

**Preparations for the November 12, 1995  
Elections to the *Milli Mejlis* and  
Constitutional Referendum in the  
Republic of Azerbaijan**

**Initial Recommendations and Conclusions,  
September 1995**

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## EXECUTIVE SUMMARY

The International Foundation for Election Systems (IFES) sent a two-person team to Baku, Azerbaijan including Linda Edgeworth, a recognized election administration expert and Scott R. Lansell, IFES Program Officer for Europe and Asia, who conducted an analysis of the electoral administrative climate in Azerbaijan as the country prepared for November 12 Parliamentary elections and a Constitutional Referendum. IFES also examined the new Election Law, anticipated procedures for election day administration, and relevant political dynamics of the region as they pertained to the atmosphere of the electoral process.

During its brief assessment visit, IFES met with the Central Election Commission (CEC), various ministries and agencies of government, representatives from the Office of the President, State and independent media, political parties, and foreign and domestic non-governmental organizations. As a result of those meetings and based on a review of relevant laws related to the conduct of elections, the IFES team has drawn a number of preliminary conclusions regarding the political environment and the status of preparations for the November 12 elections and referendum in Azerbaijan. What follows is a brief overview of some of those preliminary findings. IFES also submitted a concept proposal for a technical assistance project which was designed to provide an effective communications linkage between official organs of state government, and political parties, candidates, and non-governmental organizations to overcome existing deficiencies which threaten to hamper equal and uniform application of law, and free access to a fair process.

## THE ELECTION LAW

In general the Election Law (Appendix A) provides a sufficient layering of structure to cover the basic fundamentals of standard administrative requirements. As written, however, several aspects of the Law caused concern in that they could not necessarily be characterized as promoting a truly democratic philosophy, and do little to raise the confidence of political competitors that the elections will be free and fair.

The Law provides no opportunity for representation by political parties on Central or District Election Committees. This means that parties will have no part in the policy and decision making bodies of the election administrative structure. At the Division level (precincts) only 30percent of the members may be representatives of the Committee. In addition, this provision limits the maximum number of members of the committee to 18, meaning that only up to 6 parties may have their representative member. There is no resolution to a situation in which more than 6 parties become eligible to participate in the elections. The line of authority over election committees leads directly to the President who appoints the Chairman of the Central Election Committee (CEC) independently. Such circumstances give grounds for legitimate concerns by political parties about the degree of fairness with which critical decisions will be made affecting their access to the ballot and campaign opportunities at the district level, or about election day activities, processing of voters and summarization of votes.

From a practical standpoint, the terms established for the Central Election Commission will potentially result in circumstances under which every Republic-wide election is administered by a new commission. Except in cases where officials are reappointed to serve a successive term, it means that there will be no opportunity to build institutional memory which is critically important to the continuing evolution of an improved and more efficient and accountable system.

In addition, the registration process whereby parties gain access to the ballot is specifically burdensome, requiring the gathering of 50,000 signatures within a very short time frame. Although larger traditional parties may be able to gather such a number in the short time allotted, small parties will be hard pressed to accumulate such a number. Regardless of their current representation in the Milli Mejlis (Assembly), all parties and candidates must go through this registration process for each and every election. Such provisions seem burdensome not only for candidates and parties, but also for election officials. In addition, the Law is silent as to procedures or limitations on the formation of blocs and their registration. The Law does provide a deadline by which parties must be registered with the Ministry of Justice to be eligible to apply for ballot access which does provide an element of administrative efficiency.

The Law provides adequate opportunity for the representatives of candidates and parties and other kinds of observers to be present at the polls. However, it is inadequate in defining deadlines and procedures for submission of names, and accreditation policies.

The Law provides a tremendous layering of opportunities for voting to transpire outside the polling sites. Undoubtedly, these expansive provisions were prompted by concern over the voting rights of displaced persons and refugees and voters who would be away from their residences on election day. While voting by

diplomatic missions and on ships sailing under the flag of the Azerbaijan Republic should be relatively easy to administer, broader allowances are insufficiently defined and regulated to ensure against the potential for abuse. In particular are provisions which allow the chairmen of commissions to take the ballots to voters who live too far from the polling site or in remote areas to come to the polls. Nor are guidelines sufficiently established in the Law to ensure that votes cast by voters at home can be sufficiently monitored and accounted for to close opportunity for misuse of ballots leaving the polling site.

Another issue that deserves attention that officials have apparently not considered is how the Law on Conduct of Referendum might differ from the new Election Law in its treatment of procedural requirements and details. It was clear from discussions with officials at various levels that no one had verified how the two laws might fail to conform. A suggestion was made to the Head of the Legislative Department in the Office of the President, who is responsible for preparing the draft of the Constitution, that a transitional provision be added to the draft that for the purposes of this referendum the rules established in the Law on Election to the National Assembly prevail to avoid potential conflicts and confusion on election day.

## LACK OF FORMALIZED PROCEDURAL DETAIL

In reviewing the Election Law, IFES noted that serious omissions and lapses exist which should be filled through regulations formalized by election administrators. In fact, it appears that the CEC has attempted to develop instructions and orders to guide lower officials in some of these areas. However, the concern is that inexperience will simply not prepare officials to recognize some of the kinds of details that never mattered until now. Nor is it likely that newly appointed officials will appreciate the significance of some omissions or their potential to raise controversy in the course of the election campaign. A few examples serve to illustrate key issues which are inadequately addressed in the Law and for which officials have yet to provide sufficient regulation or guidance.

There is no legal or procedural guidance as to how commissions are to evaluate candidate and party petitions. Nor are the criteria defined as to the grounds on which a petition may be rejected on the basis of a commission's evaluation of the signatures submitted in the candidate petitions. Without formalized guidelines, parties and candidates will remain vulnerable to arbitrary, inconsistent and potentially manipulative decisions by individual commissions. Contributing to the problem is a preliminary decision made by the CEC that parties and candidates are to receive only a number of signature sheets with sufficient lines to accommodate the threshold of number signers. According to the CEC's decision, each sheet is also required to have the official CEC stamp affixed, limiting the opportunity for parties to duplicate the blank forms. This severe restriction sets up a party for failure. There is no room for the most innocent or inadvertent mistakes or errors. In discussing this issue with one member of the Central Election Commission, it became clear that he simply did not understand the significance of such limitations. He responded that a petition should not contain more than the required number of signatures because it "made too much work" for everyone.

In addition, key questions remain unanswered that affect the manner in which signatures are gathered, and the grounds on which a petition might be rejected. Unfortunately, the team found that when asked about these points, different officials gave different replies. Among the types of questions for which there are yet to be formalized answers are the following:

- C whether or not signatures affixed in a petition by a person on behalf of a family member will be accepted; and
- C whether or not rejection of any signatures will be sufficient to cause the petition to be rejected, even if the threshold of valid signatures remains.

In the prior case, a Central Election commissioner indicated that signatures by proxies would be accepted in view of traditional practices, however, a district official indicated that each subscriber would have to sign personally. Clearly, these kinds of inconsistent interpretations will leave candidates and parties vulnerable to pitfalls which could cause them lose their access to the ballot.

When IFES posed these questions to various party representatives, it became clear that they had not even considered such issues. IFES encouraged parties to review the laws specifically for the purpose of determining what other kinds of questions might leave them exposed to inconsistent interpretations or application of laws on the part of election officials and to formalize a request for clarifications in writing.

IFES suggested three objectives of such an exercise:

1. to acquire sufficient information on which to plan their campaigns and strategies to minimize opportunities for rejection or censor;
2. to alert election officials as to inadequacies in the Law or the procedural rules; and,
3. to document their attempts to get formal clarification for use in any appeals or court challenges which may ultimately be necessary in instances where officials fail to respond.

There was one unexpected surprise, however, in terms of materials which have been distributed by the Central Election Commission to lower level commissions. One of the most prevalent problems encountered in the former Soviet Union has been the lack of information and training on the part of election officials at the district and polling station levels. The IFES team believes it may have encountered an exception in Azerbaijan. During a meeting with district officials, we were shown a series of documents developed by the Central Election Commission for the district including:

- C The Election Law
- C Detailed Election Calendar
- C District-level Instruction Manual (including protocols)
- C Polling Station-level Instruction Manual (including site layouts)
- C Detailed district map outlining polling sites
- C List of registered political parties and their coordinates
- C Log of documents and correspondence received via political parties

It should be noted that IFES made the initial contact with this Commission through unofficial sources thus negating the possibility of the CEC's involvement in advancing this encounter. We were also quite impressed with the clear understanding of the materials produced and the open attitude of members of the commission as we asked pointed questions regarding their roles prior to and during election day.

Another key area for which no formalized guidelines have been prepared as yet relates to the allocation of air time on state radio and television and space in the state newspaper for candidate and party campaigns. Except for the amount of time to which they are eligible, no rules have been established as to how time and print space will be distributed to ensure equal access to peak audience times. Nor has there been any formal decision rendered as to whether candidates or parties will be able to use their allotted time in small increments with greater frequency or all at once. No one seems to have a clear view as to how production will be accomplished or whether candidates can provide pre-produced materials. No one has been advised as to whether their presentations will be live or pre-recorded. This decision alone will determine the degree to which materials may or may not be censored. Similar questions relate to print space provided for candidate and party campaigns in the newspaper.

It seems clear is that the Censorship Commission will have an active role during the campaign period. However, there does not seem to be a clear view as to how decisions are made as to what will be edited out what will remain untouched. The official line is that there will be no "political censorship" only "military censorship." Unfortunately, while the terms were used widely, people have had only the most general idea as to how one would be distinguished from the other. It does not appear that determinations are based on specifically defined guidelines. If they exist, it is clear that they have not been widely disseminated. In fact,

there seems to be an inconsistent understanding that even among the censoring agents themselves as evidenced by the *NDI* interview that was edited in an independent paper but published in tact in the State paper. If candidates are to protect themselves from this unfortunate circumstance, it should at least be expected that specific guidelines be published so everyone can know the rules in advance.

## CAMPAIGNS AND THE STATUS OF THE MEDIA

Although there is way to determine to degree to which State officials and media will comply with the spirit of the Law, it is encouraging that Article 48 provides that it is prohibited for government agencies, officers and state mass media to use their posts and privileges to influence the voters or to engage in propaganda. However, in spite of this laudatory concept, other inconsistencies between promise and reality raise legitimate concerns. There is little to suggest that there is a free and independent press in Azerbaijan as understood by western democratic standards. First, while the Law on Press and Mass Media guarantees the freedom from censorship, it is clear that in reality this provision is violated on a regular basis. Virtually all printed material in Azerbaijan must go through the Censorship Commission and receive an official stamp prior to its being printed, even publications of the independent and party press. This obstacle is nearly impossible to circumvent in that virtually printing must be accomplished at state operated printing houses. Although there is at least one independent print shop in Baku, it appears that they are also vulnerable to State censure and may be subject to phone calls from authorities whereby they are given instructions as to materials they should refuse to print.

