiar with the relevant Precinct Election Commissions' protocols on voting results;
- to videotape and take photos;
- to be present when the Precinct Election Commission chairperson displays the empty ballot box and when he/she opens it after voting is finished;
- to inform the Central Election Commission of the Azerbaijan Republic if citizens have been able to exercise their rights to vote.

11.2 Observers cannot use their status for other purposes not connected to the elections. Observers are prohibited from:

- signing, at the voters request, on the voters list for receipt of a ballot paper in the voting station;
- marking a ballot paper at the request of a voter;
- interfering in or obstructing the election commissions' work.

11.3 Observers who try to influence a voter or attempt to violate the secrecy of the ballot may be removed from the voting station in accordance with a decision of the election commission.

11.4 The term of office of observers is terminated on the day the election results are officially announced.

Article 12. Agents' Participation in the Elections

12.1. Candidate for deputy may have 20 agents, political parties (or blocks of political parties) which have lists of candidates may have 75 agents. Each citizen of the Azerbaijan Republic who is 18 or more than 18 years old can be a candidate's or political party's (or block of political parties') agent. A person who is to be a candidate's, political party's (or block of political parties') agent must indicate in writing his/her consent. This application should contain the citizen's name, last name, patronymic, date of birth, occupation and place of living. Agents are registered within 2 days of the list of agents being submitted to the relevant election commission. And they are given a card in the approved form. Managers of organizations, offices, and enterprises, regardless of their form of ownership, are to provide persons registered as agents with leave without pay, on their own request.

12.2. Agents have the following rights:

- to conduct the election campaign in accordance with the defined rules, to assist the candidate to be elected;
- to apply to government bodies regarding the organization of pre election meetings and gatherings;
- to organize pre election meetings, mass actions, meetings with electors and to make speeches at these above mentioned activities;
- to attend the meetings of election commissions;
- to become familiar with the voters lists;
- to give comments and suggestions to election commissions;
- to file complaints with superior election commissions or relevant courts about the actions or omissions of election commissions or their members;

- to become familiar with the documents of relevant election commissions;
- to observe the Territorial Election Commission's and Precinct Election Commission's activities on election day from beginning to end;
- to obtain approved copies of the protocols on voting results of the relevant election commissions;
- to conduct press conferences and make statements to the mass media;
- to inform the Central Election Commission if citizens have been able to exercise their rights to vote;
- to act in ways not prohibited by this law.

12.3. Agents are prohibited from:

- using mass media that they are employed by as a means of election campaigning of the candidates, political parties (blocks of political parties) they are agents of, or to criticize other political parties (blocks of political parties) which have nominated candidates;
- interfering in the work of election commissions;
- signing, at the voters request, on the voters list for receipt of a ballot paper in the voting station
- marking a ballot paper for a voter in the voting compartment for the secret ballot;
- conducting the election campaign on election day;
- influencing voters to vote for a candidate, or political parties (or blocks of political parties) with a candidates list

12.4. Candidates, political parties (or blocks of political parties) have the right to withdraw authorization of their agents. The relevant election commissions should be informed about this. The relevant election commission cancels the card issued to that agent. A new agent can be appointed to replace the previous one. That agent is registered by the relevant election commission within 2 days.

CHAPTER III
FINANCING THE ELECTIONS

Article 13. Financing Preparation and Conduct of the Elections

13.1. Preparation and conduct of the elections, and the activities of election commission members during their term of office, are financed from the state budget. Funding allocated for the elections is transferred to the Central Election

Commission within 5 days after the election day is announced, and it is distributed among the election commissions.

13.2. The rules for calculating and transferring funds to the election commissions are defined by the Central Election Commission in conjunction with the relevant executive authorities. Chairpersons of election commissions give instructions on how to use this allocated money, and they are responsible for ensuring that financial records correspond with the decisions of election commissions. Unused funds are transferred back to the state budget from the election commission's account.

Article 14. Election Fund of Candidate, Political Parties (or Blocks of Political Parties) which Have Nominated Candidates

14.1. Candidates for deputy and political parties (blocks of political parties) which have nominated candidates create their funds after they have been registered. Elections funds are kept in special temporary accounts in the relevant branches of banks. Branches of the relevant banks open special temporary accounts immediately after such a request is made by candidates, political parties (or blocks of political parties) which have nominated candidates. They cannot refuse to open such accounts.

14.2. Candidates and authorized representatives of political parties (or blocks of political parties) have the right to direct the use of election funds for defined purposes.

14.3. Branches of state banks open temporary accounts for organising the election fund, for the individual candidates and political parties (blocks of political parties) which have nominated candidates. Branches of state banks inform Territorial Election Commissions about this, in writing. These accounts are not entitled to interest and are not subject to taxes.

14.4 Election funds may be organised to include the following funding:

- personal funds of candidates (the amount of personal funds cannot be more than 2500 times the minimum salary as defined by law for the date the election day is determined);
- political parties, blocks of political parties which have nominated candidates (each funding amount allocated cannot be more than 1000 times the minimum salary for the date the election day is determined);
- voluntary donations from physical persons (each donation cannot be more than 25 times the minimum salary);
- voluntary donations from legal entities (each donation cannot be more than 2500 times the minimum salary as defined by law for the date the election day is determined).

14.5. The following are prohibited from transferring money to election funds:

- foreign countries, organizations and foreigners;
- persons without citizenship;
- legal entities of the Azerbaijan Republic if more than 20% of their capital fund belongs to foreign legal or physical entities;
- international organization or movements;
- state and municipal bodies, organizations and enterprises;
- military units, organizations and offices;
- charitable organizations, trade unions and religious organizations.

14.6. The relevant banks inform election commissions about funds deposited to the accounts of individual candidates, political parties and blocks of political parties which have nominated candidates, within 72 hours of the date of receipt. Anonymous deposits will be transferred to state or municipal budgets by the relevant banks. It is prohibited to use the election fund of candidates and political parties (or blocks of political parties) which have nominated candidates, for other purposes.

The following clause appears to have been retained in error following deletion from the original draft of limits on campaign fund raising for each electoral area . This is to be discussed further by Dem Congress.

14.7. Funds collected in excess of the above-mentioned amount, taking into consideration funds already expended, will be immediately transferred by the relevant bank to the account of the Central Election Commission or Territorial Election Commissions. The relevant banks must immediately reply in writing to any request for information from the Central Election Commission or Territorial Election Commissions about candidates' and political parties' (or blocks of political parties) funds. It is prohibited to expend election funds on election day.

Article 15. Registration of Funding and Financial Report

15.1. Rules for collection and expenditure of election funds of candidates and political parties (or blocks of political parties) on election purposes are defined, in accordance with legislation, by the Central Election Commission. The Central Election Commission defines a standard financial reporting form for funds provided to election commissions and their expenditure on election purposes , as well as a standard financial report form for candidates and political parties (or blocks of political parties) that have nominated candidates.

15.2. Candidates and political parties (or blocks of political parties) which have nominated candidates submit their financial reports within one month of the day election results are officially announced. The Central Election Commission and Territorial Election Commissions publish copies of these financial reports in the mass media. Territorial and Precinct Election Commissions submit their financial reports to the Central Election Commission not later than 10 days after the election results have been officially announced. The Territorial Election Commissions submit their general financial report to the Central Election Commission not later than 45 days after election results have been officially announced. The Central Election Commission approves the financial report on expenditure of state funds allocated for elections not later than 60 days after election results have been officially announced. This financial report should be published in an official publication of the Central Election Commission, and submitted to the mass media.

Article 16. Unused Election Funds

16.1. Unused election funds should be returned to the Central Election Commission within 30 days of the election results being officially announced. State funding expended after this deadline must be compulsorily returned to the bank account of the Central Election Commission. Other funding remaining in election funds is to be used for charitable purposes.

Article 17. Control and Inspection Service

17.1. The Central and Territorial Election Commissions create a control and inspection service, by inviting specialists from state bodies to ensure:

- the control of expenditure of funding allocated for election purposes;
- the control of expenditure for preparation and conduct of elections;
- that sources of funding meet the requirements of the law;
- that election funds have been calculated correctly;
- the control of expenditures from these funds.

If the control and inspection service discovers violations in the financing of the election campaigns of candidates or political parties (or blocks of political parties) which have nominated candidates it can raise this matter with the Central or Territorial Election Commissions.

CHAPTER IV
RESOLUTION OF DISPUTES

Article 18. Complaints About Decisions and Actions of Election Commissions

18.1. A person may file a complaint within 10 days to the Supreme Court of the Azerbaijan Republic, regarding decisions (statutes) and illegal actions or omissions of the Central Election Commission or its officials, if no other period is mentioned in this law. Complaints received by the Supreme Court of the Azerbaijan Republic are investigated within 24 hours of their receipt, and, in urgent cases – immediately.

18.2. In exceptional cases, issues which require additional information are investigated at the latest within 5 days.

18.3. Answers and necessary materials on the cases mentioned above should be submitted within 24 hours, in accordance with the requirements of the Supreme Court.

18.4. A complaint may be filed within 3 days to the superior election commissions or relevant court about decisions (acts) and actions (omissions) of election commissions and their officials which contradict the law. If the election commission's and the relevant court's decisions differ (on the same issue), the court's decision takes legal precedence.

18.5. It is not necessary to appeal to a superior election commission before applying to the court.

18.6. Complaints (applications) received by the court should be investigated within the period (including Sundays) defined by this law.

18.7. Complaints (applications) received by superior election commissions during the election process are investigated and decisions made within 3 days of their receipt, and in urgent cases and on election day – immediately.

18.8. If complaints need additional examination, they are investigated within 6 days.

18.9. A superior election commission can independently make a decision with regard to a complaint and can overturn a subordinate election commission's resolution, if necessary.

SECTION II
PREPARATION FOR ELECTIONS

CHAPTER V.
DECISION ON HOLDING OF ELECTIONS
FORMATION OF TERRITORIAL AND PRECINCT ELECTION COMMISSIONS

Article 19. Decision on Holding of Elections

19.1. A decision on holding of elections to the Milli Majlis of the Azerbaijan Republic is made at least 120 days prior to election day, in accordance with the requirements of Article 84.2 of the Constitution of the Azerbaijan Republic.

19.2. According to Article 109.1. of the Constitution of the Azerbaijan Republic, the holding of elections to Milli Majlis is determined by the President of the Azerbaijan Republic.

19.3. If the President of the Azerbaijan Republic does not make a decision on the elections to the Milli Majlis in time, within three days the Central Election Commission determines the election day.

Article 20. Formation of Single-Mandate Election Areas

20.1. The Central Election Commission determines 62 election areas, taking into account the population of the Azerbaijan Republic and the administrative/territorial division for organization and conduct of elections on the basis of majoritarian election system, within 10 days of the decision on holding of elections for the Milli Majlis.

20.2. The Central Election Commission's decisions should be based on the following principles:

- it is prohibited to include territories which do not share borders in one election area;
- each election area is formed, as a rule, within one administrative district's territory, or, if number of electors does not allow this, within the territory of two or more administrative districts;
- the population within an election area cannot diverge by more than 5% from the average of the population of all election areas.

Article 21. Formation of Multi-mandate Election Areas

21.1. A single, multi-mandate election area is formed of all the territory of the Azerbaijan Republic to organize and conduct elections on the basis of a proportional representation election system.

Article 22. Formation of Precincts

22.1. Single mandate election areas are divided into precincts. Precincts are formed, at the latest, 10 days after Territorial Election Commissions have been formed. The Territorial Election Commission divides each single mandate election area into precincts and defines the number and borders of precincts. The same precincts are considered to be election precincts for multi mandate election areas.

426

22.2. An election precinct should cover a territory with not less than 50 (fifty) and not more than 1500 (one thousand and five hundred) electors.

22.3. The Territorial Election Commission informs electors about the borders, address and building of precinct within 7 days after it approves the list of precincts.

CHAPTER VI.
ELECTION COMMISSIONS

Article 23. Central Election Commission

23.1. The following election commissions organize the preparation and conduct of elections for the Milli Majlis:

- Central Election Commission;
- Territorial Election Commissions for elections for the Milli Majlis of the Azerbaijan Republic;
- Precinct Election Commission for elections for the Milli Majlis of the Azerbaijan Republic.

Article 24. Organization of the Central Election Commission

24.1. The Central Election Commission is formed in accordance with the law of the Azerbaijan Republic.

24.2. Political parties (blocks of political parties) can appoint one member with equal rights to other members to the Central Election Commission, after they are registered for participation in the elections by the Central Election Commission. The term of office of such members terminates one month after election day.

Article 25. Powers of the Central Election Commission

25.1 The Central Election Commission:

- supervises the activity of commissions for elections for the Milli Majlis of the Azerbaijan Republic;
- controls the process that ensures legislation is followed during preparation and conduct of elections, and ensures that this Law is applied equitably;
- adopts obligatory instructions and other enabling documents concerning the implementation of this law;
- registers political parties (or party blocks) for participation in the elections;

- announces lists of candidates for deputy and candidates of the political parties (party blocks) participating in the elections;
- issues candidate cards to candidates for deputy, and persons who are included in the list of announced candidates of political parties (or blocks of political parties);
- ensures that the rights to equality in election campaigning are adhered to for all candidates contesting the elections for single mandate election areas;
- receives information regarding preparation and conduct of elections from central and executive authority bodies;
- determines the format of election ballot papers, voters lists and other election documents;
- approves samples of stamps of election commissions, rules for transferring and securing the election documents;
- distributes funds allocated from the state budget of the Azerbaijan Republic for financing the preparation and conduct of elections, and controls expenditure for this purpose;
- supervises that election commissions are provided with rooms, transport and communication; and other issues regarding the supply of materials and technical items;
- on its own in initiative cancels illegal decisions of subordinate election commissions;
- determines the results of elections for the Milli Majlis and publishes them in the press, ensures the preservation of documents relating to the preparation and conduct of the elections;
- performs other duties according to this law.

Article 26. Organization of Territorial Election Commissions

26.1. Territorial Election Commissions are comprised of 9 members who have right to vote.

26.2. Members of Territorial Election Commissions are selected by lottery from candidates nominated by local branches of political parties registered by the government.

26.3. The lottery is conducted in accordance with the rules defined by the Central Election Commission. The lottery is conducted by a lottery commission formed of the representatives of registered political parties (or blocks of political parties) and at least one Central Election Commission member.

26.4. A lottery is conducted amongst the candidates when the number of candidates is at least one person more than the number of commission members to be selected. If the number of commission members is equal to the number of candidates, the lottery is not conducted and the commission is formed from the candidates nominated.

26.5. *If relevant organizations of political parties do not nominate candidates for* Territorial Election Commissions or the number of their nominated candidates is less than number of members of the commission, the lottery will be conducted amongst candidates nominated public associations, enterprises and organizations regardless of their form of ownership, located in the relevant territory.

26.6. Names, last names and patronymics of the candidates are written on square papers of the same size, these papers are put into a box made of transparent material and mixed several times by the persons who are participating in the lottery process. Then a member of Central Election Commission and members of lottery commission draw 9 papers one by one and announce the names. Candidates whose names are written on those papers are considered to be selected as members of Territorial Election Commission. The protocol on the lottery is signed by the member (members) of the Central Election Commission and members of the Territorial Election Commission.

26.7. Samples of documents for nomination as candidates to member of Territorial Election Commission are approved by the Central Election Commission at least 110 days prior to the election day and published by the mass media.

26.8. The formation of Territorial Election Commissions commences at least 95 days prior to election day and finishes at least 85 days prior to election day.

26.9. Members of the Territorial Election Commissions are issued cards in an approved form.

26.10. Persons registered as candidates from the single-mandate election areas, and political parties (or blocks of political parties) of which candidates are registered can appoint other members to the Territorial Election Commission by a lottery in a manner defined by the Central Election Commission. The number of these members can be equal to the initial membership of the Territorial Election Commission, and they will have equal rights to other members.

Article 27. Powers of Territorial Election Commissions

27.1. The Territorial Election Commission:

- controls the implementation of this law within its territory;
- coordinates the activities of Precinct Election Commission, cancels decisions of Precinct Election Commissions either on its own initiative or on the basis of complaints received;

- submits the names of candidates for deputy from single-mandate election areas to the Central Election Commission, for the Central Election Commission to announce;
- registers agents of candidates for deputy from single-mandate election areas and issues them their ID cards;
- ensures that candidates for single-mandate election areas have equal rights in the conduct of their election campaigns;
- gives directions about the funding allocated for preparation and conduct of elections, distributes a part of this funding amongst Precinct Election Commissions and controls expenditure for election purposes;
- provides the Precinct Election Commissions with ballot papers for voting in the single-mandate election areas;
- provides each candidate for deputy with a blank copy of the final protocol;
- determines the voting results and results of elections in the single-mandate election area and publishes them, sends information on voting and election results of the relevant election area to the Central Election Commission;
- immediately makes a copy of the final protocols from the Precinct Election Commissions and displays them for voters;
- ensures that Precinct Election Commissions are provided with rooms, transport and communication; resolves other issues regarding material and technical support for the elections;
- performs other duties according to this law.

Article 28. Organization of Precinct Election Commissions

28.1. Precinct Election Commissions, comprised of 7 members, are formed in accordance with the rules stated in Article 25 of this law.

28.2. Formation of Precinct Election Commission commences at least 80 days prior to election day and ends at least 70 days before election day.

Article 29. Powers of Precinct Election Commissions

29.1 The Precinct Election Commission:

- informs the population about the address of the election commission in the precinct, its telephone number, business hours, and also about voting day and the voting station location;

- prepares the list of voters for the electoral precinct;
- displays voters lists, examines complaints (applications) about errors and mistakes in the voters lists, makes relevant corrections in the voters lists;
- prepares a separate area for ballot boxes and other equipment;
- ensures compliance with the rules for placement of election campaign materials within the electoral precinct;
- organizes the election process in the voting station on election day;
- counts votes in the electoral precinct;
- examines complaints (applications) about breaches of this law and makes decisions on these complaints based on the evidence;
- performs other duties according to this law.

Article 30. Status of Members of Election Commissions

30.1. A member of an election commission has the right to vote and must participate in all meetings.

30.2. Candidates, their close relatives (parents, brothers, sisters, wives, husbands, children, grandparents) and agents, their dependants, authorized representatives of political parties (or blocks of political parties) and observers cannot be members of the election commissions.

30.3. A member of an election commission:

- is informed in advance about the meetings of the relevant election commission;
- participates in meetings of the election commission, proposes motions on issues within the powers of the commission, takes part in voting on the above mentioned issues;
- can question election commission meeting participants during the discussion of items included in the agenda, and has the right to receive answers to those questions;
- has the right to familiarize him/herself with any documents in the possession of the commission and relevant subordinate election commissions, and can obtain certified copies of these.

30.4. The appointment of an election commission member can be terminated in the following circumstances:

- if he/she provides written notice of resignation;
- if he/she is no longer a citizen of the Azerbaijan Republic;
- if the registration of the political party which has nominated him/her is canceled;
- if he/she is officially sentenced by a court;
- if he/she is subject to an official resolution of the court regarding disability, mental incapacity, death or disappearance.

30.5. The salary of election commission members who are released from their employment during the preparation and conduct of the election, is paid from the state funds allocated for the election.

30.6. During the period of conduct of elections a commission member cannot be dismissed from his/her employment on the initiative of his/her employer, or transferred to another position without his/her own agreement.

30.7. During the period of conduct of elections a commission member cannot be indicted for a crime or be subjected to administrative penalties determined by a court, or arrested, without permission of the relevant election commission.

30.8. During the period of conduct of elections a commission member has the right of free passage throughout the country (except for taxis and other unscheduled transport services). Transport expenditures within the country are paid from the Central Election Commission's allocation of funds.

30.9. Election commission members cannot conduct an election campaign for or against the candidates or political parties (or blocks of political parties) which participate in the elections.

Article 31. Organization of the Functions of Election Commissions

31.1. **A meeting of the Territorial Election Commission is valid if attended by not less than two thirds of its members.

31.2. Meetings of other election commission are valid if attended by half of their members. If a vote is tied in a meeting of the election commission, the chairperson of the election commission has the casting vote. The chairperson votes last.

31.3. Decisions taken by an election commission which are within its legal competency must be compiled with by subordinate election commissions.

31.4. The oldest commission member chairs the first meeting of am election commission and he/she acts according to the requirements of clause 2 of this article.

432

31.5. Decisions of the commissions are adopted by a majority vote of the members present at the meeting.

31.6. Election commission members are informed about meetings of the commission by the secretary of the commission at least 24 hours prior to the meeting.

31.7. Decisions of the election commission are signed by the chairperson and secretary of the commission.

31.8. A commission member who disagrees with a decision of the election commission has the right to write a dissenting opinion. The election commission chairperson should send this opinion to the superior election commission within 48 hours of receiving it, and, if there are less than 2 days left to election day – immediately. A decision about which a dissenting opinion has been received must be reviewed by the superior election commission and a determination made on the issue. Election commission decisions which are in breach of the legislation or exceed its powers can be overturned by the superior election commission or by the relevant court.

31.9. Election commission meetings are called and conducted by the chairperson or, by order of the chairperson, his/her deputy.

31.10. Interested parties should be informed of when the commission is examining complaints or applications.

31.11. Staff of the secretariat of an election commission are appointed in accordance with rules defined by the Central Election Commission.

31.12. Salaries of the members and secretariat staff of an election commission are defined and paid, according to the rules defined by the Central Election Commission, from the budget allocated for the functions of the election commission.

31.13. During preparation and conduct of the election, election commissions can employ temporary staff, within the budget allocated for them.

Article 32. Assisting the Election Commissions

32.1. State and municipal bodies, enterprises, offices and organizations and their officials must provide material and technical assistance to election commissions to implement their functions, and must provide them with information required.

32.2. State government bodies, municipalities, public associations, enterprises, offices and organizations and their officials must answer election commissions' requests related to implementation of their functions, within a 72 hours period, and in urgent cases – immediately.

32.3. Executive authorities, municipalities, public associations, enterprises, offices and organizations transfer buildings, equipment and transport to the election

commissions in accordance with the legislation, for preparation and conduct of elections.

CHAPTER VII
VOTERS LIST AND RULES FOR INCLUSION OF CITIZENS IN THE VOTERS LIST

Article 33. Voters List and Rules for Its Compilation

33.1. The Precinct Election Commission prepares the voters list in accordance with information provided in the defined format by relevant executive or municipal bodies.

33.2. Information on registered voters is corrected by the relevant executive bodies periodically according to information available as at January 1 and July 1. The relevant executive body sends information on voters to the Precinct Election Commission at least 55 days prior to election day.

33.3. The Precinct Election Commission checks and corrects information received in relation to voters' addresses.

33.4. The voters lists are prepared according to voters' addresses, in alphabetical or other orders (settlement, streets, houses).

33.5. The voters list contains the voter's name, surname, father's name, year of birth (for voters 18 years old – date and month of birth) and address.

33.6. Voters lists for military persons who serve in a military unit's settlement, their family members and other voters who live in the military settlement are prepared by the commander of the military unit in accordance with the rules and periods defined by this law.

33.7. Military persons who live outside of the military unit are included in the voters list for their area of residence.

33.8. Voters lists for voters in sanatoriums, rest homes, hospitals and other places where people are temporarily located are prepared by the managers of these institutions.

33.9. The voters list for an election precinct created in a ship which sails under the flag of Azerbaijan is prepared by the captain of the ship.

33.10. The voters list for an election precinct created outside of the Azerbaijan Republic is prepared on the basis of information provided by the relevant diplomatic representative, the head of the consular office of the Azerbaijan Republic.

33.11. Four copies of each voters lists are prepared, in the format approved by the Central Election Commission. Each is signed by the chairperson and secretary of the Precinct Election Commission. 2 copies of the voters lists are kept in the Precinct Election Commission. The other 2 copies are sent to the relevant Territorial Election Commission 10 days prior to election day.

Article 34. Rule for Inclusion of Citizens in the Voters List

34.1. Citizens of the Azerbaijan Republic who are 18 years old or over and are eligible to vote are included in the voters list, in accordance with Article 56 of the Constitution of the Azerbaijan Republic. In accordance with the law that defines the right to freely choose a place of living and which defines freedoms, the fact that a voter is living in a particular precinct is sufficient basis for including the voter on the voters list for that precinct.

34.2. A voter must be included in one voters list only. The relevant election commissions, within the limits of their powers, control the process to ensure each voter is included in only one precinct voters list.

34.3. Voters lists are approved by the Precinct Election Commission at least 45 days prior to election day. If, for some reason, a voter discovers after familiarizing him/herself with the voters list that he/she is not included in the list for the place where he/she lives, he/she is included in a supplementary list by the Precinct Election Commission after he/she presents an official document (passport or ID) proving his/her place of living and identity.

34.4. It is prohibited to include voters in a supplementary list on election day.

Article 35. Display of Voters List

35.1. The voters list is submitted for public display at least 40 days prior to election day. The voters list must be displayed in a convenient place for voters to have access to it.

35.2. Political parties (or blocks of political parties) which participate in the elections, and candidates have the right to advise the relevant bodies of errors and mistakes in the voters list.

35.3. Each citizen has the right to inform the Precinct Election Commission if he/she is not included in the voters list or about errors and mistakes in the list.

35.4. The Precinct Election Commission must check the information provided, and must, within a 24 hour period, either correct the error or mistake, or must provide a written rejection of the complaint (application) for revision (with reasons) to the voter.

35.5. A complaint about a decision of the Precinct Election Commission can be filed with the superior election commission or to the relevant court. The court should investigate the complaint (application) within a 3 day period, and, if the complaint is received on election day – immediately.

35.6. If the decision is in favour of the claimant's application to correct the voters list, this decision must be implemented immediately by the Precinct Election Commission.

435

35.7. It is prohibited to make changes to the voters list after votes have been counted.

CHAPTER VIII
NOMINATION OF CANDIDATES FOR DEPUTY

Article 36. Right to Nominate Candidates for Deputies.

36.1. Voters, political parties, and blocks of political parties have the right to nominate candidates for deputy.

36.2. Each citizen of the Azerbaijan Republic may nominate him/herself as a candidate for deputy, according to the requirements of this law, from a single-mandate area.

Article 37. Nomination of Candidate for Deputy by Political Parties and Blocks of Political Parties.

37.1. A political party which is established in accordance with the legislation of Azerbaijan Republic, and which has obtained a legal certificate confirming its registration by a relevant executive power body, must be registered for participation in elections for the Milli Majlis by the Central Election Commission, at least 100 days before the election day.

37.2. The political party must be registered within the 3 days starting from the day it submits its decision to participate in the elections to the Central Election Commission.

37.3. Two or more parties which have been registered to participate in the elections may also form a block of political parties.

37.4. A political party cannot be included in 2 or more blocks of political parties for the conduct of the elections.

37.5. A political party which is a member of a block cannot independently nominate its own candidates (lists of candidates).

37.6. The registration of political parties, or blocks of political parties, for participation in the elections is to be completed 95 days before election day.

37.7. Political parties (or blocks of political parties) registered to participate in these elections, may, in accordance with the requirements of this law, nominate candidates for both multi mandate and single-mandate election areas.

37.8. A decision by a political party (or block of political parties) to nominate a candidate list for deputies must be submitted to the Central Election Commission and the relevant Territorial Election Commissions at least 70 days before election day. A political party (or block of political parties) must enclose with this decision their main list of 63 candidates and a list of not more than 15 supplementary candidates, as well as documents describing the candidates' occupations.

37.9. The following information about the candidates for deputies has to be presented: first, middle and last name of each candidate, date of birth, position occupied (type of activity).

Article 38. Candidate Directly Nominated by Voters

38.1. Each citizen or group of citizens of the Azerbaijan Republic, who has the right to vote, may form an initiative group consisting of at least 15 persons, in order to nominate a candidate for deputy to the Milli Majlis, from a single-mandate area.

38.2. Each initiative group may nominate only one candidate.

38.3. Each initiative group must apply in writing for registration, to the relevant Territorial Election Commission. Such a request has to be accompanied by the minutes of the initiative group's meeting held to nominate a candidate and appoint authorized representatives. These minutes must be signed by the chairman of the meeting and the secretary, and the signatures verified by a notary. A list of the initiative group's members must be enclosed with the protocol.

38.4. **These minutes must include the information about the candidate for deputy required by Article 36, Clause 8 of this law, and the first, middle and last names, dates of birth, places of work, positions held (types of activity) and places of residence of authorized representatives.

38.5. Documents confirming the registration of an initiative group of voters must be provided within 3 days after the request is submitted.

Article 39. Collecting Signatures to Support a Candidate for Deputy.

39.1. The signatures of at least one percent of the total residents of the relevant election area must be collected in support of each candidate for deputy, nominated for a single-mandate area.

39.2. The signatures of at least one percent of the total voters in Azerbaijan have to be collected in support of the lists of candidates nominated by political parties for the multi mandate area.

Article 40. Rules for Collecting Signatures of Voters.

40.1. The collection of voters' signatures starts at least 75 days before election day, and must be completed 45 days before election day. Signatures of voters are collected by political parties (or blocs of political parties), initiative groups of voters, and representatives of citizens who have nominated themselves. Final protocols on signature collection by authorized representatives and pre-numbered signature sheets attached to those protocols must be submitted to the relevant Election Commissions by 18:00 hours, 40 days before election day. Signature sheets submitted after the time stipulated by the law are not accepted. Central and Territorial Election Commissions provide written confirmation of the receipt of these documents to the authorized representatives.

437

40.2. Signature sheets are prepared in the format stipulated by the law.

40.3. Signature sheets must be prepared, in the format shown in Annex 1 to this law, for the collection of the signatures required for citizens of the Azerbaijan Republic to nominate a candidate for deputy. Signature sheets should include first, middle, and last names of candidates, their dates of birth, occupations, permanent places of residence, and the serial number of the election area. Signature sheets are prepared in the format shown in Annex 2 to this law for the collection of the signatures for nomination of candidates by political parties (or blocs of political parties), with each signature sheet showing first, last, and middle names, dates of birth, occupations, permanent places of residence of the first 10 candidates. The number of signature sheets provided for the collection of signatures may not be limited. They are given to authorized representatives in the numbers they require. There should be no delay in issuing signature sheets.

40.4 Citizens of Azerbaijan who are 18 or more years old, have the right to sign in support of persons nominating themselves as candidates for deputy, as well as for lists of candidates nominated by political parties (or blocs of political parties). In this regard, such a citizen can sign in support of as many persons (or lists of persons) as he/she wants.

40.5 Signature sheets should contain the first, last, and middle names, dates of birth (for persons who are exactly 18 years of age in the year of elections – they also should record the day and month of birth), permanent place of residence, the batch and serial numbers of this person's identification document and the date of signature. The following documents are recognized as documents proving the identity of a citizen: personal identification of the citizen of Azerbaijan Republic (passport), former passport of the citizen of USSR, issued by the bodies of internal affairs of Azerbaijan Republic, Form # 9, given to the citizen by the bodies of internal affairs of Azerbaijan Republic, in accordance with the format stipulated by internal affairs bodies, military ID's of soldiers, warrant officers, and other officers who are in military service. When a person's identification document is indicated in the signature sheet, the signature of that a person is included in the total number of signatures to support a candidate.

40.6 Each signature sheet should contain the name and address of the region (city, district of a city, settlement, village) where the signatures were collected.

40.7 Signatures of voters can only be collected in the areas of their residence.

40.8 Persons signing in support of candidates should do so voluntarily. It is strictly prohibited to force a voter to sign by any means involving physical or psychological force, or a threat to use such physical or psychological force, seizure of property, or threat to seize property, deceit, etc., and such cases are considered criminal offences under the legislation of the Azerbaijan Republic.

40.9 Signature sheets are verified by the person collecting signatures (by indicating his/her first, last, and middle names, place of residence, batch and serial numbers of passport or a substitute document) and by an authorized representative of the person nominated as a candidate, or of a political party (or block of political

parties) (by indicating his/her first, last and middle names, place of residence, batch and serial numbers of passport or a substitute document).

40.10 Signature sheets are received by election commissions each day from 9:00 to 18:00.

Article 41. Registration of Candidates

41.1. After the collection of voters' signatures is completed, persons nominated as candidates for deputy must submit the following documents to the Territorial Election Commission:

- An application in the stipulated format, for registration as a candidate for deputy for the relevant election area;
- A document containing the signatures of at least 1 percent of voters of the relevant election area.

41.2. A political party (or block of political parties) nominating their candidates has to present the following documents to the Central Election Commission:

- Applications for participation in elections by the political party (or block of political parties), with details of the election areas for which it intends to nominate candidates;
- The main and the supplementary lists of candidates, who have been sequentially numbered in these lists, nominated for multi mandate areas;
- The written consent to be nominated as a candidate from each candidate to be nominated for a single-mandate area;
- Documents containing signatures of at least 1 percent of voters in the relevant areas, for support of the list of candidates or of individual candidates for single-mandate areas.

41.3. At the same time, a document containing first, last, and middle names of the candidates, their dates of birth, places of residence, and identification as citizens of Azerbaijan Republic must be submitted.

41.4. Submission of registration documents commences 70 days before election day and finishes 45 days before election day. After election commissions receive the registration documents, they have to check within 5 days that these documents conform to all requirements.

41.5. The relevant election commission makes its final decision after checking the documents of persons nominated as candidates for deputy, or of parties (or blocks of political parties) nominating lists of candidates.

41.6. When the registration of individual candidates for deputy from a political party (or block of political parties) is being considered by an election commission,

representatives of the political party (or block of political parties) and candidates must also be present.

41.7. A candidate may be registered in only one single-mandate area, or may be included in only one list of candidates nominated by a political party (or block of political parties).

41.8. A person included in the list of candidates by a political party (or block of political parties) may also be registered at the same time as a candidate for one of the single-mandate areas.

41.9. If a person is registered in 2 or more single-mandate areas, or included in more than one list of candidates by a political party (or block of political parties), he/she has to inform the Central Election Commission, at least 35 days prior to election day, of his/her decision as to which area or which list he will remain as a candidate for. Otherwise, his/her name will be withdrawn from the lists of registered candidates in all single-mandate and multi-mandate area.

41.10. If less than 2 persons are registered as candidates for a single-mandate area, or less than 2 political parties (or blocs of political parties) are registered for a multi mandate area, the election deadline is extended for the relevant areas by 60 days.

41.11. Persons and political parties (or blocs of political parties) are refused registration must be advised of this in a timely manner, and have the right to lodge an appeal with the relevant court within 48 hours of receiving this information. Such appeals have to be investigated and the relevant decision made within 24 hours.

Article 42. Announcing the List of Candidates

42.1. At least 40 days before election day, the Central Election Commission announces the lists of candidates for single-mandate areas, as well as the lists of candidates from political parties (or blocks of political parties) participating in the elections.

Article 43. Withdrawal of Nomination

43.1. A person registered as a candidate from a single-mandate area, or who has been included in the list of candidates nominated by a political party (or block of political parties), or a party (or block of parties), which has nominated a list of candidates can withdraw their nomination at the latest 7 days before election day.

CHAPTER IX
THE STATUS OF CANDIDATE FOR DEPUTY

Article 44. Equality of Rights and Responsibilities of Candidates for Deputy

44.1. All persons who have been registered as candidates for deputy, as well as political parties (or blocs of political parties) which have been registered and which have nominated lists of candidates have equal rights and responsibilities.

Article 45. The Rights of Candidates for Deputy to Make Speeches at Meetings, Use Mass Media, and Obtain Information

45.1. After the lists of candidates are announced, candidates for deputy have the right to make speeches at public meetings with voters and at other pre-election public events, appear in mass media, and advertise their election program.

45.2. Heads of executive authorities and municipal bodies, enterprises, offices and organisations must provide assistance to candidates in obtaining the necessary information for the purposes of organizing meetings with voters, except in cases defined by the law.

Article 46. Immunity of Candidates for Deputies

46.1. Candidates for deputy can not be indicted or arrested for a criminal offence, a search can not be conducted of their houses or cars, and they cannot be subject to administrative penalties by a court, without the prior consent of the Central Election Commission.

CHAPTER X
ELECTION CAMPAIGN

Article 47. Election Campaign and its Timeframe

47.1. The election campaign starts on the day when the list of candidates is announced.

47.2. Citizens of the Azerbaijan Republic, candidates for deputy, political parties (or blocks of political parties), their agents and public organizations may conduct election campaigns without obstruction.

47.3. According to Article 47 of the Constitution of the Azerbaijan Republic, mass media are completely free to conduct election campaigns. The following organisations and persons are prohibited from conducting election campaigns, and from distributing or publicising election campaign materials:

- state authority bodies;
- municipal bodies, or officials while performing their official duties in those bodies;
- military units;
- military offices and organizations;

- charities and religious organizations;
- members of election commissions;
- trade unions;
- foreigners;
- persons who are not citizens of Azerbaijan.

47.4. The election campaign commences from the day the candidates are registered and the lists announced, and finishes at 24:00 on the day prior to election day. Any type of election campaigning on election day is prohibited.

47.5. All election campaign materials may stay in the places that they have been displayed, except in rooms used by election commissions.

47.6. The election campaign may be conducted by:

- by means of public events (pre-election meetings, meetings with voters, open debates, discussions, demonstrations, other activities) covered by mass media;
- by publishing and distributing printed election campaign materials;
- by distribution of audio-recordings and other election campaign materials;
- by other means not prohibited by law.

47.7. It is prohibited to conduct an election campaign through providing goods, services, or financial securities free of charge or selling them at a discount (with the exception of information services), or by distributing money.

47.8. Candidates' agents who occupy senior positions in state-owned mass media, or journalists who are members of election commissions, are prohibited from conducting election campaigns in the mass media by which they are employed.

Article 48. Preventing Abuse of the Right to Conduct Election Campaigns.

48.1. During the election campaign, freedom of speech should not be abused. Pre-election TV and radio programs, election campaign materials, meetings, mass media reports, must not contain incitements to violate by force or change the constitutional basis of the state. It is strictly prohibited to produce and distribute election campaign materials or propaganda that incites social, ethnic, national or religious hostility on the basis of a person's social, racial, national, religious, or language-related privileges.

