



# **THE REPUBLIC OF AZERBAIJAN DRAFT UNIFIED ELECTION CODE**

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The will of the people of the Republic of Azerbaijan constitutes the basis of the Republic of Azerbaijan's State Power. The will of the people of Azerbaijan Republic is expressed in fair and regular elections based on general, equal and direct suffrage by means of secret and personal vote as well as in nationwide opinion poll - referendum based on general, equal and direct suffrage by means of secret and personal vote. The Azerbaijan State guarantees free expression of the will of the people of Azerbaijan Republic by protection of principles and norms of universal suffrage. The present Code establishes the rules for the organization and conduct of elections of the parliament of Azerbaijan Republic – the Milli Majlis, the President of Azerbaijan Republic, municipalities and nationwide opinion poll – referendum

## **GENERAL PART**

### **SECTION ONE. Main definitions**

#### **CHAPTER One. Main definitions and principles**

##### **Article 1. Main terms used in this Code**

1.1 The following main terms shall be used in this Code:

1.1.1 Referendum – voting of the citizens of the Republic of Azerbaijan on the issues determined by the Constitution of the Republic of Azerbaijan;

1.1.2 Elections – elections of deputies of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, members of municipalities in the Republic of Azerbaijan held on the basis of the Constitution of the Republic of Azerbaijan and the present Code;

1.1.3 Voter – a citizen of the Republic of Azerbaijan possessing suffrage;

1.1.4 Election (referendum) commissions - collective bodies organizing and providing realization of elections (referenda) and being formed in accordance with provisions set forth in this Code;

1.1.5 Election constituency – geographical unit, established in accordance with this Code, where the registered voters elect a representative (representatives) to any elective state body;

1.1.6 Candidate – person nominated for member of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, member of municipality in accordance with this Code;

1.1.7 Suffrage – to elect deputies of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, members to municipalities and the right to be elected to the same bodies and as a President of the Republic of Azerbaijan, as well as the right to participate in nomination of candidates, pre-election (pre-referendum) campaign, in work of election

(referendum) commissions, in observation of elections (referenda) (including, determination of election (referendum) results), in voting, and in carrying out of other election (referendum) actions;

1.1.8 Voters list – lists of citizens of the Republic of Azerbaijan living in the territory of the relevant election (referendum) precinct of an election (referendum) constituency having suffrage;

1.1.9 Signature sheets – lists with voters' signatures directed to support either one or another candidate during election, or about membership of a referendum campaign group for the purpose of participating in pre-referendum campaign;

1.1.10 Elective bodies –the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, municipalities;

1.1.11 Campaign materials – printed, audio-visual and the kind of other materials devoted to pre-election (pre-referendum) campaign envisaged to be disseminated by publication and other means during election (referendum) campaign;

1.1.12 Pre-referendum campaign – activity of referendum campaign groups and citizens of the Republic of Azerbaijan calling or having the purpose to call upon to the referendum participants to participate at the referendum, to support or not to support the issues to be discussed in the referendum;

1.1.13 Pre-election campaign – activity of citizens and political parties of the Republic of Azerbaijan calling or having the purpose to call upon to citizens of the Republic of Azerbaijan to participate in the election, to vote for one or another candidate;

1.1.14 Nomination of candidates – initiative as well as collection of signatures directed to support the initiative on determination of persons envisaged to be elected as an deputy of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan and a municipality member, or other methods of carrying out of an initiative in accordance with provision provided for in this Code;

1.1.15 Registered candidate - person registered for member of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, member of a municipality in accordance with this Code;

1.1.16 Initiators of a referendum campaign group – citizens of the Republic of Azerbaijan initiating development of a referendum campaign group and signed a notification on development of the group submitted to the relevant election commission;

1.1.17 Members of a referendum campaign group - citizens of the Republic of Azerbaijan signing the signature lists necessary for registration of a referendum campaign group;

1.1.18 Observation – preparation of expert opinion based on gathering and assessment of information;

1.1.19 Observers – persons appointed by political parties, non-governmental organizations, referendum campaign groups, candidates and accredited in the relevant election (referendum) commission in cases provided for by this Code for elections (referenda) observation during holding of elections (referenda);