IFES learned that this Commission is an independent agency which does not fall under the umbrella of the Ministry of Press and Information or Radio and Television. In fact, there appeared to be little interaction between these ministries and the Commission. If there was a single message that seemed to reflect the official “line” it related to the unfortunate but necessary need for censorship in view of the state of war under which the Republic perceives itself. Although IFES found that opposition parties expressed their frustration with this dire circumstance that potentially threatens their ability to freely express their views, most officials and domestic non-governmental organization representatives seemed to view the issue of censorship as necessary to ensure the security of the country. In fact, IFES was told on several occasions that compared to former soviet times the situation is much improved. Few seemed to understand the significance of government censorship in potentially impacting the outcome of elections, but also in shielding voters from important information they should know about the views of candidates and parties who may ultimately make decisions about the very issues being edited or deleted.

One of the significant limitations that parties and candidates will encounter is that while the Law allows them to purchase additional time and space in the independent media at their own expense, unfortunately it is unlikely they will find these venues open to them. Many of the independent publications are published by parties. Others are hampered by limited circulation and shortages of paper and commodities.

There are limited opportunities to utilize the independent radio and television stations as well. Unfortunately, there is an understanding that should outlets like ANS accept political advertising it is unlikely that the ruling party would take advantage of the opportunities. Therefore, only announcements of the opposition would be aired, leaving them vulnerable to being labeled as “opposition” media. In fact there is a prevailing mind set that any claim to status as an “independent” automatically identifies one as “opposition.”

It will be difficult to characterize the elections as totally free and fair in view of the pre-existing conditions which restrict free speech and inhibit candidate and party access to the media.

## STATUS OF THE CONSTITUTION

It is clear that parties, political activists and the general public will have little opportunity to become familiar with the draft Constitution before election day. Even the Constitutional Commission has yet to see the formal draft being finalized by the Legal Department in the Office of the Office of the President. According to the Head of the Department, the working draft has not been made available even to Parliament because it would only “lead to a lot of misunderstandings and controversies.” There was also concern that, if released in its incomplete stage, the draft would be published by the press causing “confusion” among the general population. The Constitutional Commission has yet to receive the final draft which presumably encompasses all of their resolutions and compromises hammered out during their sessions.

However, IFES was told that the first formal draft of the Constitution will be published in the paper just 30 days before the election. According to Head of the Legal Department, this publication will initiate a public comment period during which parties, public organizations other interested groups and citizens will be able to submit their recommendations. No set parameters are in place as to how long that window of opportunity will last, although IFES was told that the period it would be about 10 days. It is impossible to tell whether offering this comment period will reflect a serious invitation for input, or whether it is only a formality. In view of the unsuccessful attempts of opposition parties to inject their views or participate successfully in the Constitutional Commission, it seems unlikely that any legitimate changes would be seriously considered as a result of this short public comment period so late in the election cycle.

It is also not clear as to how long it will take the Legal Department to formalize the final draft which will be the document to be voted upon on election day. As soon as the work is completed, the draft in its final form will be published in the State press. Obviously, any date selected for that publication will be too close to the election to allow for any in depth education aimed at the public. In meetings with the Ministries of the Radio/TV and Information, the official position regarding the importance of such public education was seriously understated. In fact, in a number of contexts IFES was informed that the referendum will be “not so important” to the voters. The expressed view was that voters’ primary interests in the elections will focus on the candidates. Even among officials with whom IFES spoke, recognition of the Constitution as a foundation document on which the future of the Republic rests, seemed to have less significance that one would expect. Rather, the emphasis of its importance lay in its practical value as a representation of the country’s stability as an independent Republic. It was also pointed out that since the newly elected Assembly would be able to change the Constitution at will, it was important to have the basic document already formalized to minimize the elected body’s potential interest in a complete overhaul.

In talking with Agencies of State media, it became apparent that plans for civic education about the Constitution would rely heavily on traditional practices in which the full text would simply be printed in its entirety. While officials acknowledged that voters should know about every article, any plans for explaining it in laymen’s terms would probably be minimal at best. In addition, there was nothing to suggest that they would provide a venue for debate on the strengths and/or weakness of the draft. Rather, they suggested that some opposition newspapers would more than likely publish their party’s opposing views, making it unnecessary for State media to create such opportunities. One official indicated that they contemplated even

reading the full document over the air because television offered a “more convenient medium” for voters than newspapers.

Surprisingly, at the time of IFES’ visit, there did not yet seem to be a clear official directive that State media was to aggressively “push” passage. Rather, officials of the various agencies involved seem to be relatively uninformed and uncoordinated as to any umbrella strategy or agenda. As election day grows nearer, this seemingly unstructured approach may gel into a cohesive campaign in which the state’s agenda becomes very clear.

Little was offered about the contents of the Constitutional draft itself. However, a few general insights were shared. First, the make up of the Assembly and the system of representation cited in the election Law will be maintained in the final draft of the Constitution. Although there was much debate over the issues of majoritarian system versus proportional representation (PR), the mixed system envisioned in the Election Law will be sustained. Critics continue to complain that the number PR seats is too low. However, the rationale offered for the minimal number is that the parties simply do not represent a significant share of the voting population. The Chairman of the Central Election Committee pointed out that to provide a greater share of proportionalseats would simply not be reflective of popular sentiment. He pointed out, for example, that while there are more than 4 million voters, only 300,000 are party supporters and they are spread among more than 30 political parties.

Reportedly, nearly one-half of the Constitutional provisions are devoted to human/civil rights and guarantees. IFES asked what provisions were included which would allow rights to be rescinded by the President or the Assembly, and under what circumstances. IFES was told that the draft would only cite three specific grounds on which fundamental rights could be suspended: in the event of war, in response to an ecological crisis, or to secure the Republic against “overthrow” of the government. In direct response to IFES’ specific question, the team was informed that there would be no vague and often abused language to the affect that rights could be rescinded to “protect the health and morals of society” which is found in so many other post-soviet Constitutions.

IFES was also informed that the structure of government to be outlined in the draft would follow the French model. The Constitution will reportedly delineate a separation of powers and redefine the structure of the court systems. A Constitutional Court will also be established although the right to appeal to this body will be given only to the President, Milli Mejlis (Assembly), and local municipalities. The right to appeal to the Constitutional Court will only be granted to citizens in cases that have already exhausted other court rulings.

IFES was advised that there would be a threshold established for passage of the referendum that will require at least 50percent of the eligible voters to participate. An additional criterion reportedly involves a calculation utilizing 25percent as a threshold, however, it was never made clear to what the latter percentage referred.

## SUMMARY OF GENERAL FINDINGS

### A. Election Law and Administration

- C It is likely that opposition candidates and parties will perceive these elections as inherently unfair due their lack of access to participation on Central and District Electoral Commissions.
- C The Law allows for numerous opportunities for abuse, fraud and manipulation during the unregulated periods of time ballots and ballot boxes are allowed outside the confines of the polling stations and observers
- C While the Election Law provides a general basis for the conduct of reasonable elections, there is an inherent lack of formalized administrative rules and regulations which will undermine the uniform application and proper administration of the Law.
- C IFES anticipates potential confusion on the part of the polling station commissions (DVEC) due to the fact that there may be no coordination between the administration and procedures outlined in the Election Law versus the Law on Referendum. There is little indication that the earlier law was consulted as the Election Law was drafted leading to fears that inconsistencies may occur and be handled on an ad hoc manner.

### B. The State and Independent Mass Media

- C Due to the general perception that the Republic remains in a war setting, censorship continues to be maintained and rationalized. There seems to be a feeling, at least within government structures, that it is an unfortunate but necessary status while the country remains in what many believe to be a state of siege.
- C Independent mass media exists in Azerbaijan but is quite susceptible to its real or perceived vulnerability and potential jeopardy under the watchful eye of the State media structure. It is reluctant to openly participate in a competitive political environment due to these fears.
- C There is a general feeling present on the part of independent media and printing enterprises and production facilities that accommodation of opposition parties and candidates may be viewed by the government as subversive or anti-government. This fear has severely hindered access of non-governmental parties to such facilities and campaign opportunities.

### C. Political Parties

- C There is a real potential for wide spread controversies to arise and for appeals to be lodged regarding

the rejection of candidate petitions, due to the ill defined registration procedures set forth for political parties as they attempt to gain access to the ballot.

- C It is quite likely that most opposition candidates and parties (Appendix B) will perceive these elections as inherently unfair due to their lack of access to representation on the Central and Division Election Commissions.
- C Under the present Election Law there is little information on the formation and/or limitations of blocs and their role in the process.
- C The public's perception of political parties is weak and/or ill defined and will play into the hands of the ruling party due to the populations' inability or lack of information to determine which party best represents their position on critical issues facing the country. Please see Appendix C for the Law on Political Parties.
- C Parties have not reached a level of sophistication which would prepare them to analyze the technical requirements of the Law or to identify those details about which more procedural guidance is required. This lack of understanding of their responsibility in securing necessary clarifications, will leave them vulnerable to inconsistent applications of law on the part of election office which could result in the denial of their access to the ballot and rights to which they are entitled.
- C There is little voter information or understanding of the concept of "party" in the new multi-party in this election cycle. Only 300,000 voters out of an eligible list of 4,000,000 have aligned themselves with any political party. The drafters of the Constitution used this fact as a basis for their decision to minimize the ratio of seats to be elected under the Proportional System.

#### **D. State-Level Coordination**

- C There seems to be a vacuum in communication between official government agencies, Ministries, and Commissions which has resulted in a lack of coordination and policy development allowing procedural, administrative and oversight responsibilities to fall victim to the entrenched quasi-Sovietized bureaucracy.
- C There remains a vacuum in the minds of mid to low-level government officers with regard to the formalization of administrative procedures and dissemination of information critical to a smooth communications link between levels of government.

#### **E. The Constitution**

- C Voters have no official or unofficial information in the draft Constitution. Unfortunately even after the formal unveiling of the draft document for public debate, there is little chance that such debate

will surmount to legitimate alteration to the presented document.

- C Officials of the government with whom IFES met clearly believed (or reported) that the Constitutional Referendum would not generate priority interest among the voters. Rather, it appeared that the draft Constitution is seen as a necessary practical step in establishing the Republic as an independent state.