48.2. Except for published materials and signs prepared for the election campaign, candidates and political parties (or blocks of political parties) and their authorized representatives are prohibited from:

- giving money, gifts, or valuables;
- selling goods at a discount;
- providing any goods free of charge;
- providing free or discounted services (except informational services) and
- similar acts

to voters, for the purpose of facilitating pre-election organizational arrangements (such as assigning shifts in a voting station, collection of signatures, and other similar activities)

48.3. Election commissions are responsible for ensuring that the election campaign is conducted according to the regulations stipulated by the law. If an election commission receives information about illegal campaign propaganda, they must take action to prevent this, and request the relevant state bodies to stop these activities.

Article 49. Election Campaign on TV and Radio

49.1. Candidates and political parties (or blocks of political parties) nominating lists of candidates, that have been registered in accordance with the law, have the right to use state, municipal, and private TV and radio, for election campaign purposes. Individual candidates, as well as political parties (or blocks of political parties) which nominated candidates are provided with air time on state and municipal TV and radio, on an equal conditions (same period of free air time, same unit of measure of air time) and those expenses are paid from the relevant budget.

49.2. State TV and radio have to provide political parties (or blocks of political parties) with not less than 3 hours, and for persons registered from a single-mandate area with not less than 10 minutes, of air time.

49.3. The rules for providing air time on state and municipal TV and radio are negotiated with the Central Election Commission, taking into consideration the proposals of the candidates, and with the agreement with political parties (or blocks of political parties). Candidates, and political parties (or blocks of political parties) nominating candidates may use additional air time on private TV and radio companies, on the basis of agreements signed with those companies. The conditions of those agreements (price for the unit of air time, air time itself) must be equal for all candidates and political parties (or blocks of political parties) nominating candidates.

49.4. Election campaigns on radio and TV are conducted as open public debates, round tables, press conferences, speeches, political advertising and in other forms allowed by the law. Candidates and political parties (or blocs of political parties) nominating candidates independently determine the type and characteristics of their election campaign.

49.5. It is prohibited to interrupt election campaign broadcasts on TV and radio with commercial advertising of goods and services. Election campaign information broadcast, by candidates and political parties (or blocks of political parties) nominating candidates, during TV and radio shows should be shown separately, at the beginning of those shows and with no comment. If persons occupying important positions in state or municipal TV and radio companies, performers, persons who are important members of state mass media editorial staff, journalists, are also registered candidates or candidates' agents, they are not allowed to participate in programs about the elections in the mass media and TV bodies by which they are employed. TV and radio programs that are related to election campaigns are videotaped and recorded and kept for 6 months after being broadcast.

Article 50. Election Campaign Using Periodicals

50.1. Candidates or political parties (or blocks of political parties) nominating candidates are prohibited from conducting election campaigns using periodicals that officially publish official information and materials of the legislature, executive bodies, courts, and municipal bodies.

50.2. If permission has been given, to a candidate or political party (or block of political parties) nominating candidates, to have information published in a periodical that is financed by state or municipal bodies, state enterprises, companies or organizations, or which is completely or partially financed by a relevant budget, the other candidates also have to be provided with the opportunity to publish their materials on the same page under the same conditions. Candidates and political parties (or blocks of political parties) nominating lists of candidates may publish election campaign materials in non-government periodicals, on the basis of an agreement with those periodicals. A non-government periodical must offer the same contract terms and conditions to all candidates and political parties (or blocks of political parties) nominating lists of candidates. The rules for publishing pre-election materials in state and municipal press are defined by the Central Election Commission.

50.3. The second part of this Article does not apply to periodicals owned by candidates and political parties (or blocks of political parties) nominating a list of candidates.

Article 51. Conditions of Conduct of Pre-election Meetings. Meetings with Voters

51.1. State and municipal bodies must assist candidates and political parties (or blocks of political parties) in organizing election meetings, and meetings of candidates and their agents with voters. Requests by candidates for provision of a venue for these meetings and gatherings are reviewed by the relevant executive authority or municipal body within 3 days and candidates area provided with such venues in accordance with the rules defined by the Territorial Election Commission.

51.2. Venues which are suitable for public gatherings which are owned by state and municipal bodies, state enterprises, offices and organizations, are provided free of charge, to candidates and political parties (or blocks of political parties) nominating lists of candidates, for meetings with voters, when requested by the Territorial Election Commission. In such cases, the Territorial Election Commission ensures equal treatment of all candidates and political parties (or blocs of political parties) nominating lists of candidates.

Article 52. Distribution of Printed Election Campaign Materials

52.1. Candidates and political parties (or blocks of political parties) nominating lists of candidates may produce, without obstruction, posters, flyers, and other printed election campaign materials. The production and distribution of anonymous printed materials for an election campaign is prohibited. Printed election campaign materials may be displayed in any room, building, or other facilities, with the consent of the owners of those rooms, buildings and other facilities. At least 45 days before election day, the relevant executive authority and municipal bodies provide special locations for printed election campaign materials to be displayed. Those locations must be conveniently accessible to voters. There must be at least one location in each election area. Each candidate or political party (or block of political parties) nominating candidates must be allocated areas of equal size for displaying their printed election campaign materials. Election commissions must take the necessary measures to prevent the display of anonymous and spurious election campaign materials as soon as they are aware of them, and must request the relevant bodies to prevent illegal election campaign activities.

SECTION III
VOTING AND DETERMINING THE RESULTS OF ELECTIONS

CHAPTER XI
VOTING PROCESS

Article 53. Voting Stations

53.1 The relevant executive body allocates voting station premises to the Precinct Election Commission free of charge. Voting must be conducted in a hall, and in this place must be set up small rooms for voting and voting compartments for secret balloting. Voting compartments for the secret ballot must be equipped with a desk and other necessary equipment. It is prohibited to use pencils for voting. The Precinct Election Commission places notice boards displaying ballot paper samples, and lists of and information about candidates or candidates nominated by political parties (or blocks of political parties) in, or in front of, the voting room. The posters containing brief information about the candidates may include their black-and-white photos, 6 x 12 centimetres in size. Information about candidates and candidates nominated by political parties (or blocks of political parties), and their election platforms, must not include appeals for votes.. Samples of completed ballots displayed on the boards should not include first, last, middle

names of candidates or candidates nominated by political parties (or blocks of political parties). Rooms used for voting should be located in places that are easily accessible to representatives of mass media and observers and where they may easily observe the process of voting.

Article 54. Ballot Papers

54.1. Each voter receives two ballots, one to vote for candidates elected on a majoritarian basis, and another to vote for candidates nominated by political parties (or blocks of political parties) and voted for on a proportional representation basis. At least 15 days before election day, the text of the ballot papers, prepared in the national language, is approved. The text is printed on one side only of the ballot paper. The majoritarian election ballot paper must contain, in alphabetical order, the first, middle, and last names of each candidate, and the political party by which they were nominated. Candidates who nominated themselves for the election may consent to have their political affiliation shown on the ballot paper. Each candidate should apply for this in writing, to the Territorial Election Commission, at least 30 days before election day. The names of the political parties (or blocks of parties) which have nominated lists of candidates for the proportional representation election, must be included in alphabetical order on the ballot paper. The ballot paper also shows the emblem of the political party (or block of political parties) near its name. To the right hand side of the information about a candidate or a party which has nominated a list of candidates there must be a blank box. Each ballot paper, after listing candidates or parties (or blocks of parties) which nominated lists of candidates, should include the words "against all candidates", "against all parties (or blocs of parties)". Each ballot paper must include instructions on how to complete it. The ballot paper's batch and serial numbers are shown in the top right hand corner. Each Territorial Election Commission is provided with ballot papers with relevant batch numbers. On the left hand corner there should be a cut line of the indicating where the ballot should be cut when issued to voters, for recording purposes. Ballot papers are printed on the instructions of the Central Election Commission at least 5 days before election day. Ballot papers are transferred to the Central Election Commission and Territorial Election Commissions, in the presence of political parties' observers, candidates and candidates agents, as well as local and foreign observers, and a relevant protocol is prepared to record this. Those protocols must be signed by the chairpersons of the Central Election Commission and Territorial Election Commissions and by observers present at this process.

54.2. Precinct Election Commissions receive ballot papers from Territorial Election Commissions at least 24 hours before election day. The number of ballot papers received must not be more than 0.5 percent above the actual number of voters included in the voters lists for each election precinct. Ballot papers are transferred form Territorial Election Commissions to Precinct Election Commissions in the presence of observers for candidates and political parties (or blocks of political parties) which nominated a list of candidates, public organizations and international observers. In each case a protocol containing the relevant information is prepared and signed by the relevant election commission's chairman and observers present for the receipt of ballot papers.

54.3. On each ballot paper should appear, in the bottom right hand corner, the signatures of two members of the Precinct Election Commission, verified by the stamp of this election commission. Any ballot paper which is not verified in this manner by the Precinct Election Commission is considered an unauthenticated ballot paper and is bot included in the count of votes. If, after the ballot papers have been produced, some of the candidates or political parties (or blocks of political parties) which nominated lists of candidates, decide to withdraw their candidacy, the names of such candidates or political parties (or blocks of political parties) are removed from the ballot papers, in a manner determined by the Central Election Commission.

Article 55. Voting Rules

55.1. Voting is conducted form 09:00 to 19:00 on election day. Precinct Election Commissions must inform voters about the voting station location and hours of voting at least 25 days before election day, using mass media or by other means. Precinct Election Commissions in military units, or places to/from which travel is difficult, can announce that voting has finished before the scheduled closing time if all voters included in the voters list have already voted. If a citizen, included in the voters list believes that he/she will not be able to attend the relevant voting station on election day, up until 30 days before election day he/she has the right to obtain a document showing that he/she has been de-registered from participation in voting at that voting station. Such a citizen signs the voters' list, indicating the date, confirming that he was de-registered from participation. The issuing of a de-registration document is recorded on a special list. A person presenting a de-registration document must be added to the voters list in any voting station. The format of the de-registration document and the list for recording de-registration is determined by the Central Election Commission.

55.2. If a voter cannot attend the voting station on election day, due to his/her health or other reasons, he/she may inform the Precinct Election Commission, at least 24 hours prior to election day, of his/her wish to vote using the mobile ballot box. The Precinct Election Commission prepares a list of those persons and their addresses, based on their applications.

55.3. At 9:00 o'clock on election day, provided that at least half of the Precinct Election Commission members are present, the chairman of the Precinct Election Commission announces that the voting station is open, shows the empty ballot boxes to the election commission members, voters, candidates' agents, local and international observers (hereafter referred to as "observers") who are present, seals them, then requests the Precinct Election Commission members to commence the voting process.

55.4. Ballot boxes must be transparent.

55.5 A voter is given a ballot paper and dips his finger in ink, which is indelible for the whole day. After the voter is given the ballot paper, he/she writes the number of his/her identification document (passport) in the list of voters. If the voter agrees, the batch and serial number of the identification document presented may also be recorded in the voters list by a member of the Precinct Election Commission. The voter checks the record and signs it if it is correct. If the voter cannot receive

his/her ballot paper without help, he/she may ask another person, except for Precinct Election Commission members and observers, for assistance. The person who assisted the voter to receive the ballot paper writes his/her family name and signs the voters list in a special column headed "Signature on receipt of voter's ballot paper".

55.6 When a ballot paper is given to a voter, its left corner, detached along the cut-line, is given by the Precinct Election Commission member to the observers, to be deposited in a separate box.

55.7 Each voter has to vote personally. It is not allowed to vote for other people.

55.8 The ballot paper is completed in a special secret ballot voting compartment, which is equipped with special equipment preventing the entrance of any other person except for the voter. No one but the voter may enter the voting compartment when the voter is voting. If a voter cannot complete the ballot paper himself/herself, he/she can ask any other person (except Precinct Election Commission members and observers) to assist him/her in the voting compartment. That person's surname is shown in the voters list together with the voter's signature confirming receipt of the ballot paper. The voter must mark a single box located to the right of the last names of candidates or political parties (or blocks of political parties) nominating lists of candidates, or a box titled "against all candidates", "against all political parties (or blocks of political parties)". The completed ballot is placed in the ballot box by the voter.

55.9 Ballot boxes are positioned in the voting station so that observers and Precinct Election Commission members have an unobstructed view of them. The Precinct Election Commission shall give all voters the opportunity to vote including those voters who cannot attend the voting station due to health problems or other extenuating circumstances. To enable this, each voting station must be provided with mobile ballot boxes, the number of which is determined by the Precinct Election Commission.

55.10 The written request to use a mobile ballot box sent by a voter to the Precinct Election Commission must be confirmed again in writing by the voter at the time of voting, in the presence of not less than 2 Precinct Election Commission members, and observers. The voter records the receipt of his/her ballot paper and verifies this with his/her signature. The application must contain the same information about the voter as appears in the voters list

55.11 Precinct Election Commission members who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests. The number of used and returned ballot papers from voters requesting a mobile ballot box must be recorded in a separate document. At the same time, the voters voting using the mobile ballot box are marked in a special manner on the voters list. Observers and candidates' agents have the right to be present while voters vote using a mobile ballot box

55.12 After the mobile ballot box is returned by Precinct Election Commission members to the voting station, it is not opened until vote counting commences. Mobile ballot box voting must be organised so that there are no violations of the voter's

right to vote or the requirements for a secret ballot or the expression of the voter's own will.

55.13 The Precinct Election Commission chairperson ensures that the law and procedures are followed within the voting station. All persons in the voting station must follow his/her legal directions. If a Precinct Election Commission chairperson is absent, his/her deputy, assumes the chairperson's powers. If the deputy is also not available, the chairperson's powers are assumed by the secretary or another member of the Precinct Election Commission. Any Precinct Election Commission member who tries to influence a voter's choice or violates the rules of the secret ballot, is dismissed from his/her job immediately and any observer acting in the above manners is removed immediately from the voting station. The Precinct Election Commission decides these matters by a vote, and, on his/her request, a certified copy of such a decision must be immediately given to the person removed from the voting station. No persons, except voters voting, commission members, candidates' agents and observers and representatives of the mass media are allowed to enter the voting station. On election day police, who must be in uniform, can enter the voting station to preserve public order, in accordance with a decision of the Precinct Election Commission. Uniformed police must leave the voting station immediately after public order has been restored and must remain at least 100 metres away from the voting station.

55.14 If a voter realises that he/she has made an error in marking his/her ballot paper, he/she can ask for a replacement ballot paper from a member of the Precinct Election Commission. In such cases the Precinct Election Commission member gives him/her a replacement ballot paper and makes the necessary note on the voters list, on the right hand side of the voter's surname. Then the spoiled ballot paper is cancelled and a separate document is prepared recording this.

CHAPTER XII
DETERMINING THE RESULTS OF THE ELECTIONS

Article 56. Vote Count at Voting Stations

56.1. When voting hours end, the Precinct Election Commission chairperson announces: "only voters who have already received ballot papers and who are in the voting compartments can vote". Before opening the ballot box, Precinct Election Commission members count and cancel the unused ballot papers in the presence of observers and candidates' agents in the voting station. The number of unused ballot papers is announced and recorded in the final protocol of voting results. Then, on the basis of signatures in the voters' list, the number of voters who voted is determined and recorded in the results protocol. The Precinct Election Commission chairperson then checks the integrity of the stamps and seals of the ballot boxes, displays them to the Precinct Election Commission members and observers, and opens the ballot boxes

56.2 The first box to be opened is the box containing the ballot papers' left corners, which were detached along the cut-line. Left corners of the ballot papers are counted in the presence of the observers and the total number is recorded in the final results protocol. Observers may prepare a separate statement recording the

number of left corners of ballot papers. It is not necessary for members of the Precinct Election Commission to sign this act.

56.3 Ballot boxes are opened one by one: first the mobile ballot boxes, then the ballot boxes from the voting station. Ballot papers in the mobile ballot boxes are counted first. The number of ballot papers should equal the number of requests. When counting ballot papers from a mobile ballot box, if the number of ballot papers is not equal to the number of requests, then all ballot papers in the mobile ballot box are considered to be invalid by decision of the Precinct Election Commission. An act on this, which includes a list of the surnames of the commission members that accompanied the mobile ballot box, is attached to the final protocol

56.4 When counting the votes in the voting station, firstly ballot papers which are not in the authentic form, including those that have not been prepared officially or have not been verified by the Precinct Election Commission, and invalid ballot papers, are separated from all the others.

56.5 Ballot papers with more than one box marked, as well as those with all boxes empty are considered invalid.

56.6 If there are doubts concerning the validity of a ballot paper, the Precinct Election Commission votes to determine if the ballot paper is to be considered valid. If a decision is made to consider a ballot paper invalid, reasons for the decision are recorded on the reverse side of the ballot paper. This record must be approved by the signatures of at least 3 (three) Precinct Election Commission members. Invalidated ballot papers are collected and packaged separately. Counting of votes by the Precinct Election Commission chairperson and members of the Precinct Election Commission continues without a break until the count is finished. All Precinct Election Commission members and observers are advised of the results of voting. The Precinct Election Commission prepares protocols recording the results of the voting.

56.7 The Protocols include the following information about the voting results:

For vote count protocols from single-mandate areas:

- total number of voters in the voters list;
- total number of ballot papers transferred to the Precinct Election Commission;
- total number of ballot papers issued to voters on election day;
- total number of ballot papers issued to voters using the mobile ballot box;
- total number of cancelled ballot papers;
- number of voters who received ballot papers;

- number of cut off left corners of the ballot papers;
- total number of ballot papers in the voting station ballot boxes (excluding ballots not in the authentic format);
- number of ballot papers considered valid (ballots marked with a vote against all candidates are considered valid);
- first, middle, and last names of the candidates included in the ballot, and other distinguishing information if these names are identical;
- the number of votes for each candidate;
- the number of votes against all candidates.

Vote count protocols for proportional representation voting from multi-mandate areas, should include the following:

- total number of voters in the voters list;
- number of ballot papers transferred to the Precinct Election Commission;
- number of ballot papers issued to voters in the voting station on election day
- number of ballot papers issued to voters using the mobile ballot box;
- number of voters who received ballot papers;
- number of cut off left corners of the ballot papers;
- number of cancelled ballot papers;
- number of ballot papers in the voting station ballot boxes (excluding ballots not in the authentic format);
- number of ballot papers considered valid (ballots marked with a vote against all political parties' (or blocks of political parties') lists of candidates are considered valid);
- number of ballot papers in the mobile ballot box (excluding ballots not in the authentic format);
- number of ballot papers considered invalid (including, separately, the number of ballot papers which are not authentic, or which are not marked at all);
- number of votes for the list of candidates from each political party (or block of political parties), included in the ballot papers;

- number of votes against the lists of candidates nominated by all political parties (or block of political parties);

- the number of voters who voted in this voting station using the de-registration statement is added by the Precinct Election Commission to the number of voters recorded in the voters list of the voting station.

56.8 Precinct Election Commission members, in the presence of observers, participate in the preparation of 3 copies of the final protocols on the results of voting for single-mandate and multi-mandate voting areas, and these are signed by the Precinct Election Commission members. Voting results are recorded in the protocols in words as well as in figures.

56.9 If a Precinct Election Commission member does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is recorded in the protocol. It is prohibited to complete a protocol on voting results in pencil and to make corrections on it. If a superior election commission has doubts about the protocol from a Precinct Election Commission, it can apply to the relevant court for a recount of the votes in that Precinct Election Commission. The court must make a decision on this application within 12 hours. Votes are recounted by the Precinct Election Commission in the presence of superior election commission members, observers and candidates' agents.

56.10 To the first copy of the protocol are attached all complaints (applications) about violations of this law received by the Precinct Election Commission on election day and decisions made by the Precinct Election Commission in respect of these complaints and applications. Certified copies of the complaints (applications) and decisions approved by the Precinct Election Commission members are attached to the second copy of the protocol. The second copy of the protocol, the packaged and sealed ballot papers, the cut off left corners of these ballot papers, and the list of observers, candidates' agents and representatives of the mass media who observed the count, are kept by the secretary of the Precinct Election Commission until the Precinct Election Commission's finishes its activities.

56.11 After the chairperson of the Precinct Election Commission signs the first copy of the protocols, he immediately announces the results of the voting for this voting precinct, and, within 24 hours of election day, sends this first copy to the Territorial Election Commission. Each protocol that is sent to the Territorial Election Commission is photocopied and displayed in an easily accessible place for 5 days after election day, so that voters have the chance to know the contents of the relevant protocols. The third copy of the protocols are displayed in the voting station, according to the rules determined by the Central Election Commission, for general information of observers, candidates' agents and representatives of the mass media. Verified copies of the third copy of the results protocols are given to candidates' agents, observers and mass media representatives, on their request. Election documents and ballot papers must be sent to the relevant Territorial Election Commission not later than 7 days after voting results are officially announced

Article 57. Determination by Territorial Election Commissions of Voting Results in Election Areas

57.1. The Territorial Election Commission summarizes all information based on the protocols of election results received from the Precinct Election Commissions and determines the results of the election in its territory, not later than 36 hours after election day. The information provided in Precinct Election Commissions' voting result protocols is summarised by members of the Territorial Election Commission. The Territorial Election Commission prepares a protocol on the results of voting.

57.2. The protocols include the following information, in accordance with the relevant rules:

- a separate number for each Precinct Election Commission;
- number of voters included in the voters lists;
- number of ballot papers transferred to the Territorial Election Commission;
- number of ballot papers transferred to the Precinct Election Commissions;
- number of ballot papers issued to voters at the voting stations on voting day;
- number of ballot papers issued to voters who used the mobile ballot box;
- number of cancelled ballot papers;
- number of voters who received ballot papers;
- number of cut off left corners of the ballot papers;
- number of ballots in the voting station ballot boxes (excluding ballot papers not in the authentic form);
- total number of ballot papers considered valid;
- total number of ballot papers considered invalid (including, separately, the number of ballot papers that are not in the authentic form, and which are not marked at all);
- for the single-mandate election area, first, last, and middle names of candidates, and other distinguishing information if these names are identical, and the number of votes for each candidate for a single mandate election area;
- number of votes against all candidates for a single-mandate election area;
- for a multi-mandate election area, the votes for the list of candidates nominated by each political party (or block of political parties);

- for a multi-mandate election area, the votes against all lists of candidates, nominated by political parties (or blocks of political parties).

57.3. A table which summarises all protocols from the Precinct Election Commissions (in the relevant territory), according to the relevant rules, is attached to the protocols.

57.4. If a Territorial Election Commission member does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is recorded in the protocol. To the first copy of the protocol are attached complaints (applications) concerning violations of this law, received by the Territorial Election Commission on election day, and decisions made by the Territorial Election Commission in respect of these complaints and applications. Certified copies of the complaints (applications)and of the decisions made by the Territorial Election Commission are attached to the second copy of the protocol. After the first copy of the Territorial Election Commission's protocol is signed, it is sent to the Central Election Commission, with a final summary table, not later than 48 hours after voting day. Observers, candidates' agents, and mass media representatives may observe the preparation of summary voting result protocols for the area.

57.5. The third copy of the voting results protocol is displayed in the Territorial Election Commission office according to the rules determined by the Central Election Commission, for the general information of observers, candidates agents and representatives of the mass media. Verified copies of the third copy of the results protocols are given to candidates' agents, observers and mass media representatives, on their request.

57.6 The second copy of the protocol, with summary table and Precinct Election Commission protocols, and the list of observers and representatives of mass media who observed the preparation of the protocol and the process of determining the results of voting, is preserved by the secretary of the Territorial Election Commission until the Territorial Election Commission terminates its activities.

Article 58. Determining the Results of Voting in Single-Mandate Voting Areas

58.1. Elections are considered to have taken place in a single-mandate voting area, when more than 25 percent of the voters included in the voters list participate in the elections in the relevant area. The candidate participating in the elections who collects most votes is considered elected. If less than 25 percent of the voters participate in voting in a single-mandate voting area, or if only one candidate remains at election day, elections are repeated not later than 4 months after the original election day.

Article 59. Determining the Results of Voting in Multi Mandate Areas

59.1. Elections are considered to have taken place in a multi mandate voting area, when at least 2 parties (blocs of political parties) have nominated a list of

candidates and at least 25 percent of voters included in the voters list participate in the elections. A political party (or block of political parties) can participate in the distribution of deputy mandates only when at least 5 percent of voters participating in the elections voted for the candidates' list it nominated.

59.2 Using the quota and remainder method, mandates are distributed among political parties (or blocs of political parties) proportionally, based on votes cast. Firstly, the number of votes required for the quota, i.e. for receiving one mandate, is determined by dividing the total number of voters who voted in multi mandate areas, by the number of mandates. Then, the number of votes cast for the main list of candidates nominated by each political party (or block of political parties) is divided by the voting quota and the resulting figure shows the number of mandates for each party. The remaining mandates are distributed based on the method of the highest remainder. That is, the remaining votes after the previously described division are distributed systematically according to the highest proportions of a quota amongst the lists of candidates.

59.2. The candidates in each list receive mandates based on their position in the list, as shown in the registration documents given to political parties (or blocks of political parties). If a list of candidates from only one political party (or block of political parties) participate in the election in a multi mandate voting area, or if less than 25 percent of the voters participate in the elections, or if none of the political parties (or blocks of political parties) collect more than 5 percent of the votes, elections should be repeated within 4 months. The Central Election Commission determines the results of the elections in a multi mandate area.

Article 60. Announcing the Results of the Elections

60.1 Results of elections for single and multi mandate areas are announced by the Central Election Commission not later than 5 days after election day.

Article 61. Voiding the Results of Elections

61.1. If counterfeit voting documents, or other illegal activities that may seriously influence the results of an election are noticed during the conduct of the election, the Territorial Election Commission or Central Election Commission adopts a decision to invalidate the results of the election.

61.2. Within 5 days after the election results are officially announced each candidate and each political party (or block of political parties) participating in the elections, and voters, may file a complaint with the Supreme Court to invalidate the election results. The Supreme Court investigates the complaint in this respect within 10 days.

Article 62. Checking and Approving Results of the Elections

62.1. The Constitutional Court checks and approves the results of the elections.

62.2. If a complaint requesting invalidation of the results of an election is filed with the Supreme Court, the results of the election may be checked and approved after the Supreme Court makes the relevant decision.

455

CHAPTER XIII
FINAL PROVISIONS

Article 63. Certificate Confirming Election as a Deputy

63.1. Within 3 days after the results of elections are approved, deputies are issued cards, in the format defined by Central Election Commission, that confirm their election. All complaints relating such cards not being received within 3 days, are submitted to the Supreme Court.

Article 64. Substitution of Deputies Who Cannot Perform their Duties

64.1. If a deputy dies, resigns from his/her position, or otherwise loses his/her mandate as a deputy:

- if he/she was elected as a deputy based on the majoritarian election system, new elections are held in the single-mandate area where he/she was elected, according to the requirements of this law.

- if he/she was elected as a deputy from a list of candidates nominated by a political party (or bloc of political parties), the first candidate in the list of candidates nominated by the same party but not elected, takes his/her place, i.e. becomes a deputy. If all candidates from the main list of candidates were elected, the first candidate in the supplementary list of the political party (or block of political parties) takes the place of this deputy.

Article 65. Making Results of Elections and Voting Available to the Public

65.1. Results of voting, and information contained in the relevant protocols of election commissions for each precinct, may be given to each voter, observer, candidate's agent, as well as representatives of mass media so they can know the content of those documents. Protocols on the results of voting prepared by each election commission, and approved copies of documents relating to the election are given to candidates, political parties (or blocks of political parties) participating in the elections, observers, and candidates' agents, on their request.

65.2. The Territorial Election Commission publishes information recorded in its election results protocols not later than 10 days after election day and information recorded in Precinct Election Commission election result protocols is published not later than 20 days after election day. Not later than 2 months after election day, the Central Election Commission must publish summary information about the results of the election for the whole country, for each territorial and precinct election commission.

Article 66. Date of Effect of Law

66.1. This law comes into effect from the day of its publication.

ATTACHMENT 24

Draft

The Law of the Azerbaijan Republic on Political Parties

Chapter I

Common Provisions

Article 1. Definition of A Political Party

1.1. A political party is a voluntary association of citizens of the Azerbaijan Republic who are 18 years old and who have common thoughts, ideas and purposes, and who wish to participate in the formation of state bodies for implementing the political will of a specific part of society in governing the society and government through their representatives.

Article 2. Right to be Join Political Parties

2.1. According to Article 58 of the Constitution of the Azerbaijan Republic, citizens of the Azerbaijan Republic have the right to join political parties.

Article 3. Bases for Organization and Activity of Political Parties

3.1. The organization and activities of political parties are implemented in accordance with the Constitution of the Azerbaijan Republic, this Law, other legislative statutes of the Azerbaijan Republic and the political parties' charters.

Chapter II

Creation and Winding Up of Political Parties

Article 4. Rules for Creating Political Parties

4.1. Political parties are created on a territorial basis.

4.2. Initial organizations or other organizational structures of political parties are prohibited from functioning within state bodies of the Azerbaijan Republic.

4.3. To become registered, a political party must have at least 1000 members..

4.4. Political parties are created by conferences or meetings conducted for this purpose. Decisions to create the political party, and determine its name and charter are adopted, and managing bodies are organized during these conferences and meetings.

4.5. The creation and operation of associations whose purpose is to overthrow the government within the whole territory or part of the territory, of the Azerbaijan Republic, is prohibited.

4.6. The creation and operation of political parties of foreign countries, as well as branches or organizations of such parties, within the territory of the Azerbaijan Republic, is prohibited.

Article 5. Charter of Political Party

5.1. The charter should contain the following:

- name, goals and responsibilities of the political party;
- structure of political party;
- conditions and rules for joining and leaving the political party;
- rights and responsibilities of members of political parties;
- disciplinary measures, which do not contradict the laws of the Azerbaijan Republic, regarding members of the political party and bases for implementation of these measures;
- rules for organization of managing bodies of political parties and their powers and their term of office;
- rules for making decisions and their implementation, methods of control;
- conditions, forms and advance notice for calling meetings of party members and party representatives;
- sources of assets or other property of the political party;
- rules for making changes or additions to the charter of the political party;
- rules for terminating the activity of the political party;
- disposal of the property of the political party if it is wound up or canceled.

5.2. The charter can include other articles on creation and activities of the political party, if those articles do not contradict the legislation of the Azerbaijan Republic.

Article 6. Name and Symbols of a Political Party

6.1. Name, abbreviated name and symbols of the political party should differ from the name and symbols of other parties registered in the Azerbaijan Republic.

6.2. If a political party changes its name, it must be re-registered in accordance with the rules defined by this law.

Article 7. State Registration of a Political Party

7.1. A political party is registered by the relevant executive authority.

7.2. For registration, an application containing signatures and addresses of each member of the managing body of the political party should be submitted within 30 days of the charter of the political party being adopted. Attached to this application is the charter, minutes of a conference (meeting) on establishment, and a document which certifies the number of members of the political party.

7.3. A relevant executive authority makes one of the following decisions within 30 days of the receipt of the application to be registered:

- to register the political party;
- to postpone registration;
- to refuse registration.

7.4. According to the legislation of the Azerbaijan Republic a political party is a legal entity from the date it is registered.

7.5. Information on state registration of a political party is published by the official "Azerbaijan" newspaper.

7.6. Changes and additions to the charter of a political party should be registered in accordance with the rules and period defined for registration of a political party.

Article 8. Postponing Registration of a Political Party

8.1. State registration of a political party can be postponed if a political party with the same name has already been registered or if documents on the party's creation do not fulfil the requirements of the legislation.

8.2. A political party is informed in writing about a decision to postpone registration, within 5 days of such a decision being made. This advice must show reasons for the decision and record which articles of the legislation the application documents did not comply with.

Article 9. Refusal to Register a Political Party

9.1. A political party can be refused registration if its goals and methods of operation include the following:

- to overthrow the constitutional basis of the Azerbaijan Republic;
- to violate its territorial integrity;

- to promote war, force and cruelty
- to incite race, national and religious and
- other actions which contradict the Constitution of the Azerbaijan Republic.

8.3. A political party is informed in writing about a decision to postpone registration, within 5 days of such a decision being made. This advice must show reasons for the decision and record which articles of the legislation the application documents did not comply with.

Article 10. Filing a Complaint about Refusal or Postponement of Registration

10.1. Complaints may be filed with the court about refusal or postponement of registration.

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Article 11. Re-creating a Political Party

11.1. Issues relating to re-creating (joining, separating) political parties are determined by their supreme bodies in accordance with the rules considered by the legislation of the Azerbaijan Republic, and the charters of the political parties.

11.2. Re-created political parties should be registered in accordance with the legislation of the Azerbaijan Republic.

11.3. If political parties are joined under the name of one of those parties, that political party is not required to be re-registered after this association.

Article 12. Termination of Activity of a Political Party

12.1. The activity of a political party can be terminated if its supreme body has made a decision, In accordance with the charter of the political party, to wind up the party.

Article 13. Cancellation of a Political Party

13.1. A political party can be cancelled by decision of the Constitutional Court of the Azerbaijan Republic, in the following cases:

- if it engages in the acts mentioned in the Article 4.5, and 9.1.1. of this law;
- if it repeats within a year the actions mentioned in the Article 22.2..

13.2. Rules for canceling a political party are regulated by the Constitution of the Azerbaijan Republic and Law of the Azerbaijan Republic "On Constitutional Court".

Chapter III

Rights, Responsibilities and Duties of Political Parties

Article 14. Principles of Operation of Political Parties

14.1. Political parties are created on the basis of principles of persons expressing their own wills independently, on a voluntary basis, equal rights of members, self-government, legality and transparency.

Article 15. Membership of Political Party

15.1. Political parties should have a registered membership.

15.2. Except those whose membership is prohibited by the legislation of the Azerbaijan Republic, each citizen of the Azerbaijan Republic who is 18 years old, who has joined the party voluntarily, who accepts its charter and program, can be a member of a political party.

Article 16. Rights of Members of Political Parties

16.1. Rights of political party members are defined in accordance with the Constitution and legislation of the Azerbaijan Republic.

16.2. Political party activities cannot include the following:

- limitations on citizens' participation or non-participation;
- limitation on citizens' rights and freedom or
- obstructions to the implementation of duties defined by the law, except those considered by the legislation of the Azerbaijan Republic.

16.3. Each member or group of members of a political party have the right to express their will independently.

16.4. Conditions of employment for employees who receive a salary from a political party are regulated by the Labour Code of the Azerbaijan Republic.

Article 17. Rights of Political Parties

17.1. Political parties have the following rights:

- to develop and promote political programs, appeals and statements, to independently spread information about their goals and activities;

- to join and establish political blocks, unions, associations, on a voluntary basis;
- to participate in Presidential, Parliamentary and Municipal elections (in the Azerbaijan Republic);
- to conduct congresses, conferences and other political meetings;
- to establish mass media;
- to use state mass media in accordance with the defined rules;
- to conduct meetings, demonstrations and other mass actions in accordance with the rules defined by the law;
- to propose motions on developing the activity of the Azerbaijan Republic's legislative and executive bodies in accordance with the legislation of the Azerbaijan Republic and their charters;
- to increase citizens' activity in managing society and the government, elective government bodies and formation of self-government bodies;
- to influence the formation of public opinion using other democratic methods and methods in accordance with the existing legislation.

Article 18. Duties of Political Parties

18.1. Political parties must follow the Constitution and legislation of the Azerbaijan Republic.

18.2. Activities of the political party must not obstruct the implementation of duties of state government and management bodies, enterprises, companies and organizations.

18.3. Political parties cannot interfere in the activities of state bodies and officials.

18.4. Managing bodies of political parties must be located within the territory of the Azerbaijan Republic.

18.5. It is prohibited to promote programs and charters of political parties in educational institutions.

Article 19. Fractions (groups) of Deputies of Political Parties

19.1. Rules for establishment of fractions (groups) of deputies of political parties in the Milli Majlis of the Azerbaijan Republic are regulated by the Internal Charter of the Milli Majlis.

Article 20. Government's Rights and Duties in Relations with Political Parties

20.1. The government ensures the following:

- that the rights and legal interests of political parties are upheld;
- that they may implement their duties mentioned in their charters, in accordance with the Constitution and Laws of the Azerbaijan Republic;
- that they have equal legal conditions;
- that the state security service provides the security of managing bodies of political parties.

20.2. Except in cases defined by the law, state bodies and officials are prohibited from interfering in political parties' activity.

Article 21. International Relations of Political Parties

21.1. Political parties have the right to join public associations (NGOs), to maintain direct international relations, to sign relevant agreements.

Chapter IV

Financing The Activity of Political Parties

Article 22. Financing the Activity of Political Parties

22.1. According to the legislation of the Azerbaijan Republic, the activities of political parties are financed from the budget of these parties, except for finance of election campaigns.

22.2. Foreign countries, as well as legal and physical entities of foreign countries are prohibited from financing the activity of political parties.

22.3. If participation of representatives of political parties in scientific conferences, party congresses and in other measures is paid for by the organisation issuing the invitation, this is not considered to be funding received illegally.

Article 23. Sources for Finance for Political Parties

23.1. Sources of finance for political parties are:

- membership fees;
- income gained from property;

- income received as donations;
- income received from distribution of publications and articles;
- income for covering expenses of election campaigns;
- other income not prohibited by the legislation.

23.2. Members of a political party do not have a property right over the property and funds of the political party, and they are not responsible for the debts of the party. At the same time, the political party is not responsible for the obligations of its separate members.

23.3. The relevant executive authority is responsible for the activity of political parties in relation to taxation, in accordance with the legislation on taxation.

Article 24. Donations

24.1. Political parties have the right to receive donations.

24.2. The following do not have the right to give donations to political parties:

- state government bodies;
- self-government bodies;
- religious organizations;
- trade unions.

24.3. The total of donations given to political parties should be included in the financial report and the name (surname) and address of the donor, and the amount of the donation should be recorded.