1.1.20 International (foreign) observers – person acquiring the right to observe elections (referenda) and representing a foreign or international organization;

1.1.21 Persons having the right to participate in conducting of election (referendum) actions – observers, international (foreign) observers, agents, authorized representatives, media representatives;

1.1.22 Block of political parties – joining of two or more political parties, with the same rights as political parties during election, for joint participation in elections;

1.1.23 Election (referendum) campaign – election (referendum) actions carried out within the period from the day of publication of an authorized State body's decision on assignment of election (referendum) till the publication of results of the election (referendum);

1.1.24 Election (referendum) complaint – appeal directed to cancellation or revision of documents, decisions, results of actions (lack of actions) related to elections (referendum);

1.1.25 Identification document – identification document or an official document with the citizen's photo, indicating the name, patronymic, surname, date of birth and place of residence of the citizen.

1.1.26 Subordination – means official relations between a manager and subordinate, including directive authorities of the first on the latter, i.e. the first should have the right to employ, dismiss the latter within his official authorities, give obligatory orders, instructions and directions, reward and impose on him disciplinary punishments;

1.1.27 Publication – official bringing to attention of population the election-related (referendum-related) decisions of election commissions and other state bodies participating in conduct of elections (referendum), by means of press, TV and Radio broadcasting and other mass media means, allowing everyone to get familiar with these decisions, or announcing them through posting on notice boards.

1.1.28 Distant and impassable places – settlements located in mountainous places, or which are in more than 2 hours drive from the closest election precinct due to natural factors;

## **Article 2. Principles of participation in elections and referendum**

2.1. Citizens of the Republic of Azerbaijan participate in elections and referenda based on general, equal and direct suffrage by means of secret and personal vote.

2.2. The participation of citizens of the Republic of Azerbaijan in elections and referenda is free and voluntary. Nobody has the right to put pressure upon a citizen of the Republic of Azerbaijan to participate or not in elections and referendum and nobody can impede him to express his will freely.

2.3. Citizens of the Republic of Azerbaijan residing outside the Republic of Azerbaijan have full suffrage during holding of elections and referenda. During holding of elections and referendum, diplomatic representations and consulates of the Republic of Azerbaijan should facilitate implementation of rights of citizens of the Republic of Azerbaijan envisaged in Articles 3 and 56 of the Constitution of the Republic of Azerbaijan.

2.4. Elections cannot be held on the same day as a referendum.

2.5. Preparation and holding of elections and referenda, vote counting, definition of voting results and results of elections and referenda is carried out freely and publicly.

## **Article 3. Universal suffrage**

Irrespective to their race, nationality, religion, language, gender, origin, property status, office position, persuasions, belonging to political parties, trade unions and other public unions, or other status, Azerbaijan Republic's citizens have the right to elect, to be elected and to participate in referendum.

## **Article 4. Equal suffrage**

4.1. Azerbaijan Republic's citizens participate in elections and referendum on equal terms.

4.2. Each citizen of the Republic of Azerbaijan has a single vote during each voting.

4.3. Any vote of citizens of the Republic of Azerbaijan has equal validity.

## **Article 5. Direct suffrage**

5.1. Citizens of the Republic of Azerbaijan personally vote for a candidate during elections, and for or against issues to be discussed by referendum.

5.2. Voting in place of other persons is prohibited.

## **Article 6. Voting Secrecy**

Voting during elections and referenda must be secret and any control on expression of a voter's will should be excluded.

## **Article 7. Obligation of holding of elections and referenda**

7.1. It is obligatory to hold elections to elective bodies within time periods indicated in the Constitution of the Republic of Azerbaijan and the present Code.

7.2. It is obligatory to hold referenda on the issues indicated in Item 2 of Article 3, and Article 152 of the Constitution of the Republic of Azerbaijan.

## **Article 8. Timeframe for announcement of elections (referenda)**

Elections (referenda) are announced no later than 120 days before voting day.