**F. Overall National Environment**

- C There seems to remain a firm belief that the so-called “Telephone Law” associated traditional soviet style leadership still exists whereby key policy decisions and arbitrary directives are being made by a telephone call. Whether a real or perceived threat, lower level officials and independent enterprises remain cautious of stepping outside traditional boundaries.
- C The current military/political environment plays into the hands of those groups which are perceived to be a stable and consistent force; thus, there is little chance that the opposition, which by many is seen as an aggressive anti-system force will fare well in these elections.
- C The concept of running as an independent candidate or supporting non-political independent causes is generally perceived as anti-government, by the majority of media sources and by voters at large.
- C Public venues for open debate between political figures and parties will likely not be attended by members of the *New Azerbaijan Party* thus branding such events as pro-opposition.
- C The selection and nomination of candidates is open to local administrative authorities which reflect soviet-style structures
- C Some opposition political groups believe that the putsch that occurred in 1992 and that ousted former President Elchibey was illegitimate and has destabilized the political culture.
- C There may be a general perception on the part of officials that moving too quickly on reforms could be detrimental to the long-term prosperity of the country. In addition, the current psychology of the population has not prepared the general population in its ability to move forward toward democracy in the immediate context. One government official stated that Azerbaijan did not want to follow the actions of Kazakhstan and Kyrgyzstan where the Executive Branch mandated its legitimacy and term of office by decree.

## **Appendix A.**

### ***The Law of the Azerbaijan Republic on Elections to the National Assembly***



# **THE LAW OF THE AZERBAIJAN REPUBLIC ON ELECTION TO THE NATIONAL ASSEMBLY OF AZERBAIJAN REPUBLIC**

## **Part 1. General Provisions**

### **Article 1. The main principles of the elections**

The National Assembly of the Azerbaijan Republic (hereinafter called National Assembly) shall be elected on the basis of majority and proportional electoral systems and by secret ballot according to this Law.

### **Article 2. The content number of the National Assembly**

The National Assembly consists of 125 deputies. The National Assembly is elected for 5-year term. Its power starts from the first meeting and ends at the last one. The deputies' authorities are valid only during the term of National Assembly.

### **Article 3. The voting rights**

All of the citizens of the Azerbaijan Republic who are older 18 have right to vote for the deputies to the National Assembly. Every citizen who is 25 can be elected as a deputy to the National Assembly. Personnel in the Military Service of the Azerbaijan Republic, including the citizens in the alternative services cannot be elected as deputies to the National Assembly. Citizens unfit for activity, those who have been identified by the Court and those who are legally prisoners may have no right to be elected as a deputies to the National Assembly. It is prohibited to limit the rights of the citizens at the National Assembly Elections according to their social and property conditions, race and nationality, sex, education, languages, his attitude towards the religion, political and other views, as well as the kinds of business they run.

### **Article 4. The assignment of elections**

The President of the Azerbaijan Republic assigns the elections to the National Assembly. Not later than 80 days before the end of the National Assembly's term new elections should be assigned. The election day should be on Sunday.

### **Article 5. The Elections to the National Assembly**

The 100 of deputies of the National Assembly are to be elected on the single-mandated basis. The other 25 deputies are to be elected on the multi-mandated basis through the lists of candidates from the political parties.

### **Article 6. The right to appoint the candidates for election**

According to the 3d article of this Law, all suitable citizens of the Azerbaijan Republic, as well as the political parties that passed from the registration have right to appoint candidates to the Deputies in an appropriate way.

### **Article 7. Publicity during the preparation and performance of election**

The Election for National Assembly is held and prepared publicly. The participants in this election from the government boards, political parties, social unions and separate citizens act freely and publicly. The citizens are given a guarantee to vote for or against each candidate in the meetings, conferences, trade unions, mass

media, and public organizations. All the comparing dedicated to election should be informed publicly at least 2 days before hand by Central Electoral commission of Azerbaijan Republic. All the Electoral commissions should inform about their work, divisional electoral candidates, the content of the commission, their place and working hours, voters' name lists, candidates to the election, the results of voting and election as a whole. The mass media has right to highlight the process of election to National Assembly. The representatives of mass media have right to participate in all ceremonies arranged by the electoral commission and get appropriate information about the election held. The political parties, trade unions, other social organizations and the candidates to the elections to the National Assembly have right to participate at the divisional electoral commission while calculating the votes and determining the results of election. The representatives in charge should have the authorized identity card or extraction from the minutes. The participation of the representative is not informed to the commission beforehand. Nobody has night to get involved in the activity of the commission illegally.

#### **Article 8. Expenditures for preparation and performance of the election**

The expenditures for preparation and performance of the election are carried by the state budget of the Azerbaijan Republic. The government agencies and organizations are supposed to supply all equipment and premises at the disposal of electoral commissions free of charge. Non-governmental organizations buildings, premises and equipment which are hired for the activities of electoral commissions are paid by the budget of the Azerbaijan Republic. The Azerbaijan Republican budget as well as the local budget cannot be used for candidates in electoral campaign. The candidate may run their election on their own or their supporters' accounts.

#### **Article 9. The establishment of single-mandate electoral districts**

Not later than 70 days before the election day the territory of the Azerbaijan Republic is to be divided into 100 electoral districts, on the basis of majority electoral system. The Central Electoral Commission should take the following principles as basic rules: 1) it is not allowed for territorial zones to be included to one electoral district when they do not have common borders; 2) electoral district is established in each administrative district if the number of residents doesn't allow that the number of electoral districts may be two or more within the borders of one administrative district; 3) the number of residents in electoral districts should not differ from each other by more than 15 percent.

#### **Article 10. The establishment of multi-mandate electoral districts**

In order to organize and perform the elections on the proportional basis the multi-mandate electoral district is to be established on the whole territory of the Azerbaijan Republic.

#### **Article 11. The establishment of electoral divisions**

The single-mandate electoral districts are to be divided into electoral divisions. The electoral divisions are to be established not later than 10 days after the establishment of electoral districts. District Electoral Commission, after dividing every single-mandate electoral district into electoral divisions, determines the number of electoral divisions. The same electoral divisions are considered valid for voting in the multi-mandated electoral district. The number of voters for each electoral division is minimum of 50 and maximum of 1,500 residents. The District Electoral Commission, after presenting the list of electoral divisions, gives all information about the electoral divisions to the voters within 7 days.

## **Part II. Provision for the Preparation of Elections**

### **Article 12. The Structure of the Organizations Arranging the Election to the National Assembly**

The Organizations arranging the Election to the National Assembly are the Central Electoral Commission (hereinafter called the “Central Electoral Commission”), district electoral commissions (hereinafter referred to as the “district electoral commissions”), and divisional electoral commissions (hereinafter referred to as the “divisional electoral commissions”). The members of the electoral commissions cannot be appointed as candidates to the National Assembly.

### **Article 13. Central Electoral Commission**

Central Electoral Commission is a supreme government organization for arranging the elections for the National Assembly. Central Electoral Commission is formed at least 80 days before the election get started, and the commission contains the chairman and at least 11 members of the commission who are appointed for 5-year term by the National Assembly. The candidate for the chairman of the Central Electoral Commission is appointed by the President of the Azerbaijan Republic. After the chairman is elected, the members of the Commission are to be appointed within 3 days. The team should be composed not later than 40 days before the election starts. The chairman of the Central Electoral Commission, its deputy and members should be educated, juridical, abstained and have voting rights. The Central Electoral Commission carries out the functions of multi-mandate district electoral commission also.

### **Article 14. The authorities of the Central Electoral Commission**

The Central Electoral Commission supervises the activity of electoral commissions during the election to the National Assembly; provides for following the regulations of this Law and public order during the elections; provides the instructions for electoral commissions concerning issues of this Law; announces the list of candidates and candidates of political parties which are participating in election; gives candidate cards to the listed candidates of political parties which are participating in election; registers the persons who are representatives of political parties; provides the equal opportunity for political parties participating in election and candidates in the single-mandate electoral districts in pre-election activity and observes the equal conditions for everybody; confirms the seal and provides the safety of sending the election documents; controls the spending of the part of the state budget given for preparing of election; controls the communication and rooms for electoral commissions; vetoes illegal decisions of electoral commissions; makes the list of elected candidates and presents it to the National Assembly; organizes the election performance according to the 84th and 85th articles of this Law.

### **Article 15. District electoral commissions**

The District Electoral Commission consists of the chairman and at least 12 members having voting rights. The members of District Electoral Commission should be educated juridically, should all be citizens of Azerbaijan and should also be the residents of that electoral district. After its establishment the Central Electoral Commission appoints the chairman of the district electoral commission within 10 days, and then, from the consent of the chairman, appoints the members of the commission.

The chairman and members of District electoral commissions should be from the organizations financed by

the budget, they are to be abstains and the rest from the political parties and people who applied for their candidates through the casting vote. The rules of the sorption and place of it should be determined by the Central Electoral Commission. The District Electoral Commission is formed for the period of election.

#### **Article 16. The authorities of the District Electoral Commission**

District Electoral Commission supervises the implementation of this Law in the certain electoral district; controls the activity of divisional electoral commission; registers and gives the ID to the representatives of the candidates in the single-mandate electoral district; provides for the equal conditions in the pre-election activity in the single-mandate electoral districts; controls the reasonable spending of means given from the state budget, part of which it divides among divisional electoral commissions; maintains the rooms for the divisional electoral commissions, communication means, and equipment for the election performance; according to the 84<sup>th</sup> and 85<sup>th</sup> articles of this Law, organizes the re-election performance.

#### **Article 17. Divisional Electoral Commissions**

The divisional electoral commission consists of minimum of 6 and maximum of 18 members. It is established only for the time of the election. After its own establishment, the district electoral commission establishes the divisional electoral commissions and appoints its chairmen within 10 days. The half of members of divisional electoral commissions should be from the organizations financed by the budget, they are to be abstains and the minimum of 30 percent would be members from the political parties and other 20 percent would be representatives of the candidates who were elected through the casting vote. There can be representatives from each political party or from independent candidate in the divisional electoral commission. If the number of representatives of independent candidates is less than the number of candidates, their places can be distributed among representatives of political parties through the casting vote. The rules of the casting and place of it should be determined by the Central Electoral Commission.

#### **Article 18. The authorities of the divisional electoral commission**

Divisional electoral commission gives the information to the residents on the address, telephone number and the working hours of the divisional electoral commission; makes the list of voters in the polling station; examines the claims on mistakes in the lists of voters and takes all necessary measures; informs the voters about voters' lists; prepares the rooms for voting and other equipment; controls the placing of pre-election propaganda units around the polling station; organizes the voting at the polling station.