Article 25. Assets of Political Parties

25.1. Political parties can own assets, except those prohibited by the legislation of the Azerbaijan Republic.

25.2. Political parties are prohibited to have a business.

Article 26. Financial Report

26.1. Political parties should prepare accounting documents for their income and expenditure, on which they have to report, and other documents which record assets.

26.2. The financial report of a political party consists of sections on income and expenditure, and report on its assets.

26.3. Reports of party branches are also included in the party's report.

26.4. Reports prepared at the end of each year should shown the number of party members who have paid the membership fee.

Chapter V

Final Provisions

Article 27. Accountability for Violation of Legislation on Political Parties

27.1. Accountability for violating this law is defined by the legislation of the Azerbaijan Republic.

27.2. If a political party overturns the duties and goals contained in its charter or acts in manners which contradict the existing legislation, except for cases considered by Article 9.1. of this law, a relevant executive authority provides a written warning to the managing body of the political party.

Article 28. Transitional Provisions

28.1. Political parties, which have already registered by the date this law comes into force, are not required to be re-registered.

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ATTACHMENT 25

International Foundation for Election Systems

Programming In Azerbaijan

July 1, 1999

IFES International Foundation for Election Systems
1101 15th STREET, N.W. • THIRD FLOOR • WASHINGTON, D.C. 20005 • (202) 828-8507 • FAX (202) 452-0804 • WWW.IFES.ORG

PROGRAMMING IN AZERBAIJAN

In 1995, at the request of USAID, IFES conducted an on-site analysis of the electoral climate in Azerbaijan as the country prepared for the November 12 Parliamentary elections and a Constitutional Referendum. As a result of those meetings and based on a review of relevant laws related to the conduct of elections, the IFES team issued initial conclusions and recommendations regarding the political environment and the status of preparations for elections. Although assistance to the Central Election Commission (CEC) was not possible at that time due to Congressional restrictions on non-humanitarian aid to the Government, IFES continued to follow events in Baku after the 1995 elections in anticipation that future technical efforts may be possible.

In March 1998, after a number of restrictions were lifted, IFES sent a team to Baku, including a legal advisor and an election administrator, to define activities to be undertaken in support of existing and emerging election systems. During its assessment, IFES met with members of the CEC, representatives from the Office of the President, various ministries, representatives from territorial commissions, political parties, non-governmental organizations, and international donor organizations. Later, in May and June 1998 IFES provided legal commentary on the draft of the Law of Azerbaijan on Presidential Elections.

IFES established a permanent presence in Azerbaijan in August 1998 and undertook activities in support of the October 1998 Presidential Elections. This on-site effort included: providing technical assistance to the CEC in the implementation of the new election law and, together with OSCE, assisted the CEC in the development of the Official Election Day Manual and training over 500 election officials. A national voter education campaign resulted in over 180,000 posters and fliers distributed, seven televised voter education spots, and a national televised election law forum.

Following the 1998 presidential poll, IFES has continued to focus on activities keyed to USAID strategic objectives in the region. Among the activities planned for 1999 are: continued technical assistance to the CEC; legal advice to the Milli Mejlis regarding municipal election legislation; training of election officials; the establishment of an election information resource center; and development of an election law education program.

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WORK PLAN: AZERBAIJAN

Project Name:	**Electoral Reform and Voter Education**
Country:	**Azerbaijan**
Provider Name:	**International Foundation for Election Systems**
Span of Work Plan:	**1 year from start of FY98 funding**

President Heidar Aliyev has ruled Azerbaijan since taking power following a coup in mid-1993. However, political instability continues. Azerbaijan is poised to restructure economically and benefit from the multi-billion dollar contracts for its reserves of oil. But as investors and the international community have witnessed in Eastern Europe and the NIS, inefficient, autocratic, and un-democratic governments are not a solid foundation for economic restructuring and profitability.

The war between Azerbaijan and Armenia over the disputed Karabakh region remains unresolved, despite a cease-fire that has held since May 1994. Now, President Aliyev has expressed his willingness to cooperate with the new Armenian president. On April 6, 1998 the National Security Council, which Aliyev chairs, called for intensified efforts by the OSCE to help negotiate a settlement in Ngorno Karabakh. But ironically it was an Armenian deputy who recently called for a moratorium on negotiations until after Azerbaijan holds its presidential election in October.

Azerbaijan held its first post-independence parliamentary elections on November 12, 1995. However, international and opposition observers found serious flaws in the electoral process and the elections themselves, as well as some areas where serious attempts were made to carry out a democratic process.

The President has maintained a firm grip on power after five years in office. Election legislation is being passed to support a fall 1998 presidential election. Municipal elections scheduled for November 1997 were not held because the municipal election law had not been passed by parliament.

In 1995, IFES worked in Azerbaijan in preparation for the November 12 parliamentary elections examining election laws and election administration procedures. In March 1998, IFES sent a three-person team to Baku, Azerbaijan including Mark Braden, election legislation advisor; Anthony Reissig, election administration consultant; and Phylis Greenfield, IFES team leader, to define activities to be undertaken in support of existing and emerging election systems under the USAID

Cooperative Agreement (EE-A-00-97-00034-00) and to conduct an analysis of the of the electoral administrative climate. IFES also examined current election law.

During its brief assessment visit, IFES met with the Central Electoral Commission (CEC), representatives from the Office of the President, various ministries and agencies of the government, representatives from the Kuba district commission, political parties, foreign and domestic non-governmental organizations, and international donor organizations and technical support providers. As a result of those meetings and based on a review of relevant laws and systems related to the conduct of elections, the IFES team has identified activities to support elections and the electoral process, keyed to USAID strategic objectives for the region and based upon USAID funding within the current Cooperative Agreement.

Strategic Objective 2.1: Increased better informed citizen participation in political and economic decision making.

1. **ELECTION LAW VOTER INFORMATION PROGRAM**
2. **ELECTION INFORMATION RESOURCE CENTER**
3. **OPINION RESEARCH SURVEY**

Strategic Objective 2.2 Legal systems that better support democratic process and market reforms.

4. **LEGAL CONSULTING ON ELECTION LEGISLATION**
5. **TRAINING ELECTION OFFICIALS**
6. **CEC SUPPORT TO IMPLEMENT THE NEW ELECTION LAW**

Note: this work plan is drawn up for a period of one year from time of funding (FY98). It is based on an anticipated $350,000 funding allocation initially, with an additional $150,000 being available later in the Fiscal Year, per discussions with USAID. The percent of resources to be expended in FY98 for each activity is indicated. Office establishment and staffing support needs are spread out over all initial activities.

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464

Strategic Objective 2.1: Increased better informed citizen participation in political and economic decision making.

Needs Assessment: There is little popular understanding in Azerbaijan on basic citizen rights in a reformed, democratic election process, or in a reformed democracy. This includes citizens' roles and responsibilities in presidential elections. It also includes citizens' rights and responsibilities in municipal government elections and in a municipal government process that is administered in the face of new social and political responsibilities. There is little understanding of election reform which includes elements of transparency and increased institutionalization of free and fair elections.

470

ACTIVITIES

1. ELECTION LAW INFORMATION PROGRAM

Objectives	*Activities*	*Results*	*Resources*
IR 2.1.1: Increase availability of information addressing democratic processes and issues. IR 2.1.1.2: Citizenry and NGOs influence political process (depends on legislation passed). IR 2.1.2: More unbiased public information available to citizens. IR 2.1.2.1: Increase willingness of electronic and print media to report on democratic processes and public policy issues. IR 2.1.3: Increased public confidence in citizen's ability to affect change. IR 2.1.3.1: Strengthen citizen recognition of rights and responsibilities within a democracy. IR 2.2.3: Increase public awareness of laws.	IFES will undertake targeted regional education of Azerbaijan voters throughout the country on the new Presidential Election Law and upcoming election through regional forums televised, where possible, through print and electronic media on the new law and its effect on voters. The program will explain voter rights and responsibilities under the new election law, and move into responsibilities of an elected President to the citizenry under the law. The latter part falls under Strategic Objective 2.2: Creating Legal Systems that Better Support Democratic Processes. Should municipal election legislation be passed, and municipal elections scheduled, election legislation education will be undertaken using the above plan. The election law education program will be conducted with other international organizations, such as NDI, and local democracy NGOs.	Voters and low-participation citizens (specifically, voting-age youth) will receive information about the new Presidential Election Law (and upcoming election and the Municipal Election Law, if passed).	20 percent of IFES/Baku resources from FY 98 first allocation.

471

2. ELECTION INFORMATION RESOURCE CENTER

Objectives	*Activities*	*Results*	*Resources*
IR 2.1.1: Increase availability of information addressing democratic processes and issues. IR 2.1.1.1: Increase perception that citizen rights are upheld. IR 2.1.1.2: Citizenry and NGOs influence political process. IR 2.1.2: More unbiased public information available to citizens. IR 2.1.4.4: Strengthen citizen recognition of rights and responsibilities within a democracy. IR 2.2.3: Increase public awareness of laws.	IFES will start up and develop a resource center for information on election laws, election and democratic processes and voter education. Housed in the IFES/Azerbaijan office, it will provide non-partisan election information in a variety of formats, print and non-print, including access to the world-wide web for election and other democracy-building election materials. It will support a hot line to respond to caller questions on the new Azerbaijani election laws and drafts, the voting process. The center will establish and maintain a web-site on the Azerbaijan election process within the new law. The center, tied into the IFES/Moscow Resource Center for expanded resource access, will also house information on electoral legislation of other countries, voter education practices, election administration practices. As with other IFES resource centers, the center will be available for use by the CEC, parliament, democracy NGOs, media, political parties and others. Initially, the center will be part of the ongoing activities of IFES. One or two local democracy NGOs will be identified and incorporated into Election Information Resource Center activities, with a plan to sub-grant to a local democracy NGO after the office has been established in Year 2. The center location would remain within IFES' offices.	Target audience will have access to accurate and neutral information about democratic elections, the process of elections and information on Azerbaijan election laws and citizen rights and responsibilities under Azerbaijan election law. Additionally, visibility of NGOs in the electoral process will be greater with a concomitant growth of public understanding of their contribution to the development of civil society.	5 percent of the total allocation will be used. IFES plans to install a computer through regional funding, as well as the electronic connection to the IFES/Moscow resource center.

472

3. OPINION RESEARCH SURVEY

Objectives	*Activities*	*Results*	*Resources*
IR 2.1.1: Increase availability of information addressing democratic processes and issues. IR 2.1.2: More unbiased public information available to citizens. IR 2.1.2.1: Increase ability and willingness of electronic and print media to report on democratic processes and public policy issues. IR 2.1.4.4: Strengthen citizen recognition of rights and responsibilities within a democracy.	IFES will undertake a national opinion research survey which will provide indicators of citizen satisfaction with overall democracy and governance, economic satisfaction indicators, and trust in the government and electoral system. The survey will measure opinions and attitudes that define Azerbaijan society. IFES will identify an independent research organization that is non-biased, independent, reliable and able to carry out the research. The proposed study will explore six broad issue areas: elections, communications, civil society, democracy, the economic system and the overall mood of the populace. The methodology will include the local administration of questionnaires to a statistically legitimate sample through a qualified local research organization under the direction of IFES and its opinion research staff. All design, development and analysis work will be done by IFES' survey research consultants and staff.	The survey will provide key indicators to the Azerbaijan government, to the US government, to international organizations and to the Azerbaijani public signaling growth or deterioration of democratic practices; assist in developing program and communication strategies; indicate areas of activity for future programs in participatory development. Note. IFES anticipates that there may be government resistance to disseminating the results of the survey. No results will be disseminated without the explicit approval of the US Government and the Azerbaijani government. We anticipate that any decision to release results or discuss results with the Azerbaijani government will be made by the US Embassy and USAID.	67 percent of IFES/Baku resources from additional resource allocation, later in FY98.

473

Strategic Objective 2.2 Legal systems that better support democratic process and market reforms.

ACTIVITIES

ELECTION LEGISLATION ADVISING: This will initially be done through the review of draft presidential election legislation in a manner that institutionalizes elements of free, fair, transparent elections. Municipal election legislation would also be included under this Strategic Objective, although it is unclear whether such legislation will be passed this year.

4. LEGAL CONSULTING ON ELECTION LEGISLATION

Objectives	*Activities*	*Results*	*Resources*
IR 2.2.1: Enactment of effective and fair laws/regulations that protect civil and economic rights. IR 2.2.3: Fair, equal and timely enforcement of laws.	IFES will advise on drafted presidential election legislation to insure adequate appreciation of acceptable international practices in election legislation. Shahin Aliyev, Head of the Legislature and Legal Expertise Department, Apparatus of the President, asked IFES to provide written commentary on the draft presidential election legislation. He requested that suggestions be included on acceptable legislative language to introduce transparency and fairness into the electoral process at the presidential level. Passage of the bill is expected by the end of the current parliamentary session (June 1998). IFES has also been asked by Prof. Dr. Zahid Qaralov, Deputy of the National Assembly, and Chairman of the Committee of Local Administrative Affairs, to advise on draft municipal election legislation prepared by his committee. IFES will provide Parliament with advice on the currently pending municipal election legislation. A legislative expert will offer comments and resources through fax and E-mail in order to be most effective. If not passed into law in the current parliament session, IFES will not only provide legal advice, but will convene forums to discuss draft municipal legislation among parliamentarians, international experts, democracy civil sector NGOs, and other interested parties.	Government officials in Azerbaijan will have been exposed to legal election law advice that reflects international standards of transparency, fairness, security, and democratic processes. If municipal election legislation is deferred until next year, it is hoped that IFES will have the opportunity to increase the transparency of legislation development though public access to legislation even in draft form, and assist in making public views known to those drafting legislation. Legislation that includes international standards of transparency and democracy.	15 percent of IFES/Baku resources from the first funding allocation in FY98 funds, and 10 percent from the second allocation. Activity addresses both presidential election and municipal election law advising.

474

CENTRAL ELECTION COMMISSION COOPERATION: IFES will begin work with the Central Electoral Committee (CEC) to institutionalize internationally accepted methods of election practice and concepts of accountability to voters at all levels, as well as the concept of transparency in the process. As work with the CEC progresses, IFES hopes that a Memorandum of Understanding would emerge as an appropriate frame to formalize the relationship, build trust and a sense of continuity.

6. TRAINING ELECTION OFFICIALS

Objectives	*Activities*	*Results*	*Resources*
IR 2.2.1: Enactment of effective and fair laws/regulations that protect civil and economic rights. IR 2.2.3: Fair, equal and timely enforcement of laws. Better trained election officials, better able to administer election laws in a transparent and democratic process as reflected in the law.	IFES will develop an election official training program to reach election commissioners to administer the new presidential election law. This large-scale activity includes: --Developing an election official training program (developing curriculum to administer the new election legislation); --Developing an election official training manual and an election law guide for use by election officials; --Delivering training to election officials in Azerbaijan through a Trainers of Trainers model. The first group of trainees will be election officials who will then train other election officials, down to the local polling stations.	Azerbaijan election officials from the CEC, the regions (circles) and at the local level will be better trained and able to administer election laws in a transparent and democratic process, as reflected in new election laws	30 percent of IFES/Azerbaijan resources from the first FY98 allocation.

425

7. CEC SUPPORT TO IMPLEMENT NEW ELECTION LAWS

Technical assistance needed by the CEC emerged through discussions and review of documents with the CEC and regional election officials. Activities will be coordinated with the CEC. Some work is easily implemented while other work requires extensive resources. The design and installation of a voter registration system, for example, is important since a system does not exist and voter lists are re-created for each election.

Objectives	*Activities*	*Results*	*Resources*
2.1.4: support of electoral institutions and processes. 2.1.4.1: Strengthen the capacity of election commissions to administer elections according to law in a transparent and fair process.	IFES will work with the CEC within the project time framework to provide specific technical assistance. The assistance listed below is comprehensive and will need to be prioritized with the CEC. A shorter list will then be drawn up. --Formalize rules and regulations for the CEC based on the administration of the law. --Create a uniform system of checking candidate petitions. --Develop election calendar. --Assist in the development of election maps showing political boundaries, municipalities, Circles and precincts. --Review election budget and assist in revision, if needed. --Advise on aspects of vote counting system: -creation of a standard, uniform system across the CEC, Circles, and Precincts; -posting of protocols at the local level (must be in the law); -results announcements to ensure results are made public as soon as possible; -consistent, secure transport system for ballots and protocols; -adjustment of representation during counting. --Advise on ballot design; increase transparency and accountability, including marking procedures, establishing uniform system for numbers printed and distribution control. --Assist in developing ballot and protocol archiving system. --Assist in developing a standard, transparent system for ballots and protocols. Passage of municipal election legislation is needed to implement fiscal and political decentralization through free and fair local government elections. It is unclear whether Azerbaijan election legislation leading to municipal elections will be passed this year. If passed, IFES will work with the CEC to administer the new law and enact as free and fair local government elections as possible. Activities will be undertaken with the CEC similar to those outlined for the presidential elections.	Voter registration program designed and other election administration technical assistance delivered to increase democratic standards and transparency in election administration.	30 percent of IFES/Baku resources to be made available from the first allocation of FY98 funds and 18 percent of the second allocation will be committed to support the CEC for both elections.

Additional Activity:

CAUCASUS CENTRAL ELECTORAL COMMISSION WORKSHOP

This workshop will be organized under Regional USAID funding to allow for an intensive exchange of experiences and shared concerns related to election administration practices in the emerging democracies in the Caucasus region. Specifically, the participants will be working to identify areas of common strengths and weaknesses; share ideas and practices; begin to build bridges among election administrators in region; and share knowledge and resources. Note: initial discussions with all Caucasus CECs from Armenia, Azerbaijan and Georgia indicate support for meeting and working together, with no barriers to interaction.

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477

AZERBAIJAN SCORE CARD
PARTIES AND PLAYERS/PRESIDENTIAL ELECTION, OCTOBER 1998

Party	Pres. Cand/Key Players	Votes in Pres Election	%Population familiar with Name
Yeni Azerbaijan Party	Pres. Heydar Aliyev	2,557,104	91%
Azerbaijan National Independence Party (Azerbaijan Milli Istiqlal)	Etibar Mamedov	389,399	83%
Peoples' Front Party (Azerbaijan Popular Front Party)/SIDShU	-- No Candidate Albufaz Elchibey, Head	--	87%
Independent Azerbaijan Party	Nizamei Suleymanov	270,665	
Social Welfare Party	Khanahuseyn Kazimly	8,246	
Azerbaijan Communist Party (Social Dem Party)	Firudin Hassanov (Gazanov)	29,236	65%
Association of Victim's of Political Repression	Ashraf Mehdiyev	28,799	
Musavat Party/SIDShU	-- No Candidate Isa Gambar, Head Arif Gadjiev	--	79%
Azerbaijan Democratic Party/SIDShU	-- No Candidate Aydin Guliyev	--	40%
Liberal Democratic Party/SIDShU (Azerbaijan Liberal Party)	-- No Candidate Zakir Mamedov	--	44%
Foundation for Ecology & Democracy/SIDShU	-- No Candidate Nurradin Mammadly	--	

Election Results

Heydar Aliyev	2,554,104	
Etibar Mammedov	389,399	
Nizami suleymanov	270,665	
Firuddin Hasanov	29,236	
Ashraf Mehdiyev	28,299	
Khanhuseyn Kazimly	8,246	
Voted Against All	**10,887**	
		3,290,836
Total Registered Voters	**4,253,130**	
Number of Ballots Given to Vtrs	**3,367,433**	
Turnout	**3,356,141**	
Spoiled Ballots	**64,805**	

478

A BRIEF REPORT ON THE FEBRUARY 20th BY-ELECTIONS

Prepared by Michael Svetlik, IFES/Azerbaijan Sr. Project Assistant
Farida Babayeva, IFES/Azerbaijan Project Assistant

This brief report is intended to provide an account of the by-elections which took place in Baku on Sunday, February 21. Reports on the results of the elections were reported by Radio Free Europe on February 23, as well as by other local news outlets (see attachments.) IFES/Azerbaijan hopes that this report will put the election into its proper context.

By-Elections Held in Baku

On February 21, 1999 by-elections were held in the Khatai (#11) and Nasimi (#26) districts of Baku. These by-elections were necessary to fill vacant seats in the Milli Majlis, the Azeri Parliament. Ex-parliamentary speaker, Rasul Guliyev, formerly represented the Khatai district, but was stripped of his mandate in December 1997. The former Nasimi district representative, Yusif Samed Ogli, died in November 1998.

In response to IFES inquires, the CEC provided the names of the candidates which competed for the two vacant Parliamentary seats. In the Khatai district 3 candidates competed for the parliamentary post, including Maksim Abramov (Azerbaijan Democratic Independent Party), Tofig Hasan Husseinov (Yeni Azerbaycan Party), and Mehdiyev Gafar Galandar (Azerbaijan Democratic Independent Party.) Only two candidates were on the ballot in the Nasimi district– Zakir Hasan Sardarov (Yeni Azerbaycan Party.) and Bakhtash Anvarpasha Nabiyev (no party affiliation.)

According to other information gathered by IFES/Azerbaijan from the CEC, as called for by the Law on Elections for the Parliamentary of the Republic of Azerbaijan, the by-elections were scheduled 80 days prior to being held. The announcement of the scheduling of by-elections was made through mass media, including public and private news agencies, televison, radio and government newspapers.

Previous By-elections in Khatai District Ruled Invalid

Two previous by-elections were held in 1998 in the Khatai district to fill Parliamentary post once held by Rasul Guliyev. On these prior two occasions, the CEC ruled that the results of the elections were invalid. Following the first by-election on July 26, 1998, the CEC nullified the election results because of unspecified violations. On the second attempt to fill the Khatai district seat on November 1, 1998, the CEC deemed the election invalid because the required 50% of the eligible voters in the district did not participate.

The second by-election held in the Khatai district on November 1, 1998 was known to IFES/Azerbaijan yet the decision was made by then Project Manager Bill Damour not to follow the by-election due to the need for IFES oversight activities of the Presidential Election held in October.

CEC Announced Results in Timely Fashion

On February 24, the CEC certified the results of the by-elections and declared that Tofig Hasan Husseinov was the winner of the poll in the Khatai district and Zakir Hasan Sardarov was the winner of the election in the Nasimi district. Both candidates will represent the Yeni Azerbaycan party in the Milli Majlis. These results were published in the state newspaper, Azerbaycan, on February 25 (see attachment one.)

According to the CEC decision, the number of eligible voters which cast ballots in the two elections were sufficient to deem the polls valid. In the Khatai district, the CEC claims that 61.8% of the voters on the voter's lists cast ballots, while in the Nasami district some 66 % of the voters participated.

In their public decisions on the two elections published in the in the government newspaper, **Azerbaycan**, the CEC did not indicate how many votes were received by each candidate in the two by- elections. Only the numbers of votes received by the two victorious candidates were mentioned. According to the CEC's decision, Tofig Hasan Husseinov received 16,282 votes or 55.6% of the vote in the Khatai district, and Zakir Hasan Sardarov received 24,266 votes or 77.5% of the vote in the Nasimi district.

In response to an IFES request for full election results, the CEC provided the results for each by-election on February 26. According to the CEC, the final election results are as follows:

#11 Khatai District

Maksim Abramov (Azerbaijan Democratic Independent Party)	9,559 (32.6%)
Gafar Galandar Mehdiyev (Azerbaijan Democratic Independent Party)	2,746 (9.4%)
Tofig Hasan Husseinov (Yeni Azerbaycan Party)	16,282 (55.6%)

#26 Nasimi District

Zakir Hasan Sardarov (Yeni Azerbaycan Party)	24,266 (77.5%)
Bakhtash Anvarpasha Nabiyev (no party affiliation)	6,916 (22.1%)

Validity of Election Results in Khatai District Questioned

The Committee in Defense of Rasul Guliyev has charged that the election results in the Khatai district were falsified. According to reports by the Turan news agency and repeated by RFE/RL, the Committee in Defense of Rasul Guliyev monitored the election in the Khatai district and has charged that the required 50% of the eligible voters did not participate (see attachment two.) According to Nuraddin Mamedli, a representative of the Committee, roughly 2,000 of 47,000 eligible voters in the Khatai district cast ballots in Sunday's election.

The Committee in Defense of Rasul Guliyev has pledged to appeal the election results in the Khatai district.

Yeni Azerbaycan Adds to Parliamentary Majority

With the election of Husseinov and Sardarov, the ruling Yeni Azerbaycan party increases its majority in the Milli Majlis. Furthermore, according to recent estimates the pro-government faction now consists of approximately 110 members of Parliament. The total number of seats in the Milli Majlis is 125.

ATTACHMENT 1

Election Results Announced in the Press

From the state newspaper, Azerbaycan:

AT CENTRAL ELECTION COMMISSION OF AZERBAIJAN REPUBLIC

The Central Election Commission had a meeting on February 24. Jafar Valiyev, chairperson of the commission chaired the meeting and told about the CEC members' support to TECs and precincts on the eve of the by-elections at 11th Khatai TEC and new elections at 26th Nasimi TEC to the Milli Majlis of Azerbaijan Republic held in February 21, 1999. The elections were successful.

I.Mikayilova, secretary of election commission of 11th Khatai TEC and E.Mamedov, commission chairperson of the 26th Nasimi TEC told about the activity of commission members to hold the election in democratic conditions and they reported the results of the election.

Ilgar Abbasov, the CEC secretary, Anvar Seyidov, Fuad Javanshirov, Azer Tagiyev, Ingilab Nasirov, the CEC members spoke about their support to the TECs and about measures they took to prevent problems immediately.

The CEC announced the following persons to be elected as a deputy to the Milli Majlis of Azerbaijan Republic: Tofig Hasan Husseinov, from 11th Khatai TEC, Zakir Hasan Sardarov, from 26th Nasimi TEC.

Representatives of media participated in this meeting, too.

(Press Service of the Central Election Commission of Azerbaijan Republic)

RESULTS OF BY-ELECTIONS TO MILLI MAJLIS OF AZERBAIJAN REPUBLIC HELD AT 11TH SINGLE MEMBER KHATAI TEC ON FEBRUARY 21, 1999

Decision of the CEC of Azerbaijan Republic
As per 74th and 81st articles of the law "On the elections to the Milli Majlis of Azerbaijan Republic", by election was held in the 11th single member Khatai TEC. The CEC of Azerbaijan Republic examined the documents on the results of the election presented by the election commissions and defined: 29,695 voters, which is 61.8% , from 48,026 electors listed in the voters list took part in the election in 44 PECs.
Tofig Husseinov had more votes among the other candidates to the Milli Majlis of Azerbaijan Republic, it means 16,282 voters (or 55.6%) voted for him in the by election.

According to the 74th article of the law "On the election to the Milli Majlis of Azerbaijan Republic", the CEC of Azerbaijan Republic decides:
Tofig Hasan Husseinov was elected a deputy to the Milli Majlis of Azerbaijan Republic in the election held on February 21, 1999 at 11th Khatai TEC.

Signed:
J.Valiyev, Chairman of the CEC of Azerbaijan Republic
I.Abbasov, Secretary of the CEC of Azerbaijan Republic

RESULTS OF NEW ELECTIONS TO MILLI MAJLIS OF AZERBAIJAN REPUBLIC HELD IN THE 26th SINGLE MEMBER NASIMI TEC ON FEBRUARY 21, 1999

Decision of the CEC of Azerbaijan Republic

As per 74th and 81st articles of the law "On the elections to the Milli Majlis of Azerbaijan Republic", by election was held in the 26th single member Nasimi TEC.

The CEC of Azerbaijan Republic examined the documents on the results of the election presented by the election commissions and defined: 31.494 voters, which is 66.01% , from 47,620 electors listed in the voters list took part in the election in 39 PECs.

Zakir Hasan Sardarov had more votes among the other candidates to the Milli Majlis of Azerbaijan Republic, it means 24.266 voters (or 77.5%) voted for him in the by election.

According to the 74th article of the law "On the election to the Milli Majlis of Azerbaijan Republic", the CEC of Azerbaijan Republic decides:

Zakir Hasan Sardarov is elected a deputy to the Milli Majlis of Azerbaijan Republic in the election held on February 21, 1999 at 26th Nasimi TEC.

Signed:
J.Valiyev, Chairman of the CEC of Azerbaijan Republic
I.Abbasov, Secretary of the CEC of Azerbaijan Republic

Translation by IFES/Azerbaijan

ATTACHMENT TWO

Reports from news agencies

From Turan Information Agency:

ELECTIONS IN 11TH KHATAYI ELECTORAL DISTRICT FALSIFIED, ACCORDING TO SUPPORTERS OF RASUL GULIYEV

BAKU/23.02.99/TURAN: "Parliamentary elections in the 11th Katayi electoral district which took place on February 21 were falsified. We have a lot of evidences of this fact," Ilham Ragimov, chairman of the committee for defense of rights of ex-speaker Rasul Guliyev, said at the today's press-conference.

Representative of Rasul Guliyev, Nuraddin Mamedli, said in turn that just about 2 thousand of 47 thousand electors took part in voting in the above-mentioned electoral district. In average, he said, 30-40 people came to each polling station. Nevertheless, CEC stated that elections took place and over 60% electors participated in voting. According to Mamedli, on the election day, members of the committee for defense of rights of Rasul Guliyev set up groups to monitor voting procedure at polling stations, therefore they have appropriate statistics on voting procedure. Mamedli stated that he intended to appeal to court because of violations. He also said the authorities gave an "order" to elect in the above-mentioned district nominee from the ruling party "Yeni Azerbaijan", Tofik Huseynov.

One should remind, at one time, deputy from the above-mentioned district was elected Rasul Guliyev. After resigning his post as speaker of the Milli Mejlis, he was deprived of deputy's authorities. However, supporters of Rasul Guliyev regarded that decision as violation of lawfulness and declared struggle for restoration of deputy's mandate of the ex-speaker.--0--

From Assa-Irada:

PRO-GOVERNMENT PARLIAMENT FACTION HAS 2 MORE MEMBERS

(Baku, February 25, AssA-Irada) The Central Electoral Commission (CEC) has announced results of the February 21 additional elections to the Milli Mejlis in the 11th Khatai and 26th Nasimi districts of Baku. 61.8% out of 48,026 voters took part in the vote in the Khatai district, of which 16,294 (55.5%) voted for a member of "Yeni Azerbaijan" party Tofig Huseynov. 66.1% out of 47,627 voters participated in the vote in the Nasimi district, of which 24,266 (77.5%) voted for a "Yeni Azerbaijan" nominee Zakir Sardarov.

The CEC has announced that the elections in both constituencies were held in compliance with law, were free and fair, and decided to elect T. Huseynov and Z. Sardarov to the Milli Mejlis.

From Radio Free Europe/Radio Liberty:

AZERBAIJANI BY-ELECTION TURNOUT FALSIFIED?

(RFE/RL Newsline, 23 February 1999) A spokesman for Azerbaijan's Central Electoral Commission told Turan on 22 February that by-elections held the previous day in two districts of Baku were valid, with more than 60 percent of registered voters participating. The spokesman said the CEC has received no complaints about violations of voting

procedure. But on 23 February, Nureddin Mamedli, chairman of the committee for the defense of the rights of former parliamentary speaker Rasul Guliev, said that in the Khatai district, which Guliev represented in the parliament until being stripped of his mandate (see "RFE/RL Newsline," 17 December 1997), only between 2,000 and 3,000 of the 47,000 eligible voters actually went to the polls. Candidates from the ruling Yeni Azerbaycan party have been declared elected in both districts.

From the 525th Newspaper:

EX-SPEAKER'S PHOTOS CAME OUT OF THE BALLOT BOXES INSTEAD OF BALLOTS?

(24 February 1999) A press conference connected with the election held in Khatai TEC on February 21 was held in ADP's headquarters. Natig Jabiyev, chairman of Youth Committee on Protecting Rasul Guliyev's Rights told about the falsification in the election. He called the election an illegal process which violated ex-speaker's rights. According to N.Jabiyev, elections failed in this station and ballots were cast for the citizens. In some stations the citizens were made go to the station and vote.

Then the Committee chairman showed the following cars, which were very active in transporting the voters: B1176AZ "Jiguli" (Lada), 10AD044AZ "RAF" (mini van), 10AD181AZ "PAZ"(bus), 10AD029AZ "RAF" from the 24 and 25th stations. When Vahid Mamedov came to vote, his ballot was already filled, but no one pay attention to his objections and demands for getting a new ballot. But in other voting station, as Jabiyev told, Rasul Guliyev's photo came out of the ballot box: "The voters expressed their protest against the illegal elections in this way."

As to the report of Chief Police Department Jabiyev mentioned that arrested persons were tortured, and the gave evidence under pressure. These 2 persons (N.rasulov and S.Kazimov), who do not have relations with the Party are active members of the Committee and they are arrested for 15 days. These persons are expected to be opened a criminal case. The Committee chairman also said that YAP member S.Novruzov came to the voting station on the election day and ordered the commission chairmen in order to be active to have a quorum.

Then the Committee chairman answered the journalists' questions and stated that after CEC announces the results of the elections they will appeal to the Court.

Translation by IFES/Azerbaijan

1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government and the multiparty 125-member Parliament chosen in the flawed 1995 elections. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. The Presidents of Azerbaijan and Armenia held a series of direct meetings in the second half of the year to discuss a compromise resolution. However, exchanges of fire occurred frequently along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing casualties. Military operations continued to affect the civilian population. There are 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes. In the part of Azerbaijan that Armenians control, a heavily militarized ruling structure prevents ethnic Azerbaijanis from returning to their homes. In the part of Azerbaijan that the Government controls, government efforts to hinder the opposition continue to impede the transition to democracy.

Police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police committed numerous human rights abuses.

Azerbaijan continued its economic transition from central planning to a free market. Reforms continued on paper, but stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by a highly organized system of corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy was hit hard by a large-scale drop off in foreign business activity, due largely to low oil prices early in the year, endemic corruption, and a deteriorating business climate. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The Government signed several new oil production sharing agreements with foreign oil companies in 1999. Agriculture employs 33 percent of the labor force and makes up 20 percent of the gross domestic product (GDP). The leading crops are wheat,

fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry continues through auction sales of small- and medium-sized state-owned enterprises. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. Accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. About 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita GDP is approximately $500 per year. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Economic opportunity for the average citizen still depends largely on connections to the Government. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record was poor, and serious problems remained; however, there was significant improvement in one area. The Government continues to restrict citizens' ability to change their government peacefully. Police beat persons in custody, arbitrarily arrested and detained persons, and conducted searches and seizures without warrants. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchase their positions. The Government holds an estimated 50 political prisoners, down from 75 in 1998. A number of prisoners were released upon expiration of their sentences, and others were granted amnesty. The Government infringed on citizens' privacy rights. The Government continued to impose some limits on freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by repeatedly suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continued to publish and discuss a wide range of sensitive domestic and foreign policy issues. However, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. Lengthy pretrial detention is still a problem. The Government continued to deny broadcast licenses to all truly independent organizations applying to open television and radio stations. The Government also tightly controlled official radio and television, the primary source of information for most of the population. In July and August, authorities forced all but two of the regional television stations that were broadcasting without licenses to close.

The Government restricted freedom of assembly and association. Police suppressed or refused to allow any large-scale peaceful public demonstrations, while allowing smaller ones (of less than 50 participants) to occur. Opposition political parties, unable to mount large-scale public activities, focused on holding smaller-scale meetings and seminars throughout the country. In many cases, opposition attempts to hold meetings in the regions outside the capital initially were refused by local authorities and were allowed only after intervention by the central Government. The Government tolerated the existence of many opposition political parties, although it continued to refuse to register some. After

maintaining a pattern of low-level harassment against activity by religious minorities throughout most of the year, the lower levels of Government escalated this activity by cracking down on the legally registered Russian Baptist Church in September. However, the Government took steps to improve its record on religious liberty in the wake of President Aliyev's public commitment to do so in November. The Government also acted to redress earlier harassment, including arrests, deportation orders, and a failure to register religious groups, by lower-level government and security officials. Local authorities restricted freedom of movement in some instances.

The Government held the country's first-ever municipal elections on December 12; however, the electoral process was marred by a nearly universal pattern of interference by local officials, which allowed them to control the selection of the election committees that supervised the election. The Government was critical of certain domestic human rights activists, although it was open to limited dialog with domestic and international human rights organizations. Societal discrimination and violence against women and discrimination against certain ethnic minorities are problems.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continued. They resulted in injuries and deaths among combatants and occasionally civilians, and the taking of prisoners, including civilians. Insurgent Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of IDP's to their homes. This restriction resulted in significant human suffering for hundreds of thousands of persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other clearly extrajudicial killings.

There were several reports of deaths of prisoners resulting from other than natural causes while in official custody (see Section 1.c.).

There were at least two reports of deaths of prisoners, due at least in part to prison conditions while in official custody, and several prisoners were killed during a reported uprising at a prison in January (see Section 1.c.). At year's end, the Government had not released its long-awaited report on the prison uprising.

There have been no further confirmed developments in the cases of the death of Firuz Gurbanov in August 1997, after which a police official was arrested, or in the death of Samir Zulfugarov in Baku in August 1997 where a police official reportedly was under investigation in connection with the death.

There has been no action by the Government in the killing of opposition Azerbaijan Popular Front member of Parliament Shakhmerdan Jafarov in July 1995.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in injuries to civilians.

During the year, three persons were killed and five were wounded by land mines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the Governments of Azerbaijan and Armenia, and the Karabakh Armenian authorities.

b. Disappearance

There were no reports of politically motivated disappearances.

The Government released by year's end all six Armenian prisoners of war, including civilians, that it had been holding. Nagorno-Karabakh authorities released two Azerbaijani prisoners and reportedly still hold three prisoners. The ICRC repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. The Government again presented to the ICRC a list of 856 persons allegedly held by the Armenians; the list was also presented in 1998.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is illegal; however, there are credible reports that the police practice of beating prisoners during arrest, interrogation, and pretrial detention was widespread. The Government does not hold most members of the police accountable for their actions. Impunity continues to be a problem, and in most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In an August report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 2.b.).