## **Article 9. Place of exercising of suffrage**

9.1 Active suffrage is exercised in the election precincts covering permanent place of residence of the Republic of Azerbaijan's citizens, in accordance with Article 44.2 of this Code.

9.2 The citizens of the Republic of Azerbaijan, who left their residence places due to war or natural disasters, shall exercise their active suffrage in the order established by the Central Election Commission.

## **Article 10. Voting during election and referendum**

10.1 Citizens of the Republic of Azerbaijan can vote for only one candidate when participating in elections, except for municipal elections.

10.2. When participating in referendum, citizens of the Republic of Azerbaijan can give only one answer to each question to be discussed by referendum.

## **Article 11. Right for pre-election (pre-referendum) campaign**

11.1 State secures free conduct of pre-election (pre-referendum) campaign for citizens, political parties, and referendum campaign groups.

11.2 Citizens, political parties, referendum campaign groups have the right to call on voters to participate in elections (referendum), to conduct pre-election (pre-referendum) campaign in the form of appeals for a candidate and for or against an issue to be discussed by referendum, and to vote for or against any registered candidate and an issue to be discussed by referendum, in the manner and method allowed by Law.

11.3 State defines conditions for equal use of media branches by a registered candidate, as well as political parties, blocks of political parties, referendum campaign groups for pre-election (pre-referendum) campaign in accordance with Articles 75-86 of this Code.

## **CHAPTER Two. Suffrage ensuring. Limitations.**

### **Article 12. Belonging of the active suffrage**

12.1 Except for the cases stipulated by Article 56 of the Constitution of the Republic of Azerbaijan and by Article 14 of this Code, every citizen of the Republic of Azerbaijan, who attained 18 on the day of Presidential, Parliamentary and Municipal elections, has the right to elect, to vote in referendum, to observe elections (referendum process), to participate in carrying out of actions related to the election actions and preparation of referendum provided for in this Code.

12.2 Stateless persons meeting requirements indicated in Article 12.1 of this Code and permanently residing in the Republic of Azerbaijan for not less than 5 years, have the right to vote during Presidential, Parliamentary and Municipal elections and referenda.

12.3 Foreign citizens meeting requirements indicated in Article 12.1 of this Code and residing within a relevant municipal territory for not less than 5 years, have the right to vote at municipal elections.

### **Article 13. Belonging of the passive suffrage**

Except for the cases stipulated by Article 56 of the Constitution of Azerbaijan Republic and by this Code, every citizen of the Republic of Azerbaijan, having active suffrage, has the right to be an initiator of a referendum campaign group, and to be elected to elective bodies if he/she meets requirements of the Constitution of the Republic of Azerbaijan and this Code concerning candidates for Presidency and candidates to Milli Majlis and municipality. .

### **Article 14. Cases of limitation of the suffrage**

14.1. Pursuant to Part 2 of Article 56 of the Constitution of the Republic of Azerbaijan, persons recognized as incapacitated by a court decision do not have active suffrage to participate in elections as well as in referendum, i.e. do not have the active suffrage.

14.2. Limitations related to the passive suffrage shall be established by Articles 56, 85, 100 of the Constitution of the Republic of Azerbaijan and by this Code.

14.3. Pursuant to Part 3 of Article 56 of the Constitution of the Republic of Azerbaijan the following persons do not have passive suffrage to be elected as deputy of the Milli Majlis, President, member of a municipality, to create referendum campaign groups, i.e. they do not have the passive suffrage:

- 14.3.1. people sentenced to deprivation from freedom by court decision, which has entered into force;
- 14.3.2. irrespective to complete serving or remission of sentence, persons sentenced for the crimes indicated in Articles 15.3 – 15.5 of the Criminal Code of the Republic of Azerbaijan;
- 14.3.3. citizens of the Republic of Azerbaijan with dual citizenship (until their dual citizenship expires);
- 14.3.4. citizens of the Republic of Azerbaijan who have liabilities before foreign countries (until such liabilities are terminated);
- 14.3.5. other persons specified by Article 214.1 of this Code;

14.4 Pursuant to Part 3 of Article 56 of the Constitution of the Republic of Azerbaijan, the following persons cannot become a deputy of the Milli Majlis, the President, municipal councilor or member of a referendum campaign group:

- 14.4.1 military servants;
- 14.4.2 judges;
- 14.4.3 State servants (until their State service is terminated);
- 14.4.4 Clergymen (until they complete their professional religious activity);

**Article 15. Prohibition to foreigners, stateless persons and foreign legal entities to participate in elections (referenda)**

15.1. Taking into consideration the exceptions provided for in Article 12.3 of the Code, foreign citizens do not possess active or passive suffrage in the Republic of Azerbaijan.