#### **Article 19. The rights of members of electoral commissions**

The members of the electoral commissions are to participate in all of its meetings. The candidate, its representative of its relatives cannot be in electoral commission. The member of electoral commission should be informed at time about the meeting of the electoral commission; can make a speech at the meetings of the commission; can make suggestion on issues concerning the electoral commission; can ask the participants questions concerning the agenda of the meeting of the commission; can obtain documents of the commission and other materials; from the day of assigning of the elections to the National Assembly up to the day of announcing the results of elections the member of the Central Electoral Commission has right to use the services of the railroad transport, automobile transport, sea transport, city transport and airlines within the territory of the Azerbaijan Republic free of charge. It is prohibited for the members of the electoral commission to conduct propaganda against or for any candidate or political party.

#### **Article 20. Organization of works of the Electoral Commissions**

If the half of the commission members participate at the meetings of the Electoral Commission the meeting is considered valid. Each decision of Electoral Commission is accepted through the open voting and the majority of votes. If the votes are equal then the chairman's vote is decisive. If the members of the Electoral Commission do not agree with the decision made by the commission then they may have right to express their impression in written form and it's added to the protocol (minutes). The decisions of the Electoral Commissions are obligatory for all participants of the election process. All the meetings of the Electoral Commission are open. There are not any limitations for the representatives of candidates, observers, mass media and citizens to participate at those meetings.

#### **Article 21. Claims on Decisions of the Electoral Commission**

After the decisions of district and divisional Electoral Commission are accepted, the candidates to the National Assembly, their representatives, observers and voters may have right to claim about the decision accepted to the higher Electoral Commission. After the decision of Central Electoral Commission is accepted one may have right to claim to the Supreme Court during 10 days. The Central Electoral Commission examines these claims within 7 days and makes a decision. The candidates, their representatives, observers, political parties and their voters can claim the decision of Central Electoral Commission in the Supreme Court of Azerbaijan Republic not later than 10 days after the decision was made. The Supreme Court of the Azerbaijan Republic is to scrutinize the case and make decision within 3 days. If there is less than 4 days left to the start of the election, the produced cases should be considered immediately.

#### **Article 22. Pledge of the chairman and the members of electoral commission**

Before the start of its functions, the chairman and the members of the commission are to take a pledge: "I pledge before my honor that I will carry out my responsibilities in accordance with the Law and will not be influenced or threatened by nobody."

#### **Article 23. Aid to the Electoral Commissions**

The government official and agencies, authorized people should help and give appropriate information to the Electoral Commission for the implementation of their job. The government official and agencies, as well as authorized people should respond properly to the addresses of the Electoral Commission not later than 3 days. The electoral commissions can hire necessary staff for auxiliary works in the order determined by the Central Electoral Commission and in the frames of allocated funds. In order to prepare and carrying out the elections, local state bodies, state organizations and enterprises have to give buildings and equipment to the electoral commissions' disposal.

#### **Article 24. Payments for the work of the members of Electoral commissions**

The chairpersons and members of electoral commissions are paid for their work for electoral commissions according the rates presented by the Central Electoral Commission and approved by the Cabinet of Ministers. The chairpersons and members of electoral commissions who work at enterprises, organizations and institutions, and are not paid their salaries due to their work in the electoral commissions, have to be paid the average salary from their main jobs.

#### **Article 25. The replacement of the team of electoral commission**

If the members or the chairman of the commission didn't carry out all of their responsibilities, didn't take an active part in the commissions' meetings, they would be replaced by the agency which has composed the team of the commission. If it is necessary the new chairman and members can be appointed.

#### **Article 26. The formation of electoral list**

In each electoral division for conduct the elections an electoral list has to be formed. The electoral lists are to be formed at the local executive power body and after being confirmed by the heads of these bodies, the electoral lists has to be provided to the divisional electoral commissions at least 30 days prior to the election. The divisional electoral commissions verify and confirm provided electoral lists. The verified electoral list is signed by the chairperson and secretary of the commission.

#### **Article 27. General rule on citizens inclusion into electoral list**

When the electoral lists are formed, the citizens living within the territory of the electoral division and having right to vote are to be included in the electoral list. If, after beginning of formation of the electoral lists, an elector moved in another place for permanent living, he may be included in the electoral list of electoral division of his (her) new residence if he (she) submitted an application to that electoral division at least 35 days prior to the elections. An electoral division have to inform about it the citizen's past electoral division.

#### **Article 28. Inclusion into the electoral lists of the citizens of Azerbaijan Republic being abroad**

If the Central Electoral Commission has not put more shorter period, the citizens of Azerbaijan Republic being abroad may submit at least 40 days prior the elections an application to the diplomatic representations of Azerbaijan Republic for inclusion to the electoral list.

#### **Article 29. Inclusion into the electoral lists the military servants**

Persons at actual military or alternative service are to be included to the electoral lists of the electoral division in their residence places before call up to the actual military or alternative service. Officers, sergeants and overtime military servants are to be to the electoral lists of the electoral division in their residence places.

#### **Article 30. Electors inclusion to only one list**

Each elector may be included to only one electoral list. Should the Central Electoral Commission found an elector included to the electoral lists of several electoral divisions, an elector has to indicate within 20 days which electoral division's electoral list he (she) wants to be included in. Otherwise the Central Electoral Commission includes an elector in the electoral list of the most favorable for voting electoral district and inform within three days the elector about it. That decision of the Central Electoral Commission is not to be appealed.

#### **Article 31. Announcement of the electoral lists**

At least twenty days prior to the elections a divisional electoral commission finishes certification and confirmation of electoral lists and allows the electorate to acquaint with them.

#### **Article 32. Check up of the electoral lists**

Any voter or solicitor of the candidate or political party may, at least seven days prior to the elections, inform the divisional electoral commission about mistakes in the electoral lists. Divisional electoral commissions have

to consider the claim within two days and take a decision. A decision of the divisional electoral commission may be claimed within two days in the district electoral commission. The district electoral commission has to take a decision within two days after receiving a claim. Its decision can be claimed in the Central Electoral Commission. The decision of die Central Electoral Commission is final.

**Article 33. Examination of the denials and claims related to the electoral rights**

Any voter or representative of the political party who could not fully enjoy their rights may, at least seven days prior to the elections, submit to the divisional electoral commission a claim about mistakes in the electoral lists. Divisional electoral commissions have to consider the claim within two days and take a decision. A decision of the divisional electoral commission may be claimed within 3 days in the civil court of that district. The civil court examines the claim within two days. Its decision is final should the term for submission of the claim has expired it may not be subject to examination. The divisional electoral commission has to inform the Central Electoral Commission about all received claims and corrections made in the electoral lists within the shortest period of time, but not later than 24 hours.

**Article 34. The rules for appointment of candidates to the deputies**

If the citizen of the Azerbaijan Republic have collected minimum of two thousand signatures in the appropriate electoral district, he can advance himself to a candidate in accordance with the limitations and restrictions of this Law. If any political party have collected minimum of fifty thousand signature of supporters and according to “The Law on Political Parties” of the Azerbaijan Republic have been registered not later than 70 days before the election in the order set by the legislation, it can appoint its candidates to the single-mandate electoral district and also participate in the multi-mandate electoral district. The regulations of the first part of this article spread on the candidates of the political parties appointed in the single-mandate electoral district. In order to participate in the elections in the multi-mandate electoral district, political party has to present a request from its administration team to the Central Electoral Commission. The basic list of 25 candidates and the reserve list with maximum of 20 percent of the total number of the appointed candidates as well as the information about their jobs should be added to the request. In order to appoint the candidates the political party gives the signature lists (Appendix 2 of this Law) to the persons who are enrolled in these lists.

**Article 35. The release of the candidates to deputies from jobs**

The citizens who are working in the government agencies connected with organization of election, as well as persons who run their own business or conduct some commercial activity and who also agree to be appointed to a candidate or nominate themselves to a candidate should inform about their will to be released from job from the 55 days to 35 days before the election day. The written request is to be presented to the district electoral commission. The district electoral commission sends this request immediately to the concerned governmental and non-governmental agencies and authorized persons. The governmental and non-governmental agencies or authorized persons make a decision on that request within 10 days. If medical workers, policemen, officers of the Armed Forces of the Azerbaijan Republic are running for elections or are appointed by their political parties, their representatives or the representatives of their political parties can be given signature lists only after the confirmation that their candidate has left his occupation.

**Article 36. The rules of gathering voters’ signatures**

The gathering of the necessary electorates signature for the participation in the elections to National

Assembly begins 55 days before the day of the elections and finishes 30 days before the day of the elections. A person which proposed his candidature and the administration team of the political party which presents the list of candidates for the participation in the elections to the National Assembly represent to the electoral district the list of persons which will gather electorates signatures. A person proposing his candidature for the participation in the elections to the National Assembly has to prepare a signature list in as it is shown in the Appendix I of this Law in order to collect the required number of signatures. In each of the signature list the full name and surname of candidate, his date of birth, present address and present job should be printed. In order to collect the required number of signatures for the presentation of the list of candidates from the political parties the format of signature list is shown in Appendix 2 of this Law. Each signature list has the full name and surname, date of birth, present address and present job of first ten candidates. The person who collects signatures has to show the whole list of candidates by the request of the voter. Every voter signing the list must indicate there his full name, surname, date of birth, present address, as well as their Azeri citizenship, identity card or another documents series and number. The full name of signatures gathering person, his surname, address, identity cards number or another document series must be indicated on signatures list. Citizens of Azerbaijan Republic which live abroad may send their signatures list through the consulates of Azerbaijan Republic in appropriate countries. If there is no such consulate there, they can send signature list through the consulates of Azerbaijan Republic in the nearest countries. The authenticity of the signatures can be testified by Central Electoral Commission and district electoral commission.

#### **Article 37. The notification documents to the candidates**

The citizens who nominated themselves candidates to the election have to present certain documents to the district electoral commission: 1) the information on nomination as a candidate in single-mandate electoral district; 2) the document with minimum two thousand signatures for this candidate from the appropriate electoral district; 3) the document certifying the payment of the sum equal 25 minimum work salaries. The political parties which nominate candidates to the election have to present certain information to the Central Electoral Commission: 1) the information on participating in the election with pointing the electoral districts where the candidates of the certain party will run for election; 2) the lists of voters who put their signatures, registration documents; 3) the basic and the reserve list of the candidates in the multi-mandate electoral districts; 4) the document with minimum two thousand signatures and minutes of meeting of conferences of the political parties concerning its regulations in case if there is no regulations in the Law of this party concerning appointing candidates of the parties in the single-mandate electoral districts; 5) the written consent of the candidates who appoint themselves in the single-mandate electoral district; 6) the document certifying the payment of sum equal 25 minimum work salaries multiplied by the number of candidates in the list; 7) the document certifying the payment of sum equal 25 minimum work salaries for each candidate appointed by the party in the single-mandate electoral district. The document certifying the citizenship of the candidates, their names, surnames and the middle names, addresses and place of job should be presented. The paid sum is not to be returned to the non-elected candidates and should be transferred to the state budget. The submission of the notification documents starts 55 days before the election and ends 30 days before the election.