Police harassed, detained, and arrested members of evangelical Christian and other groups, conducted illegal searches and seized their documents and property (see Section 2.c.). President Aliyev criticized these actions in November (see Section 2.c.).

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to procure food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them without actually leaving physical evidence of abuse. Men and women are housed in separate prison facilities.

On January 7, 14 persons, including 11 prisoners and three government personnel, were killed when the authorities suppressed an alleged attempted escape by some of the inmates of the Gobustan prison. Those inmates killed were in prison on various coup and assassination convictions. Independent media speculated that frustration over the Government's failure to include any "political" prisoners in the December 31, 1998 amnesty granted to 12,000 convicts (including some convicted of serious crimes) may have sparked the prison incident.

Human rights organizations were able to visit prisons on several occasions. However, the Government continued to deny the ICRC access to prisons except those where persons held in relation to the Nagorno-Karabakh conflict were detained. Various foreign embassies have petitioned the Government for permission to visit all prisons. In general the Government denies access to detainees held in security prisons that hold both high risk common criminals and high risk persons sentenced for crimes with a political connection, for example, persons sentenced in connection with coup attempts and military mutinies.

d. Arbitrary Arrest, Detention, or Exile

Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently, it is days before family members are able to obtain information as to whether authorities have arrested someone and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. There is no legal protection concerning the right of detainees to be charged or released within a certain period of time, or for accused persons to receive an expeditious trial. While the situation appears to be gradually improving, lengthy pretrial detention is still a problem. In July the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

During the year, police detained members or supporters of opposition parties who were participating in small demonstrations or other political activity. All were released after brief detentions and without further charges.

The Government continued to harass parties critical of the Government by arbitrarily arresting party members, including close associates or relatives of opposition party leaders. During the summer, the Government arrested Etibar Guliyev, a nephew of Rasul Guliyev, co-chairman of the Azerbaijan Democratic Party. He was accused of smuggling on his return to Azerbaijan from abroad. Rza Guliyev, another nephew of Guliyev, was arrested in 1998, convicted of tax evasion after initially being charged with embezzlement, and is serving a sentence of 8 years in prison. Guliyev had been forced to resign as Chairman of the Parliament in 1996. He now is living abroad and is accused by the Government of large-scale embezzlement. The action taken against Guliyev's nephews appeared to be politically motivated. In June several members of the Popular Front Party were arrested and briefly detained following small demonstrations. This pattern of arrests and detentions recurred throughout the year.

Police detained protesters in Baku in May in an unsanctioned demonstration (see Section

2.b.). Police beat, harassed, detained, and arrested members of evangelical Christian and other groups, and seized their documents and property (see Section 2.c.).

In 1998 the Government arrested an aide to the chairman of the Popular Front Party, accusing him of illegal possession of a pistol and hand grenade, which independent observers believe were planted. It arrested two other associates of the Popular Front Party chairman at a demonstration in November 1998. All were convicted; one on a weapons charge and the other two of disturbing public order and resisting the police. The first was amnestied during the year, but the other two are still in prison. The Government convicted of embezzlement and jailed a deputy director of a state oil refinery previously run by Rasul Guliyev, a former chairman of the Parliament now living abroad whom the Government accuses of large-scale embezzlement.

In addition, the Government originally rejected the appeal for the release of journalist Fuad Qahramanli, who was being kept in prison for having written an unpublished article discussing opposition rally tactics. In July Qahramanli was granted amnesty (see Section 2.a.).

In 1997 an aide to opposition leader Isa Gambar and a relative of Gambar, initially detained for political reasons, were charged with failure to notify the Government of a crime, convicted, and sentenced to 3 years in prison (see Section 1.e.). Both were released in July.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary with limited independence; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. The Constitutional Court, formed in 1998, overruled several minor administrative and legislative acts as unconstitutional in its first full year of activity, but the short-term effect was limited. The judiciary also is widely believed to be corrupt and inefficient.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, however, prosecutors' prerogatives greatly outweigh those of defense attorneys and often those of the judges themselves. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects. No judge has dismissed a case based on a prisoner's claim of having been beaten.

Cases at the district court level are tried before a panel consisting of one judge and two lay

assessors. The judge presides over and directs trials. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases may be either dropped or closed, occasionally without informing either the court or the defendant.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence and for a suspect's right to legal counsel, to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government generally has observed the constitutional provision for public trial. Foreign and domestic observers generally are able to attend trials.

Opposition political parties and NGO's credibly estimate that the Government held about 50 political prisoners at year's end. The reduction from 75 prisoners in 1998 apparently reflected a combination of releases of some prisoners in a general amnesty and completion of jail sentences for others.

The Government continues to assert that it holds no political prisoners.

On February 17, a Baku district court found 14 participants in a November 8, 1998, opposition demonstration guilty of disturbing public order and resisting police. Four of the defendants are from the Popular Front Party, six are from the National Democratic Party, and six others are unaffiliated. The demonstrators were participating in a legally sanctioned rally that reportedly transpired without incident until a dozen assailants separate from the rally disrupted the event.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government infringed on these rights. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones and Internet traffic, especially those of foreigners and prominent political and business figures. Police often conducted searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible allegations that police continued to intimidate and harass family members of suspects.

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.b.). The Government continued to harass some opposition party leaders by arresting their relatives (see Section 1.f.). Police harassed and detained members of evangelical Christian and other groups, carried out arbitrary searches, and seized their documents and property (see Section 2.c.).

In June a court ruled in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. In September the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases did not respect these rights in practice. The Government did not take any measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including an ongoing series of libel suits, many of which ended with the levying of excessively high fines (which, if ever collected, would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which journalists exercise self-censorship. Most of the excessive fines have been appealed; however, in those cases in which there have been rulings, the appeals were denied. Prominent opposition politicians criticized the Government without reprisal; however, in one case, former president Elchibey was charged with slander in 1998 after he accused the President of having helped organize a terrorist organization, the Kurdistan Workers' Party (PKK), during the Soviet era. The charges were dropped in January.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint gives it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the free press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in all but two cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. However, none of the fines had been collected by year's end, and no media outlets were closed for that reason. Nevertheless, the media outlets in question credibly claimed publicly and privately that the threat of the charges forced them to exercise self-censorship.

Journalists were subject to violence. Several incidents were reported in June and July in which masked assailants kidnaped, beat, and threatened journalists. Two of the three cases of harassment of journalists involved journalists from Hurriyet, a newspaper associated with Rasul Guliyev. Although the number of violent incidents against journalists decreased during the year, despite promises of rapid action, police have yet to determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies.

Rovshan Ismailov of Ganun (Law) magazine was beaten on April 13 in the Izami district of Baku. He said that he was shopping when several plainclothes police officers approached him, and he identified himself as a journalist. Following a verbal confrontation, Ismailov said that the officers beat him. At year's end no action had been taken against the officers.

In June unknown assailants kidnaped opposition journalist Kamil Tagisoy, whom unknown assailants kidnaped, beat, and warned to stop writing about President Aliyev's health. On June 30, three persons claiming to be employees of the National Security Ministry intercepted a car in which two journalists from the opposition newspaper Yeni Musavat were traveling and abducted the newspaper's deputy editor, Shirzad Mamedli. Mamedli was released 1 hour later after having been beaten severely.

Approximately 30 journalists and members of NGO's held an unsanctioned protest on July 6 in front of the Prosecutor-General's office in Baku to protest such harassment and violence against independent journalists. The previous day the Baku mayor's office had refused permission to stage the protest.

In May the Government rejected an appeal for the release of journalist Fuad Qahramanli of CAG newspaper (published by the Democracy Development Foundation), who was being kept in prison for having written an article that was never published. In June 1998, police from the Department Against Organized Crime declared the article, entitled "The Opposition Rally Tactics," to be dangerous and subversive. On July 11, the Government granted amnesty to Qahramanli (see Section 1.d.).

There has been no further action taken on the following cases: The beating of a journalist in February 1998; the attack on 34 journalists by police when they were reporting on an opposition rally in Baku in September 1998; and the attack on 4 journalists when they were protesting peacefully the defamation trial of Yeni Musavat in November 1998.

Despite government pressure and such attacks, the independent and opposition press played an active, influential role in politics. Articles critical of government policy and high government figures, including the President, and discussion of sensitive areas of domestic and foreign policy, appeared routinely in the opposition and independent print and broadcast media. The independent press does not always meet internationally accepted journalistic standards.

A large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because the cost of newspapers makes them unaffordable for most persons. Television and radio stations require a license to operate, and the

Government used this requirement to prevent several independent stations from broadcasting. Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television Frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station airs political topics, although news is only a small portion of its program. Opposition parties had virtually no access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Three independent television stations operate in Baku. Six independent television stations operating outside of Baku, which had been rebroadcasting without frequency licenses, were closed in July and August. In July and August, authorities--in one case armed with guns--forced all but two of the regional television stations that were broadcasting without licenses to close.

During the fall, authorities shut down the independent, foreign-owned television station SARA on the grounds that the law prohibits foreign ownership of domestic television stations. Observers noted that for 5 years Sara aired without problems as a mainly entertainment channel, until it started airing political programs in the summer; the Government closed down the station after it gave a prominent platform on a program to opposition leaders discussing the Nagorno-Karabakh dispute. On December 24, the Economic Court upheld a Lower Court ruling against SARA's owners.

At year's end, there were four independent television stations operating outside of Baku, one each in the cities of Ganja, Mingechevir, Quba, and Sumqayit. Four other independent stations in Quba, Tovuz, Zagatala, and Belakan, remain closed. Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio Free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has delayed action for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 2 Internet service providers, although more than 12 vendors sell accounts. Both providers have formal links with the Ministry of Communications. Connecting costs, which average $3 per hour (down from $10 per hour in 1998), are still beyond the budgets of most citizens; few citizens have accounts of their own. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition-oriented intellectuals and leaders (see Section 1.f.). Appointments to government-controlled academic positions are heavily dependent on political connections. Nevertheless, several professors with tenure are active in opposition parties. There were no complaints of violation of academic freedom or of censorship of books or academic journals.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right when it decides that it is in its interest to do so. Authorities frequently prevented political parties critical of the Government from conducting many indoor meetings as well as outdoor gatherings. The Government allowed some political party gatherings, such as the Popular Front's 10th anniversary meeting in July. Authorities also permitted opposition parties to organize so-called "pickets," demonstrations with less than 50 participants. Authorities cited questionable security considerations repeatedly to ban any larger demonstrations throughout the year.

The Government detained persons at unauthorized rallies and meetings, but released them without charges after brief detention. Police briefly detained demonstrators at the May 8 rally before releasing them without charges. Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 1.c.). In July journalists and members of NGO's held an unsanctioned protest in Baku to protest harassment and violence against independent journalists (see Section 2.a.).

Heads of local governments in several different sections of the country repeatedly refused the requests of opposition members of Parliament, such as Popular Front First Deputy chairman Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allow Kerimov and other opposition members of Parliament to hold the meetings.

Four participants in a November 1998 opposition rally were arrested and sentenced to jail terms of up to 3 years; however, none of the persons who attacked these peaceful demonstrators has been arrested, despite the fact that the faces of the attackers apparently were recorded on film. At year's end, no action had been taken against the attackers.

The Constitution provides for freedom of association, although in practice the Government continued to restrict this freedom when it was in its interest to do so. The Government requires political parties to register. There are over 30 registered political parties. Some of these are affiliated with or support the President's party. At least 10 registered parties are considered opposition parties. The Government continued to refuse to register the Azerbaijan Democratic Party; the Supreme Court is to hold a hearing early in 2000 on the Democratic Party's suit against the Government. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly, and members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties running in municipal elections had to run as independents, or be nominated by a registered party or another voter initiatives group.

Credible reports of harassment, including beatings, of political figures continued. There

were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Members of Parliament who switched to opposition parties were, in some cases, subjected to criticism in the government media and to anti-member rallies promoted by local authorities in the home districts of those members. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnically or religiously based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not grant this registration freely and expeditiously. It denied or unduly delayed registration for numerous private voluntary organizations, including two private human rights organizations. Nevertheless, unregistered associations functioned openly. c. Freedom of Religion

The Constitution allows persons of all faiths to practice their religion without restrictions, and the Government respects this provision in practice for Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews; however, other religious groups, which lack a long history in the country, are subjected routinely to low level harassment. The Government frequently used clauses in the Law on Religious Freedom to restrict religious activity by foreigners and nontraditional religious groups. There is no state religion, and the right to choose or change one's religious affiliation is provided for.

The Law on Religious Freedom contains provisions that allow the Government to restrict effectively religious activity by foreigners and even Azerbaijani members of nontraditional religious groups. These restrictions consist of burdensome registration requirements, limitations on freedom to proselytize, and interference with dissemination of printed materials. Most of the groups affected note that these restrictions have been applied sporadically, and most groups operate freely. Where these restrictions are applied, they are used to harass minority religions rather than eliminate them. In addition a law on foreigners and stateless persons contains language that prohibits religious "propaganda" by foreigners. This provision was reinforced by a presidential decree in 1997, and the Government uses these and other legal provisions to restrict religious activity by foreign, and to a lesser degree Azerbaijani, members of nontraditional religious groups. There is no state religion.

In early November President Aliyev announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by OSCE standards of religious liberty. Apparently in conformity with his directives, government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. This is in principle done by obtaining approval from the Department of Religious Affairs and then applying for formal registration with the Ministry of Justice. The Government states that so far it has registered approximately 190 Muslim organizations and 50 "other" groups. In practice, however, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an

independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. A wide variety of religious groups have been subjected to interminable delays, and a number of them remain unregistered; however, in response to the President's November calls for adherence to international standards of religious liberty, the Government took several steps to rectify previous problems.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and--in the cases of foreigners--deportation. Human Rights Watch alleged in February 1998 that officials responsible for registration have taken bribes in order to facilitate registration. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date--the Pentecostal "Word of Life" Church--lost its case in May 1998. The Catholic Church was registered in April after an 18-month delay. Following the President's November statements, the Government, specifically the Department of Religious Affairs and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Cathedral of Praise and the Nehemiah were registered in December, but at year's end Jehovah's Witnesses were not registered. Prompted by the November statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were seeking registration at year's end.

The Religious Affairs Department repeatedly sought to interfere in the internal affairs of at least two religious groups, refusing to permit a Catholic Church to select its own priest and refusing to recognize the Evangelical Lutheran Church's right to select its own leadership. In December, the President's office overruled the Religious Affairs Department and officially recognized the right of both groups to make their internal organizational decisions freely and without interference.

Six Jehovah's Witnesses were fired for their religious affiliation in September in Garadag, and, along with two others, were given administrative fines by the local government. In November, following President Aliyev's public comments, the six were reinstated in their jobs with full back pay. The eight members now are pursuing an appeal of their administrative fines through the court system. A member of the Jehovah's Witnesses in Khachmaz was detained by police in August; he reportedly was beaten, and his religious material was confiscated. In December the prosecutor's office opened an investigation into the police actions.

In September police interrupted a service at the legally registered Evangelical Baptist church and detained approximately 70 worshippers. Authorities sentenced two Azerbaijani church officials to 15 days in jail on charges of resisting police. Other religious groups reported police harassment in August and September. Some religious groups reported that the harassment ceased after President Aliyev's public comments in November.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based Spiritual Directorate of Caucasus Muslims. In June a court decided in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photography. The judges ruled in favor of the women, who said that there was

nothing in the law that prevented them from wearing Islamic headscarves in official photographs. In September the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature only with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government now interprets this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to engage in that activity. For example, the Department of Religious Affairs in October 1998 held up a shipment of books imported by a private individual not associated with a local congregation for sale at a legally registered bookstore in Baku after it determined that some of the books had religious content. The books were held until June when the Deputy Prime Minister's office overruled the Religious Affairs Department and ordered the books released to the bookseller. In one case, officials delayed the importation of a shipment of religious literature by a private individual not associated with a local congregation; on June 10 the shipment was released by customs.

The Department of Religious Affairs sought throughout the first half of the year to prevent a local bookstore from importing books with religious content. The Department based its restriction on a clause in the Law on Religious Freedom that states that religious groups may produce, import, and disseminate religious literature. The Department of Religious Affairs argued that this clause means that only religious groups may engage in such activities. The Council of Ministers overruled the Department in June, ordering the books released to the bookseller.

Some government bias against foreign missionary groups persisted. Foreign Christian and other groups complained credibly of official harassment. Members of unregistered groups are subject to arrest and fines, and foreigners can be deported. Foreign Christian and other groups were subject to harassment and detention under a provision in the Law on Religious Freedom banning "religious propaganda" by foreigners. The Department for Religious Affairs also used the provision of the law on foreigners and stateless persons that prohibits religious "propaganda" (i.e., proselytizing) by foreigners, to harass foreign missionaries and religious figures. In September nine foreigners were arrested and sentenced to deportation under this provision. In November the Supreme Court overturned these sentences, ruling that they violated constitutional provisions for religious freedom. In January and June, articles appeared throughout the press crudely depicting Christian missionary groups as a threat to the nation. In August several evangelical Christian and other religious groups reported a wave of police harassment, including detention, arbitrary search and seizure of documents and other private property, and warnings to desist from religious activity. In September the police interrupted a service at the legally registered Baptist Church and began questioning worshippers. Without giving a reason for their action, uniformed and plainclothes police officers refused to release persons until obtaining their names and addresses. Police criticized ethnic Azeri Christians for dropping their Muslim affiliation. Approximately 70 Azeris and foreigners were detained for several days of questioning. Two Azeri pastors were sentenced to 15 days in jail for allegedly resisting the police, a charge contested by all available witnesses.

Because of anti-Armenian sentiment and the forced departure of most of the Armenian population, Armenian churches remained closed (see Section 5). The same situation

prevails for Azerbaijani mosques in the portions of southwest Azerbaijan controlled by Armenian separatists (see section 5). The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

Places of worship seized by the former Soviet Government during the Communist era from the Baha'is, the Catholics, the Lutherans, and the Baptists have not yet been returned to those groups.

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see Section 5). For example an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August for changing his religious affiliation and becoming a member of Jehovah's Witnesses.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times it limited the movement of members of opposition parties. In at least one case, the Government limited the movement of members of opposition parties. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan. Local officials harass and deny passports to some members of the Armenian minority who wish to emigrate.

In late 1998 and early this year, former president Abulfaz Elchibey was prevented from traveling outside Baku for approximately 2 months while under investigation and on trial for insulting the President; the charges were dropped in February.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is unrestricted by the Government. However, with the majority of those who wish to emigrate already having left, the number of Jewish emigrants is now small. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 20,000, almost exclusively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel.

The number of refugees and internally displaced persons from the Nagorno-Karabakh conflict is approximately 800,000. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes.

The Government provides almost no assistance to these persons, who rely on donations from foreign countries. Most of these internally displaced persons continue to live in camps and other temporary shelters, often at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians in Nagorno-Karabakh, Armenia, and the Azerbaijani exclave of Nakhchivan.

The Constitution provides for political asylum consistent with international norms. The Government is receptive to international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In theory the election law and Constitution allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their Government peacefully by interfering in elections.

Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. As a result of the flawed 1995 parliamentary elections, the New Azerbaijan Party led by President Aliyev, along with other parties and nominally independent deputies loyal to the President, occupy the overwhelming majority of seats in the 125-member Parliament. The ruling party held its first party congress in December. Parties considering themselves as belonging to the opposition hold 20 seats and formed a unified bloc in April, but their ability to influence legislation is less than marginal. Opposition parties continued to be active outside the Parliament, agitating for their views in their newspapers and through public statements. However, the Government continued to deny registration to the opposition Azerbaijani Democratic Party (see Section 2.b.).

Parliamentary by-elections were held on two occasions and were marked by claims of fraud, although the lack of independent observers made verification impossible.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for President Aliyev. In August newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total had been overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

Courts did not give serious consideration to the complaints filed by runner-up E'tibar Mammedov, who charged that the President did not receive the necessary two-thirds vote

to avoid a run-off. The CEC did not publish vote totals of election districts within the time period required by the election law, and by the end of 1999, it still had not published vote totals for election precincts. The election law required that the full vote totals be published within 30 days of the election; that is, by November 11, 1998.

During and prior to the presidential election campaign, the Government took a number of steps to improve the election and overall political environment. In addition to amending the election law, the Government abolished press censorship, ended the criminal investigation of certain opposition figures, allowed the opposition to conduct some rallies, and gave registered opposition presidential candidates access to state broadcast media. On the other hand, the state media's reporting on the election was biased heavily in favor of the President. The CEC and local commissions were insufficiently representative and did not function impartially. The Government did not fully respect freedom of assembly.

The 1995 Constitution required that the country's first-ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until they were finally held on December 12. The municipal election process was deeply flawed. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections was marred by widespread irregularities with an overwhelming pattern of favoring the ruling party and supporters of local authorities. The process of registering candidates was marred similarly by widespread irregularities, that favored the authorities. The elections themselves were criticized heavily by observers, including the Council of Europe (COE), which noted numerous instances of ballot-stuffing, voter intimidation, and other violations.

Major opposition parties, with the exception of the unregistered Azerbaijan Democratic Party (see Section 2.b.) and the Azerbaijan National Independence Party (chaired by presidential election runner-up Mammedov), agreed to participate in the December municipal elections.

There are no legal restrictions on women's participation in politics; however, traditional social norms restrict women's roles in politics. In past elections and also in the December municipal elections, in a practice known as family voting, men often cast the votes of their wives and other female members of their families. In the 1998 presidential election, this practice was seen less often. There are 11 female Members of Parliament and 2 women with ministerial rank. There are no restrictions on the participation of minorities in politics as individuals; however, explicitly ethnically or religiously based parties have not been registered. Members of indigenous ethnic minorities such as Talysh, Lezghis, and Kurds occupy some senior government positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several human rights organizations monitor the human rights situation in the country. For the most part, the Government posed no objections to international human rights groups. Some of these groups investigate human rights abuses and disseminate their findings through the media. However, the Government has been critical of certain domestic human rights activists who have raised politically sensitive issues.

The Government has demonstrated a limited willingness to discuss human rights problems with international and domestic nongovernmental organizations (NGO's). The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. However, the ICRC has requested and been denied access to prisoners not related to the Nagorno-Karabakh conflict being held in special security and other prisons.

Government officials occasionally criticize human rights activists. The chief prosecutor threatened the chairman of the Azerbaijan Human Rights Center, Eldar Zeynalov, with criminal prosecution if he continued to claim that Azerbaijan held political prisoners. Zeynalov's organization continues these claims about political prisoners, and he has faced no legal action. The Government registered the Azerbaijan Human Rights Center in November; its chairman Eldar Zeynalov now is routinely granted access to prisons and the Center operates normally.

The Ministry of Justice continued to deny registration to many local human rights NGO's, but the Government has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students.

In August the Government created a Commission on Human Rights, funded by a $400,000 U.N. Development Program grant, which is headed by Justice Minister Sudaba Hasanova. By year's end, the commission had not taken any significant actions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade unions, or other public organizations. However, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Preventing discrimination is not a major government priority.

Women

Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punishable, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. Police statistics note that, compared with the first 6 months of 1998, rape and rape attempts increased by 50 percent in the first 6 months of the year. This increase appears to be due to both an increase in actual instances and an increase in the reporting of such cases, although the figures still reflect considerable underreporting, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a prominent problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family, and sometimes it even is encouraged by the family due to the large amount of money to be made. The Society for the Defense of Women's Rights (SDWR) held a mid-February conference to highlight concerns over the growing incidence of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are run by high-ranking officials in government and routinely used by members of the prosecutor's office and the police.

Trafficking in women is a problem, and the country is a source and transit point for trafficked women (see Section 6.f.).

Women nominally enjoy the same legal rights as men, including the right to participate in all aspects of economic and social life. In general women have extensive opportunities for education and work. However, traditional social norms continue to restrict women's roles in the economy. Representation of women is sharply lower in higher levels of the work force. There are few women in executive positions in leading economic enterprises.

Eighteen women's NGO's are registered and deal with the problems of women. The Association for the Defense of Rights of Azerbaijani Women spends most of its time fighting uniquely post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. It also worked with divorced women who feel that they have been treated unfairly by divorce courts. Two of the 18 women's NGO's deal with the problems of prostitution and women trafficking (see Section 6.f.).

Children

The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the Government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

People with Disabilities

The Law on Support for the Disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements. The Government does not have the means in its current financial crisis to

fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

Religious Minorities

There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in progovernment and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the intelligence sources of Christian Russia and Armenia, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

Occasionally, popular reaction goes beyond verbal criticism. In August a crowd of Muslims reportedly broke into a Baptist summer camp in Nardaran, threatening inhabitants and causing significant property damage. Police made no attempt to intervene and said that they found no evidence of the incident.

Several members of Jehovah's Witnesses reportedly were subjected to humiliation and degradation in early September when a factory manager assembled the plant's work force and berated the members of Jehovah's Witnesses for betraying their country by adopting a new religion. During the event, the father of one of the members of Jehovah's Witnesses publicly disowned her for adopting the new religion. In November, the factory reinstated the members with full back pay (see Section 2.c.).

The second target of societal hostility is Muslim groups, mostly from Iran, which seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over Azerbaijan.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 550,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination. However, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. According to press reports, evangelical Christians are not welcome in Nagorno-Karabakh, a part of the country not under government control.

National/Racial/Ethnic Minorities

The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet Union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 20,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of refusal of local government authorities to pay pensions. The problem of local government authorities refusing to grant passports to Armenians has been reduced. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

Indigenous ethnic minorities such as the Talysh, Lezghis, Avars, and Georgians do not suffer discrimination. However, Meskhetian Turks displaced from Central Asia as well as Kurdish displaced persons from the Lachin region complain of discrimination.

In the area of the country controlled by insurgent (Armenian) forces, the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes. The regime that now controls these areas effectively has banned them from all spheres of civil, political, and economic life.

Section 6 Worker Rights

a. The Right of Association

The overwhelming majority of labor unions still operate as they did under the Soviet system and remain tightly linked to the Government. The Constitution provides for freedom of association, including the right to form labor unions; however, one or another subbranch of the government-run Azerbaijani Labor Federation organizes most industrial and white-collar workers. Most major industries remain state-owned.

An independent union of oil workers that was displaced by a progovernment union in 1997 has not been revived. In 1997 the state oil company formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former independent oil workers union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers. There were a number of threatened strikes in the oil industry during the year over wage arrears, all of which were prevented through negotiations and compromises. Oil workers continue to demand restoration of wage arrears amounting to several months pay. They do so internally but not through public protest. There are no established mechanisms to avoid wildcat strikes.

Unions are free to form federations and to affiliate with international bodies; however,

none has done so.

b. The Right to Organize and Bargain Collectively

A 1996 law provides for collective bargaining agreements to set wages in state enterprises. A labor inspectorate was established in 1997. However, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions effectively do not participate in determining wage levels. In a carryover from the Soviet system, both management and workers are considered members of the professional unions.

There are no export processing zones. A 4-year effort supported by the United Nations Development Program to create an economic zone in Sumgait was abandoned early in the year; Parliament never considered legislation to create such a zone.

c. Prohibition of Forced or Compulsory Labor

The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person, and the Government has not invoked this clause; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.). Two departments in the General Prosecutor's Office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provisions or laws specifically prohibiting forced and bonded labor by children, but such practices are not known to occur. There were no reports during the year of compulsory cotton picking by children or adults.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum employment age is 16 years. Primary school education is compulsory, free, and universal. Children are normally in school until the age of 17. The law allows children between the ages of 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. Children at the age of 15 may work if the workplace's labor union does not object. There is no explicit restriction on the kinds of labor that 15-year-old children may perform with union consent. The Labor and Social Security Ministry has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The Government sets the nationwide administrative minimum wage by decree. It is $3.00 (12,500 manat) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be $50 (215,000 manat) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the collapse of the Russian economy in 1998, many Azerbaijanis (estimates range as high as 1 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was curtailed severely during the year, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempts to enforce this law in the private sector of registered private businesses, but does not enforce these rules in the informal sector where the majority of citizens make their living.

Health and safety standards exist, but usually they are ignored in the workplace. Workers cannot leave dangerous work conditions without fear of losing their jobs.

f. Trafficking in Persons

Azerbaijan is a source and a transit point for trafficked women. The women who are trafficked engage in labor, mainly associated with the sex industry, and forced prostitution. Women from Azerbaijan usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. The problems of trafficking in women and sexual exploitation are addressed briefly in the Criminal Code, but are largely unknown and ignored. Two of the country's 18 women's NGO's deal with the problems of trafficking in women and prostitution, mainly by concentrating on educating women, particularly those in rural areas, about the dangers of such practices.

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1999 Report Europe and NIS Index | Table of Contents | 1999 Report Homepage | Human Rights Reports Index

Azerbaijan: Facts And Figures

Geography

Location: Southwestern Asia, bordering the Caspian Sea, between Iran and Russia

Geographic coordinates: 40 30 N, 47 30 E

Map references: Commonwealth of Independent States

Area:
Total area: 86,600 sq km
Land area: 86,100 sq km
Water: 500 sq km
Comparative area: slightly larger than Maine
Note: includes the exclave of Nakhichevan Autonomous Republic and the Nagorno-Karabakh region; the region's autonomy was abolished by ;the Azerbaijani Supreme Soviet on 26 November 1991.

Land boundaries:
Total: 2,013 km
Border Countries Armenia (with Azerbaijan-proper) 566 km, Armenia (with Azerbaijan-Nakhichevan exclave) 221 km, Georgia 322 km, Iran (with Azerbaijan-proper) 432 km, Iran (with Azerbaijan-Nakhichevan exclave) 179 km, Russia 284 km, Turkey 9 km

Coastline: 0 km (landlocked)
Note: Azerbaijan borders the Caspian Sea (800 km, est.)

Maritime claims: none; landlocked

International disputes: Armenia supports ethnic Armenians in the Nagorno-Karabakh region of Azerbaijan in the longstanding, separatist conflict against the Azerbaijani government; Caspian Sea boundaries are not yet determined among Azerbaijan, Iran, Kazakhstan, Russia, and Turkmenistan.

Climate: dry, semi-arid steppe

Terrain: large, flat Kur-Araz Lowland (much of it below sea level) with Great Caucasus Mountains to the north, Qarabag (Karabakh) Upland in west; Baku lies on Abseron (Apsheron) Peninsula that juts into Caspian Sea
Lowest point: Caspian Sea -28 m
Highest point: Bazarduzu Dagi 4,485 m

Natural resources: petroleum, natural gas, iron ore, nonferrous metals, alumina

Land use:
Arable land: 18%
Permanent crops: 5%
Meadows and pastures: 25%
Forest and woodland: 11%
Other: 41% (1993 est.)

Irrigated land: 10,000 sq km (1993 est.)

Environment:
Current issues: local scientists consider the Abseron (Apsheron) Peninsula (including Baku and Sumqayit) and the Caspian Sea to be ecologically devastated because of severe air, water, and soil pollution; soil pollution results from the use of DDT as a pesticide and also from toxic defoliants used in the production of cotton.
Natural hazards: droughts; some lowland areas threatened by rising levels of the Caspian Sea
International agreements: party to: Climate Change, Ozone Layer Protection; signed, but not ratified: Biodiversity

Geographic Note: landlocked

People

Population: 7,797,476 (July 1997 est.)

Age structure:
0-14 years: 33% (male 1,302,759; female 1,247,868)
15-64 years: 61% (male 2,315,272; female 2,446,087)
65 years and over: 6% (male 186,699; female 298,791) (July 1997 est.)

Population growth rate: 0.78% (1997 est.)

Birth rate: 22.89 births/1,000 population (1997 est.)

Death rate: 9.32 deaths/1,000 population (1997 est.)

Net migration rate: -5.75 migrant(s)/1,000 population (1997 est.)

Sex ratio:
At birth: 1.05 male(s)/female
Under 15 years: 1.04 male(s)/female
15-64 years: 0.95 male(s)/female
65 years and over: 0.62 male(s)/female
All ages: 0.95 male(s)/female (1997 est.)

Infant mortality rate: 80.7 deaths/1,000 live births (1997 est.)

Life expectancy at birth:
Total population: 63.52 years

Male: 59.27 years
Female: 67.99 years (1997 est.)

Total fertility rate: 2.77 children born/woman (1997 est.)

Nationality:
Noun: Azerbaijani(s)
Adjective: Azerbaijani

Ethnic divisions: Azerbaijani 90%, Dagestani Peoples 3.2%, Russian 2.5%, Armenian 2.3%, other 2% (1995 est.)
Note: almost all Armenians live in the separatist Nagorno-Karabakh region

Religions: Muslim 93.4%, Russian Orthodox 2.5%, Armenian Orthodox 2.3%, other 2% (1995 est.)
Note: religious affiliation is still nominal in Azerbaijan; actual practicing adherents are much lower

Languages: Azerbaijani 89%, Russian 3%, Armenian 2%, other 6% (1995 est.)

Literacy: age 15 and over can read and write (1989)
Total population: 97%
Male: 99%
Female: 96%

Government

Names:
Conventional long form: Azerbaijani Republic
Conventional short form: Azerbaijan
Local long form: Azarbaycan Respublikasi
Local short form: none
Former: Azerbaijan Soviet Socialist Republic

Digraph: AJ

Type: republic

Capital: Baku (Baki)

Administrative divisions: 59 rayons (rayonlar; rayon -- singular), 11 cities* (saharlar; sahar -- singular), 1 autonomous republic** (muxtar respublika); Abseron Rayonu, Agcabadi Rayonu, Agdam Rayonu, Agdas Rayonu, Agstafa Rayonu, Agsu Rayonu, AliBayramli Sahari*, Astara Rayonu, Baki Sahari*, Balakan Rayonu, Barda Rayonu, Beylaqan Rayonu, Bilasuvar Rayonu, Cabrayil Rayonu, Calilabad Rayonu, Daskasan Rayonu, Davaci Rayonu, Fuzuli Rayonu, Gadabay Rayonu, Ganca Sahari*, Goranboy Rayonu, Goycay Rayonu, Haciqabul Rayonu, Imisli Rayonu, Ismayilli Rayonu, Kalbacar Rayonu, Kurdamir Rayonu, Lacin Rayonu, Lankaran Rayonu, Lankaran Sahari*, Lerik Rayonu, Masalli Rayonu,

Mingacevir Sahari*, Naftalan Sahari*, Naxcivan Muxtar Respublikasi**, Neftcala Rayonu, Oguz Rayonu, Qabala Rayonu, Qax Rayonu, Qazax Rayonu, Qobustan Rayonu, Quba Rayonu, Qubadli Rayonu, Qusar Rayonu, Saatli Rayonu, Sabirabad Rayonu, Saki Rayonu, Saki Sahari*, Salyan Rayonu, Samaxi Rayonu, Samkir Rayonu, Samux Rayonu, Siyazan Rayonu, Sumqayit Sahari*, Susa Rayonu, Susa Sahari*, Tartar Rayonu, Tovuz Rayonu, Ucar Rayonu, Xacmaz Rayonu, Xankandi Sahari*, Xanlar Rayonu, Xizi Rayonu, Xocali Rayonu, Xocavand Rayonu, Yardimli Rayonu, Yevlax Rayonu, Yevlax Sahari*, Zangilan Rayonu, Zaqatala Rayonu, Zardab Rayonu

Independence: 30 August 1991 (from Soviet Union)

National holiday: Independence Day, 28 May

Constitution: adopted 12 November 1995

Legal system: based on civil law system

Suffrage: 18 years of age; universal

Flag: three equal horizontal bands of blue (top), red, and green; a crescent and eight-pointed star in white are centered in red band

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Economy

Overview: Azerbaijan is less developed industrially than either Armenia or Georgia, the other Transcaucasian states. It resembles the Central Asian states in its majority nominally Muslim population, high structural unemployment, and low standard of living. The economy's most prominent products are oil, cotton, and gas. Production from the Caspian oil and gas field has been in decline for several years, but the November 1994 ratification of the $7.5 billion oil deal with a consortium of Western companies should generate the funds needed to spur future industrial development. Azerbaijan shares all the formidable problems of the ex-Soviet republics in making the transition from a command to a market economy, but its considerable energy resources brighten its long-term prospects. Baku has only recently begun making progress on economic reform, and old economic ties and structures are slowly being replaced. A major short-term obstacle to economic progress, including stepped up foreign investment, is the continuing conflict with Armenia over the ethnic Armenian-dominated region of Nagorno-Karabakh. Trade with Russia and the other former Soviet republics is declining in importance while trade is building up with the nations of Europe, Turkey, Iran and the UAE.

GDP: purchasing power parity - $11.9 billion (1996 estimate as extrapolated from World Bank estimate for 1994)

GDP real growth rate: 1.2% (1996 est.)

GDP per capita: $1,550 (1996 est.)

GDP composition by sector:
Agriculture: 26%

Industry: 30%
Services: 44%

Inflation rate (consumer prices): 20% (1996 est.)

Labor force: 2.789 million
By occupation: agriculture and forestry 32%, industry and construction 26%, other 42% (1990)

Unemployment rate: 1.1% includes officially registered unemployed; also large numbers of other unemployed and underemployed workers (December 1996)

Budget:
Revenues: $565 million
Expenditures: $682 million, including capital expenditures of $NA (1996)

Industries: petroleum and natural gas, petroleum products, oilfield equipment; steel, iron ore, cement; chemicals and petrochemicals; textiles

Industrial production growth rate: -8% (1996 est.)

Electricity:
Capacity: 5.24 million kW (1994)
Production: 16.63 billion kWh (1994)
Consumption per capita: 2,200 kWh (1996 est.)