15.2. Stateless persons do not possess passive suffrage in the Republic of Azerbaijan.

15.3. Foreigners, stateless persons and foreign legal entities, their branches and representative offices may not assist or impede the nomination, registration of candidates and election of registered candidates during elections. This fact does not restrict the rights of foreigners and stateless persons to freedom of opinion and free gathering.

15.4. Foreigners, stateless persons and foreign legal entities, their branches and representative offices (hereinafter – foreign legal entities) during referendum do not have the

right to conduct a campaign for or against issues to be discussed by referendum, to be a member of referendum campaign groups, as well as their initiators or to take part in their activity in any form. This does not restrict the rights of foreigners and stateless persons to freedom of opinion and free gathering.

15.5. The foreigners, stateless persons and foreign legal entities which fail to follow the requirements shall be subject to liability in accordance with Law.

#### **Article 16. Non-participation of citizens of the Republic of Azerbaijan in voting**

16.1 Citizens of the Republic of Azerbaijan, who are in airports or traveling by planes, or are in expeditions in the voting day, do not participate in voting.

16.2 If no Precincts Election Commissions are established in the ships, which navigate on the voting day in accordance with Article 34.4 of this Code, the citizens of the Republic of Azerbaijan being on these ships do not participate in voting.

16.3 If no Precincts Election Commissions are established according to Article 34.4 of this Code

on the voting day on oil-production platforms located in the Azerbaijani sector of the Caspian Sea, the citizens of the Republic of Azerbaijan being on the platform do not participate in voting.

16.4 If neither Azerbaijani Diplomatic Representation nor Consulate is in the foreign country, or no Precincts Election Commission is established according to Article 34.6 of this Code in the Azerbaijani Diplomatic Representation or Consulate, the citizens of the Republic of Azerbaijan being in this foreign country do not participate in voting.

16.5 Citizens of the Republic of Azerbaijan being in foreign countries on the voting day, do not participate in elections of deputies to Milli Majlis or municipal elections.

16.6 Voters being in the ships navigating on the election day, staying in hospitals, sanatoriums, rest homes, oil-production platforms located in the Azerbaijani sector of the Caspian Sea, and in other such places located outside the boundaries of the election constituencies where they are registered, do not participate in elections of deputies to Milli Majlis or municipal elections.

### **SECTION TWO. General provisions**

#### **CHAPTER Three. Election and referendum bodies**

## **Article 17. Principles of election (referendum) bodies' activity**

17.1 Elections and referenda in the Republic of Azerbaijan shall be organized and held by election (referendum) commissions.

17.2 Within the authorities established by this Code, election (referendum) bodies – election (referendum) commissions shall ensure the preparation and holding of elections (referendum), determination of voting results and election (referendum) outcomes, realization and protection of citizens' suffrage, and control the observation of the mentioned rights.

17.3 Within the boundaries of authority established by this Code, election (referendum) commissions do not depend on State bodies, municipal institutions, political parties, non-government organizations and other public organizations, other legal entities and physical persons with regard to preparation and holding of elections (referendum). The above-mentioned bodies and organizations, and their officials are not allowed to intervene in the activity of election (referendum) commissions. Persons intervening in or influencing the work of election (referendum) commissions shall bear administrative or criminal liability.

17.4 Decisions and acts adopted by election (referendum) commissions within their authorities established by this Code shall be obligatory for municipalities functioning within the relevant territory, candidates, registered candidates, political parties, non-governmental organizations, other public organizations, referendum campaign groups, officials and voters.