The Central Electoral Commission, after the receiving the notification documents of the political party should send a request to the appropriate governmental agency on the confirmation of the registration of the certain political party within two days. The written answer should be received in 2 days. If there was any mistake

done during the registration of the political party, the Central Electoral Commission should inform the representative of the party immediately.

**Article 38. Authorized representatives to the elections to the National Assembly**

Every candidate participating in the elections to the National Assembly in the single-mandate electoral district may propose 15 citizens who have right to vote and every political party participating in elections in the multi-mandate electoral district may propose up to 45 citizens who have right to vote, to the district electoral commission to be registered as the authorized representatives. A political party or a candidate participating in the election should indicate full names and addresses of the persons whom they authorize as representatives to the elections to National Assembly when submitting the notification documents. The authorized representative may carry out the different orders of a political party or a candidate he represents; conduct propaganda against the opponents of his candidate or party; conduct propaganda for his candidate or a political party; require the following of this Law; claim the decisions of the divisional electoral commissions in the district electoral commission; claim the decisions of the district electoral commissions in the civil court; claim the decisions of the Central Electoral Commission in the Supreme Court; observe the commission's work and calculation of votes. The authorized representative should not interfere the work of the commission.

**Article 39. The appointment of the candidates and putting them into the list of candidates**

The same candidate cannot be appointed in two or more electoral districts. The person who appoints himself as a candidate in the single-mandate electoral district can give the information on participation in the election to only one appropriate electoral district and cannot participate in the multi-mandate electoral district at the same time. Every candidate to the deputy can be enrolled only to one list of candidates of political party in the multi-mandate electoral district. The person enrolled in this type of list cannot be appointed as a candidate in the single-mandate electoral district at the same time. If the citizen of the Azerbaijan Republic is enrolled in the list of more than one political party in the multi-mandate electoral district and at the same time appointed as a candidate in the single-mandate electoral district, the Central Electoral Commission must require him to choose either list of candidates of one political party of the one single-mandate district where he wants to be appointed as a candidate. If the candidate doesn't present the answer within 25 days before the election day, his name will be terminated from the lists of candidates in the single-mandate and multi-mandate districts.

**Article 40. The right to take back the notification documents**

In the single-mandate electoral district the citizen of the Azerbaijan Republic advancing the candidate of the list of political party, as well as political party has right to take back its notification documents not later than 7 days before the election day. In order to do this it is necessary to inform the Central Electoral Commission and respected political party in a written form. If the political party in coalition takes back the notification documents, the names of the candidates of that party are excluded from the general list of candidates and in that instance, the name of the coalition may be changed. The other parties in the coalition are informed about it in a written form. When taking back the notification documents there remains only one political party's candidates in the joint list. They can participate in the elections as the candidates of that party only.

**Article 41. Announcement of the Lists of Candidates.**

Not later than 25 days of the elections of the National Assembly, the Central Electoral Commission announces the lists of candidates from parties as well as citizens who nominated themselves as candidates, according

to electoral districts. For this purpose, after the submission term of the list of candidates completed, the appropriate governmental agency satisfies the demands of the Central Electoral Commission within one day and officially approves the registration of the certain political party, or informs whether political party had already stopped or completed its activity. The following day of official approval the Central Electoral Commission with the participation of the authorized representatives of political parties arranges the lots drawing according to the list of the political parties and the coalition by setting them up in order. The day when the list of candidates is announced, the election campaign is considered started.

**Article 42. The right of the candidate to National Deputies to make speeches on the meetings, to use mass media and get information**

After the announcement of the lists of candidates to the elections to the National Assembly the candidates to the National Deputies have full right to perform before the meetings of their electorate and other gatherings, mass media and advertise their pre-electoral programs. Officials of the state bodies and organizations have to help candidates to National Deputies in holding meetings with the electorate, getting any necessary information.

**Article 43. The responsibility taken for violation of this Law**

The persons who interfere the implementation of the citizens' rights to vote for national deputies to be elected, to national deputies to conduct the pre-election propaganda, carry responsibility under the regulations of the Legislation of Azerbaijan Republic. The persons, who publish false information about candidates to the National deputies, and interfere the meetings of candidate and his voters, carry responsibility under the regulations of the legislation of Azerbaijan Republic. The members of electoral commissions and other authorized persons who falsify electoral documents, miscount the votes, violate the secrecy of voting process, and allow any other violation of this Law, carry responsibility under the regulations of the legislation of Azerbaijan Republic.

**Article 44. Inviolability of a candidate to National Deputies Assembly**

During electoral campaign, as well as after announcement of the results of elections, a person included to the list of candidates to National Deputies Assembly can't be charged, arrested, or called to account without consent of Central Electoral Commission.

**Article 45. Participation of observers in elections to the National Deputies Assembly**

The candidates and political parties participating in the elections have the right to appoint their observers. Each candidate and each political party participating in the election can appoint the number of observers equal to the number of polling stations in the electoral district where the list of candidates is put up by the political party. However, the observer, appointed by the political party in the multi-mandate electoral district serves at the same time as an observer of the candidate, appointed by same party, in the single-mandate electoral district. No less than 30 days before the day of the elections to National Assembly, Central Electoral Commission appeal to foreign countries and international organizations with the request to send observers. Observers can claim the decisions of the divisional electoral commissions in the district electoral commissions. They also can claim the decisions of the district electoral commission in the civil courts of the certain districts. The observers can claim the decisions of the Central Electoral Commission in the Supreme Court of the Azerbaijan Republic. At the day of the election, the observers have the right to require the chairman and the

members of the commission and also other persons, inside of the building where the election is being performed to follow this Law and other laws of the Azerbaijan Republic. All of the conditions necessary for observing the voting process and the calculation of votes should be provided at the day of the election. The observers should not interfere the work of the commission.

#### **Article 46. The pre-election campaign**

After the announcement of list of candidates nominated from the political parties participating in the election and candidates from the single-mandate electoral district by the Central Electoral Commission they can start the pre-election campaign. It is prohibited to bribe the voters in any way during the pre-election campaign in order to collect their votes. The Central Electoral Commission will not allow to any candidate or political party to participate in the election if they are conducting this sort of action. It is prohibited to conduct the pre-election propaganda in the military detachments, police stations, courts, and prosecutor agencies. Pre-election campaign can be performed by all means and forms if they do not violate the laws and the constitution of the Azerbaijan Republic. The persons carrying on pre-election campaign should follow generally adopted ethic norms.

#### **Article 47. The rules and conditions of using of mass media during the electoral campaign by candidates to National Deputies Assembly**

The political parties and nominees are given the right by the government to use mass media free of charge. The strict volume and time of television and radio broadcasting for pre-election campaign agreed with the authorities of TV and radio broadcasting company is to be determined and distributed by the Central Electoral Commission among the nominees on equal basis. During the election campaign each political party is allowed minimum one hour, but the nominated citizens are allowed only ten minutes. Each political party participating in the elections to the National Assembly is allowed free of charge publication of their program texts limited up to 3 printed pages in the state newspapers. Each nominee is allowed to do the same but their program texts should not exceed one printed page. The campaign in non-governmental mass media is carried on at the expense of these parties and nominees. Central Electoral Commission solves all the disputes connected with the pre-election campaign. In case if the mass media gives disrespectful information about the candidate, it has to give the candidate a chance to make a speech, but not later than 1 day before the election starts.

#### **Article 48. Prohibition for authorized persons from government agencies do influence the voters' will.**

It is prohibited for government agencies, officers, and also state mass media agents to use their privileges to influence the voter to express their ideas, and conduct any propaganda.

#### **Article 49. Financing of pre-election campaign**

The candidates to the National Advisors Assembly pay for the cost of pre-election propaganda themselves. According to the 47<sup>th</sup> article of the Law, all expenditures such as time on the television and radio, publishing of candidates' pre-election posters, publishing of candidates' pre-election platforms and name lists of the candidates in the governmental newspapers is paid by government budget of Azerbaijan Republic. Financial means for pre-election propaganda are controlled by Central Electoral Commission and Ministry of Finances of Azerbaijan Republic. Citizens who were elected to the National Advisors have to report to the Ministry

of Finances of Azerbaijan Republic and publish the information in the newspapers about sources of means used for pre-election propaganda and used of these means not later than 15 days from the day of their election.

**Article 50. Prohibition of any pre-election propaganda 24 hours before the day of election**

It is prohibited to conduct pre-electoral propaganda at the day before the election (24 hours) and the election day. At the day election there should not be any units of propaganda at the range of 100m from the building where the voting is to be performed.

**Article 51. Drafting of sample documents for the election to the National Assembly**

Central Electoral Commission sets necessary for election to the National Assembly electoral cards, electoral bulletin, envelopes for sending voter by post, other officer, envelopes used in election process, packages, documents, forms, and the rules of filling them out.

**Article 52. Voting ballots**

Every voter receives two voting ballots for the elections to the National Assembly. One is for the single-mandate district to vote for the candidate. The other one is for the multi-mandate district to vote for the candidates from the political parties. In the ballot for single-mandate district the first name, second name and the middle name of every candidate to the deputies and also the name of the political party of the candidate should be put alphabetically. In the ballots for multi-mandate electoral district the names of the political parties, which has presented the lists of candidates, should be put alphabetically. The symbol of the party can be put together with its name.

**Article 53. Getting the ballots for the elections to the National Assembly to the place of election**

Electoral commissions must get the electoral ballots and envelopes to the divisional electoral commissions and post offices not later than 5 days before the election to the National Assembly. Divisional electoral commissions must deliver the electoral ballots to the polling stations not later than 24 hours before the election. Electoral Commission must get the electoral ballots and envelopes to the representatives of Azerbaijan Republic abroad and to the ships under the flag of Azerbaijan Republic not later than 10 days before elections to the National Assembly. Central Electoral Commission should, without set time violation, issue electoral ballots and envelopes for voting by post and get them to the voters.

**Part III. Performance of the Elections**

**Article 54. The place and the time of voting**

Elections will be held from 8:00 to 22:00 in the certain rooms appointed by the agencies. If there is no other rule applied to this Law, the voter will vote at the divisional electoral commission where his name is listed.