Agriculture: cotton, grain, rice, grapes, fruit, vegetables, tea, tobacco; cattle, pigs, sheep and goats

Illicit drugs: limited cultivation of cannabis and opium poppy, mostly for CIS consumption; limited government eradication program; transshipment point for opiates to Western Europe

Exports: $700 million (f.o.b., 1996)
Commodities: oil and gas, chemicals, oilfield equipment, textiles, cotton (1991)
Partners: CIS, European countries and Turkey

Imports: $900 million (c.i.f., 1996)
Commodities: machinery and parts, consumer durables, foodstuffs, textiles
Partners: CIS, European countries, and Turkey

External debt: $100 million (of which $75 million to Russia)

Economic aid:
Recipient: ODA, $14 million (1993)
Note: commitments, 1992-95, $1 billion ($185 million in disbursements); wheat from Turkey

Currency: 1 manat = 100 gopik

Exchange rates: manats per $1: 4,230 (November 1996); 4,375 (April 1996); 4,500 (April 1995), 4,168 (end of December 1994)

Fiscal year: calendar year

Transportation

Railroads:
Total: 2,125 km in common carrier service; does not include industrial lines
Broad gauge: 2,125 km 1.520-m gauge (1,278 km electrified) (1993)

Highways:
Total: 57,770 km
Paved or graveled: 54,188 km
Unpaved: 3,582 km (1995 est.)

Pipelines: crude oil 1,130 km; petroleum products 630 km; natural gas 1,240 km

Ports: Baku (Baki)

Airports:
Total: 69 (1996 est.)
With paved runways over 3,047 m: 2
With paved runways 2,438 to 3,047 m: 6
With paved runways 1,524 to 2,437 m: 17
With paved runways 914 to 1,523 m: 3
With paved runways under 914 m: 1
With unpaved runways 914 to 1,523 m: 7
With unpaved runways under 914 m: 33 (1996 est.)

Communications

Telephones: 710,000 (1991 est.)

Telephone system: 202,000 persons waiting for telephone installations (January 1991 est.);
Domestic: telephone service is of poor quality and inadequate; a joint venture to establish a cellular telephone system in the Baku area is operational
International: cable and microwave radio relay connections to former Soviet republics; connection through Moscow international gateway switch to other countries; satellite earth stations -- 1 Intelsat and 1 Intersputnik (Intelsat provides service to Turkey and through Turkey to 200 more countries; Intersputnik provides direct service to New York)

Radio broadcast stations: 1 state-owned radio broadcast station

Radios: N/A

Television broadcast stations: 2 *Note:* domestic and Russian TV programs are received locally and Turkish and Iranian TV is received from an INTELSAT satellite through a

receive-only earth station

Televisions: NA

Defense

Branches: Army, Navy, Air and Air Defense Forces, Border Guards

Manpower availability:
Males age 15-49: 1,982,747 (1997 est.)
Males fit for military service: 1,596,087 (1997 est.)
Males reach military age (18) annually: 69,524 (1997 est.)

Defense expenditures: 33.5 billion manats; note: conversion of defense expenditures into US dollars using the current exchange rate could produce misleading results

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Source: Excerpted from the CIA's 1997 World Factbook. If link is out of date, see the CIA's home page.

International Foundation for Election Systems
1101 15th STREET, N.W. • THIRD FLOOR • WASHINGTON, D.C. 20005 • (202) 828-8507 • FAX (202) 452-0804 • WWW.IFES.ORG

CEE AND NIS

FY 2000 QUARTERLY REPORT (1st Quarter)
EE-A-00-97-00034-00

On-Site Technical Assistance

Submitted to the
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
by the International Foundation for Election Systems (IFES)

October 1 – December 31, 1999

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515

Azerbaijan

I. PROGRAMMATIC ACTIVITIES

In the first quarter of the FY2000, IFES continues to solidify its position as the nexus of election support in Azerbaijan. In order to enhance transparency of the December election process, IFES/Azerbaijan collaborated with the Central Election Commission (CEC), to develop programs in voter education, training and development, in addition to providing technical assistance in all aspects of election administration.

October

IFES Assists CEC
In October, IFES provided advice to the CEC on the development of instructions for the conduct of voting and ballot counts, the format and contents of ballot count result protocols for Precinct and Territorial Election Commissions (PEC and TEC), and the design of the ballot paper for the 12 December municipal elections. IFES closely coordinated its work in this area with OSCE/ODIHR, to present joint comments and proposals to the CEC.

IFES Invited to Present Comments on Reform of CEC Law
In early October a bill amending the current law on the CEC was introduced into the Milli Majlis. The bill contained amendments to the terms of office of CEC members, specifying a six-year term with one third of the 24 members being replaced every 2 years, and defined and amplified a number of other issues - including the functions of the CEC. The bill did not address the method of appointment or composition of the CEC. IFES provided oral and written comments to the Milli Majlis and to the Presidential Apparatus.

IFES Assists NGOs with Election Observation Preparation
IFES continued to provide assistance to domestic NGO's that were recruiting and training observers for the municipal elections. In conjunction with NDI, OSI and Eurasia Foundation, IFES provided technical assistance, for the drafting of training materials and conduct of observer training sessions, to the independent NGO "For the Sake of Civil Society." Materials and presentations on observation methodology and international standards in election observation were provided to youth and other groups who participated in monitoring election activities. IFES also participated in seminars for journalists on methods of effective reporting of election activities.

November

Roundtable on Draft Amendments to Law on Central Election Commission
On 16 November, IFES Project Manager Alan Wall attended the roundtable on the draft amendments to the law on the CEC jointly sponsored by OSCE/ODIHR and the Milli Majlis. The roundtable was

51

privately owned media for free media time and space to be provided for IFES produced voter education products.

The first of a series of 10 video PSAs commenced on air on 27 October. On the same day the first of a series of over 30 print media advertisements was carried by major national newspapers. The initial advertising focus was on the concept and functions of municipalities -a new institution in Azerbaijan.

IFES voter education activities in support of the local elections concluded in December. Television PSAs were run for up to 25 minutes per day on State and private TV channels, concentrating from 1 December to election day on voting procedures, and then through 16 December on ballot counting and result calculation procedures and municipal functions. Supplies of pamphlets on municipal functions and voting procedures, election stickers and coasters, and voting procedures posters were distributed to tertiary education institutions, other institutions such as polyclinics and hospitals, and retail establishments in early December. Plastic tote bags printed with voting day reminders were also produced and distributed to bazaars and retail establishments throughout Azerbaijan in early December.

The IFES-developed posters showing the voting process in 5 simple steps, and advising voters how many candidates they could vote for, were prominent in all voting stations on voting day. Many were observed displayed in Territorial Election Commissions (TEC) and Precinct Electoral Commission (PEC) premises windows in the weeks leading up to voting day.

The success of the voter education campaign, especially in regional and rural areas, was exemplified by the high level of knowledge of municipal functions and election procedures shown by local residents interviewed for the three municipal elections TV shows produced jointly by IFES and Internews. The second and third of these shows were finalized and put to air on State and private TV channels in the first 2 weeks of December.

IFES Produces Voting Day Guide for PEC Members

Following intervention from the office of the President, the CEC agreed to work with IFES on a Voting Day Guide for PEC Members. The Guide was produced at end November and 14,000 copies – approximately 3 per voting station – were distributed by CEC members during their regional training sessions for PEC chairpersons and secretaries in the week ending 5 December. At the beginning of December, IFES printed an additional 10,000 copies of the guide which were immediately distributed to local organizations – NGOs and political parties – with observers accredited for these elections, so that they would also be fully aware of the approved voting and counting procedures. International observers noted that in all voting stations visited on voting day the Guide was in use by local observers, and had been distributed to PEC members.

IFES Assists Election Observers

Over 28,000 local observers and 33 international observers were accredited by the CEC to observe these elections. Local observers represented registered political parties and NGOs. International

517

- Election Day Guide (24,000 copies of a 24-page manual, 3 per PEC [also distributed to other local organizations – political parties, local NGO observer groups (Azeri, English);
- Ten video PSAs, on municipal functions and municipal election related issues (Azeri), (Produced by IFES in collaboration with Internews);
- Print media advertisements (30) and information articles (4) carried by major national newspapers (Azeri);
- Seven hundred fifty-thousand copies of two pamphlets – 1 on municipalities and their operations, another on voting procedures (Azeri), (Produced by IFES in collaboration with Open Society Institute);
- Giveaway products reinforcing the election's main messages. These include: coasters (100,000), plastic carry bags (100,000), and stickers (100,000) (Azeri), (Produced by IFES in collaboration with British Know How Fund);
- Series of posters (3) for precincts explaining the voting procedures (Azeri).

IFES has also assisted:

- The Open Society Institute in the development of a wallet card detailing municipal functions;
- Internews in the development of a series of 3, fifteen-minute programs of 'person in the street' regional interviews on municipal election related issues.
- Local NGO Center for Humanitarian Research and the Norwegian Embassy in the production of a booklet for candidates providing a practical guide to the law and other issues; and coordinating with UNDP in developing their voter education products.

IV. ISSUES AND PROBLEMS

Inadequate Democratic Development

Since coming to power in a coup in 1993, President Heidar Aliyev has often spoken of a desire to promote democracy in Azerbaijan. Despite these professed intentions, Azerbaijan's progress toward establishing a more open and accountable system of government has been inadequate. Few positive steps have been made toward opening up the political process to real competition, nor has a level playing field been established for those allowed to compete. Both President Aliyev and senior members of his staff have made it clear that democratic reform in Azerbaijan will proceed at a pace of their choosing and at their volition, not as the result of any pressure or advice from international governments or organizations. Such reticence with regards to democratic reform bodes ill for continued social stability and human development, amid the prospect for economic growth as oil and gas reserves begin to be more fully exploited.

Flawed Electoral Practices

The administration of elections of the past several years have fallen far short of international democratic standards. This is due in part because of the Chairman of the CEC and his old-style operational procedures and beliefs. The CEC requires administrative restructuring and increased technical capacity to adequately accomplish its function as the country's chief electoral authority.

518

26 April 1999

Draft

The Law of the Republic of Azerbaijan

on Elections to Local Government Bodies

Section I:
Common Provisions

Article 1 The Main Principles of the Elections

The Local Government bodies which implement local self-governance (city, region, districts in a city, towns, settlements, villages) in the Republic of Azerbaijan shall be elected by the citizens of Azerbaijan according to this law by means of a free and secret ballot on the basis of a common, equal, direct electoral right by a majoritarian system.

Article 2 Term of Office of Local Government Bodies

The term of office of local government bodies is 5 years. The powers of local government bodies commence from the first day of their meeting and end on the first day of the meeting of newly elected local government councils. The powers of members of the local government councils can only be exercised during their term of office.

Article 3 Suffrage

3.1 On election day all citizens of the Republic of Azerbaijan who are 18 or more than 18 years old have the right to vote to elect representatives to a local government council. On election day citizens of the Republic of Azerbaijan who are at least 21 years old can be elected to be a member of a local government council.

3.2 Employees of organisations of executive authorities of the State, judges, employees of law enforcement agencies, clergy, or those who are in military service or alternative service cannot be elected as a member of a local government council. Persons who have committed crimes against the State, regardless if they have served their term or not, those who are currently serving time for serious crimes according to Article 7 -1 of the Criminal Code of the Republic of Azerbaijan, and those who are serving a sentence of deprivation of liberty in any form by judgment of the courts, cannot be elected as a member of a local government council..

3.3 Those persons who have been found to be mentally incapacitated by a court are not allowed to take part in the elections for local government bodies.

3.4 It is prohibited to limit the electoral rights of the people of Azerbaijan directly, indirectly or in other form because of a person's origin, political thought, social or material

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position, race or creed, gender, education, language, religious attitude, type of business and character.

3.5 Voters are to directly elect the local government council members.

3.6 Voters vote in person and in secret. It is prohibited to control voters' choices of who they vote for.

Article 4 Determination of elections for Local Government Bodies

4.1 Elections for local government are determined by the president of the Republic of Azerbaijan. The decree on the election day issued by the President must be published officially.

4.2 At least 120 days before the term of office of the incumbent local government bodies terminates, new elections must be held. Elections for local government bodies must be held on Sundays.

Article 5 Elections to Local Government Bodies

5.1 According to this law the number of members of local government councils, elected on the basis of a majoritarian system, are to be as follows:

In a local government area having 500 to 1000 population - 3 council members
In a local government area having 1000 to 5000 population - 5 council members
In a local government area having 5.000 to 10.000 population - 7 council members
In a local government area having 10.000 to 20.000 population - 9 council members
In a local government area having 20.000 to 50.000 population - 11 council members
In a local government area having 50.000 to 100.000 population - 13 council members
In a local government area having 100.000 to 300.000 population - 15 council members

5.2 The representation norm for each electoral district created according the rules of this law is determined by dividing the number of voters living within the local government area by the number of council members to be elected.

Article 6 Expenses Concerned With the Preparation and Conduct of the Elections.

6.1 Expenses of organizing, preparing and conducting local government elections are to be paid from the budget of the Republic of Azerbaijan and from local budgets.

6.2 Rent for using the buildings and equipment of non-governmental organizations and enterprises for the activities of electoral commissions are to be paid by the Republic of Azerbaijan and local budgets.

6.3 Funds from local or state budgets of the Republic of Azerbaijan cannot be used to

521

aid a candidate for a local government council.

Section II
Organization of Municipal Elections

Article 7 System of Election Commissions for Municipal Elections

The bodies organizing the preparation and conduct of elections for local government are as follows:

- Central Election Commission of the Republic of Azerbaijan (hereafter to be called the Central Electoral Commission),
- Territorial Electoral Commissions for the elections to local governmental bodies (hereafter to be called Territorial Electoral Commissions),
- Precinct Electoral Commissions for the elections to local governmental bodies (hereafter to be called Precinct Electoral Commissions).

Article 8 Organization of the Central Election Commission

The Central Election Commission is formed according to the relevant law of the Republic of Azerbaijan.

Article 9 Powers of the Central Election Commission (CEC)

The powers of the Central Election Commission are as follows:

- to form Territorial Election Commissions (TEC);
- to control the process that ensures legislation is followed during the preparation and conduct of the elections, and to ensure the application of this law;
- to adopt instructions and other enabling documents; to organize training for election commission members;
- to approve and publish samples of election ballots, voter lists and other election documents;
- to approve samples of election commission stamps, and the rules regarding the transportation and protection of electoral documents;
- to distribute the funds allocated from the Republic's budgets for financing the preparation and conduct of the elections, and to control expenditure for this purpose;
- to define the rules for publishing election campaign materials;
- In response to information provided by Territorial Election Commissions, to adopt resolutions for the conduct of by elections, additional elections, and repeated elections

522

Article 10 The Organization of Territorial Election Commissions (TEC)

10.1 A Territorial Election Commission is formed at least 100 days before the election. It consists of 9 members, who must be citizens of the Republic of Azerbaijan, have the right to vote, and who, as a rule, have higher education. A member of a Territorial Election Commission cannot be a member of a political party.

10.2 The Chairperson, deputy chairperson and secretary are elected in a secret ballot of the members of the commission, by majority vote.

10.3 The borders of electoral territories are defined at least 110 days before election day in accordance with relevant laws and administrative-territorial units (districts, towns, districts in the cities). Several electoral territories and Territorial Election Commissions can be created in one administrative-territorial unit depending on the number of voters.

10.4 Territorial Election Commission members are chosen, according to rules defined by the Central Election Commission, by casting lots among persons, who, as a rule, have higher education, and who have been nominated by the local public unions, local branches of political parties and local voters' meetings. Lots are cast when the number of abovementioned candidates is not less than 12. If the number so nominated is less than 12, additional candidates to make the number up to 12 are nominated by the Central Election Commission member who is organising the casting of lots. At least 90 days before election day, the Central Election Commission approves model documents to be provided by these candidates stating that they were nominated by the local public unions, local branches of political parties or local voters' meetings.

10.5 Territorial Election Commission members are provided with official written confirmation of their appointment in a form determined by the Central Election Commission.

Article 11 Powers of Territorial Election Commissions (TEC)

11.1 A Territorial Election Commission:

- informs voters about its address and telephone numbers not later than 3 days after being formed;
- defines and publicises the borders of precincts;
- controls the execution of this law within its territory;
- coordinates the activities of relevant Precinct Election Commissions, examines complaints received about their decisions and activities, and makes decisions on these complaints;
- registers the candidates for election to municipal bodies and announces them officially;
- registers advocates of the candidates and issues them their certificates;
- ensures that election campaigns of the candidates can be conducted without bias;
- gives directions about the funding allocated for preparation and conduct of the

elections, distributes this funding amongst Precinct Electoral Commissions and controls expenditure for election purposes;

- provides the Precinct Election Commissions with ballot papers and other documents for voting in the electoral districts;
- determines the voting results by electoral district and informs voters and the mass media of these;
- submits copies of approved final protocols to the Central Election Commission, and preserves Precinct Election Commissions' protocols and other documents concerning the election;
- ensures Precinct Electoral Commissions are provided with accommodation, means of transportation and communications, and solves other problems in connection with election materials or the technical conduct of the elections;
- performs other duties according to this law.

11.2 Territorial Election Commissions' powers terminate when the final election results are officially published.

Article 12 Formation of Precinct Election Commission

12.1 Precinct Election Commissions, comprised of 7 members, are formed by the relevant Territorial Election Commission, at least 70 days prior to election day.

12.2 Precinct Election Commission members must not be a member of a political party.

12.3 Precinct Election Commission members are chosen according to rules defined by the Central Election Commission, by casting lots among persons, who, as a rule, have higher education, and who have been nominated by the local public unions, local branches of political parties and local voters' meetings. Lots are cast when the number of abovementioned candidates is not less than 12.If the number so nominated is less than 12, additional candidates to make the number up to 12 are nominated by the Territorial Election Commission member who is organising the casting of lots. At least 90 days before election day, the Central Election Commission approves model documents to be provided by these candidates stating that they were nominated by the local public unions, local branches of political parties or local voters' meeting

12.4 The Chairperson, deputy chairperson and secretary of the Precinct Election Commission are elected by secret ballot at its first meeting.

12.5 Precinct Election Commission receive official written confirmation of their appointments from the Territorial Election Commission.

Article 13 Powers of the Precinct Election Commission

The Precinct Election Commission:

- Must inform the population about the address of the electoral commission in the

524

precinct, its telephone number, business hours, and also about voting day and the voting station location;

- Ensures the accuracy of the voter lists for the electoral precinct;
- Provides facilities to allow voters to review the voters lists, examines complaints (applications) about errors in the lists, and determines the result of these;
- Ensures the preparation of the voting station, ballot-boxes and other equipment;
- Administers the rules for placement of election campaign materials within the electoral precinct;
- Organizes the election process on election day;
- Determines the voting results and election returns for the electoral precinct and provides this information to the Territorial Election Commission;
- Performs other duties according to this law.

Article 14 Status of the Members of Election Commissions

14.1 A candidate for a local government council, his/her advocates, his/her direct dependants, and observers cannot be a member of an election commission.

14.2 Members of election commissions:

- are informed in advance about the meetings of the commission;
- participate in the meetings, propose motions on the powers of the commission, take part in voting on the abovementioned issues;
- can question meeting participants during the discussion of items included in the agenda, and can receive answers to those questions;
- can familiarize him/herself with any documents in the possession of this commission and relevant subordinate election commissions, and can get copies of these.

14.3 The appointment of an election commission member can be terminated in the following circumstances:

- If he/she provides written notice of resignation
- If he/she is no longer a citizen of the Republic of Azerbaijan
- if he/she becomes a member of a political party
- if he/she is officially sentenced by a court
- if he/she is subject to an official resolution of the court regarding disability, mental incapacity, death or disappearance;

14.4 The salary of election commission members, who are temporarily released from their employment during the preparation and conduct of the election, is paid from the state budget allocated for the election.

14.5 During their term of office election commission members cannot be dismissed from their employment on the initiative of their employers, or transferred to another position without their own agreement.

525

14.6 Commission members cannot be indicted for a crime or be subjected to administrative penalties determined by a court, without permission of the territorial prosecutor.

14.7 Commission members have the right of free passage throughout the relevant electoral territory (except for taxis and other unscheduled transport services). These travel expenditures within Azerbaijan are paid from the Central Election Commission's allocation of funds.

Article 15 Transparency in the Activity of the Election Commissions. Participation of Observers in the Election.

15.1 Election Commissions function transparently and openly.

15.2 Observers and representatives of the mass media have the right to be present at meetings of election commissions.

15.3 On election day, observers and representatives of the mass media have the right to be present in the precinct voting station from the time the Precinct Election Commission commences work, including while the commission is completing result documents for the election.

15.4 Decisions of the relevant election commissions are published in the press, announced in other forms of mass media, or publicised by other means.

15.5 Territorial Election Commissions and Precinct Election Commissions inform voters about the results of the candidates' registration, candidates autobiographies, the results of voting for each candidate as well as the results of the elections.

15.6 Organizations must provide written authorisation for the observers they have nominated. This document contains the observer's given name, last name, place of living, and the number(s) of the precinct (precincts) to which he/she is assigned. This document is valid only if it is supported by the observer's passport. Precincts do not have to be advised in advance of observers' visits.

15.7 Observers have the following rights in the precinct voting stations:

- to be present with the mobile ballot box;
- to give suggestions and comments to the Precinct Election Commission;
- to file complaints to the relevant Territorial Election Commission regarding the actions or omissions of a Precinct Election Commission and its members;

15.8 Observers are prohibited from interfering illegally with the work of an election commission.

526

15.9 Comments and suggestions of observers are examined by the chairperson or, if necessary, the issues raised are discussed by a meeting of the Precinct Election Commission.

Article 16 Organization of the Functions of Election Commissions

16.1 A meeting of the Central Election Commission is valid if attended by not less than two thirds of its members.

16.2 Meetings of other election commissions are valid if attended by half of their members. If a vote is tied the chairperson of the election commission has the casting vote. The chairperson votes last.

16.3 Decisions taken by an election commission which are within its legal competency must be followed by subordinate election commissions

16.4 Decisions of the Central Election Commission on: financing the preparation and conduct of the election, determining election results, determining if the election is valid or invalid, whether to conduct a by-election or repeated election, are adopted by an absolute majority of all election commission members.

16.5 Decisions of other election commissions on: election of chairpersons, deputy chairpersons, secretaries, financing the preparation and conduct of the election, determining the results of voting, are adopted by an absolute majority of all election commission members.

16.6 The oldest commission member chairs the first meeting of an election commission and he/she acts according to the requirements of clause 2 of this article.

16.7 Decisions on other issues before an election commission are adopted by a majority vote of the members present at the meeting.

16.8 Election commission members are informed about meetings of the commission by the secretary at least 48 hours prior to the meeting.

16.9 Decisions of the election commission are signed by the chairperson and secretary of the commission.

16.10 A election commission member, who disagrees with a decision of the commission, has the right to write a dissenting opinion. The election commission chairperson should send this opinion to the superior election commission at least 3 days prior to election day, but, on election day - immediately. Decisions in breach of the legislation can be overturned by the superior election commission or by the relevant court.

16.11 Election commission meetings are called and conducted by the chairperson or, by order of the chairperson, his/her deputy.

527

16.12 Interested parties can be present at election commission meetings while the commission is examining complaints or applications for review.

16.13 Employees of the secretariat of an election commission are appointed in accordance with rules defined by the Central Election Commission

16.14 Salaries of the members and secretariat of an election commission are defined and paid, according to the rules defined by the Central Election Commission, from the budget allocated for the functions of the election commission.

16.15 During preparation and conduct of the election, election commissions can employ temporary staff, within the budget allocated for them.

Article 17 Assisting the Electoral Commissions

State bodies, municipal bodies, public unions, companies, offices and organizations, and their officials must assist election commissions to perform their tasks. They must answer election commissions' requests within a 5 day period, and in urgent cases - on election day. They must provide the election commission with the information required.

Article 18 Complaints about Election Commission's Decisions and Activities

18.1 A complaint may be filed about decisions (activities) of the Central Election Commission and its officials to the Supreme Court of the Republic of Azerbaijan within a 3 day period, if no other period is mentioned in this law.

18.2 A complaint may be filed about decisions (activities) and actions of election commissions and their officials which contradict the legislation, to the superior election commission or relevant court within a 3 day period, if no other period is mentioned in this law. If the election commission's and the court's decisions differ (on the same issue), the court's decision takes precedence.

18.3 It is not necessary to appeal to a superior election commission before applying to the court.

18.4 All complaints (applications) received by the court are investigated within the period defined by this law.

18.5 Complaints received by superior election commissions are investigated and a decision made within 5 days of their receipt, and in urgent cases - on the election day.

18.6 If matters mentioned in the complaint (application) need additional investigation, then those complaints (applications) are examined within a 10 day period.

18.7 A superior election commission can adopt a resolution independently regarding the

528

complaints and can overturn a lower election commission's resolutions if it is necessary.

18.8 The courts should examine complaints within the time periods specified, including on Sundays.

Article 19. Formation of Precincts

19.1 Precincts are created for municipal elections for the organization of voting and for the counting of votes.

19.2 Precincts are created at least 80 days prior to election day by the relevant Territorial Election Commissions (taking into account local situations), to provide maximum convenience for voters.

19.3 Precincts are established in accordance with the following:

- each precinct should cover not less than 50 and not more than 1500 voters. Only in exceptional cases can a precinct be created in places where the number of voters is less than 50;
- precincts are created, during the period stated in this law, in sanatoriums, rest homes, hospitals, other live-in treatment centers, and other places where voters are living temporarily, in places where communication is inconvenient. In exceptional cases these precincts can be created up to 5 days prior to election day.
- military persons permanently living in a relevant place (excluding those in fixed term temporary military service) vote in the general precincts.

Article 20 Voters List And Rules For Its Compilation

20.1 The Precinct Election Commission prepares the voters list in accordance with information provided by the relevant executive bodies.

20.2 Information on registered voters is corrected by the relevant executive bodies periodically according to information available as at January 1 and July 1. The relevant executive body sends information on voters to the PEC at least 40 days prior to election day.

20.3 The voters lists are prepared according to voters' addresses, in alphabetical or other orders (settlements, streets, houses).

20.4 The voters lists contain the voter's name, surname, father's name, year of birth (for voters 18 years old - date and month of birth) and address.

20.5 Voters lists of military persons who serve in a military unit's settlement, their family members and other voters who live in the military settlement are prepared by the commander of the military unit in accordance with the rules and periods defined by this law.

529

20.6 Military persons who live outside of the military unit's settlement are included in the general list of voters. Lists of voters in sanatoriums, rest homes, hospitals, and other places where voters are placed temporarily are made by the directors of the above mentioned organizations.

20.7 Three copies of the voters list are prepared in accordance with the format approved by the Central Election Commission, and are signed by the chairperson and secretary of the Precinct Election Commission. 2 copies of the voters list are kept in the Precinct Election Commission. The third copy is sent to the relevant Territorial Election Commission at least 16 days prior to election day.

Article 21 Rule for Inclusion of Citizens in the Voters List

21.1 Citizens of the Republic of Azerbaijan who are 18 years old or over are included in the voters list, according to the 56th article of the Constitution of the Republic of Azerbaijan.

21.2 In accordance with the law that defines the right to freely choose a place of living and which defines freedoms, the fact that a voter is living in a particular precinct is sufficient basis for including the voter on the voters list for that precinct.

21.3 A voter must be included in one voters list only. The relevant election commissions control the process to ensure each voter is included in only one voters list.

21.4 Voters in sanatoriums, rest houses, hospitals and other places where people are temporarily placed are included in the list for the place where they are located at that time.

21.5 Undergraduate and post-graduate students are included in the voters lists for the hostels in which they are living

21.6 Voters lists are approved by the Precinct Election Commissions 30 days prior to election day. If a voter is not included in the list for the place where he/she lives, he/she is included in a supplementary list after he/she presents his/her passport and the official document proving his/her place of living.

Article 22 Display of the Voters Lists

22.1 The voters list is submitted for public display 30 days prior to election day. The place where voters can view the list must be convenient for them.

22.2 Each citizen has the right to inform the Precinct Election Commission if he/she is not included in the voters list or about errors in the list.

22.3 The Precinct Election Commission should check the information provided, and, within a 24 hour period, either correct the error, or should provide a written rejection of the application for revision (with reasons) to the voter.

530

22.4 A complaint about a decision of the Precinct Election Commission can be filed with the superior election commission or to the relevant court. The court should investigate the complaint (application) within a 3 day period; and on the election day - immediately.

22.5 If the decision is in favour of the claimant's application to correct the voters list, this decision must be implemented immediately by the Precinct Election Commission.

22.6 It is prohibited to make changes to the voters list after votes have been counted.

Section III

Rules for Nominating Candidates for Municipal Councils

Article 23 Right to nominate a candidate for Municipal Council

23.1 Each citizen of the Republic of Azerbaijan who has the right to vote can, in accordance with this law, nominate his/her candidate for the Municipal Council.

23.2 Candidates for election to a Municipal Council are nominated by initiative groups of voters, in accordance with the requirements of this law. An initiative group of voters cannot nominate more than 1 candidate in the relevant electoral area.

23.3 A voter cannot nominate candidates from different initiative groups of voters. If this rule is violated, the nominated candidates will not be registered.

Article 24 Rule for Nominating Candidates for Municipal Council and Collecting Voters Signatures

24.1 Each person nominated as a candidate for the Municipal Council has to collect signatures as follows to be registered:

Electoral area covering more than 100.000 voters	-	500
Electoral area covering more than 50.000 voters	-	250
Electoral area covering more than 20.000 voters	-	125
Electoral area covering more than 10.000 voters	-	60
Electoral area covering more than 5.000 voters	-	30

24.2 A candidate can only be nominated for one electoral territory.

24.3 Initiative groups of voters and persons nominating as a candidate for Municipal Council are given the 'signature forms' mentioned in the 2nd annex to this law.

24.4 Candidates living in an electoral territory which covers up to 5000 voters do not have to collect signatures.

24.5 Voters have the right to sign in support of several candidates. The voter's name,

531

surname, birth date (for persons who are 18 - month and date of birth), place of living, serial number of passport, date of signature must be shown. Each 'signature paper' contains the name of the district (town, the district in the town) where signatures were collected. Voters' signatures can only be collected at their place of living.

24.6 Voters cannot be forced to sign by the 'signature collectors'. Signature papers collected in support of a candidate and the candidate's application for registration form should be submitted to the Territorial Election Commission by 18:00 on the day 30 days prior to election day. The Territorial Election Commission gives a receipt for these documents when they are received.

Article 25 Documents to be Provided For Nomination of Candidates

25.1 A citizen of the Republic of Azerbaijan who has nominated himself/herself as a candidate for the Municipal Council must submit the following documents to the Territorial Election Commission:

- an application form, as determined by the Central Election Commission, for nomination as a candidate for the Municipal Council;
- signature papers, which include the number of voters' signatures required by this law;
- a document showing that the candidate has paid 400.000 AZM election deposit

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25.2 Initiative groups of voters, which have nominated a candidate must submit the following documents to the Territorial Election Commission:

- the approved protocol about the establishment of the initiative group of voters;
- the candidates' written acceptance of their nomination;
- a document which shows that 400.000 AZM election deposit for each candidate has been paid;
- signature papers with the required number of signatures for nomination as a candidate for the Municipal Council.

25.3 The election deposit is not refundable, and is transferred to the state budget.

25.4 The period for presentation of nomination documents commences 55 days prior to election day and finishes 30 days prior to election day.

Article 26 Registration of Candidates for a Municipal Council

26.1 After the Territorial Election Commission receives all necessary documents, it checks whether those documents fulfil the requirements of this law. At least 25 days prior to election day the Territorial Election Commission must decide whether to register the candidate or reject the application to register him/her.

26.2 The election campaign of the candidates starts from the date they are registered.

26.3 The candidate's registration can be refused if the requirements of the legislation are

532

not met.

26.4 A decision by the Territorial Election Commission to refuse the registration of a candidate must be based on evidence. A person who applies to be registered as a candidate is informed about this decision. Complaints may be filed about a candidate registration or refusal of registration with the relevant court within a 48 hours period after such a decision is made. This complaint should be examined within 2 days and a decision made by the relevant court.

26.5 The Territorial Election Commission gives each registered candidate a card, which contains a date of issue and period for which card is issued.

Section IV

Article 27 Equality of Rights and Responsibilities of Candidates for Municipal Council

Persons who are registered as a candidate for the Municipal Council have equal rights and responsibilities.

Article 28 Rights and Responsibilities of Candidates for Municipal Council

28.1 Candidates who work in state or municipal bodies or the mass media do not have the right to use their positions to influence the election process during the period of the election, and are responsible for ensuring they do not do this..

28.2 Effective from the date of their registration until the date of the official announcement of the results of the election, on his/her own application a candidate for a Municipal Council has the right to be released from his/her employment, military service or conscription

28.3 Effective from the date of his/her registration until the date of the official announcement of the results of the election, a candidate for Municipal Council cannot:

- be dismissed on the initiative of his/her employer, or transferred to another position without his/her own agreement,
- be employed by another employer,
- be sent on business trips,
- be conscripted to military service

28.4 Effective from the date of registration until the date of the official announcement of the results of the election a candidate for Municipal Council has the right to use all kinds of public transport free of charge (except taxis and unscheduled transport services) within the relevant electoral territory.

28.5 A candidate has the right to withdraw his/her candidacy, whenever he/she wishes, but not later than 48 hours prior to election day.

533

28.6 Each candidate may have 5 advocates. A person who is to be a candidate's advocate must indicate in writing his/her consent. The Territorial Election Commission must register him/her within 3 days

28.7 Each advocate receives an official card from the Territorial Election Commission and, in assisting the candidate to be elected, conducts the candidate's election campaign and functions in accordance with this law. A candidate has the right to withdraw authorization of his/her advocate. The candidate must inform the Territorial Election Commission of this, and the Territorial Election Commission then cancels the card given to that advocate.

28.8 A candidate for Municipal Council cannot be indicted for a crime or be subjected to administrative penalties by a court without the permission of the prosecutor of the relevant electoral territory. If the prosecutor approves the above, he/she must inform the Territorial Election Commission about it immediately.

Section 5

Election Campaign

Article 29 Election Campaign and its Period

29.1 Citizens of the Republic of Azerbaijan, candidates for Municipal Council, their advocates, and initiatives groups of voters, conduct election campaigns without any obstruction. According to the 47th article of the Constitution of the Republic of Azerbaijan, the abovementioned persons and mass media are free to conduct election campaigns.

29.2 The following organizations and persons are prohibited from conducting election campaigns, and from distributing and publicising election campaign materials:

- State government bodies, municipal bodies, and their officials;
- military units, military officers and organizations;
- religious organizations;
- members of election commissions.

29.3 The election campaign begins from the date the candidates are registered and finishes at midnight (24:00) on the day prior to election day.

29.4 All types of election campaigning are prohibited on election day. Posters and other election campaign materials may stay in the places they have been hung and affixed, except in rooms used by election commissions.

29.5 Election campaigns can be conducted by:

I. mass media;
II. conducting pre-election mass activities such as election meetings, meetings with the voters, open debates, discussions, meetings, rallies and other activities;
III. producing and distributing printed materials;

534

IV. other forms allowed by the law.

29.6 It is prohibited for election campaigning to include giving away goods for free (except information services) or selling them at a discount, or the payment of money to citizens.

29.7 Candidates or their advocates who are officials of the mass media, or election commission members who are journalists, are prohibited from conducting election campaigns in the mass media by which they are employed.

Article 30 Preventing Abuse of the Right to Conduct Election Campaigns

30.1 It is prohibited to abuse freedom of speech while conducting the election campaign. Speeches, pre-election TV and Radio programs, election campaign materials, meetings and mass media reports must not contain incitements to violate or change the Constitutional basis of Government.

30.2 It is prohibited to produce and distribute materials or make propaganda that incites social, ethnic, national or religious hostility on the basis of social, ethnic, national or religious and language privileges.

30.3 Except for printed materials and signs for the election campaign, it is prohibited to give the following to voters for candidates or initiative groups of voters:

1. money, gifts or valuable items
2. goods at a discount for conducting pre-election organisational measures (duty in voting stations, collecting signatures and other activities)
3. goods free of charge
4. free or discounted services (except information services) and similar acts

30.4 Election Commissions control that election campaigns are conducted according to the regulations defined under the law.

30.5 If an election commission receives information about incitement or propaganda that breaches this law it should take the necessary measures to prevent this or apply to the relevant state bodies to stop these activities

Article 31 Election Campaigns on TV and Radio

31.1 Registered candidates for a municipal council, their advocates, and initiative groups of voters have the right to use state, municipal and independent TV and radio for election campaign purposes in accordance with the rules defined by the CEC.

31.2 Election campaigns using TV and radio are conducted as round tables, press conferences, speeches, political advertisements and in other manners allowed by the law.

31.3 TV and radio programs that are part of an election campaign cannot be interrupted by advertisements for other services.

535

31.4 If an official of state and municipal TV and radio, a performer, an official of the mass media, or a journalist is a candidate for a municipal council or a candidate's advocate, he/she is prohibited from reporting on the elections through the mass media for which he/she is working.

Article 32 Election Campaign Using Periodicals

32.1 Candidates for a municipal council and initiative groups of voters are prohibited from conducting election campaigns using periodicals which publish official information and materials of the legislature, executive bodies, or courts.

32.2 The CEC defines the rules of publication of election campaign materials in the press.

Article 32 (really 33) Terms of Conduct of Pre Election Meetings. Meetings with Electors
NOTE: DUPLICATE NUMBERING IN AZERI TEXT – NEEDS TO BE REMUNBERED FROM THIS POINT ON

33.1 State and municipal bodies should assist candidates for a municipal council and initiative groups of voters in organising pre-election meetings, and meetings with candidates and their advocates.

33.2 Requests for providing a venue for the abovementioned meetings are examined by the relevant executive and municipal bodies within a 5 day period, and venues are provided in accordance with the regulations defined by the relevant Territorial Election Commission.

33.3 Venues which are suitable for holding meetings and which are owned by municipal and state bodies, or are the property of state companies and organizations are provided free of charge for meetings held by candidates and their advocates, when requested by and at times defined by the Territorial Election Commission.

33.4 Territorial Election Commissions must provide equal opportunities for all candidates and initiative groups of voters. Buildings and equipment registered as important cultural objects cannot be used for these purposes.

Article 34 Distribution of Printed Election Campaign Materials

34.1 Candidates for a municipal council and initiative groups of voters may produce without obstruction election campaign materials such as posters, pamphlets and other printed materials.