**Article 55. The equipment supply for places of voting for the elections to the National Assembly**

The requirement for the equipment for voting is determined by the Central Electoral Commission. Voting

cabin should be set in certain way so that nobody can see the voter. The text of this Law should be at every divisional electoral commission, in the places where it is easy to read them. There should be a name list of the candidates. At the day of the election there should be no other political action at the divisional electoral commission.

#### **Article 56. The opening of voting**

At the day of the election to the National Assembly the divisional electoral commission will open if two thirds of the members of electoral commission are available. Thus the chairman of the electoral commission together with its members check the voting box and then seal it. The chairman of commission after being sure that no violation of rules has occurred, distributes voting ballots and voter's name lists to the members of the commission and announces the opening of voting. The number of given ballots is in the calculation minutes of the divisional electoral commission.

#### **Article 57. Personal identification of the voter participating in the election to the National Assembly**

By the time the voter comes to the divisional electoral commission, he has to present his voting card, identification card or other documents identifying his citizenship, and then he puts the signature to the name list. After signing the name list, the voter is given voting ballots.

#### **Article 58. Voting regulations**

The voter participating in elections to the National Assembly receives voting bulletin, goes to the voting cabin and fills out the bulletin there. In the ballot of single-mandate electoral district the voter keeps the name of the candidate he (she) votes for and crosses the others. In the ballot of multi-mandate electoral district the voter keeps the name of the party he (she) votes for and crosses the others. The voter inserts the filled out bulletin to the voting box himself. By the voter's request, the spoiled voting bulletin can be changed by new one. After giving the voter new bulletin the member of commission crosses out the spoiled bulletin and signs it. The spoiled bulletin is kept separately. Due to the physical incapability, the voter who can't fill out the bulletin and insert it in the voting box himself, has to notify the chairman of the commission or any responsible person who will come and vote for him. At the day of election the chairman of the commission should distribute the ballots at the place where they live to the voters, who live far, and it would take them a long time to come to the poll station.

#### **Article 59. The voting performance at the diplomatic missions of Azerbaijan Republic abroad**

At the diplomatic missions of Azerbaijan Republic the voting can be performed during the working time. For this purpose at least 4 hours should be designated. Central Electoral commission with the consent of Ministry of Foreign Affairs make a list of diplomatic missions and sets the voting days (for each diplomatic mission minimum of 5 days). The responsibility for organization of voting in diplomatic missions lays on the Head of the Mission.

#### **Article 60. The voting performances on ships carrying state flag of Azerbaijan Republic**

In case is the ship under the flag of Azerbaijan Republic went from the port minimum 6 days before elections to the National Deputies Assembly and didn't return yet, and the members of the crew and passengers by any other reasons cannot vote at their divisional electoral commission or by post, the voting would be held onboard.

Central Electoral Commission with consent of authorized state agencies makes the list of ships and sets the voting time for them. Every voter on board the ship should be capable to vote. Captain of the ship is responsible for the voting performance.

**Article 61. The rule of holding elections in the diplomatic representations of the Azerbaijan Republic in the ships sailing under the Flag of the Azerbaijan Republic**

The rule of holding elections in the diplomatic representations of the Azerbaijan Republic and in the ships sailing under the flag of the Azerbaijan Republic is determined by the Central Electoral Commission of the Azerbaijan Republic.

**Article 62. The voting performance in the military detachments**

The voting in the military detachments of the Armed Forces of the Azerbaijan Republic is carried out through the polling stations which are established there.

**Article 63. Holding elections to the National Assembly in places of treatment and social guardianship**

The residents of the places of treatment and social guardianship capable of walking vote in the room singled out in the said place for the elections to the National Assembly in accordance with the rule determined by this article. But the residents of the places of the treatment and social guardianship incapable of walking are visited by the special official persons authorized by the district electoral commission of the post office. A person participating in the voting shall fill in the voting paper by his hands and put into the envelope in the situation satisfying confidentiality of voting. In case of necessity he can use the help of a person he relies on. The chiefs of the places of treatment or social guardianship can in connection with the elections prohibit to disturb the patients seriously ill. A person who is not able to realize his actions and control them due to his chronic mental disease or due to his temporary breach of his physics cannot be disturbed either in connection with the elections provided the medical commission draws a decision on that person in accordance with the rule determined by the Ministry of Health.

**Article 64. The voting performance in prisons**

The Central Electoral Commission sets the regulations for the voting process in prisons.

**Article 65. Participation of the citizen of the Azerbaijan Republic arrested during the preliminary investigations or detained in the isolation wards until the sentence of the Court comes into force**

The citizens of the Azerbaijan Republic arrested during the preliminary investigation or detained in the isolation wards until the sentence of the court comes into force take part in the elections to the National Assembly.

**Article 66. Following public order during the elections to the National Assembly**

Public order should be followed during the elections to the National Deputies Assembly. The members of the commission of the corresponding divisional electoral commission have right to ask those who break the public order and tranquillity to leave the divisional electoral commission.

## **Part IV. Elections' Results Determination**

### **Article 67. Registration of electoral ballots**

After the end the election to the National Deputies Assembly the divisional electoral commission becomes closed and the chairman of electoral commission collects all not used ballots from each member separately, counts them, and checks illegally distributed ballots. Unused ballots and spoiled ballots get counted and sealed accordingly. Then they are to be put to the special envelopes and sealed.

### **Article 68. The calculation of votes at the divisional electoral commission**

After the end of the election to the National Assembly the divisional electoral commission determines the number of voters who came to vote based on the basic name list of voters at the divisional electoral commission in order to find out any possibility of opening the voting box and for any evidences of taking out electoral ballots from the voting box illegally the divisional electoral commission should check the box. If there is such evidence, the act is to be established and the votes will not be counted. After determining that the voting box was not damaged, the members of the divisional electoral commission open it and count the votes. The votes are counted in such way so that participating persons could observe this process. Special regulations on calculation of votes are set by Central Electoral Commission.

### **Article 69. The minutes of calculation of votes for the election**

After the calculation of votes at the divisional electoral commission both of both of the minutes are to be arranged. The minutes should include the following: 1) the number of votes at the divisional electoral commission; 2) the number of voters who have voted at the divisional electoral commission; 3) the number of ballots given to the members of the commission; 4) the number of not used electoral ballots; 5) the number of spoiled ballots; 6) the number of valid electoral ballots; 7) the number of invalid electoral ballots. The chairman and the members of the divisional electoral commission put their signatures on the minutes of calculations of votes.

### **Article 70. Invalid electoral ballots**

The following ballots are considered invalid: 1) sample ballots that were not defined; 2) electoral ballots that were not certified by the stamp of suitable divisional electoral commission; 3) electoral ballots that do not belong to the certain electoral district; 4) electoral ballots that were more than two candidates names are marked. District electoral commission makes a decision about calculation of invalid electoral ballots.

### **Article 71. Submission of vote calculation documents and other ballot documents to the electoral districts**

Submission of the minutes on votes registration of elections to the National Assembly and other electoral documentations area electoral commissions shall put all the ballot papers including invalid and not used ones, minutes of votes registration, election lists and other electoral papers into packages and seal them in established order by the Central Electoral Commission. Minutes on votes registration of elections to the National Assembly and other electoral papers shall be sent to appropriate elections commission of the National Assembly. If the Central Electoral Commission has not determined other procedures the packages shall be submitted to the appropriate electoral district's commission of the National Assembly. The Central Electoral Commission shall provide together with the Ministry of Internal Affairs of the Azerbaijan Republic

delivery of the electoral papers and safety of persons who deliver them.

**Article 72. The counting of votes on elections to the National Assembly  
in electoral district's commission**

The electoral district's commission will start counting the votes after having received the paper on votes registration from electoral area commissions.

**Article 73. Other minutes of registration of votes**

The district electoral commission, following in compliance with the minutes of registration of votes received from the division electoral commissions, determines: 1) total number valid ballots gathered from the divisional electoral commissions; 2) the number of invalid ballots gathered from the division electoral commissions; 3) the number of votes accumulated for the candidates. The information is recorded in the minutes of District Electoral Commissions for vote calculating purposes and those protocols are signed by the chairman and members of the Electoral Commission. The same kind of minutes are to be recorded for the determination of results of election in the single-mandate electoral district.

**Article 74. The determination of results in the single-mandate electoral district**

The election in the single-mandate electoral districts are considered valid when more than 50 percent of the voters from the voters list of the certain electoral district have participated in the election. The candidate is considered elected if more than half of the voters participating in the election voted for him. If more than two candidates were nominated in the electoral district and none was elected, the Central Electoral Commission assigns re-election within two weeks. Only two of the candidates who gathered the biggest number of votes each can participate in the re-election. If these two candidates gather the equal number of votes, the re-election should be assigned again. If less than 50 percent of the voters in the single-mandate electoral district was participating in the election and none of the two nominated candidates was elected, the re-election is to be organized within 3 months.

**Article 75. The determination of results in the multi-mandate electoral district**

The election in the multi-mandate electoral district are considered valid when more than 50 percent of the voters participated in the election. The political party can get the deputy mandate only if the minimum of 8 percent of the voters voted for the list of candidates presented by this party. The number of mandates is divided among political parties by the number of votes gathered by the parties in a proportional way. Before that by the division of the total number of voters by the number of mandates of the multi-mandate electoral district the required number of votes for one mandate is to be determined. After that the number of votes gathered by the political parties and every list of candidates is to be divided by the electoral quote, and the received number will share show the share of mandates for the political party. The rest of the mandates is distributed among the lists of candidates which have the biggest number of votes left. The candidates from the same list will receive the mandates in accordance with the rules, set in the notification documents of the political party. If less than 50 percent was participating in the election in the multi-mandate electoral district or none of the candidates of the political parties could gather more than 8 percent of votes, the re-election would be assigned within 6 months.

**Article 76. Submission of the documents on elections from different electoral districts**

### **to the Central Electoral Commission**

All the documentation and ballot papers received from different electoral districts by post, as well as calculated minutes are taken to the special package and sealed. These packages are submitted to Central Electoral Commission for a definite period. Central Electoral Commission is responsible for the documentation of National Assembly for a plenary power period.

#### **Article 77. The participation of observers in determining the results of election and calculating votes**

Representatives of the candidates, observers, as well as representatives from the mass media can participate in determining of results of election in the electoral districts as well as in calculating votes in district electoral commissions and divisional electoral commissions. Observers, in the certain electoral commissions, may have right to object if there is a violation of this Law or other laws of Azerbaijan Republic, but they should not interfere the work of the electoral commission. Observers may express their objections in the written form. The documents on objection and other electoral documents of the divisional electoral commission are presented together to the district electoral commission. Representatives from mass media are not allowed to distribute the information about results of the election and calculation of votes in oral, written form, or by video and photo cameras unless the Central Electoral Commission announces the information about the election itself.