34.2 It is prohibited to distribute anonymous printed election materials.

536

34.3 Printed materials can be hung in rooms, buildings, and other places if the owners of those places do not object. It is prohibited to hang printed election materials on monuments, historical, cultural and architectural heritage buildings as well as in voting stations and in election commissions' offices.

34.4 At least 25 days prior to election day the relevant executive body allocates locations for printed election campaign materials to be stuck or hung. These locations must be accessible for people. There must be at least one location in each precinct election commission's territory. Each candidate for a municipal council and each initiative group of voters must be allocated areas of equal size to hang or stick their printed election campaign materials.

34.5 Election commissions must take necessary measures against the display of anonymous and spurious materials as soon as it is aware of them, and must inform the relevant bodies to stop such display.

Article 35 Financing the Election Campaign

35.1 Persons registered as candidates for a municipal council finance personally their election campaign.

Section VI.

Voting During the Municipal Elections and Definition of Election Results

Article 36 Voting Stations
NOTE: THIS IS DUPLICATE NUMBERED ARTICLE 34 IN AZERI DRAFT. FROM THIS POINT ON, AZERI DRAFT ARTICLE NUMBERS ARE 2 BEHIND CORRECT NUMBERS.

36.1 The relevant executive body allocates voting station premises to the Precinct Election Commission free of charge. Voting must be conducted in a hall, and this place must be suitable for setting up small rooms for voting and voting compartments.

36.2 Voting compartments must be equipped with a desk and other necessary equipment. It is prohibited to use pencils for voting.

36.3 The Precinct Election Commission places notice boards with ballot samples and information about candidates in, or in front of, the voting room.

36.4 Candidate platform statements contained in candidate information materials must not contain appeals for votes. Samples of completed ballots must not contain candidates' names, surnames or fathers' names.

36.5 Voting stations within military units must be established in a location accessible to mass media representatives and observers.

531

Article 37 Ballot Papers

37.1 Each voter is given one ballot paper at the municipal elections. The Central Election Commission approves the content of the ballot papers at least 25 days prior to election day.

37.2 The content of the ballot paper is printed on one side only. The ballot paper must contain in alphabetical order the candidates' surnames, and their names, and fathers' names.

37.3 To the right hand side of the information about the candidate there must be a blank box.

37.4 Each ballot paper must contain instructions on how to complete it. On the left corner of the ballot there is a line indicating where the ballot should be cut. The cut-off portion is used for reconciliation of ballot papers.

37.5 The ballot papers are printed at least 15 days prior to election day, in accordance with the instructions of the Central Election Commission.

37.6 The Precinct Election Commissions receive their ballot papers from the Territorial Election Commissions at least 48 hours prior to election day. The number of ballot papers received must not exceed the number of voters on the voters list by more than 0.5%. Observers are present during the transfer of ballot papers from the Central Election Commission to the Territorial Election Commissions and from the Territorial Election Commissions to Precinct Election Commissions. A protocol recording each transfer is prepared, is signed by the chairperson of the relevant commission, and a list of observers present is attached to this protocol.

37.7 On each ballot paper, in the top right hand corner, must appear the signatures of two members of the Precinct Election Commission, verified by the stamp of this commission.

37.8 Ballot papers which are not verified in this manner by the Precinct Election Commission are considered to be unauthenticated ballot papers and they are not considered during the count.

37.9 If, after the ballot papers have been produced, a candidate withdraws from contesting the election, his/her name is removed from the ballot papers in accordance with rules determined by the Central Election Commission.

Article 38 Voting Rules

38.1 Voting is conducted from 8.00 A.M. to 8.00 P.M. on election day.

38.2 Precinct Election Commissions must inform voters of the voting station location, and

538

the hours of voting, at least 20 days prior to election day, using mass media or other means.

38.3 Precinct Election Commissions established in remote areas, if all voters registered in the voters list have voted, can inform that voting has finished before the scheduled closing time.

38.4 If a voter cannot attend the voting station on election day, due to his/her health or other reasons, he/she may inform the Precinct Election Commission, at least 24 hours prior to election day, of his/her wish to vote using the mobile ballot box.

38.5 The Precinct Election Commission chairperson opens the voting station at 8.00 A.M., shows the empty ballot box to the observers and seals it, then requests the Precinct Election Commission members to commence the voting process.

38.6 Each voter records his/her passport series and number on the voters list after he/she receives a ballot paper.

38.7 If the voter agrees, an Precinct Election Commission member may record the voter's passport series and number on the voters list.

38.8 The voter checks the record and signs it if it is correct. If the voter cannot receive his/her ballot paper without help, he/she may ask another person, except for Precinct Election Commission members and observers, for assistance. The person who assisted the voter to receive the ballot paper writes his/her surname and signs in a special column "Signature on receipt of voter's ballot paper".

38.9 When a voter is given a ballot paper, the left corner of the ballot paper is cut off and retained by the Precinct Election Commission member. Each voter votes in person. It is prohibited to vote for another person.

38.10 The ballot paper is completed in a special voting compartment, which is equipped with special equipment. No one but the voter has the right to enter the voting compartment.

38.11 If a voter cannot complete the ballot paper himself/herself, he/she can ask any other person (except commission members and observers) to assist him/her. That person's surname is shown in the voters list beside the voter's signature for receiving the ballot paper. The voter must mark the number of boxes on the right side of the ballot paper that is equal to the number of members to be elected to the municipal council. If the number of boxes marked is more or less than the required number, the ballot paper is considered to be invalid.

38.12 Ballot boxes are positioned so that observers and Precinct Election Commission members have an unobstructed view of them.

38.13 The Precinct Election Commission should give all voters the opportunity to vote,

539

including those who requested a mobile ballot box. To enable this there must be mobile ballot boxes, the number of which is determined by the Precinct Election Commission, in the voting station.

38.14 The request to use a mobile ballot box sent by a voter to the Precinct Election Commission must be verified again in writing by the voter at the time of voting, in the presence of not less than 2 Precinct Election Commission members, and observers.

38.15 If a voter did not make a written request for a mobile ballot box, he/she must make an application in the presence of Precinct Election Commission members. The voter records the receipt of his/her ballot paper and verifies this with his/her signature. The application must contain the same information about the voter as appears in the voters list.

38.16 Precinct Election Commission members who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests. The number of used and returned ballot papers from voters requesting a mobile ballot box must be recorded on a separate document. At the same time the voters voting using the mobile ballot box are marked on the voters list. Observers have the right to be present while voters vote using a mobile ballot box. After the mobile ballot box is returned by Precinct Election Commission members to the voting station, it is not opened until vote counting commences. Mobile ballot box voting must be organised so that the voter's right to vote, and requirements for a secret ballot and not influencing the voter's choice, are not violated.

38.17 The Precinct Election Commission chairperson controls adherence to the rules within the voting station. All persons in the voting station must follow his/her directions. If a Precinct Election Commission chairperson is absent, his/her deputy, the secretary or another authorized commission member fulfils his/her powers. Any Precinct Election Commission member who tries to influence the voter or violates the rules of the secret ballot, is dismissed from his/her job immediately. Observers breaching these rules are removed immediately from the voting station. The Precinct Election Commission decides these matters.

38.18 Persons, except voters voting, commission members and observers cannot be present in the voting station. On election day police can enter the voting station in uniform if they are present to preserve law and order in accordance with a decision of the Precinct Election Commission. Police leave the voting station immediately after public order has been restored.

38.19 If a voter realises that he/she has made an error in marking his/her ballot paper, he/she can ask for a replacement ballot paper from the same Precinct Election Commission member who issued the original ballot paper. In this case the Precinct Election Commission member gives him/her a replacement ballot paper and makes the necessary note on the voters list, on the right hand side of the voter's surname. Later, the spoiled ballot paper is cancelled and a separate document is prepared recording this.

Article 39 Counting the votes in voting stations

541

39.1 When voting hours end, the Precinct Election Commission chairperson announces: "only voters who have already received ballot papers and those in the voting compartments can vote".

39.2 Before opening the ballot box, Precinct Election Commission members count and cancel the unused ballot papers in the presence of observers in the voting station.

39.3 The number of unused ballot papers is announced and recorded in the final protocol of voting results. The Precinct Election Commission chairperson then examines the stamps and seals of the ballot boxes, shows these to the Precinct Election Commission members and observers and opens the ballot boxes.

39.4 Ballot boxes are opened one by one: first the mobile ballot boxes, then the others.

39.5 Ballot papers in the mobile ballot boxes are counted first. The number of ballot papers must not be more than the number of requests. When counting ballot papers from a mobile ballot box, if the number of ballot papers is more than the number of requests, then all ballot papers in the mobile ballot box are considered to be invalid by decision of the Precinct Election Commission. A report on this, which includes a list of the surnames of the commission members that accompanied mobile ballot box, is attached to the final protocol.

39.6 When counting the votes, the following types of ballot papers are first separated: ballot papers of indeterminate form, ballot papers that are not officially produced ballot papers, ballot papers that have not been verified by the Precinct Election Commission and ballot papers which are considered to be invalid.

39.7 If the voting intention of the voter is clear, the ballot paper is valid.

39.8 If there are doubts about the validity of a ballot paper, the Precinct Election Commission votes to determine if the ballot paper is considered valid.

39.9 If a decision is made to consider a ballot paper invalid, reasons for the decision are recorded on the reverse side of the ballot paper. This record must be approved by the signatures of at least 3 Precinct Election Commission members.

39.10 Invalid ballots are packaged separately.

39.11 Counting of votes by the Precinct Election Commission chairperson, in the presence of Precinct Election Commission members, continues without a break until the count is finished. All Precinct Election Commission members and observers are advised of the results of voting.

39.12 The Precinct Election Commission prepares a protocol on voting results. The protocol contains the following information:

541

- ☐ total number of voters on the voters list (in separate columns, on the additional lists);
- ☐ number of ballot papers transferred to the Precinct Election Commission;
- ☐ number of ballot papers issued to voters in the voting station on election day;
- ☐ number of ballot papers issued to voters who requested mobile ballot box;
- ☐ number of ballot papers cancelled;
- ☐ number of ballot papers inside the ballot box in the voting station (except ballot papers not in the defined form);
- ☐ number of valid ballot papers (as per 17th point of 50th article of this law, ballot papers cast against all candidates are considered valid) **NOTE: NO 50TH ARTICLE IN THIS LAW**
- ☐ number of ballot papers in the mobile ballot boxes (except ballot papers not in the defined form)
- ☐ number of invalid ballots (including in separate columns – ballot papers not in the defined form and blank ballot papers);
- ☐ names, surnames, fathers' names of the candidates who appear on the ballot papers, and if more than one of the abovementioned has the same name, additional identifying information about them.
- ☐ the number of votes cast for each candidate.

39.13 The final protocol on the results of voting is completed in 3 copies (using carbonised paper) with the participation of Precinct Election Commission members and in the presence of observers, and is signed by the Precinct Election Commission members. Voting results are recorded in the protocol in words as well as in figures.

39.14 If a Precinct Election Commission member does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol.

39.15 It is prohibited to complete a protocol on voting results in pencil or to make corrections on it. If a superior election commission has doubts about the protocol from a Precinct Election Commission, it can apply to the relevant court for a recount of the votes in that Precinct Election Commission. The court must make a decision on this application within 12 hours.

39.16 Votes are recounted by the Precinct Election Commission in the presence of superior election commission members.

39.17 To the first copy of the protocol are attached complaints and applications about violations of this law received by the Precinct Election Commission and decisions made by the Precinct Election Commission in respect of these complaints and applications. Copies of the complaints and decisions approved by the Precinct Election Commission members are attached to the second copy of the protocol.

39.18 The second copy of the protocol, the packaged and sealed ballot papers, the torn off left corners of these ballot papers, the list of observers and representatives of the mass media who observed the count, are preserved by the secretary of the Precinct Election Commission until the Precinct Election Commission's finishes its activities.

542

39.19 The Precinct Election Commission approves and sends the first copy of the protocol to the relevant Territorial Election Commission within the 24 hours after election day. The third copy of the protocol is displayed in the voting station, according to the rules determined by the Central Election Commission, for general information of observers and representatives of the mass media.

39.20 Election documents and ballot papers must be sent to the relevant Territorial Election Commission not later than 10 days after election results are officially announced.

Article 40 Determination of Election Results by the Territorial Election Commission

40.1 The Territorial Election Commission summarizes all information based on the protocols of election results received from the Precinct Election Commissions and determines the results of the election in its territory, not later than 2 days after election day.

40.2 Members of the Territorial Election Commission directly summarize the information from the Precinct Election Commissions' protocols. The Territorial Election Commission prepares a protocol on the results of the election and this protocol contains information about:

I. the number of precincts in that territory;
II. the number of protocols transferred from the Precinct Election Commissions and
III. summarized information from the protocols completed by Precinct Election Commissions (mentioned in the 39th article of this law).

40.3 The protocol of the Territorial Election Commission is completed in 3 copies (using carbonised paper) and is signed by all members of the Terrritorial Election Commission. A table which consolidates all information from the Precinct Election Commissions (in the relevant territory) is attached to this protocol. Results of voting are recorded in this protocol in both words and figures.

40.4 If a Territorial Election Commission member does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol

40.5 To the first copy of the protocol are attached complaints and applications about violations of this law received by the Territorial Election Commission, and decisions made by the Territorial Election Commission in respect of these complaints and applications. Approved copies of the complaints and decisions made by the Territorial Election Commission members are attached to the second copy of the protocol. The first copy of the Territorial Election Commission's protocol is sent to the Central Election Commission with a final summary table after the protocol is approved.

40.6 The third copy of the protocol is displayed in the Territorial Election Commission office, according to the rules determined by the Central Election Commission, for the

543

general information of observers and representatives of the mass media. The second copy of the protocol, with summary table and Precinct Election Commission protocols, and the list of observers and representatives of mass media who observed the preparation of the protocol and the process of determining the results of voting, is preserved by the secretary of the Territorial Election Commission until the Territorial Election Commission terminates its functions.

Article 41 Announcement of Results of an Election to Municipal Bodies

The Central Election Commission announces results of an election to a municipal body not later than 10 days after election day.

Article 42 By elections

If a municipal election is considered void or invalid, a by-election is conducted by order of the Central Election Commission. The regulations for conduct of the by-election are determined by the Central Election Commission in accordance with this law.

Article 43 Additional Elections

If the required number of members of a municipal council has not been elected (based on the information submitted by the Territorial Election Commission), additional elections are conducted according to the regulations determined by the Central Election Commission.

Article 44 Publication of Election Returns and Voting Results

The Central Election Commission publishes information on voting results as well as full voting information for Territorial Election Commissions and Precinct Election Commissions in its own official publication not later than one month after the municipal election day.

Section VII

Final Provisions

Article 45 Date of Effect

This law comes into force from the date it is signed.

544

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS
COMMENTS ON DRAFT LAWS OF THE REPUBLIC OF AZERBAIJAN:
ON RULES FOR MUNICIPAL ELECTIONS
ON STATUS OF MUNICIPALITIES

The International Foundation for Elections Systems (IFES) has studied in detail the drafts of these laws presented for both their first and second readings in the Milli Majlis. IFES has appreciated the opportunity to be present at both sessions of the Milli Majlis and meetings of the Permanent Parliamentary Commission on Local Government, and to witness the discussions of these draft laws amongst those deputies who attended and officials of the State.

In the variety of democratic societies within the world there are many differences of detail in the organisation of elections and institutions of municipal governance. Azerbaijan is a country with its own individual character and history, and whose municipal institutions and elections require methods specifically appropriate for Azerbaijan. However there are basic principles of the implementation of a democratic process that do not vary from country to country . These basic principles have been defined by the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA) and the International Foundation for Election Systems (IFES) in various parts of their jointly produced compendium and encyclopedia of election practice – the Administration and Cost of Elections Project (1998). Some relevant principles noted in this encyclopedia are:

- Ensuring representative elected institutions
- Fostering perceived legitimacy
- Ensuring accountability
- Providing incentives for conciliation
- Ensuring equity, accessibility, security, transparency and professionalism in election operations
- Promoting sustainability and cost effectiveness of election processes
- Neutrality of the authority administering elections

The following comments are provided to assist the Permanent Parliamentary Committee on Local Government and the Parliament of the Republic of Azerbaijan in its final considerations of these draft laws. In all comments, the object has been to show where improvements to the drafts can be made to ensure that municipal elections in Azerbaijan meet international standards and the above basic principles of democratic elections.

DRAFT LAW ON RULES FOR MUNICIPAL ELECTIONS

There is much in the draft of this law presented for its second reading that could be regarded as conforming to international norms in election practice. However in a number of key areas, the requirements of the draft are less than what would be required to meet international standards for providing a just, equitable and transparent framework for elections. In other areas, there are improvements that could be made to the draft law that would significantly enhance the integrity of election processes.

Two general issues that affect the basic credibility of the planned municipal election process require special comment. It is noticeable that in one critical aspect of both

545

organisation and management of municipal elections – the composition of the Central Election Commission, the Territorial Election Commissions and Precinct Election Commissions – the strong criticisms of the composition of the CEC and the performance of these bodies in international observers' reports of the 1998 Presidential Election, have not been recognised in the drafting of the law On Rules for Municipal Elections.

Additionally, the transparency of election processes was strongly criticised by international observers at the 1998 Presidential Election. Despite this, the articles in the draft law On Rules for Municipal Elections dealing with transparency of election processes in fact require a lesser level of transparency of processes than the similar articles in the law on presidential elections. For there to be confidence in the conduct of the election, requirements for transparent processes need to be significantly strengthened, not decreased.

One further general improvement that could be made to the legislation is the inclusion of an Article containing definitions of the numerous technical election related terms occurring throughout the draft law. These election terms are not always understood by lawyers, let alone the ordinary candidate or voter.

Composition and Roles of Election Commissions

Article 9 of the draft law provides the basis for the powers of the Central Election Commission (CEC) for the municipal elections. The CEC, amongst other powers, forms Territorial Election Commissions; prepares instructions under this law for these elections, and controls the processes to ensure the application of this law. It is recognised that the draft law On Rules for Municipal Elections devolves many election functions from the Central Election Commission to the Territorial Election Commissions, however it still retains significant functions, including those noted above.

The CEC is appointed according to the "relevant law" of the Republic of Azerbaijan (Article 8) Following the 1998 Presidential Elections this law was strongly criticised, for example in the report by the Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights' report on the 1998 presidential elections in Azerbaijan. This report stated that this law

"does not provide for an adequate representation of the major political interests in the CEC."

The method of appointment to the CEC currently is the same for the municipal elections. Similarly Territorial Election Commissions (TEC) and Precinct Election Commission (PEC) members are chosen in a lottery process, controlled by a member of the Central Election Commission, from nominations of 'non-partisan' persons. There are no provisions for transparency in this lottery process, such as formal observation by representatives of political parties and other observers from the local non-government organisation sector and international organisations. This process also does not provide for 'adequate representation of the major political interests at the TEC and PEC level.

The composition of the bodies that administer elections is a vital part in both the actual and perceived credibility of an election process. The above methods of appointing the members of all election commissions may well negatively affect at the very least the perceptions of the integrity and legitimacy of the elections which they will be controlling.

546

As Article 11 defines the term of office of the Territorial Election Commissions as being the same as that of the municipality, it is now even more important that these bodies enjoy the confidence of the wide range of community interests.

As Azerbaijan does not have a long established democratic tradition, the ability to identify and appoint 'non-partisan' personnel will generally be viewed with significant suspicion, especially by organisations and individuals in opposition to the government. For this reason a 'balanced partisan' method of appointing members of election commissions - at CEC, TEC and PEC levels - would be an appropriate model to assist the credibility of municipal election processes. This method incorporates direct appointment to the various election commissions of representatives of political parties, in a manner in which there is balanced representation between pro-government and pro-opposition forces on each election commission.

Transparency of Election Processes

A number of articles in the draft law deal with the transparency of the municipal election processes, and particularly the roles of observers of the processes in assessing their integrity and ensuring the accountability of election administrators. The provisions in this regard are generally very weak, weaker still than the similar provisions contained in the Law on Presidential Elections for the 1998 Presidential Elections in Azerbaijan. They do not provide a sufficient framework for transparency in the election. The following suggested changes would assist the draft law On Rules for Municipal Elections to meet international norms in transparency of election processes.

In Article 15, modification to provide for the accreditation of political parties, candidates and responsible domestic non-governmental organisations to provide observers to the work of election commissions, before and during voting day, during the ballot counts, transmission of materials and for compilation and announcement of results, is a significant pre-requisite for transparency in the municipal election processes. In all democratic countries, political parties have the right to appoint observers to election processes. In many emerging democracies, domestic non-government observers have provided significant legitimacy to election processes. If election commissions are not to be chosen on a 'balanced partisan' basis, as recommended above, the range of domestic observers to be accredited becomes an even more important factor in promoting election credibility.

In Article 15 there is no requirement for any advance notice to observers of election commissions meetings – either publicly or privately advised to all organisations accredited to send observers. An amendment to this effect is needed to ensure that observers are aware of the time and place of election commissions' meetings.

Article 15 contains no provisions to ensure that observers can be present at such activities such as the transfer of protocols between PECs and TECs, the transfer of ballot papers and materials, amalgamations of count results and other such activities that are vital to the integrity of election processes. This article should be amended to ensure that observers may be present at all election processes.

In Article 15 and in Articles 39 and 40 there are no provisions that observers must be provided by the relevant election commissions, on request, with certified copies of completed results protocols, and of any other sample or completed official election

547

documents. This is the most basic guarantee of the integrity of election processes, and its omission from the draft law is a considerable defect with regard to election transparency. Amendments to these articles to provide observers with the unfettered right to obtain copies of all and any official election documents should be made. The right of observers to obtain certified copies of results of counts from each Precinct Election Commission and Territorial Election Commission should be specifically included in the law.

An amendment in the second reading draft deleted the former requirement in Article 37 of the first reading draft that a protocol be drawn up for pre-voting day transfers of ballot papers between different levels of election commissions. To assist transparency of ballot paper allocations, this requirement should be reinstated, and provisions made for copies of these protocols be provided to observers.

It is not clear why the requirement, in Article 36 of the first reading draft, that voting stations within military establishments must be accessible to observers has been deleted from the second reading draft. It is clearly in the interests of perceptions of integrity of the election process that this provision be reinstated.

In general, it has been found in recent elections in emerging democracies that integrating observers into the election processes, by requiring or allowing them to sign the protocols of actions that they have observed - whether for sealing of ballot boxes, results of vote counts, transfers of ballot papers, or for any significant recorded election action, both enhances public transparency and legitimacy of the election, and provides protection for the election management bodies against later unfounded claims of election malpractice. Observers should also have the right to note their disagreement with any of the information contained in a protocol or election form on the protocol/form itself. Amendments of this nature, concurrent with the vital amendments to give observers the right to obtain copies of election documents, would further promote the integrity of the election processes.

Proposed Election System

Multi mandate Majoritarian System

A different election system has been proposed in each of the two drafts of the law On Rules for Municipal Elections. The second reading draft, in Article 1, proposes a 'multi mandate majoritarian system'. This system is known to western political scientists as the 'block vote' system. This system is widely regarded by political scientists as producing unfair results, as it tends to greatly magnify the disproportionality - inherent in all majoritarian electoral systems - between votes won by candidates from a party/group and representatives elected. Under this system it is highly possible for a group/party – whether pro-government or pro-opposition - whose candidates achieve a little over 50% of the votes to win between 90 and 100% of the elected positions.

This system is not used anywhere in the world for local government elections, unless one counts the Palestine Authority elections as local elections. Of 211 countries in the world which hold national elections, data for 1997 (the latest available) shows that a multi-mandate majoritarian system was used only in Bermuda, Fiji, Kuwait, Laos, Maldive Islands, Mauritius, Palestine Authority, Philippines, Thailand and the US Virgin Islands. The Philippines and Mauritius intend moving from this system, as it is widely

548

regarded as producing unfair results, and adopting instead the list Proportional Representation system. Amongst the countries ranked as 'not free' in the Freedom House 'Freedom of the World Index', a disproportionate number use a 'Block Vote' election system. It would be unfortunate for Azerbaijan to be associated with these countries.

For voters, multi mandate majoritarian systems can be confusing, especially when, as specified by Article 38 of the draft law, the voter must mark exactly the same number of candidates as there are elected positions to be filled. The effectiveness of voter education campaigns is likely to be severely undermined by this requirement, as, under the proposed system, different municipalities will be electing different numbers of representatives from the one multi mandate constituency. Especially in municipalities with higher numbers of representatives to be elected (up to 19 councillors will be elected) this system can lead to a significant proportion of invalid votes. Attempting to educate voters to place multiple marks on ballot papers for this election, whereas for parliamentary and presidential elections they place a single mark, is likely to create confusion: not only for these elections, but also at next year's parliamentary elections.

Administratively, use of this system can create greater difficulties in ensuring the accurate and effective printing and distribution of ballot papers. It also makes management of ballot paper counts very much more difficult and time consuming, as a separate, consecutive count will need to be conducted for every candidate on the ballot paper – which could easily be as high as 100 in larger municipalities. It is unlikely that such counts would be completed within the 24 hours of voting day stipulated by Article 39 of the current draft law. The counting method required will also significantly decrease the transparency and accountability of the count. This is an area of election operations for the 1998 Presidential Elections in Azerbaijan about which international observers recommended that significant improvements were required. To make maintaining transparency in counts a more complex process would hinder, rather than assist any efforts to improve transparency.

The proposal to use this election system would leave Azerbaijan with a municipal elections system that is widely regarded internationally as unfair, that would be difficult for voters to understand, and that has significant administrative problems.

If a multi mandate majoritarian system is retained; amendments will be required to Article 39, to clarify the different procedures and reconciliations that will be necessary during the count of ballot. Article 41 will also require clarification, to define the specific circumstances under which a tied vote may require a lottery draw between candidates with equal numbers of votes

Single mandate Majoritarian System

The first reading draft of the law On Rules for Municipal Elections, in Article 1, provided for a single mandate majoritarian system of elections for municipal councils. This is a system that is used for municipal elections in a large number of developed democracies. It is not a question of whether a single mandate majoritarian system is democratic – which it undoubtedly is – but whether it is appropriate for the environment of the municipal elections in Azerbaijan. Choices of election system are a matter of different philosophical approaches to democracy, and its desired outcomes. A single mandate majoritarian system would be seen as emphasising strong government with a particular

549

viewpoint dominating, even where only a small majority, or even a minority, of voters subscribe to this viewpoint. Single mandate majoritarian systems would also be seen as encouraging, in the municipal elections context, a close and direct link between voters and their elected representatives.

In developing democracies there are different and additional considerations. Internationally, in developing democracies, there has been equal focus on implementing election systems that provide representation for a range of community viewpoints in representative institutions; that foster community association with multi party politics and political pluralism; that encourage the sense of a legitimate and viable 'opposition'; that encourage conciliation rather than domination; and that promote the accountability of government. For municipal elections, the multiple needs of: ensuring a direct representative link to each local community; stable municipal governance; and promotion of political pluralism amongst local communities have led election system designers internationally to favour the 'mixed' election system – whereby some representatives to a municipal council are elected from single mandate majoritarian constituencies, and the balance by proportional representation for the whole municipal area, from party lists.

This 'mixed' system for municipal elections would currently be a more appropriate system for Azerbaijan, than any of the alternative election systems.

Participation of Political Parties

In the second reading draft, political parties are not included in Article 15 amongst the organisations that may nominate observers to election processes, or in Article 23 amongst the organisations that may nominate candidates for the municipal elections. Participation of legally recognised political parties is a basic component of democratic processes, and to deny them participation in an election for any level of community governance could be regarded as a restriction on general civil and political rights. The draft law should be amended to specifically include political parties as organisations that may nominate candidates for election and have accredited observers at all election commissions' activities.

If any form of majoritarian system is used for voting, it is important that the party affiliation of each candidate is printed, by the relevant election management authority, after each candidate's name, on each ballot paper . This is now standard practice in majoritarian systems, and is necessary to allow each voter to more easily identify his/her preferred candidate. A requirement for this should be added to Article 37 of the draft law.

Municipal Territories

Article 10 of the draft law On Rules for Municipal Elections states that territories of municipalities will be determined in accordance with the laws of the Republic of Azerbaijan. No draft law for determination of municipal territories has yet been presented to the parliament for consideration. It is important that territories for these first municipal elections are determined according to a law that defines the criteria for creating, splitting or amalgamating a municipal territory. To create municipal areas for these first elections by executive diktat, or regulation of an executive body, or by consultation merely with the existing regional or local executive committees would be contrary to accepted international norms of local self government. It would be denying the local population the

550

opportunity to have their views on municipal boundaries considered. Article 5 of the European Charter on Local Self Government states that " Changes to local authority boundaries shall not be made without prior consultation of the local communities concerned, ..."

The current provision in Article 11 of the draft law should be clarified to ensure that there is genuine consultation of local populations on municipal boundaries before these are determined for the first and for subsequent municipal elections, and that determination of municipal boundaries must be made according to the relevant law, rather than by executive authority decree or regulation.

Election Timeframes

Article 10 of the draft law provides that Territorial Election Commissions must be formed 110 days before voting day. This would be less than the normal minimum time period that experienced international election administrators would recommend as necessary for a country such as Azerbaijan to undertake preparations for the first municipal elections Any attempt to shorten this election preparation period, given the need to educate voters and candidates in a new form of local self government, the large number of Territorial Election Commissions, and the proposed initiation of decentralised election management is likely to seriously threaten the quality of the election. It would be an unwise decision to shorten this proposed timeframe.

Before Territorial Election Commissions can be formed, municipal territories must have been defined. The draft law for defining municipal territories has not yet been presented to parliament. For the commitment to hold municipal elections this year to be achieved, it is vital that the draft law on determining Municipal Territories be introduced for discussion in parliament as a matter of urgency .

Political Campaigning

Articles 33 and 34 of the draft law On Rules of Municipal Elections give considerable powers to local executive authorities of the State to determine meeting venues and space allocations and locations for displays of printed materials. Given the association of these bodies with the current government, and in the eyes of many with one political party, it would be more equitable if these powers resided in an appropriately appointed Territorial Election Commission. This would considerably assist perceptions of election campaign equity and legitimacy. Tightening of the wording to ensure that some candidates materials are not relegated to less visible areas would also assist the integrity of this section.

In Article 33, the 5 day period within which a decision must be made on use of premises or a location for campaigning appears longer than is necessary, and could be used as a barrier to flexible campaigning in the week before voting day. An amendment to reduce this period to 2 days would be appropriate.

Voters Lists

The Articles (in particular 21 and 22) dealing with voters lists are less prescriptive and comprehensive than would be usual in modern election legislation to international standards. Some issues may well be able to be dealt with in instructions from the CEC,

551

but it would be more usual for such matters as the following to be dealt with by legislative means: the need to certify as correct the final lists used in voting stations after requests for amendments have been processed; times and manner in which PECs receive requests for revisions of voters lists; methods of ensuring that voters appear on one voters list only; methods of amending and assuring the integrity of amendments made to voters lists as a result of requests from voters. The draft in these Articles would benefit from thorough review to bring it up to international good practice standards.

Complaints and Challenges

Article 18 of the draft law On Rules for Municipal Elections does not clarify who has the standing to file a complaint with an election commission or relevant court. The trend in democracies is to give this right to anyone with a genuine interest in the outcome of the election: persons eligible to vote; observers, parties and candidates; election administrators. Article 18 should be amended to include this broad definition.

Article 18 of the draft law On Rules for Municipal Elections also appears to allow simultaneous appeals about the actions of an election commission to be made to the superior election commission and the relevant court. There would be less room for confusion and more certainty in challenges to the decisions of election commissions if a single track appeal process were defined in the draft law. Changes necessary for this should be made to Article 18.

It also does not appear clear from Article 18 which is the relevant court for hearing challenges to election results. This should be clarified in this Article. It would be appropriate that this court be the Supreme Court, rather than local courts.

Article 16 appears to require that chairpersons of election commissions pass on any dissenting opinions from election commission members to the superior election commission by three days before voting day. It would be more appropriate if this provision read, as do other similar provisions in this draft law, that these dissenting opinions must be passed on to the superior election commission within three days of their receipt by the chairperson of the election commission.

Voting by Internally Displaced Persons

Transitional provisions of the law On Rules for Municipal Elections ensure that Internally Displaced Persons may both vote and nominate as a candidate in the area in which they are temporarily living. This is a highly principled position to have been adopted by the drafters of this legislation. While the addition to the voters lists of other citizens voting in respect of temporary addresses is dealt with in Chapter 2 of the draft law, there are no provisions for dealing with Internally Displaced Persons. To assist election integrity, the transitional provisions should include a definition of the manner in which Internally Displaced Persons will be included in the correct voters lists.

As a longer term proposal, the independent development of voters lists for all elections, without any reliance on executive authorities, should be considered.

Production of Ballot Papers

Article 37 of the draft law provides that ballot papers are printed in accordance with the instructions of the Central Election Commission. IFES understands from this that the CEC will provide numbered ballot paper blanks to the Territorial Election Commissions, who will be responsible for entering the candidate details on each ballot paper. IFES also understands that in some municipalities there is no overprinting capacity and that it is intended in such municipalities that each candidate's name and details be typewritten or even handwritten on every ballot paper. The potential for error or manipulation of such a process is considerable. The law should be amended to require that all ballot papers must be printed by standard print methods - not individually typed or handwritten made.

The draft law's devolution of such a major task as ballot paper printing to very large numbers of Territorial Election Commissions at the local level is also a high risk strategy. Printing of ballots at regional, or if necessary central level, would be a more effective and quality-controllable strategy.

Voting and Counting Rules

There are a number of perhaps less visible but nonetheless significant improvements for election integrity that should be made to Articles 38 and 39 of the draft law. In international good practice it would be usual, in the election legislation, to:

- Specify classes of voters eligible to be assisted in voting
- Explicitly state that only one person can be inside a voting compartment marking a ballot paper at any time (apart from defined assisted voters)

Additionally:

- It is not considered good practice to allow voting stations to close early, particularly where voters may establish their entitlement to vote on voting day itself
- It would be appropriate that the draft law define that the ballot paper is folded after being marked, so that each voter's vote remains secret
- The treatment of spoilt ballot papers is not in line with international standards, which would require that the spoilt ballot be cancelled - and set aside so that it cannot enter the ballot box - before a fresh ballot paper is issued to a voter
- It would be usual international practice for all voters inside the voting station as at the close of voting to be allowed to vote, not just those who had already been issued with ballot papers. The implication of the wording of this section is that voters will receive their ballot papers before a voting compartment is necessarily free for them to use. This is regarded internationally as very bad practice as it encourages voters to vote outside the secrecy of the voting compartment.
- The provisions for counting ballots in mobile ballot boxes seem to leave open the possibility that very small numbers of ballots could be counted separately, thus endangering the secrecy of the ballot. This is not in line with international good practice
- At the count it would be more usual and good practice to mark the reverse of all challenged ballot papers – not just those determined as invalid – with the decision of the PEC, asserted to by a required number of members.
- It is presumed that guidance for ballot paper reconciliations will be included in instructions provided by the CEC. However some basic outline in the law of the required reconciliation procedures would be usual.

553

- It would be usual for all ballot - related election material to be preserved for a defined period – often 6 months or 1 year after the election.

554

DRAFT LAW ON STATUS OF MUNICIPALITIES

The draft law On Status of Municipalities provides a framework for municipal governance that is in many respects unexceptionable. However of itself it does not provide a sufficient framework for the introduction of municipal government of any substance. It is in the main a series of what could be termed 'motherhood' statements: municipalities will have a budget of their own; municipalities will have their own services; municipalities may raise taxes; municipalities can own and privatise property; municipalities will have boundaries. These provisions lack the all-important details necessary for their implementation.

Without being able to view the proposed subsidiary provisions dealing with such issues as municipal property, municipal taxes and finance, municipal services and relation of municipalities with other organs of state, it is difficult to give a full opinion on the draft law On Status of Municipalities. IFES full comments on the proposed status of municipalities must be reserved until the full provisions of legislation affecting municipalities are known.

A pre-requisite for effective municipal government will be the passage of law dealing fully with those issues noted above, and those other issues requiring definition for a municipality to function. To have municipal elections without having acceptable laws on these issues in place – or without amending the draft law On Status of Municipalities to fully define these issues, is likely to create only a shell of municipal government.

The draft law also appears to give to municipalities functions that are residual from those provided by the executive bodies. In creating an active and healthy municipal sector, it would be more usual for legislation to encourage both a more positive role for elected municipal authorities and to emphasise the lead role taken by elected municipal authorities, in assessing and determining the provision of services by executive authorities within each municipal area. Article 4 and 5 of the draft law would greatly benefit from amendment in this regard.

There are also some specific issues contained within this law that would benefit from improvement

Appointment of Councils in Small Municipalities

Article 27 of the draft law provides for 'secret or open' voting. Article 28 provides that in municipal areas with a population of less than 500 persons, the municipal council will be elected at a meeting, by an open vote, with the meeting and voting to be conducted under the provisions of a law whose draft has not yet been presented to parliament.

This provision is cause for serious concern. Open voting for elected governance bodies is against the secret ballot provisions that are at the heart of democratic elections, and it is incompatible with international standards of democracy. It leaves voters liable to coercion and intimidation – especially in a small community environment. It is contrary to the provision in Article 3.2 of the European Charter on Local Self-Government that local council members shall be ' ... freely elected by secret ballot on the basis of direct, equal, universal suffrage ...' (however this article would allow votes of assembled citizens on other issues).

555

Articles 27 and 28 of this draft law, and any related provisions in the draft law On Rules for Elections to Municipal Councils (for example Article 5) should be amended to require that all elections for each local council representative must be by secret ballot.

Encouragement of Small Local Government Areas

Article 11 of the draft law states that local citizens cannot be deprived, on the basis of population numbers, of the right to form their own municipality. Other provisions of the law indicate an encouragement of the creation of small municipalities. Discussions with senior officials have indicated that as many as 20% of the population of Azerbaijan may be included on municipalities each of which has a population of less than 500 people.