#### **Article 78. Announcement of the results of the elections**

The Central Electoral Commission announces the final results of the elections not later than 7 days after election day.

#### **Article 79. The notification about election to the candidates**

Within 3 days after the announcement of the results of the election to the National Advisors Assembly, the Central Electoral Commission gives the notifying document to the elected candidates. If the elected candidate doesn't receive the notifying document within 3 days, he can claim to the Supreme Court of the Azerbaijan Republic. Its decision is final.

#### **Article 80. The replacement of the deputies**

The replacement takes place in case of the deputy's death, his failure to fulfil his responsibilities: 1) if the deputy was elected on the basis of majority election system, in accordance with the rule of this Law, the new elections are to be carried out in the single-mandate electoral district where the former was elected; 2) if the deputy was elected from the list of the candidates of political party, the first candidate standing in the basic list of this party would take his place and become a deputy. If all of the candidates from the basic list were elected, the first candidate from the reserve list of the political party would take his place, in accordance with the regulations of this article.

#### **Article 81. Re-election to the People Advisors Assembly**

The re-election to the National Advisors Assembly: 1. In the district where elections were not performed or were considered invalid. 2. The re-election is performed under 75<sup>th</sup> article of this Law. The Central Electoral Commission sets the date and the rules for the re-election.

### **Article 82. Invalidity of elections**

If during the election there was a falsification of electoral documents or any actions to influence the result of election, the election would be considered invalid. As regards to invalidity of election every candidate who participated in election can claim to the Constitutional Court of the Azerbaijan Republic within 5 days after the announcement of the results. The Constitutional Court examines the claims within 15 days. Its decision is final.

## **Part V. Final Provisions**

### **Article 83. Disfranchisement from Deputies**

The person can be deprived of his rights as a Deputy in the following cases: 1. When Supreme Court decides that the elections in separate electoral districts are invalid. 2. When the Deputy changes a citizenship. 3. When the Court makes a decision about Deputy. 4. When his post does not match with his activity. 5. When the Deputy resigns. 6. When his political party's activity does not match with the law of the Azerbaijan Republic. If the Deputy's resignation is put in the record of the meeting of National Assembly, it is then considered valid. Thus, Deputy cannot take back his mandate.

### **Article 84. The decision of disfranchisement from Deputies**

Below is the list of persons or government agencies who can make a decision on deprivation the Deputy of his mandate: 1) Central Electoral Commission according to the 1<sup>st</sup> paragraph of the 83<sup>rd</sup> article of this Law; 2) The President of the Azerbaijan Republic according to the 2<sup>nd</sup> and 4<sup>th</sup> paragraphs of the 83<sup>rd</sup> article of this Law; 3) The Constitutional Court of Azerbaijan Republic according to the 3<sup>rd</sup> and 6<sup>th</sup> paragraphs of the 83<sup>rd</sup> article of this Law; 4) The Chairman of the National Assembly according to the 5<sup>th</sup> paragraph of the 83<sup>rd</sup> article of this Law.

### **Article 85. Transitional provisions**

Taking into consideration the transitional period in the building of the state of the Azerbaijan Republic, during the first elections to National Assembly based on this Law, the Central Electoral Commission can make exceptions for certain candidates and deputies in respect to the 1<sup>st</sup> part of the 35<sup>th</sup> article and the 4<sup>th</sup> paragraph of the 83<sup>rd</sup> article of this Law. The number of candidates to the Deputies who registered according to these exceptions cannot be more than 15 percent from the total number of Deputies of National Assembly of the Azerbaijan Republic. The Supreme Council of Azerbaijan Republic has authorities, determined in the first part of the 9<sup>th</sup> article and in the first part of the 13<sup>th</sup> article of this Law, until the new National Assembly is elected. The Supreme Court of Azerbaijan Republic makes decisions on points, determined in 82<sup>nd</sup> article of this Law, until the Constitutional Court of the Azerbaijan Republic is established. The authorities of the People Deputies of the Supreme Council of the Azerbaijan Republic will end from the first meeting of newly elected National Assembly.

**Article 86. Enforcement of the Law**

The Law will come into force from the day of its signing.

**THE PRESIDENT OF THE AZERBAIJAN REPUBLIC  
HEYDAR ALIYEV**

**BAKU, AUGUST 12<sup>th</sup>, 1995.**

**#1082**



## **Appendix B.**

### ***Primary Political Parties of Azerbaijan***



## POLITICAL PARTIES OF AZERBAIJAN

Azerbaijan Party of National Independence  
Party of Regeneration and Progress  
“Motherland” Party  
People’s Democratic Party  
People’s Democratic Party for Self-Consciousness  
Agrarian Party  
Civil Agreement Party  
“Masavat” Party  
“Unity” Party  
New Azerbaijan Party  
“Vahid” Party  
United Azerbaijan Party  
Democratic Azerbaijan Party for the Azerbaijanians (from all over the Party)  
Party “Right Way”  
Independent Azerbaijan Party  
Party of National Rescue  
Party of Compatriots  
Party “Hope”  
“Gorgut” Party  
Party of National Movement  
Party of Patriots  
Party of National Political System  
Azerbaijan Democratic Independent Party  
Party of Owners  
Party of Labour  
Alliance in the Name of Azerbaijan  
Party of Democratic Education  
Party of Social Well-Being  
Azerbaijan Liberal Party  
Azerbaijan Social-Democratic Party  
Azerbaijan Communist Party



## **Appendix C.**

### ***The Law of the Azerbaijan Republic on Political Parties (General Provisions)***



# THE LAW OF AZERBAIJAN REPUBLIC ON POLITICAL PARTIES

## Chapter I GENERAL PROVISIONS

### Article 1. Concept of Political Parties

The political parties are meant in the present Law as associations of the citizens Azerbaijan Republic, having common political idea and purposes, participating in political life of the country.

The political parties actively participate in formation of political will of the citizens of Azerbaijan Republic, proceeding from their tasks and purposes, appropriate to the Constitution and Laws of Azerbaijan Republic.

### Article 2. The Legislative Bases of Organization and Activity of Political Parties

The Legislative basis of organization and activity of political parties are the Constitution of Azerbaijan Republic, present Law and other acts of Azerbaijan Republic issued pursuant to them.

## Chapter 2

### Article 3. Principles of Creation and Activity of Political Parties

The political parties are created and act on the basis of principles of freedom of associations, voluntarily, equality of their members, self-management, legitimacy and publicity.

### Article 4. Conditions of Creation of Political Parties

Political parties are established on a territorial basis. Activity of primary organizations, committees and other organizational structures of political parties in state bodies of Azerbaijan Republic is not allowed.

The initiators of creation of political parties call a constituent congress (conference) or general meeting on which the bylaws are accepted and managing bodies are formed.

The political parties to be registered should have as members not less than 1000 citizens of Azerbaijan Republic.

Creation and activity of political parties are not allowed which having purpose or method of actions as overthrow, forced change of the constitutional system or infringement of territorial integrity of Azerbaijan

Republic, propagation of war, violence and rigidity, as well as enkindling race, national and religious dissension, fulfillment of other deeds, contradicting to the Constitutional system of Azerbaijan Republic and incompatible with its international obligations.

There are not allowed creation and activity of political parties of foreign countries, as well as their divisions and organizations on the territory of Azerbaijan Republic.

#### **Article 5. Forms of Activity of Political Parties**

The parties execute their political activity by:

- influencing on formation of public opinion pursuant to their bylaws;
- encouragement of political activity of their members;
- nomination among their numbers of the citizens in elective state bodies;
- influencing on activity of bodies of legislative and executive authority of Azerbaijan Republic pursuant to their bylaws;
- participation in formation of internal and external policy of Azerbaijan Republic by development of the political and social programs.

#### **Article 6. Bylaws of Political Parties**

The political party should have the bylaws opened for common information. In the bylaws should be stipulated:

- Name, purposes and tasks of the political party;
- Structure and order of admittance in the members of a political party and secession therefrom;
- Rights and responsibilities of the members of a political party;
- Measures of effect on territorial organizations not contradicting to the Laws of Azerbaijan Republic;
- Competence and order of formation of managing bodies of a political party, terms of their authorities;
- Order of making of the decisions, their realization and form of the control;
- Conditions of the calling form and terms of meeting of the members of a party and their representatives;
- Sources of formation of funds and other property of a political party;
- Order of changes and additions in the bylaws of a political party;
- Order of the termination of activity of a political party and fate of its property.

#### **Article 7. Name of the Party**

The name of the party, its abridged name and symbolics should differ from the name and symbolics of other parties registered in Azerbaijan Republic.

In case of change the name the party should pass the registration newly in the order established by the present Law.

## **Article 8. Membership in the Political Party**

The political parties have fixed membership.

The members of political parties are capable citizens of Azerbaijan Republic aged 18 voluntary admitted in the party and recognized its bylaws and program.

Neither the President of Azerbaijan Republic, nor Chairman, deputies of the chairman of the courts and judges of all courts of Azerbaijan Republic, militararians, employees of procurator's bodies, justice, internal affairs, national security, boundary troops, customs, financial, tax authority, state press bodies can be the members of political parties on whole period of their authorities, except of auxiliary-technical staff, management and creative structures of State Television and Radio Broadcasting Company of Azerbaijan Republic, religious figures.

The persons listed in part of the third of present Article suspend their membership in a political party on a whole term of election, services or a work.

## **Article 9. Rights of the Members of a Political Party**

The rights of the members of a political party are defined by its bylaws and cannot contradict the Constitution and the Laws of Azerbaijan Republic, International Law Acts about the rights and freedom of the person that ratified by Azerbaijan Republic.

Participation or non-participation of the citizen in activity of a political party cannot be a basis for restriction of his rights and freedom or for in admission of execution of the duties established by the Law, except for cases stipulated by Article 8 of the present Law. The requirement about the indication in the official documents on membership in this or another political party is not allowed.

Each member of a party or group of its members have the right on free will.

## **Article 10. Free Will in Bodies of a Political Party**

The order will in bodies of a political party is established by the bylaws of the party.

## **Article 11. International Relations of Political Parties**

The political parties can enter in international public (non-governmental) associations, to support direct international relations, to conclude the appropriate agreements.