This is contrary to the trend in almost all democracies in the last 20 years, where the move has been towards amalgamating small, historic, non-viable local government areas into economically and managerially sustainable units. In envisaging many small municipal units, the draft law On Status of Municipalities will encourage the formation of economically unsustainable municipal areas, that will need assistance in the short term for economic survival and will take time and additional expense to organise amalgamation with other areas in future to assure economic viability.

It is highly unlikely that a multitude of small local government areas will each be able to be self reliant economically. Lack of economic self reliance will lead to a dependence on local or regional executive powers for financial assistance. There is then a substantial danger that these executive bodies, through financial dependence, will be able to dominate the activities of the elected municipal councils.

There are two approaches that could be taken to amending the legislation to promote the financial independence of municipalities. Article 11 could be amended to provide a minimum benchmark population for the creation of a municipality. Alternatively, provision could be made for a dual layer of municipal councils - with small settlements as of right being part of a larger regional representative body. Either solution would enhance the sustainability and economic viability of local self government, compared to the provisions of the current draft law.

556

PROPOSED FRAMEWORK FOR MUNICIPAL ELECTIONS AZERBAIJAN 1999

CONSTITUTIONAL REQUIREMENTS

Under the current constitution, the first municipal elections in Azerbaijan should have been held by end 1997. The government now appears to be committed to have municipal elections in autumn 1999 – possibly at end October

LEGAL FRAMEWORK

It is intended that the municipal councils to be elected for each municipal area will co-exist with the existing appointed regional and local executive authorities.

The basic framework for the introduction of municipalities is contained in two laws on municipal issues which were passed by the Milli Majlis on 2 July: the Law On Status of Municipalities, and the Law on Rules for Municipal Elections. Official final copies of these two laws have not yet been issued – and they were not available to deputies before their 2 July vote.

These laws were drafted by the Permanent Parliamentary Commission on Local Government, with assistance from specialist bodies such as the CEC. The presidential apparat has not openly been involved in the development of these laws. Comments on drafts of these laws were received from international bodies, including the Council of Europe. These latter comments have been made available to deputies of parliament. It is apparent that significant matters raised by the Council of Europe have not been incorporated into these laws.

ADMINISTRATIVE FRAMEWORK

For the administration of the elections for municipalities, the Central Election Commission will play a restricted role compared to last year's presidential elections. It's prime responsibilities are:

- writing directions and instructions for the election and organising training
- monitoring compliance with the law and determining complaints
- approving rules and documents developed by lower level commissions
- distributing election finance

Each municipality will have its own Territorial Election Commission – some 3 to 4,000 of these bodies are expected – to manage all election operations in its territory. There is no administrative structure planned at the regional level, between the central and these municipal election commissions.

It is not clear how the performance of municipal councils will be monitored and/or controlled. It is claimed that there will be no central control of municipalities, however there will be a national coordination council chaired by the President. The Department of Local Government within the Presidential apparat will apparently play some role, The State auditor will audit municipal finances. How this will all work hopefully will be detailed in the legislation yet to be tabled in parliament.

557

DETAILS OF LEGAL FRAMEWORK

Law On Status of Municipalities

The Law ***On Municipal Status*** provides a general broad framework for municipalities. It does not provide the detail that would generally be found in a framework for municipal operations with regard to municipal territories; service provision; taxing powers; finances; property acquisition, control and disposal; relationships with other organs of State; municipal charters. There has been advice that these issues will be covered in separate legislation. Drafts of these laws have not yet been issued.

Basic features of this law include

- Municipal councils elected for a five year term by secret ballot
- An encouragement of small municipalities. It is estimated that between 20 and 25% of the population will be in municipalities of less than 500 people
- A single tier municipal structure. There will be no regional councils in rural areas – each village will have a separate body. Similarly in the large cities each settlement will have its own council – there will be no city wide coordinating municipal council
- Municipalities will each adopt their own charter defining their structure, functions and responsibilities, based on a sample charter to be developed centrally
- Municipalities have residual functions – they cannot operate in fields covered by State organisations
- Elected municipal bodies operate outside the central state structure, and in a yet undefined way relate with the state-appointed executive committees.
- Municipalities are given certain rights. These include: to have their own staff; to provide municipal services; to have an independent budget; to acquire, maintain and privatise property; to establish credit institutions; to raise income through taxes or other means. How and to what extent these may be done is not defined.
- State property will be transferred to municipalities by a means and in a proportion yet to be determined
- Voters may determine municipal issues by means of referendum, using either an open or secret ballot
- Municipalities that cannot provide a minimum level of services may be supported with State funds

558

Law On Municipal Elections

The Law **On Rules for Municipal Elections** covers issues relating to the election of municipal councils, except for the rules for determination of municipal territory (not yet covered in any law), and the appointment and conduct of members of the Central Election Commission (CEC) (covered in the Law on the CEC). The CEC remains the same as it did for the presidential a election, when its composition was one reason for a partial opposition boycott

This law envisages

- Municipal boundaries for this election will be determined by the Central Election Commission on advice from the government's regional executive committees

- Municipal councils will be elected be a free and secret ballot of eligible voters over 18 years. Internally Displaced Persons will be able to vote and stand as a candidate at their current temporary addresses.

- Candidates can be nominated by voters initiative groups, and, as advised on 1 July by the government, political parties (though the text of this change to the law for its final passage through parliament has not yet been made available to anyone).

- There will be between 5 and 19 elected members of a municipal council, depending on the population of the municipality.

- The election system is a 'multi mandate majoritarian' system. Each voter will have to vote for an exact multiple number of candidates, according to the number of representatives to be elected in a specific municipality. An brief explanation of this unusual system is at the attachment to these notes.

- Administration of these elections will be largely decentralised to municipality based Territorial Election Commissions, and voting station Precinct Election Commissions. Major functions such as the printing of candidate names and details on ballot papers will be decentralised to each municipality's election commission.

- Both Territorial (municipal) and Precinct (voting station) election commission membership will be largely determined by a lottery. There will also be some direct representation on these commissions for political parties who have nominated candidates for election.

- Accredited observers from international and domestic registered organisations may observe all election processes, and may obtain copies of official result protocols.

- The timeframe for the election is 120 days. Territorial Election Commissions must be appointed by 95 days before voting day. There is a 25 day official campaign period. By international standards for a first, and especially decentralised, election, this is a short time frame.

559

PRACTICAL PROBLEMS LIKELY TO BE ENCOUNTERED IN IMPLEMENTING MUNICIPALITIES AND MUNICIPAL ELECTIONS

PARTICIPATION AND LEGITIMACY

The opposition DemBloc has placed a number of preconditions on their participation in the municipal elections. Basically, these relate to:

- Political balance on election commissions at all levels - national, territorial, and precinct
- Use of a 'mixed' proportional representation/single mandate majoritarian election system for these elections
- Provision for political parties to fully participate in the elections
- A 'fair' environment for election campaigning and full transparency in election processes

These requirements have not been met by the laws. Councils elected without the participation of opposition supporters may not be seen internally as legitimate. Opposition-boycotted elections may not be regarded externally as sufficiently open and fair – which may affect attitudes of international organisations towards Azerbaijan.

COMMUNITY EXPECTATIONS

There are varying levels of community expectations regarding local government, but there appears to be little knowledge of local self-government in general, or the specific form it will take in this country. Attitudes encountered in rural areas vary from enthusiasm in the belief that it will solve all local economic problems, to complete ignorance of the elections planned for later this year, to repression of local political activity.

It will be important that the population's expectations of municipalities performance are not unrealistically high: given the small size of many municipalities, some will have little economic capacity. Even those municipalities of a reasonable size will take some time to acquire a useful revenue stream, property and an accountable decision making culture. Much of this depends on the willingness of the government to allow municipalities to acquire any economic power – and on the timing of passage of further legislation to allow municipalities to operate fully.

CIVIC AND VOTER EDUCATION

There are two aspects to educating the community for this introduction of municipalities:

- Civic education on the rights responsibilities, functions, accountabilities of municipal councils and their citizens
- How when and where to check registration and vote validly in the elections for municipal councils. This program will be made more difficult by the introduction of an unfamiliar election system, and the need to micro target each municipality.

560

Traditional mass media methods will be of limited use for the election system to be used as the number of candidates for whom a voter must mark the ballot will be specific to each municipality.

SUSTAINABILITY OF MUNICIPALITIES

The encouragement of very many small municipalities is in contradiction to municipal amalgamations in other democratic countries. The reasons given are cultural – that in this country no-one will trust governance of local affairs to anyone outside the small local community, and democratic – it would be undemocratic to deny their own municipality to any village, no matter how small, who wanted it.

While it is planned that there will be a shake-out of municipalities before the next municipal election in 5 years time, later amalgamation is a more expensive method of obtaining sustainable municipalities

The single level model of municipalities may also affect sustainability, treating each village and a large district of, say, Baku, as similar units of governance. Local self government in rural areas may be more viable if regional bodies could pool and direct the resources of several small villages. Similarly in the larger cities, coordination mechanisms between different district municipal administrations on issues such as water supply, transport and the like would be of benefit. International models for this vary considerably, and there is no real consensus on the superior effectiveness of single or multi tier local governance models..

RELATIONSHIPS WITH EXECUTIVE COMMITTEES

The current appointed executive committees will continue to exist in parallel with elected municipalities. How they will coordinate and relate has not yet been defined, Given their superior economic power, there is the danger that these committees could dominate a fragmented municipal structure. In the short term, defining municipalities powers in terms of 'whatever executive powers don't do' limits their opportunities to grow. It would be reasonable to assume that there will be a number of 'turf wars' between municipalities and executive power, with municipalities unlikely to be the winners.

MUNICIPAL RESOURCES BASE

It appears that the financial basis for municipalities is intended to be the retention of a percentage of VAT taxation collections. In small villages, and non-cash economy or black economy rural areas, this is not likely to allow the provision of municipal services. Privatisation of all municipal assets may seem an attractive way to survival. Anticipatable problems again largely stem from the small size of many municipal units.

There is provision for the State to provide a minimum service support level. However this can often lead to control of municipal activities by those providing the finance. Without their own sufficient resources it will be difficult for municipalities to have power.

MUNICIPAL ACCOUNTABILITY

There is no history of accountable decision making , particularly at a local level, in this country, or of citizens knowledge of or ability to exercise their rights against another layer of government. Standards for municipal ethics and behaviour have yet to be

561

written. With an unfettered right to privatise their own municipal assets, there will need to be a close watch on municipal actions.

ELECTION ADMINISTRATION

Election administration for these elections is going to be largely decentralised. It is not currently planned that there will be any intermediate level of election management between the small CEC in Baku, and 2500 to 3500 Territorial Election Commissions in the various municipalities. This may work, however it is a considerable risk, when implemented in such a short time, with little management (as opposed to election technical) training, in a country without a history of decentralised accountable management.

Some functions that will be decentralised require a high degree of precision. For example, ballot papers blanks, numbered and containing 'how to mark the ballot' instructions will be sent to the individual Territorial Election Commissions to insert the correct candidate names and group affiliations. It is expected that in many small communities (under 500 voters) candidates names will need to be written by hand or typewritten individually onto each ballot as no local printing facilities are available. There are considerable possibilities for error in such a process.

ELECTION SYSTEM

There are several difficulties with the election system chosen:

- Will it be understood by voters. International experience would be that large numbers of invalid votes can be expected as there will not be a single consistent way in which ballot papers must be marked. Or that voters will be 'guided' in their marking of ballots in voting stations
- Will results be regarded as legitimate or will they produce unrest. If candidates groups winning 40% of the vote are elected to a very small proportion of representative positions, will these results be accepted by their supporters.
- Will territorial and precinct election commissions understand this system sufficiently to implement it acceptably. Areas of concern would be the nomination process, ballot paper production and particularly the ballot count, for which some dozens of different, consecutive counts will most likely need to be done in each voting station.

FUNDING FOR ELECTIONS

The government is apparently providing 9 billion manat ($US2.2m) for the conduct of the elections – using the multi mandate majoritarian system. If participation is around 3 million voters, this equates to around 75cents/voter – about low/mid range by international standards. To use a single mandate majoritarian system, in conjunction with the small municipalities that are being encouraged, the government estimates would require an increase in the number of voting stations from around 4,500 to 30-40,000. Government officials' estimates of resultant cost increases vary between 5 billion manats and 60 billion manats. To use a 'mixed' system would be more expensive than a straight majoritarian system. To use a straight proportional representation system would be less expensive than the multi mandate majoritarian system currently proposed by the government.

The government is advising that the $2.2m budget is the maximum available.

562

ENVIRONMENT FOR THE ELECTIONS

Three significant factors for the election environment will be:

Will the Laws Stand as Currently Passed

At present the laws as passed meet neither opposition demands or Council of Europe comments. A lead time of 120 days between announcement of elections and voting day is required. Parliament is now on leave until October. Any significant revisions in the normal parliamentary course of action – for example to the election system or the composition of election commissions - will not allow elections this year. There is the precedent of the presidential election law of 1998 where the president directly intervened to amend the law.

Media Law

Will the current draft of the media law be adopted unamended in the autumn session of parliament. If parliament does not return until 5 October, this may only affect the last stages of an election campaign for an end-October election

International and Domestic Election Observation

One relatively independent local NGO is intending fielding 4500 observers on voting day, but its capacity to monitor the pre and post election period is more limited. Their observer numbers equated to one to a voting station if the same voting stations as used for the presidential election were used. However if a single mandate majoritarian system or a 'mixed' system is used for these municipal elections, their observers' coverage will depend on the number of municipal territories and hence constituencies required.

International observer groups and particularly inter governmental organisations rarely provide large scale observation missions for municipal elections.

The level of independent scrutiny could be expected to have an effect on the performance of election tasks.

563

ELECTION SYSTEM

The following brief explanation of the election system to be used is provided as it is a rare system with which few people are likely to be familiar. It is not a normal 'majoritarian' system, in the sense this is used throughout the world

The system proposed to be used is 'Multi mandate majoritarian', often known as the 'block vote' system. It is used in few countries: in Laos, Fiji, Kuwait and a few other small states, and by the Palestine Authority (the only place where it is used for 'local' government elections). Thailand is the only significant country in which it is used.

This system is widely regarded as producing unfair results. It can easily give a party or group over 90% of the elected representatives with a little over 50% of the vote. It was used to this effect by Marcos in the Philippines. Countries such as Jordan, Philippines and Mauritius have moved from this system due to dissatisfaction with it's results, and are now using the list proportional representation system. But it has the advantage of being a cheap system to implement.

How does it work?

- Each municipality forms a single constituency, from which are elected all the council representatives.
- Groups can nominate the same number of candidates as there are councillors to be elected. Individually nominated candidates may also stand. Thus in a municipality electing 9 councillors, conceivably there could be 50 to 60 candidates listed on the ballot paper. Where 19 representatives are to be elected, there could be 120 to 150 candidates
- All candidates appear in alphabetical order on the ballot paper
- Voters must vote for exactly the same number of candidates as there are vacancies for their vote to be valid
- When the votes are counted, a separate, consecutive count will need to be conducted for each candidate on the ballot paper. At no time during the count will it be possible to organise separate piles of ballot papers representing each candidate's votes.
- The candidates with the highest individual vote totals are elected, in accordance with the number of vacancies.

This system is not supported by the Council of Europe, or the opposition parties in Azerbaijan. Both have recommended the use of a 'mixed' system - part proportional representation, part single mandate majoritarian.

564

The Political Situation in Azerbaijan

Presentation by Rasul Gouliev
Eurasia Group Roundtable
August 10, 1999

Highlights of Paper:

- Background on falsification of October, 1998 Presidential Elections by Heidar Aliev
- Corruption as a state policy in Azerbaijan – impact on foreign trade, investment relations, privatization, and morale of the people
- Proposals for bringing democracy to Azerbaijan in a post-Aliev regime
  - Education reforms
  - Economic, industrial, agriculture reforms
- Discussion of Nagorno-Karabakh
- Discussion of the oil business and proposed pipeline

515

AUGUST 10, 1999

POLITICAL SITUATION IN AZERBAIJAN. AZERBAIJAN AFTER THE ALIEV'S REGIME

RASUL GOULIEV'S SPEECH-HANDOUT AT THE ROUNDTABLE ORGANIZED BY EURASIA GROUP

Falsification of the presidential elections in Azerbaijan that took place on October 11, 1998, the latest usurpation of power by Heidar Aliev quite obviously prevail that the existing social and political situation in the country lead inevitably to some tragic consequences for my Homeland and for my People. It is this particular circumstance, as well as the willingness to avoid the pernicious influence of the tendencies on economics and politics of the Republic of Azerbaijan, that prompt me to share some views on the existing political crisis of the power and on the possible ways out of this catastrophe.

The notorious internal and foreign policy of the Aliev's regime resulted in the fact that at the present time Azerbaijan is leading among the countries with flourishing corruption, bribery and the ugliest performance of the dictatorship of a single personality. To-day the international institutions quite definitely acknowledge the existing regime as antidemocratic, frankly violating human rights. It is because of this particular reason that The European Council rejected the appeal of Azerbaijan for its membership, considering basic requirement on democratic elections and maintenance of human rights. These days the doors of this institution are closed for our country since such fundamental principles have nothing to do with the very sense of the regime of Heidar Aliev.

The idea of Heidar Aliev and his team to invite the armed forces of NATO to solve both internal problems and the problem of the occupied territories might be considered as a political insanity. The dictator cannot even imagine that NATO of our days, despite the presence of military forces, is first of all a political institution, that the fundamental principle for NATO is a realistic support of the democratic rather than dictatorial regimes. Therefore the efforts of the "great leader" to strengthen his dictatorial powers for the expense of the democratic world appear to be vain and extremely hypocritical. But what you may expect from the dictator who overstepped all imaginable steps, who keeps convincing the world community that he is the only wise and non-alternative leader, while the people are represented exclusively by terrorists, thieves, putschists.

The declarative wording about the freedom and independence which the existing regime has a weakness for by no means reflects the real situation in the country. The tragedy is that despite the fact the Act of Independence of Azerbaijan was announced more than eight years ago the people have not been yet provided the possibility of free and independent will to solve numerous problems. These days 95% of our hard-working, talented, highly educated Azerbaijani people vegetate in extreme poverty. 20% of the territory which makes 17,300 sq. kilometers is occupied by the invaders, more than 1 million refugees have to survive in the most awful conditions. About 2.5 millions of our fellow-countrymen have to be globe-trotters outside of their homeland to provide their families with daily bread, to escape from the political and economical oppressions.

The arsenal of the purposeful construction of the dictatorial regime during the last 6 years includes the whole set of sources accumulated by the dictator for 50 years of his personal carrier under Soviet power; fraud, intrigues, denunciations, praises by mercenary

566

lickspittles, refined tortures and other inquisitorial methods of dealing with political opponents. The purpose of such crafty policy is to destroy the moral unity of the people, to suppress the active resistance of the progressive intellectuals having submerged the country into the atmosphere of corruption and bribery.

To-day the corruption in Azerbaijan has actually become a state policy that is diligently performed by the authorities. In this sense the regime that is ignoring the resolution of the European Council that corruption and drug-business are the crimes of the same level, has no analogues in the world.

The dictator who had gone too far having disregarded the will of the people and having neglected the people themselves performs his particular hatred towards those individuals who do not evaluate his "genius and historical importance" in full extent. People for him are just obedient performers of his own ideas and will, just his own slaves.

The return of Heidar Aliev to power after the dramatized elections in 1998 might be compared only with the forcible usurpation of power by bolsheviks in 1920. The only difference is that while bolsheviks had usurped power by means of the occupational forces of Russia Heidar Aliev could have achieved the same goal for the expense of the police machinery of violation created by him. That is why I dare to allege that all of us alongside with the dictator are sharing the responsibility for the tragedy of the Azerbaijani people, and first of all because we did not manage to avoid such tragedy for the period of time starting from 1991. We are all responsible before the history, some of us in lesser, some in greater extent.

I would like to touch briefly some of the reasons that resulted in the present situation.

Starting from the time of the "Gorbachov's" reconstruction, or perestroika back in 80-s the nature of the struggle of the people of Azerbaijan significantly distinguished from the same processes in other Republics of the former Soviet Union. Having used the exclusive weakness of the those days communist leaders of Azerbaijan the leadership of the USSR could have altered the character of the national liberation movement, having directed it exclusively onto the struggle for the territorial integrity of the Republic. It is because of this particular reason while other republics were fighting for their freedom and independence by means of political and economical reforms quite often performed by high professionals who were avoiding communist ideas, the democrats in Azerbaijan had to aim their people mostly for the struggle for their territorial integrity, thus executing political reforms in a clash fight with the communist functioners.

While leaders of Baltic Republics, Ukraine, Belorussia, Molova, Russia such as Kravchuk, Snegur, Shushkevich, Yeltsyn, Brazauskas, Gorbunov and others were consolidating democratic forces to achieve freedom and independence, the leaders of

Azerbaijan , namely Mutallibov and Vezirov, on the contrary, were turning democrats into the target to fight with and to hunt for.

While the elections in other republics were carried out in accordance with democratic norms and traditions in Azerbaijan traditions of the communist past were used, i. e. falsification and total slandering. As a result of the elections in 1989 not a single representative of a democratic movement was not elected to Parliament of the former Soviet Union.

Thus, while the victory in the struggle for independence in some of the republics of the former USSR was being achieved by evolutionary methods in Azerbaijan there was brewing a revolutionary situation. In such conditions the failure of the leadership devoted to the principles of the communist past was just inevitable. The communist leaders in Azerbaijan could not even accept the idea of the coalition government. The people were deprived of the possibility to enter the new relations by evolutionary way, through some intermediate state structure. As a result during just one day on May 15, 1992 the Republic was brought to the extreme crisis of power. In the conditions of the created situation the Popular Front had nothing to do rather than to pick up the power that was actually thrown away and start its activities in the atmosphere of anarchy, absence of the regular army, total confusion in the governmental structures.

The antidemocratic, anti-popular policy of the communist leaders Vezirov and Mutallibov in the period of time from 1987 to 1992 deprived Azerbaijan of the possibility to utilize the intermediate period. Unfortunately the Popular Front could not solve this problem in a proper way; those days the leading positions in the governmental structure were occupied alongside with intellectuals by some accidental persons without any professional background. For example, the inevitable withdrawal of the Russian military contingent was happening without any control, nothing was done to withstand forces supported from the outside of the country to take the power. The internal and external confrontation was undermining the foundation of the Popular Front which was aggravated by the scrapes in the democratic movement itself. Consolidation of the democratic forces happened to be beyond the strength of the Popular Front. Its failure became obvious after the loss of Kelbajar in February 1993, therefore the following coup d'etat in June seemed to be quite logical. Active efforts on this coup started since May 1993 and the final accord coincided with the withdrawal of the Russian military divisions on May 23. The result of those events was the coup d'etat in June 1993 with Heidar Aliev's return to power. The puppet "colonel" Suret Gusseinov executed the revolt while experienced Heidar Aliev could have realized his major goal - taking the power.

It seems to me that the situation existing these days in Azerbaijan might be figuratively evaluated by the well known expression of the wise Sir Winston Spencer Churchill which was addressed by him to dictators : "Dictators ride to and fro upon tigers which they dare not dismount. And the tigers are getting hungry." Of course it is improbable to hope that dictator will voluntarily get out of the tiger's back but it is also unlikely that the people who found themselves in the position of a hungry tiger would voluntarily agree to die out or to immigrate totally.

The Aliev's regime has accumulated all worst features of the dictatorial regimes : willingness to save the power at any cost, pinching democracy, surrounding "boss" with dedicated servants, compressing the atmosphere of fear by means of executing the whole system of denunciations, oppressions, intrigues, total corruption.

The chief architect of the anti-national, anti-popular regime does not abhor any means to achieve his goals. When he was still in a position of Chairman of the Supreme Soviet executing the presidential duties he was systematically surrendering the land of Azerbaijan to the occupants, thus creating a 700 thousand "army" of refugees, loading up the nation with his idea that "all our troubles come from the opposition" ; and all this finally provided moving away the opposition from performing open political struggle. Having achieved such goal the dictator moved even farther - by the same way systematically and purposely he was trying to create antagonism inside the opposition and he succeeded in this deal.

By his decree as of 1994 the dictator concentrated in his hands all exporting-importing operations, which resulted in total paralysis of the economics, appearance of a huge army of unemployed, immigration of the significant part of the population.

Contrary to the constitutional norms all appointments, including those of the minor officials is directly or indirectly performed by the President. Staring from 1994 all regional police authorities, prosecutors, executive power authorities, heads of education departments, their substitutes, judges are appointed only by direct instruction of Heidar Aliev or after his consent. Since 1995 all ministers, up to prime-minister are appointed or dismissed by Heidar Aliev without any concordance with any organ. Electoral bodies in all regions and cities are liquidated, so that the regime of absolute dictatorship would prevail.

Since May 1995 all foreign trade, economic, investment relations have become the exclusive object of Heidar Aliev and his clan. Everything that is imported in Azerbaijan, from eggs and cigarettes to heavy machinery is controlled by them. There has been created an ideal situation for the corruption, bribery, extortions to flourish, and all governmental officials without any exception are involved in it. For some of them, who went too far, on the instruction of the dictator himself incriminating files are executed by the corresponding departments at the Ministry of National Security, Ministry of Interior or the Special Authority. Such compromising materials are used in the case of necessity, so that every official at any moment might be arrested by the case which already exists. Fear is a usual and habitual state for their daily existence. All officers of the Ministry of National security, Ministry of Interior, Procurator Office, Special Authority, Ministry of Finance, banks may find themselves in the tissue of compromising information, such information being prepared by every official department against the other one.

Under the toughest control of Heidar Aliev is the amount of every bribery; in the case if any of those who is under his wardship tries to exceed or to hide the real amount of his bribe, immediately those compromising materials appear in the corresponding mass media, including the democratic press. One may recall the campaign in mass media

569

against R. Maekhtiev, A. Insanov, A. Nagiev, I. Rustamov due to the embezzlements of the humanitarian aid. As a result the new victim starts searching for the means to gratify his "boss", to drown the wave of aggressive attacks of the mass media propaganda. As a rule the search for such sources results in still greater burglary of the people. Such behavior of the dictator is conditioned by the two reasons : first, he is zealously watching for the condition that no one of his own myrmidons would not concentrate great monetary sources, since he is basing on the clear idea that the amount of capital determines the extent of the power itself, and secondly, as a human being he is distinguishing with extreme greed.

Starting from 1996 not a single foreign investor could get an access to the national economy of Azerbaiajn without preliminary "date" or without "having discussed problem" personally with Heidar Aliev.

Privatization in the country is being performed exclusively in one direction, that is in the direction of misappropriation of the objects by dictator and his relatives. Since 1997 the majority of vouchers is possessed by the nearest surrounding of the dictator.

Keeping in mind all mentioned one may not doubt that the dictator who has concentrated absolute power in his hands will never transfer or even share this power voluntarily having fabricated the results of any election campaign.

One may ask a question - why in the world Heidar Aliev with his experience and possibilities has not used the chance provide by history itself - to remain in the memory of people as a creator of the modern civilized democratic society having utilized the unique historical opportunities of the people and the land of Azerbaijan as well as the experience and the aid of the developed states of the modern world ? Why has he chosen the lot of unbridled dictator subjecting his own people to moral and physical destruction ? Why has he chosen the path of a person hated by millions, doomed to be damned and detested ?

I believe that the reasons of all this are determined by personal features of the dictator, being strengthened in a great extent due to tough communist and punitive experience under the Soviet power.

First, Heidar Aliev as a human being is distinguishing by extreme mercilessness towards humans in general, driven to the extent of maniacal sadism.

Secondly, due to all previous experience, Heidar Aliev finds for himself the most reliable source of personal enrichment in total corruption and bribery, which excludes the execution of civilized economic reforms with the appearance of the mighty middle class, since in the conditions of the efficient middle class the dictatorship becomes impossible, the corruption as a state policy becomes improbable, the bribery as a basic means of enrichment is excluded.

Thirdly, out of two models of administration : by means of reforms that improve the society steadily and increase the total level of life, or by means of oppressions, moral and physical terror, Heidar Aliev because of the particular features of his personality, such as

570

hostile suspiciousness to the other opinion, pathological misanthropy, dedication to stereotypes established by him for years, had chosen the second pathway.

It is worthwhile to mention here that I, like many others, was making a mistake hoping that the events in 1987-1992 would influence on Heidar Aliev as a personality and as a statesman, would change his communist attitude, his internal philosophy. Unfortunately it did nor happen.

The results of the Aliev's regime ruling for the last six years are rather mournful.

To-day the national budget of Azerbaijan makes up 600 million dollars, or 2.4 trillion manats, that is the budget sources per -capita is equal to 90 dollars, or 360 thousand manats. This index indicates that by economic indices Azerbaijan is among the most underdeveloped countries of the world; out of 240 countries only 2 or 3 countries have such index.

If one considers that 30% of this symbolical budget is misappropriated by the governmental officials through bribes and corruption, it becomes quite obvious why in the sphere of public health there is stipulated only 2-3 dollars per-capita, in education only 1-2 dollars and in other spheres just 10-20 cents.

80% of the budget sources stipulated for the mentioned spheres are used to support the administration buildings, other supplementary means and objects, so that for social problems of the population there are actually no sources left.

The paradox is that the most part of the sources withdrawn due to the burglary of the people is utilized against the same people for the propaganda of the decomposed regime by means of television and other mass media.

Practically all industrial enterprises in Azerbaijan became bankrupt, their debts being expressed in astronomical figures. The production itself and the .production relations are on the level of feudalism. Taxation is executed by piratical methods; all declarations on the improvement and expansion of the production are rather ridiculous.

Statistic data are falsified and do not reflect the real situation. The Statistics Administration is providing the information as it is required from the top. In this sense the deception inherited from the soviet era is going on in much greater extent.

One of the most brilliant performances of the false essence of the acting regime in Azerbaijan is the undisguised falsification of the last presidential elections. I would like to provide just one example.

There are about 4.5 million voters in Azerbaijan. About 10-12% of them have participated in the elections voluntarily, which makes about 410-430 thousand persons. 10-12% more had to participate under coercion, under the pressure of the executive authorities. Therefore we may speak about 800-860 thousand voters, 150 thousand out of them being employees of the law enforcement and administrative bodies. Meantime Heidar Aliev announced on the participation of 3 million voters in the election campaign, i. e. more than 2 million votes have been fabricated.

571

Out of 800 thousand voters who actually participated in the election 200-220 thousand voted for the dictator. Heidar Aliev in his official statement named 2.2 million votes for him, in other words he fabricated in his own favor 2 million votes.

I have to admit that quite a few international observers have verified numerous facts of violation of the election campaign ; essentially the fabrication of the elections by the regime of Heidar Aliev is a documentary approved fact. This is evidenced by the observers of the democratic forces inside Azerbaijan as well as by the documents delivered by the international observers. We may say that in general the dictator failed to reach his goal, i.e. to cheat the international community, having plunged his own people into the deep of fear.

To day the regime and its inspirer are in a rather suspended state. Our goal is to throw this regime onto the scrap heap of the history to move forward with the whole people.

Historically the era of Heidar Aliev is doomed. It has demonstrated its unperspectiveness, lifelessness and antidemocratic essence in full scale. The withdrawal of Heidar Aliev and his supporters from the political arena is a problem of time, in great extent depending on the solidity and efficiency of the democratic movement in Azerbaijan.

And we have our right to day to speak about those vital problems that we have to solve very soon, right after the withdrawal of the anti-popular regime.

I would like to touch the most important moments in a rather general way.

Improvement of the Acting Constitution.

The people of Azerbaijan, for centuries deprived of the human rights and freedom, had to be helped out from the prehensile claws of dictatorship. The way to achieve democracy lays through providing democratic elections in full accordance with the acting Constitution declaring that " The People are the only source of the Power".

In the postaliev period one of the most important problems, from my point of view, will be the improvement of the acting Constitution of Azerbaijan, certain unsystematic and non-efficient elements of which provide the President with the powers in much greater extent than the powers for Shah or any other absolute dictator. I do consider as important and necessary to attract for such purpose broad opposition and foreign experts.

By my point the immediate, the first and foremost problem is to emend the following amendments into the acting Constitution.

Elimination of the Cabinet of Ministers likewise the countries with proper presidential institute.

Providing succession of power by means of the vice-presidential institute in the

case of the death of the President, or in the case if the President is disabled on other reasons or dismissed through impeachment.

Appointment of 80% of Ministers and Top Officials by the mutual consent of the President and Milli Mejlis.

Replacement of the existing division according to the regional principle by the municipal principle; as a result municipal elections are to be held in 8-10 municipalities instead of the present situation when the elections are held in 90-100 regions. The salaries of the deputies elected from the corresponding municipalities are to be covered by the government.

Executive authorities are determined by the result of the elections with the following approval by the President (unlike the present situation when the appointment is performed directly by the President providing the officials with extremely wide powers).

The idea of the Court Power providing its essential independence should be elucidated precisely and deeply.

Basic provisions of the Election System ought to be strengthened reflecting principal provisions on the Central Election Commission.

The number of the acting Ministries should limited to 12-14 transferring such into the structures on the realization of the internal and foreign policy of the power. To day there are more than 100 ministries, many of them functioning under the label of some private company.

Providing appointment by election of the heads of research, economic and educational bodies.

Decreasing to the minimal extent the monopoly of the government in the management of economy, having adopted contemporary legislation.

The basic task of the governmental institutions ought to be determined as dynamic development of the nation.

Foundation for the ideological education of the youth should be the idea of Independent Democratic Azerbaijan, developing pride and patriotism for the mutual and sole nation.

The press ought to be free and independent acting according to the legislation and norms valid in the civilized countries.

Principal Steps on Creating the State Functioning in Accordance with Law.

To day in Azerbaijan there exists a vicious system when by some unwarranted decision of some official for the Procurator Office or Police any citizen of the Republic might be arrested and put in prison; when 90% of the inmates who have never committed any crime are without any reason are languished in captivity waiting for the adjudication ; when the law and enforcement organs are basing their activities on the mechanism of bribery and extortions. Such system ought to be changed in the most radical way.

Major problem for the law and enforcement organs will be designated as the struggle with criminals and other persons breaching the law. Radical reforms will be executed in the Ministry of National Security, Procurator Office, Ministry of Interior, Investigation Administration and Investigation Departments will be removed from the subordination to Ministries and Procurator Office. The investigators will be provided with the increased level of independence alongside with the increase of responsibility for the decisions taken. Interference into the activities of the law and enforcement organs by the governmental officials, up to the President, will be excluded legally.

There will be established state and municipal police bodies. The activities of the law and enforcement organs will coordinated by the Justice Ministry.

The court system will be radically modified with the exclusion of the interference of the governmental organs. Likewise there will be excluded the possibility of the influence of the state bodies in the process of appointment and election of the judges, the determining criteria in electing the judges will be the combination of such factors as good moral character, professionalism, unconditional maintenance of the law. There will be developed and adopted the law on the election of judges considering the world experience.

Care on the Rising generation, on their Education.

In the conditions of the Aliev's regime the care on education, training and development of the new generation is not only ignored by the state, but this problem, that remains one of the extremely problems in all civilized countries of the world, actually is not solved at all. Disregard to the needs of the youth, ignorance to the fate of millions of young Azerbaijanis is one of the major crimes of the regime against its own people.

When democratic forces will take power in Azerbaijan there will be realized the following principle "Every child that is born from the very birth is taken under the care of the state." It means that all elements of development and education of the young citizen of Azerbaijan, starting from the nursing home and kindergarten up to the fulfillment of education and taking a position in the society as well as the problem of protecting rights of the youth are the subject of the constant care by the state. The newly born citizen of Azerbaijan is considered as a national property, the state takes for itself the moral and material responsibility for the future of the child. And alongside with public schools there will be functioning and will steadily improve private colleges and universities. To encourage the latter with the purpose of increasing their role and responsibility for the education and development of the national intellect as well as with the purpose of decreasing training costs in the private schools they will be released from taxation.

The system of employment after the graduation of the university will be developed in the most thorough way with the prognosis in skilled personnel for the nearest 10

594

years, there will be determined the minimal salary for the graduates, the salaries for the professors and teachers at the state schools will be significantly increased so that there would not be any need for supplementary wages and there would not exist conditions for bribery, which will be punished in the most severe way in full accordance with the legislation. The majority of the scientific potential of Azerbaijan will be attracted to work at the universities, the state will provide all necessary conditions to train the most talented youth in the best schools of the world, the worldwide known scientists will be invited for lecturing at the Universities of Azerbaijan.

Education, training, science, culture, public health, care on indigent and pensioners will be recognized as the spheres of particular interest of the state with significant increase of the budget deductions.

Reforms in economics, industry, agriculture.

Total disintegration of national economy, bringing to the zero level of such branches of industry as machinery, petroleum chemistry, monopolization of the cotton-growing by the ruling clan, destruction of the agriculture - such are the sad results of the criminal deeds of the Aliev's regime for the time of their ruling.

After democratic forces will achieve their victory the national economy in Azerbaijan will exceed the bounds of the state monopoly. The task of the state machinery will be limited to providing strategic and tactical principles of regulating the economy, development of the progressive legislation, providing the successful functioning of the industrial and agricultural enterprises, of the citizens performing labor activities at the private and public spheres of production.

As a general rule there will be a principle that "the obligation of the people - to live and work in accordance with the laws adopted by the state, the obligation of the state - to provide conditions for the forward moving of the whole nation in general and every citizen in particular."

The taxation policy will be radically modified and improved by means of introducing such taxation system that would encourage the production, providing its the development and improvement, providing the increase of the income of the citizens and as a result the increase of the general revenue return into the budget. The citizens of Azerbaijan will be provided privileges stimulating the development of the production on the basis of local sources.

To day Azerbaijan capable to produce 500-600 thousand tons of fruits of high quality is flooded with ecologically harmful cheap products imported from other countries.

Machinery that used to yield annual production for 3 billion dollars is hardly producing limited items for 50-60 million dollars.