### Chapter 3

## POLITICAL PARTIES AND THE STATE

### Article 12. Rights and Responsibilities of Political Parties

For realization of purposes and tasks determined in their bylaws, program documents, other acts political parties:

- Freely distribute the information on purposes and activity;
- To be united on the voluntary principles in political blocks, unions, federations, associations;
- To participate democratically (independently, in a block or union with other parties and other organizations) in elections of the President, parliament and other elective state bodies of Azerbaijan Republic, in formation of bodies of the executive authority of Azerbaijan Republic;
- Influence democratically on development of the decisions of state bodies;
- Represent and protect the interests of their members in state and public bodies;
- Execute other functions stipulated by the present Law and other Acts of Azerbaijan Republic.

The political parties have no right to interfere in activity of state bodies and officials.

The parties have the right to distribute the information on their activity, to propagate ideas, purposes and programs, to set up mass media, in the order established by the Law to hold meetings, demonstrations, assemblies and other mass measures.

The managing bodies of parties should obligatory be located on the territory of Azerbaijan Republic.

**Article 13. Rights and Responsibilities of the State in Relations with Political Parties<sup>1</sup> equal legal conditions for fulfillment by them their bylaws tasks pursuant to the Constitution and Laws Azerbaijan Republic, as well as for distribution of documents by means of the state printing bodies, protection and safety of managing bodies of parties.**

The interference of state bodies and officials in activity of political parties is not allowed, except for cases stipulated by the Law.

### Article 14. Registration of the Bylaws of the Political Party

The Bylaws of a political party is registered by the Ministry of Justice of Azerbaijan Republic.

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<sup>1</sup>This article has been last changed by the Law of June 25, 1992, under the No. 184. See the Commentaries.

An application signed by members of managing body of the party with indication of their residence is submitted for registration of the Bylaws of a political party within a month from the date of its acceptance. The Bylaws, protocol of a constituent congress (conference) accepted the Bylaws, document, certifying quantity of members of parties should be attached to the application.

The application for registration is considered within a month from the date of its receipt.

Changes and additions of the Bylaws of a political party is subject to be registered in the same order and in the same terms, as registration of the Bylaws.

The political party is recognized as the legal entity pursuant to the Legislation of Azerbaijan Republic from the date of registration of the bylaws.

The registration of the Bylaws of a political party is refused, if this Bylaws contradicts provisions 3, 4 and 5 of the present Laws, as well as if a party with the same name is already registered before it.

In event of default in registration of the Bylaws the applicants are informed about it in writing with the indication of provisions of the Legislation which the submitted Bylaws contradicts to.

The refusal in registration of the Bylaws can be appealed against within 10 days in Constitutional Court of Azerbaijan Republic, the decision of which is final.

The parties can have as symbols emblems, flags, markers and badges. The symbols should not serve to propagation of the purposes, specified in the fourth art of Article 4 of the present Law.

The Ministry of Justice of Azerbaijan Republic has the right to require of managing bodies of a political party the Bylaws which registered, representation of the decisions accepted by them, to receive the explanations on questions connected with observance of the Bylaws of the political party.

## **Responsibility for Infringement of the Legislation**

### **Article 15. On Political Parties**

Infringement of the Legislation on political parties follows criminal, administrative, material or other responsibility pursuant to the Legislation of Azerbaijan Republic.

Responsibility for infringement of the Legislation on political parties bear officials of state and public bodies, as well as citizens being guilty in.

The political parties in case of infringement of the Legislation on political parties bear the responsibility

pursuant to the Legislation of Azerbaijan Republic.

In case of fulfillment of actions by a political party coming out of limits of purposes and tasks determined by its Bylaws or not appropriate to the current Legislation, a written warning to the managing body of this party can be made by the Ministry of Justice of Azerbaijan Republic.

#### **Article 16. Dissolution of the Political Party**

The political party is dissolved under the decision of the Constitutional Court of Azerbaijan Republic in case of fulfillment of actions stipulated by the fourth part of Article 4 of the present Law.

The political party can be dissolved by the decision of the Constitutional Court in fulfillment of repeated actions during a year which stipulated by the fourth part of Article 15 of the present Law.

The representation about dissolution of the political party is made by the Ministry of Justice of Azerbaijan Republic.

In case of necessity the Constitutional Court when accepting to consideration of the question about dissolution of the political party can suspend activity of given political party before making of the final decision.

### **Chapter 4 MATERIAL SECURITY OF ACTIVITY OF POLITICAL PARTIES**

#### **Article 17. Financing of Activity of Political Parties**

The activity of political parties is financed at the expense of means of these parties without allocation of appropriations from the state budget, except for financing of election campaigns pursuant to the Law on Elections of the peoples deputies.

Financing of parties by the foreign states, as well as legal entities and natural persons of foreign states is forbidden.

#### **Article 18. The Incomes and Charges of Political Parties**

The incomes of a political party are receipts in a kind of money or values, having monetary term. The income is to be recognized also profits received as a result of releasing of party from conventional obligations.

As the incomes of political parties are considered:

- Membership fees;

- The incomes from the property;
- The incomes of measures, distribution of the printed editions and publications and other similar activity connected with incomes;
- The incomes in a kind of the donations;
- Receipts in a kind of reimbursement under selection campaign;
- Payments of subordinate organizations;
- Sundry incomes.

As the charges are considered:

- The charges for current business;
- The charges for operation of establishments of a political party and for the information;
- The charges for relation with the public and for realization of elections;
- Payments to subordinate organizations;
- Interests under the credits;
- Personal charges;
- Sundry costs.

The control over sources of the incomes, sizes of received means and payment of the taxes pursuant to the Taxes Legislation is executed by the State taxation authorities.

### **Article 19. Aids**

Parties have the right to receive aids. The followings have no rights on aids to political parties:

- Official bodies;
- The organizations which pursuant to their Bylaws (constituent documents) under actual activity serve exclusively and directly public, charitable or religious purposes;
- Trade unions;
- Mass movements.

Besides this the parties cannot accept the aids inserted in account for gaining of an economic or political profit.

The sums of aids for the benefit of political parties should be included in the financial report with the indication of the name (surname), address of a person which gave the aids and sum of the aids.

### **Article 20. Ownership of Parties**

The parties can have in the ownership buildings, equipment, publishing houses, printing houses, transport facilities, as well as other property being necessary for fulfillment of the Bylaws tasks.

The ownership right of parties is protected by the Legislation of Azerbaijan Republic.

The parties have the right to use buildings and other property pursuant to the Is agreements for the loan or lease made with other persons.

No ground, industrial enterprises, industrial associations and cooperative societies can be in the ownership of parties, the parties can not be engaged in economic or commercial activity.

The parties are forbidden to have, to store or to stockpile a weapon, explosive substances and other materials being dangerous (including ecological one) for life and health of the citizens.

### **Article 21. Financial Reporting**

The parties should conduct the accounting documentation reflecting incomes and charges under which they are obliged to report, as well as condition of their property.

The financial report of a political party consists of profits and losses parts, as well as of the property report of the organization.

There are included reports of its territorial organizations in the financial report of a political party as well.

There should be specified conducting at the end of each calendar year, number of the members of a party paying the membership fees in the report.

Carrying out the authority of the President of Azerbaijan Republic  
Chairman of the Supreme Council of Azerbaijan Republic  
I. GAMBAROV

Baky, June 3, 1992  
No 147.

## RESOLUTION OF MILLI MEJLIS OF AZERBAIJAN REPUBLIC

### On the Order of Putting into Action of the Law of Azerbaijan Republic "On Political Parties"<sup>2</sup> Milli Mejlis of Azerbaijan Republic resolves:

1. To put the Law Azerbaijan Republic "On Political Parties" into action from the moment of acceptance.
2. To entrust to Permanent Commission at Milli Mejlis of Azerbaijan Republic on a legal policy within a month to develop and to introduce for consideration to Milli Mejlis of the proposal on respective changes in the Legislation in the part of the responsibility for infringement of the Law Azerbaijan Republic "On Political Parties."
3. To entrust to the Ministry of Justice of Azerbaijan Republic up to the St. of August of 1992 to solve the problems on registration of the bylaws of political parties created and being not registered before coming into force of the present Law.
4. To establish that jurisdiction of the Supreme Court of Azerbaijan Republic under questions relevant to the present Law to competence of the Constitutional Court of Azerbaijan Republic while the Constitutional Court of Azerbaijan Republic is not being organized.
5. To entrust to the Cabinet of Ministers of Azerbaijan Republic to solve the problem on accommodation of central bodies of political parties with the registered Bylaws.

The first Vice-President of the Supreme Council of Azerbaijan Republic  
T.GARAEV

Baky, 3, 1992  
No. 148.

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<sup>2</sup>This resolution has last been changed by the Law of June 25, 1992, under the No. 185. See the Commentaries.

## Commentaries

### 1. THE LAW OF AZERBAIJAN REPUBLIC ON CHANGES IN THE LAW OF AZERBAIJAN REPUBLIC "ON POLITICAL PARTIES"

Milli Mejlis (National Assembly) of Azerbaijan Republic resolves:

To state Article 13 of the Law of Azerbaijan Republic of June 3, 1992, "On Political Parties" in following edition:

#### "Article 13. Rights and Duties of the State in Relations with Political Parties

The state guarantees observance of the rights and legal interests of political parties, pursuant to the Constitution and Laws of Azerbaijan Republic creation of equal legal conditions for fulfillment authorized tasks by them, as well as for distribution of documents by means of state printing bodies, protection and safety of managing bodies of parties, creation of a state service of protection and organization of its equipment with this purpose.

The interference of state bodies and officers in activity of political parties is not allowed, except for cases stipulated by the Law."

The President of Azerbaijan Republic  
ABULFAZ ELCHIBEY

Baky, June 25, 1992

No. 184.

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### 2. RESOLUTION OF MILLI MEJLIS (NATIONAL ASSEMBLY) OF AZERBAIJAN REPUBLIC about changes in the Resolution of Milli Mejlis of Azerbaijan Republic "About the Order of Putting into Effect of the Law of Azerbaijan Republic "On Political Parties"

Milli Mejlis of Azerbaijan Republic resolves:

To state paragraph 5 of the Decree of Milli Mejlis of Azerbaijan Republic of June 3, 1992, "About the Order of Putting into Effect of the Law of Azerbaijan Republic "On Political Parties" in following edition:

"5. To entrust the Cabinet of Ministers of Azerbaijan Republic:

- that to solve the problem on accommodation of central bodies of political parties with the registered bylaws;
- that to establish measures on maintenance of security of managing bodies of political parties by means of security service."

The first Vice-President of the Supreme Council of Azerbaijan Republic  
T.GARAEV

Baky, June 25, 1992

No. 185.

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