The output of the petroleum chemistry plants that quite recently used to produce different items for 1.5 billion dollars had decreased hundred times, its production due to high cost price having not found a demand in the market.

525

The Azerbaijani producers have lost the traditional markets, and first of all the whole space of the former Soviet Union.

With the purpose of simultaneous growth of the living standard of the people and of the development of the budget of full value there will be completed the following steps :

- *the interference of the state in the activities of all business entities, from individual to collective, stock companies, and state enterprises will be minimized;*
- *the production will be provided with freedom regulated by the market, and the producer will be provided freedom of business activities;*
- *there will be developed conditions for the successful introduction of the production yielded by the Azerbaijani producers at the domestic and foreign market having created privileges for the domestic producers;*
- *domestic producers of the food products, fruits and vegetables, all kinds of domestic production from flowers to machinery will be provided privileges for transportation inside and outside the country by means of the existing transportation;*
- *to protect domestic producers there will be established customs and,taxation restrictions for the foreign goods of the same quality;*
- *domestic producers of the competable goods will be encouraged by means of releasing from taxation in the case if they produce such;*
- *in the case if the profit is invested for the development of the production the invested capital will be released from the taxation;*
- *the tax privileges will be applied in relation to the enterprises providing new jobs;*
- *90% of the state enterprises will be converted to stock companies; 30% of the stocks will be distributed among the population free of charge with purpose of fair distribution of the property, 20% will be distributed through finance markets, 50% in some limited period of time will be delivered by the state for the available finance market;*
- *there will be utilized balanced approaches to solve the problem of mutual non-payments, with careful study of the reasons of the bankrupted enterprises;*
- *one of the major directions of the economical policy of the state will be determined as the guarantee of the required level of quality with minimal expenses;*
- *there will be developed conditions avoiding monopoly in producing items by single producer, having acknowledged competition as the basic development stimulus;*
- *market relations with foreign countries will be developed on the par conditions;*
- *to provide harmonious development of agriculture there will be developed the infrastructure of the production, development and realization of the final*

576

- *production with the application of modern technologies, agroindustrial and biotechnological methods, having encouraged the labor of the agricultural employees, with taxes established for the profit rather than for the remuneration.*

Particular attention will be paid to the foreign investors. The basic requirements in this case will be as follows:

- *the investments should be repayable for a short period of time;*
- *profitability should be not less than 20-25%;*
- *additional jobs ought to be developed;*
- *salaries for the employees should steadily grow.*

To attract the foreign investors there will be developed the most favorable conditions. The foreign investors having acquired part of the stocks will participate in the administration, management and in the condition of participation with their own stocks in the case of the particular amount of investments will be provided powers to distribute the profit.

While realizing projects that have undergone the state expertise they will be authorized to act as guarantor in obtaining the investment.

Under democratic administration significant attention will be paid to the development of science, public health, overall encouragement of culture and art considering the historical traditions and the achievements of the world civilization.

Education, science, culture, public health, environmental problem, creating proper living conditions for the youth and pensioners - these spheres of life in the civilized society will be of the major priority in the conditions of Democratic Azerbaijan.

I would like to underline two aspects that seem to be important for the political and economical stability in Azerbaijan now days and which are determining the attitude of the outer world towards my country.

The problem of Nagorny Karabakh to day remains as a stumbling-block both in the internal life of Azerbaijan and in its relations with foreign countries, and first of all with the USA. The domestic problems are first of all stipulated by the extremely complicated conditions for the existence of a million of refugees, the most vital problems of their life (such as living conditions, employment, social care, education for kids, care on aged, etc.) as well as the problem of their return to the homeland, to their habitations, to their dear land have never been and are not solved, - all these problems are postponed by the existing regime for the indefinite period of time. The ruling regime from time to time plays a trump with the unsettled fate of the refugees, keeping them as a means of pressure onto the democratic opposition, as a source of creating unstable situation as soon as the first signs of danger for them appear. The

517

external difficulties are related to the known 907 amendment which limits the possibilities of the governmental circles and of the private capital of the USA for the extensive involvement in that perspective region of the Caucasus. Quite often the western circles in their humanitarian programs are balancing between the two countries - Azerbaijan and Armenia, trying to avoid some artificial equilibrium. Undoubtedly such matter is urgent, this situation may not remain as a political tool in the hands of the despotic regime ; the moment opposition raises its voice just the same time the situation is compressed and the opponents of the dictatorship are accused in all sins.

I ought to admit the following. The problem of Nagorny Karabakh is a result of the policy of Russian imperialism for many centuries, either under Russian tsars or under Soviet bolsheviks, when for the empire interests there were victimized the national needs of the outskirts. This problem is a tragedy of the two neighboring people and it might be solved only by means of mutual compromises and mutual respect following the international legislation, making accents on the problem of peaceful coexistence of the people that are part of a sole human civilization. And I would like to stress it in a particular way that this problem might be solved only in the condition of democratic, truly popular regimes in the parties of conflict. Peace and compromise might be achieved only by democratic government elected legally by the people, expressing the genuine interest of their nation and provided trustworthy mandate from the people. Only in such case there might be achieved historically fair alternative to the existing non-fairness. And I do believe that such a possibility will appear after the withdrawal of the Aliev's dictatorship, since for him maintenance of the conflict situation is the integral condition for the existence of the regime.

The second aspect which is of a certain interest for the audience is the one related the oil contracts, the perspective of the oil development in Azerbaijan. I would like to tell you first of all - with the victory of the democratic forces all international agreements, including oil contracts, will be observed from the point of strict maintenance, exactly following the achieved agreements on the basis of international legislation. We may not consider any other approaches. We shall come to power to strengthen our relations with the civilized world, not for the temporary enrichment of the clan and personal interests. We shall come to power with the purpose of prosperity for the people of Azerbaijan, not for the gang of intriguers and bribe-takers. Finally, we shall come to power to acquire and utilize all progressive and positive that the democratic civilization is bearing, and first of all the respect to and observance of the legal norms and agreements.

At the same time I would like to note the following. Still in 1994 when the campaign on the conclusion of the oil contracts just started I was against such a situation when the historically important business deal is achieved with the ensemble of partners represented both by the largest oil companies, their reliability and efficiency being proved by the whole experience of their activities in different parts of the world, and some small companies that have never demonstrated themselves in the oil business and that are not capable to compete with the recognized authorities as

578

equal partners. The participation of such minor companies even from the point of not too educated observers seems to be doubtful, while the reason of their appearance amongst recognized oil developers is realized quite definitely. I consider that such mistakes in the future will not be forgiven neither by the people nor by the time itself.

The world oil business, as it is well known, is rather unstable and not always predictable; the world prices for oil may fluctuate on quite different reasons. These reasons might be the aggravation of political crisis, or the appearance of new oil deposits, or the conflict of interests, and many others. That is why one of the main criteria in the analysis of the potential projects ought to be reasonable evaluation of their cost price, including the cost price of the infrastructure expenses, the most significant of them being the expenses on crude oil transportation. It is obvious that the problem on the most acceptable route for the oil transportation in the conditions of modern world should be tied both with political and economical aspects. However political reason does not always result in the efficiency of economical decision. Therefore by my understanding the problem of the pipeline for the oil from Azerbaijan should be solved considering the complex analysis of the situation. I see as logical and reasonable the following approaches. While maintaining the route of the pipeline through the territories of Georgia and Turkey the political reason should be strengthened by the economical one. The most reasonable from my point while maintaining this route would be the achievement of the corresponding agreements with Russia and Kazakhstan on pumping by this line up to 20-30 million tons of Russian and 20-30 million tons of the Kazakh oil. Such approach would inevitably increase the economic grounds of the pipeline and, on the other hand, would lead to the integration of political and economical interests for Azerbaijan, Russia, Kazakhstan, Turkey, Georgia and western investors.

The other not less important aspect is the development of oil refinery and petroleum chemistry in Azerbaijan on the basis of the most developed and efficient technology which will significantly save the expenses on transportation of the crude oil and will provide expansion of the market for the products of oil refinery and petroleum chemistry, their potential possibilities being unlimited.

Considering all this I would like to note that with the victory of the democratic forces in the nearest 10 years such national economy branches as oil development, oil refinery and petroleum chemistry will be totally privatized stage by stage. In the beginning the state will own 51% of the stocks and in the following 10 years the state stocks would be realized at the widely available market with the participation of international investors. As a whole not more than 10% of different property in our republic will be as a state property.

The purpose of the democratic movement in Azerbaijan is to restore the belief of the Azerbaijani people in their present and their future, the belief in their own merit, in the restoration of the historical equity. We are basing on the fact that the people of Azerbaijan deserves to live in the conditions of the civilized democratic flourishing state, with human rights being observed, with the development of national self-consciousness, providing equal opportunities for all citizens of Azerbaijan.

579

The will of the people is a sacred one for the democrats of Azerbaijan. We may not commit the same fateful mistakes when the state power was passed to the obscurantists by means of fraud, blackmail and compressing fear. The will and the desire of the people is our bail. To day we declare on our decision to participate in the coming elections in Azerbaijan. If the people will vote for us, if we shall win on the coming elections we shall bring out our country from the heaviest situation. Our program is not unfounded, it is developed in all details. If we shall not be able to fulfill our debt before our people we are obliged to resign voluntarily. If the people will vote for others in the conditions of democratic elections we shall submit with respect to the will of the people.

We trust in the victory of democracy over dictatorship, of the good over evil. We are filled with a single great goal - to bring our people to a happy and free life. And in such arduous matter we take all the responsibilities for ourselves. There is no such force that may turn us from this path.

RASUL GULIEV

ATTACHMENT 26

Banners – Press Advertisement

Banner 1 Vote to create your municipality!

Banner 1A Vote to strengthen your community!

Banner 2 Municipal Elections will be held on 12 December 1999.

Banner 7 Municipal Election voting hours: 08:00 – 20:00, 12 December.

Banner 8 Take an active part in municipality elections on 12 December!

Banner 9 Remember to check that you are correctly on the Voters List!

Banner 10 Find out where your voting station is.

Banner 11 Your vote is important! Remember to vote on 12 December!

Banner 12 Remember to take an identity document to the voting station on Election Day.

Banner 13 Find out who your registered municipal candidates are.

Banner 14 Internally displaced people may vote in the municipality in which they currently live.

Banner 17 Find out who the registered municipal candidates in your municipality are.

Sequential banners:

Banner 3 What is a municipality?

Banner 4 A municipality is a form of local self-government within a territory defined by law.

Banner 5 What is local self-government in the Azerbaijan Republic?

Banner 6 Local self-government is a non-government system of organizing citizens' activity in order that they may resolve local issues independently and freely.

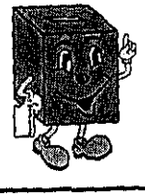
Banner 15 Do you know where your polling station is located?

Banner 16 Ask your Precinct Election Commission to find out!

1

Өз бәләдијјәнизи јаратмаг учун сәс верин !

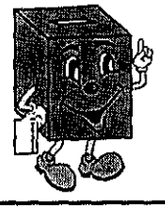
#1A



Јашадығыныз әразинин кәләчәк инкишафына сәс верин!

584

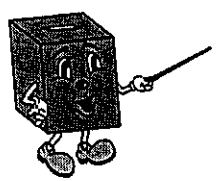
#2



Бәләдиҗҗәләрә сечкиләр 1999-чу ил декабрын 12-дә кечириләчәк

585

#3



Бәләдиҗҗә нәдир ?

#4

Бәләдијјә ганунла муәјјән олунмуш әразидә јерли өзунуидарәетмә формасыдыр

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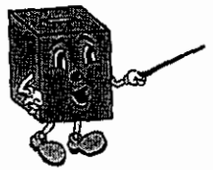
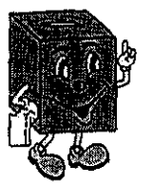


Азәрбајҹан Республикасында јерли өзунуидарә нәдир ?

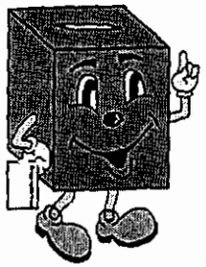
#6



Јерли өзунуидарә вәтәндашларын јерли мәсәләләри мустәгил вә азад шәкилдә һәлл едә билмәләри үчүн онларын фәалијјәтини тәшкил едән гејри-дөвләт системидир

#7

7

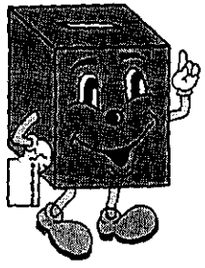


Бәләдиҗҗәләрә сечкиләрдә сәсвермә
декабрын 12-дә саат 8-дән 20-дәк кечириләчәк

590

#8

8



Декабрын 12-дә бәләдиҗҗәләрә сечкиләрдә фәал иштирак един!

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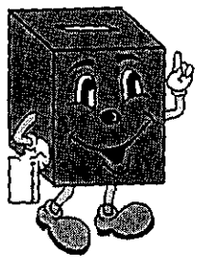

Сечичиләр сијаһысына сизин һаггынызда дахил едилмиш мә'луматын дүзкүнлүјүну јохламағы јаддан чыхармајын!

592

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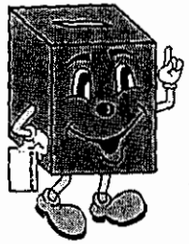
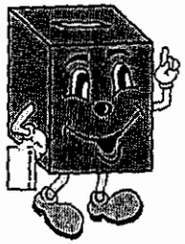


Сәс верәчәјиниз сечки мәнтәгәсинин јерини өјрәнин!

#12

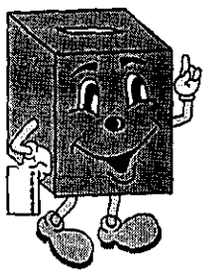


Сечкиләр куну сечки мәнтәгәсинә шәхсијјәтинизи тәсдиг едән сәнәдлә кетмәји унутмајын!

594

#13

13

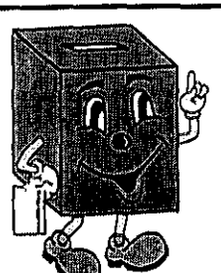


Бәләдијјә узвлујунә намизәдләрин кимләр олдуғуну өјрәнин!

595

#14

14



Мәчбури көчкүнләр һазырда јашадыгълары бәләдијјә әразисиндә сәс верә биләрләр

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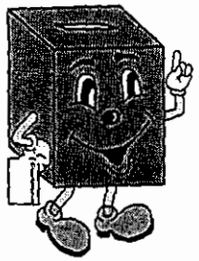
#16

16



Сиз бәләдијјә үзвлујунә намизәдләрин кимләр олдуғуну билирсинизми?

597

ATTACHMENT 28

Display Ads – Press Advertisement

Display ad No. 1

Focus: Concept of a municipality?

Are you concerned about health, education, transportation, power supplies, job creation or culture where you live?

If so, then you need to vote in the Municipal Elections on 12 December.

These are just a few of the local issues that could be resolved by your municipal representatives.

A vote for your municipality is a vote for your community!

Display Ad No. 2

Focus: Candidate Nominations

Who can nominate candidates for municipal elections?

- A citizen of the Azerbaijan Republic who has the right to vote and who lives permanently in the relevant territory
- Political parties registered according to the law of the Azerbaijan Republic
- Initiative groups of voters

Display Ad No. 3

Focus: If you want to be a candidate

How does a candidate officially register?

All candidates running in the 12 December Elections to Municipalities must submit the following forms to the relevant TEC no later than 18:00 on 12 November

A self-nominated candidate must complete:

- signature papers and
- an application form

Political parties and initiative groups of voters that have nominated a candidate must:

- complete the relevant document from the political party concerning the nomination of a candidate,
- complete the approved protocol concerning the establishment of the initiative group of voters and nominating a candidate for member of a municipality,
- obtain the candidate's written acceptance of his/her nomination for the election area in the application form defined by the Central Election Commission and
- complete signature papers

All candidates running in the 12 December Elections to Municipalities must submit the following forms to the relevant TEC no later than 18:00 on 12 November

Display Ad 4

Focus: How to challenge a TEC/PEC decision.

Are you concerned about a decision or resolution made by a Territorial Election Commission (TEC) or a Precinct Election Commission (PEC)?

If so, you should file a complaint to the:

- relevant Territorial Election Commission or
- Central Election Commission or
- relevant court

within a 3-day period if no other period is mentioned in the law.

It is not necessary to appeal to a superior election commission before applying to the court.

Elections to Municipalities will be held December 12!

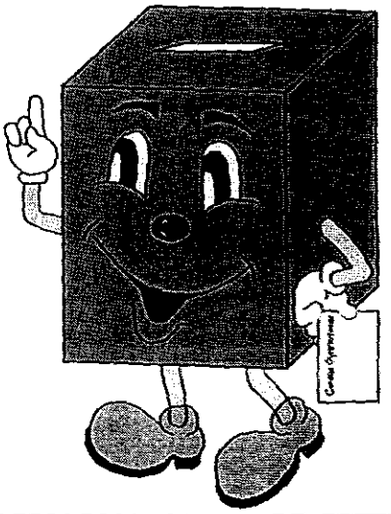
Hay ad 1

Сизи јашадығыныз әразидә сәһијјәнин,мәһсилин, нәглијјатын, електрик тәчһизатынын, иш јерләри јарадылмасынын вә ја мәдәнијјәтин вәзијјәти нараһат едирми?

Әкәр еләдирсә, декабрын 12-дә бәләдијјәләрә сечкиләрдә фәал иштирак един

Сизин бәләдијјәдәки нүмајәндәлириниз јухарыда гејд олунмуш бәзи јерли мәсәләләри һәлл едә биләрләр

Бәләдијјә үзәлујунә намизәдләринизә сәс вермәклә сиз әразинизин кәләчәк инкишафына сәс верирсиниз !

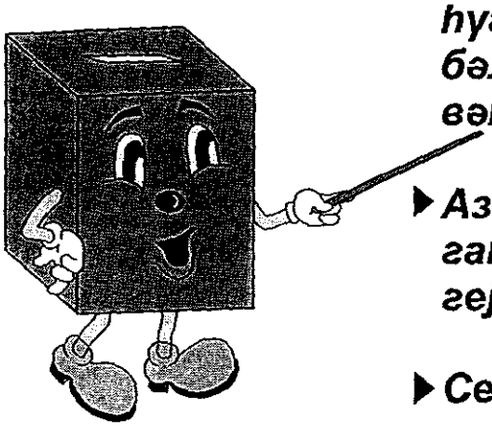


600

play ad2

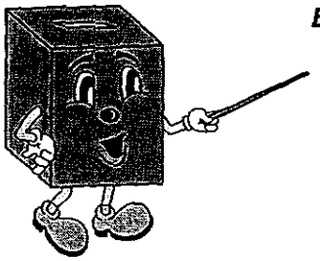
Бәләдијјә үзвлүјүнә намизәдләрин ирәли сурулмәси октјабрын 18-дә башланыр

Бәләдијјә үзвлүјүнә ким намизәд көстәрә биләр ?



- ***Азәрбајчан Республикасынын сечки һүгүгуна малик олан вә мүвафиг бәләдијјә әразисиндә даими јашајан вәтәндашы***
- ***Азәрбајчан Республикасы ганунверичилијинә мүвафиг сурәтдә гејдијјатдан кечмиш сијаси партијалар***
- ***Сечичиләрин тәшәббүс груплары***

Display ad 3



Бәләдијјә узвлујунә намизәд рәсми гајдада нечә гејдијјата алыныр ?

Бутун намизәдләр ашағыдакы билдириш сәнәдләрини мүвафиг әрази сечки комиссијасына ән кечи нојабрын 12-дә саат 18:00-дәк тәгдим етмәлидирләр

Өз намизәдлијини ирәли сүрмүш намизәд тәгдим етмәлидир:

- ***Сечичи имзасы олан вәрәгәләри***
- ***Мәркәзи Сечки Комиссијасы тәрәфиндән мүәјјән едилмиш формада әризәни***

Намизәд ирәли сүрән сијаси партијалар вә сечичиләрин тәшәббус группары тәгдим етмәлидирләр:

- ***Бәләдијјә узвлујунә намизәд көстәрилмәси һаггында сијаси партијанын тәсдиг олунмуш (мөһүрлә) протоколу***
- ***Тәшәббус групунун јарадылмасы вә бәләдијјә узвлујунә намизәд көстәрилмәси һаггында мүвафиг гајдада тәсдиг олунмуш протокол .***
- ***Бәләдијјә әразиси үзрә өз намизәдлијинин ирәли сурулмәсинә даир намизәдин Мәркәзи Сечки Комиссијасы тәрәфиндән мүәјјән едилмиш формада јазылы разылыг әризәси***
- ***Имза вәрәгәләри***

ATTACHMENT 29

ATTACHMENT 30

ATTACHMENT 31

625

ATTACHMENT 32

Bələdiyyə üzvlüyünə namizədlərin irəli sürülməsi oktyabrın 18-də başlanır

Bələdiyyə üzvlüyünə kim namizəd göstərə bilər ?

- Azərbaycan Respublikasının seçki hüququna malik olan və müvafiq bələdiyyə ərazisində daimi yaşayan vətəndaşı
- Azərbaycan Respublikası qanunvericiliyinə müvafiq surətdə qeydiyyatdan keçmiş siyasi partiyalar
- Seçicilərin təşəbbüs qrupları

Ən vacib mə'lumat !

Bələdiyyələrə seçkilər haqqında mə'lumat:

Səsvermə saatları:
dekabrın 12-də saat 8-dən 20-dək

Əgər xəstəsinizsə və ya hər hansı bir səbəb üzündən seçkilər günü seçki məntəqəsinə gedə bilmirsinizsə, məntəqə seçki komissiyası ilə seçki gününə ən azı 24 saat qalanadək əlaqə saxlayın və daşınan seçki qutusunun evinizə gətirilməsi üçün müraciət edin !

Sizi yaşadığınız ərazidə səhiyyənin,təhsilin, nəqliyyatın, elektrik təchizatının, iş yerləri yaradılmasının və ya mədəniyyətin vəziyyəti narahat edirmi?

Əgər elədirsə, dekabrın 12-də bələdiyyələrə seçkilərdə fəal iştirak edin

Sizin bələdiyyədəki nümayəndəliriniz yuxarıda qeyd olunmuş bəzi yerli məsələləri həll edə bilərlər

Bələdiyyə üzvlüyünə namizədlərinizə səs verməklə siz ərazinizin gələcək inkişafına səs verirsiniz !

Siz ərazi seçki komissiyasının və ya məntəqə seçki komissiyasının qərarından yaxud sərəncamından narazısınızmı?

Əgər belədirsə, siz Qanunda başqa müddət nəzərdə tutulmayıbsa, 3 gün müddətində:

- müvafiq ərazi seçki komissiyasına və ya
- Mərkəzi Seçki Komissiyasına və ya
- müvafiq məhkəməyə

şikayət edə bilərsiniz.

Məhkəməyə müraciət etmək üçün əvvəlcədən yuxarı seçki komissiyasına müraciət etmək vacib deyil.

Bələdiyyələrə seçkilər dekabrın 12-də keçiriləcəkdir

Bələdiyyənizin üzvlüyünə namizədlərə səs verməklə siz ərazinizin gələcək inkişafına səs verirsiniz.

Seçkilərdə aşkarlığı kim ta'min edir ?

Akkreditasiyadan keçmiş müşahidəçilər, həmçinin kütləvi informasiya vasitələrinin nümayəndələri

Akkreditasiyadan keçmiş müşahidəçilərin və kütləvi informasiya vasitələrinin nümayəndələrinin aşağıdakı hüquqları vardır:

- Seçki tədbirlərinin keçirilməsi haqqında əvvəlcədən xəbərdar edilmək
- Seçki komissiyalarının iclasları da daxil olmaqla bütün seçki tədbirlərində iştirak etmək
- Məntəqə seçki komissiyalarının işə başladığın vaxtdan səsvermənin nəticələrinə dair sənədlərin rəsmiləşdirilməsi başa çatanadək seçki məntəqəsində olmaq

Akkreditasiyadan keçmiş müşahidəçilərin seçki məntəqəsi üzrə aşağıdakı hüquqları da var:

- Daşınan seçki qutusunu müşayət etmək
- Məntəqə seçki komissiyasına təklif və iradlarla müraciət etmək
- Məntəqə seçki komissiyasının və onun üzvlərinin hərəkətlərindən (hərəkətsizliyindən) müvafiq ərazi seçki komissiyasına şikayət etmək
- Həm məntəqə seçki komissiyasından, həm də ərazi seçki komissiyasından səsvermənin yekun protokolunun surətini almaq

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Bələdiyyə üzvlüyünə namizəd rəsmi qaydada necə qeydiyyata alınır ?

Bütün namizədlər aşağıdakı bildiriş sənədlərini müvafiq ərazi seçki komissiyasına ən geci noyabrın 12-də saat 18.00-dək təqdim etməlidirlər

Öz namizədliyini irəli sürmüş namizəd təqdim etməlidir:

- Seçici imzası olan vərəqələri
- Mərkəzi Seçki Komissiyası tərəfindən müəyyən edilmiş formada ərizəni

Namizəd irəli sürən siyasi partiyalar və seçicilərin təşəbbüs qrupları təqdim etməlidirlər:

- Bələdiyyə üzvlüyünə namizəd göstərilməsi haqqında siyasi partiyanın təsdiq olunmuş (möhürlə) protokolu
- Təşəbbüs qrupunun yaradılması və bələdiyyə üzvlüyünə namizəd göstərilməsi haqqında müvafiq qaydada təsdiq olunmuş protokol
- Bələdiyyə ərazisi üzrə öz namizədliyinin irəli sürülməsinə dair namizədin Mərkəzi Seçki Komissiyası tərəfindən müəyyən edilmiş formada yazılı razılıq ərizəsi
- İmza vərəqələri

Dekabrın 12-si seçkilər günüdür !

Səs vermək üçün qeydiyyata alındığınızı ya'qin edin !

Məntəqə seçki komissiyaları seçici siyahılarını noyabrın 12-dən dekabrın 12-dək ümumi tanışlıq üçün təqdim edəcəklər. Seçki günü 18 yaşına çatmış, yaxud yaşı 18-dən yuxarı olan Azərbaycan Respublikası vətəndaşları məntəqə seçki komissiyasına müraciət edib, seçki məntəqəsi üzrə seçici siyahısının harada nümayiş etdirildiyini aydınlaşdırmalıdır. Sizin haqqınızda seçici siyahısına daxil edilmiş mə'lumatın dürüstünlüyünü yoxladığınıza əmin olun.

Əgər sizin haqqınızda seçicilər siyahısına daxil edilmiş mə'lumat səhvdirsə, məntəqə seçki komissiyasına bu barədə mə'lumat verin. Məntəqə seçki komissiyası 24 saat ərzində ya səhvi düzəltməli, ya da səbəblərini göstərməklə sizin şikayətinizi yazılı surətdə təkzib etməlidir.

Bələdiyyələrə seçkilərdə bütün namizədlər üçün seçkiqabağı təşviqat noyabrın 17-dən başlanır

Seçkiqabağı təşviqat dekabrın 11-də saat 24.00-da başa çatır

Seçki günü heç bir seçkiqabağı təşviqat keçirilə bilməz!

Dekabrın 12-də səs verməyi unutmayın !

ATTACHMENT 33

Расселл А. Смит

Расселл А. Смит окончил Принстонский Университет в 1976 году, получив степень бакалавра политических наук и Сиракузский Университет в 1997, со степенью мастера администрации. С 1998 года по настоящее время – профессор Университета Дистрикта Колумбия.

Р. Смит служил в Корпусе Мира США в Восточной Европе и на Ближнем Востоке и провел два года, с 1992 по 1994 во Владивостоке, Россия в качестве и.о. регионального директора Корпуса Мира.

С 1996 года Р. Смит является главой **Управления Финансовой Ответственности и Содействия Менеджменту Дистрикта Колумбия.**

На этом посту он наблюдает за соблюдением и вносит рекомендации по вопросам финансовой, программной и бюджетной политики правительства Дистрикта Колумбия. В его обязанности входит наблюдение за рассмотрением, с точки зрения продуктивного менеджмента, практики, процессов, деятельности и развития Планов Реформы Менеджмента для девяти агентств и четырех административно-функциональных подразделений правительства Дистрикта Колумбия.

В функции Р. Смита входит содействие разработке стратегии улучшения менеджмента для правительства Дистрикта Колумбия; разработка опросов общественного мнения граждан по вопросам удовлетворенности предоставляемыми им услугами; анализ предлагаемых к принятию законов с точки зрения их влияния на финансовый план и бюджет, и на предоставление услуг. Он также анализирует влияние заключаемых контрактов на фискальную и программную политику и их соответствие федеральным законам и законам и постановлениям Дистрикта. Кроме этого, в обязанности М. Смита входит помощь в разработке Технологического Стратегического Плана для правительства Дистрикта Колумбия, а также руководство штатом сотрудников отделов программ и администрации.

С 1994 года по 1996 год Расселл Смит работал аудитором **Офиса Дистрикта Колумбия.** Назначенный на этот пост Советом Дистрикта Колумбия, Р. Смит выполнял аудиторские проверки программ и финансовых операций правительства Дистрикта Колумбия и доводил свои заключения и рекомендации до сведения Совета и Мэра Дистрикта Колумбия и Конгресса США.

Правительство Дистрикта Колумбия

Дистрикт Колумбия (Дистрикт) был создан 3 марта 1791 года и стал столицей США 1 декабря 1800 года в соответствии со Статьей 1, частью 8, пунктом 17 Конституции США. Конгресс предоставил Дистрикту Хартию, которая вошла в силу 2 января 1975 года через принятие Акта Самоуправления и Реорганизации Правительства Дистрикта Колумбия.

Дистрикт Колумбия является муниципальной корпорацией, которая действует согласно форме правления, подразумевающей избираемых Мэра и Совет Дистрикта. Граждане Дистрикта имеют право избирать Президента и Вице- Президента США, но не могут избирать членов Конгресса. Тем не менее, Дистрикт имеет одного не имеющего права голоса делегата в Палате Представителей Конгресса США.

Совет Дистрикта Колумбия

Совет Дистрикта Колумбия – это законодательный орган местного самоуправления. Как законодательный орган местного самоуправления, Совет принимает законы, принимает годовой бюджет, и устанавливает программы и оперативные структуры всех правительственных агентств Дистрикта. Для выполнения своих обязанностей Совет изучает, как предложенные законы повлияют на жителей и качество жизни в Дистрикте, проводит публичные слушания для выяснения мнения граждан и также проводит слушания по проведению надзора за деятельностью правительства.

Совет состоит из Председателя, избранного от Дистрикта в целом и 12 членов, из которых 4 выбираются от всего Дистрикта в целом и 8 – от 8 т.н. дворов-участков Дистрикта. Только 2 из 4 членов – делегатов от всего Дистрикта могут принадлежать к одной партии (за исключением Председателя). В связи с уникальностью статуса Дистрикта в системе местного самоуправления, функции его Совета сочетают в себе функции местных законодательных собраний города, графства и штата.

Управление Финансовой Ответственности и Содействия Менеджменту Дистрикта Колумбия

Управление Финансовой Ответственности и Содействия Менеджменту Дистрикта Колумбия (Управления Финансовой Ответственности) было создано в 1995 году для рассмотрения и принятия бюджета, законодательных актов, контрактов (включая коллективные договоры) и займов Дистрикта.

Управление Финансовой Ответственности также обладает полномочиями занимать фонды от имени Дистрикта. Президент назначает 5 членов Управления Финансовой Ответственности.

Управление Финансовой Ответственности также может в любое время представить рекомендации Дистрикту, Президенту или Конгрессу для того, чтобы обеспечить выполнение финансового плана и бюджета или в какой-то другой форме содействовать финансовой стабильности, ответственному менеджменту и эффективному предоставлению услуг. В случае непринятия Дистриктом рекомендаций в рамках его полномочий, Управление Финансовой Ответственности может принять «такие меры, касающиеся рекомендации, которые оно сочтет необходимыми, после консультаций с Комитетом по Правительственной Реформе и Надзору Палаты Представителей США и Комитетом по Делам Правительства Сената».

International Foundation For Election Systems
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СЕЧКИ СИСТЕМЛЯРИ ЦЗРЯ БЕЙНЯЛХАЛГ ФОНД (IFES) ПРОГРАМЫ АЗЯРБАЙЖАНДА

1995-жи илдя Азярбайжан Республикасы 12 нойабр Парламент Сечкиляри вя Конститусийа щаггында Референдума щазырлащдыьы бир дюврдя IFES USAID-нин хащиши иля Азярбайжанда сечки мцщитинин йерли анализини апармышдыр. Щямин эюрцшлярин нятижяси олараг вя сечкилярин кечирилмясиня даир мцвафиг ганунларын юйрянилмясиня ясасланараг IFES щей'яти сийаси мцщит вя сечкиляря щазырлыьын статусу барядя илк фикрини вя ря'йини билдирмишдир. Америка Конгреси щюкумятя эюстярилян щуманитар олмайан йардыма мящдудиййят гойдуьундан Мяркязи Сечки Комиссийасына (МСК) кюмяк мцмкцн дейилди. Буна бахмайараг IFES Бакыдакы 1995-жи ил сечкиляри иля баьлы щадисяляри изляйир вя эяляжяк техники жящдлярин мцмкцнлцйцня цмид бясляйирди.

1998-жи илин мартында бя'зи мящдудиййятляр эютцрцлдцкдян сонра IFES юз щей'ятини – тяркибиндя щцгуг мяслящятчиси вя сечки ижрачысы олмагла – мювжуд вя инкишафда олан сечки системляриня эюстяриля биляжяк йардым сащясиндя фяалиййятини мцяйян етмяк цчцн Бакыйа эюндярди. Бакыдакы ахтарышлары заманы IFES Мяркязи Сечки Комиссийасынын цзвляри, Президент Апарытынын нцмайяндяляри, мцхтялиф назирликляр, ярази комиссийаларынын цзвляри, сийаси партийалар, гейри щюкумят тяшкилатлары вя бейнялхалг донор тяшкилатлары иля эюрцшмцшдцр. Сонралар, 1998-жи илин май вя ийун айларында IFES Азярбайжан Республикасына Президент Сечкиляри щаггында Ганун Лайищясиня щцгуги ря'йини вермишдир.

1998-жи илин августунда IFES Азярбайжанда даими фяалиййятя башлады 1998-жи ил 11 октйабр Президент Сечкиляриня йардым етди. Бу йардыма – йени сечки ганунунун щяйата кечирилмясиндя МСК-йа техники йардым, АТЯТ-ля бирэя Сечки Эцнц цчцн Рясми Тя'лиматын щазырланмасы, 500 сечки мя'мурунун тякмилляшдирилмяси дахилдир. Сечижилярин маарифляндирилмяси кампанийасы заманы 180000 плакат вя буклет йайылмыш, сечижилярин маарифляндирялмясиня йюнялдилмиш йедди реклам чархы телевизийада нцмайиш етдирилмиш вя милли телевизийада Президент Сечкиляри Щаггында Гануна щяср олунмуш верилиш щазырланмышдыр.

1999-жу илин декабрында Бялядиййяляря Сечкиляря йардым олараг, IFES Милли Мяжлися вя башга мараглы тяряфляря Бялядиййяляря Сечки щаггында Ганун барядя юз шярщлярини вя мяслящятини вермиш, МСК-йа техники йардымыны давам етдирмишдир. Мяркязи Сечки Комиссийасы иля бирликдя IFES сечижилярин маарифляндирилмяси програмыны щяйата кечирмишдир. Програма чап вя електрон мятбуат компонентляри дахил едилмиш, 9 реклам чархы щям дювлят щям дя юзял телевизийаларда йайымланмыш, 1 милйондан чох плакат вя буклетляр юлкянин бцтцн районларында пайланмышдыр. Бундан ялавя, IFES Мяркязи Сечки Комиссийасы иля бирэя мянтягя сечки комиссийалары цчцн Йаддаш китабы щазырламышдыр.

2000-жи илдя дя IFES Милли Мяжлися вя МСК-йа йардымыны вя щямчинин йерли демократийайунлц гейри щюкумят тяшкилатлары иля 2000-жи илин нойабрына нязярдя тутулан парламент сечкиляриня щазырлыг цзря ишини давам етдирир. IFES Милли Мяжлися Сечкиляр щаггында Ганун лайищясини анализ етмиш вя Президент Апаратына лайищяни даща ашкар вя демократик етмяк ццн тякмилляшдирмяйи тювсийя етмишдир. IFES щюкумят вя гейри-щюкумят тяшкилатларына бирбаша техники йардымыны давам етдирир, сечки вя демократийа щаггында мя'луматларын ялдя едилмясинин мцмкцн олмасы ццн IFES/Азярбайжан Информасийа Мяркязини даща да инкишаф етдирир. 1999-жу илин пайызында сечилмиш бялядийяляря йардым мягсядиля IFES районларда вятяндашларын маарифляндирилмяси програмыны щяйата кечирир. 2000-жи илдя эюрцляжяк ишляря - пайызда кечирилмяси нязярдя тутулан парламент сечкиляриня йардым, сечижилярин маарифляндирилмяси, сечки мя'мурларынын тякмилляшдирилмяси вя башга испащатйунлц тядбирляр дахилдир.

* * *

Сечки Системляри цзря Бейнялхалг Фонд (IFES) 1987-жи илдя йарадылмыш мцстягил, эялирсиз тяшкилатдыр. IFES бцтцн дцнйада демократийанын тякмилляшдирилмяси сащясиндя битяряф техники йардым едир вя демократик инкишаф вя демохратик сечкиляр щаггында мя'лумат мяркязи кими хидмят эюстярир. Йарандыьы эцндян бяри IFES эенишлянмиш вя дцнйанын 100-дян чох юлкясиндя ишляйяряк эюстярилян йардымын ян йцксяк кейфийятиня, демократик институтларын йаранмасы вя бирляшмяси сащясиндя ахтарышларына эюря бейнялхалг нцфуз газанмышдыр.