17.5 Within the authorities established by this Code, election (referendum) commissions have the right to use the State Automated Information System during preparation and holding of elections (referenda) with the purpose to give information about the course of preparation and holding, results of the elections (referenda), to obtain, collect, complete, re-process, transmit and preserve the information used during preparation and holding of elections (referenda), to provide information about activity of election (referendum) commissions. The State guarantees security and non-dissemination of information on voters.

17.6 During organization and holding of elections (referenda), election (referendum) commissions, their members and other officials shall follow the requirements, when undertaking their activities as given below:

- 17.6.1 organization and holding of elections (referenda) should be based on the Law; laws must be implemented fully, equally and impartially;
- 17.6.2. every political party, referendum campaign group, candidate, voter and other participants of election (referendum) campaign should be treated fairly and equally.
- 17.6.3. attitude towards a candidate, political party, referendum campaign groups and voter should be neutral and impartial;
- 17.6.4. should not admit any actions directed to or that can be understood as support of any candidate, political party, referendum campaign group;
- 17.6.5. should not admit a conflict of official and personal interests as an administrator of elections (referenda);
- 17.6.6. should not take any presents or gifts from participators of election (referendum) campaign;

- 17.6.7. should not execute directions or instructions, which are illegal and contradicting their duties;
- 17.6.8. should not take part in any actions and acts that conflict with their duties;
- 17.6.9. should not take part in activity (including private activity) that can lead to a preconceived attitude towards any candidate, political party, referendum campaign group;
- 17.6.10. should not express its position within any political disputes related to elections (referenda);
- 17.6.11. should not have any relation with voter concerning the matters of political nature;
- 17.6.12. should not carry or disseminate symbols or somehow express their attitude to any political party;
- 17.6.13. should not comment, based on own conclusion, on the decisions made;
- 17.6.14. should make possible acquirement of the information that can affect taking of any decision;
- 17.6.15. should not create opportunities for voters, persons, who have right to participate in conduct of election (referendum) actions and to get acquainted with documents and information based on Law;
- 17.6.16. should guarantee collection, investigation, and distinct, clear and regular publication of information;
- 17.6.17. should take possible measures to ensure voters' participation in elections (referendum);
- 17.6.18. should ensure correct understanding of election (referendum) campaign by voters;
- 17.6.19. should create all opportunities for participation of disabled voters or voters with other physical deficiencies living in distant or almost impassable places and who need special voting conditions

17.7. Following the provisions mentioned in Articles 17.6.11., 17.6.13., 17.6.14. of the present Code by the persons indicated in Article 17.6. of this Code is optional. Violation of other provisions is subject to liability under the Criminal Code, Code of Administrative Offences of the Republic of Azerbaijan and this Code.

#### **Article 18. Structure (system?) of election (referendum) commissions**

- 18.1 Structure of election (referendum) commissions includes the following commissions:
  - 18.1.1 Central Election (Referendum) Commission of the Republic of Azerbaijan (hereinafter – Central Election Commission)
  - 18.1.2 constituency election (referendum) commissions (hereinafter - constituency election commissions)
  - 18.1.3 precinct election (referendum) commissions (hereinafter - Precincts Election Commissions)
- 18.2 Central Election Commission manages the activity of election commissions.

18.3 Election commissions are standing State bodies functioning in accordance with Articles 3, 83, 101 and 142 of the Constitution of the Republic of Azerbaijan.

**Article 19. General rules of organization of election commissions' activity**

19.1 Election commissions function collectively;

19.2 Relevant election commission assembles for its first meeting not later than 5 days after appointment of members with decisive voting right.

19.3 Chairman of election commission and secretaries, as well as deputy chairperson in the Central Election Commission are elected in the meeting of election commission. Until chairperson of election commission is selected, or if the chairman is absent, the oldest member of the commission chairs its first meeting.

19.4 Election commissions take decisions within their authority.

19.5 Election commission's meeting shall be convened by the chairperson, as well as upon requirement of at least one third of the commission members with decisive voting right.

19.6 Member of election commission with decisive voting right is obliged to participate in all meetings of the commission (except the cases when he/she is ill and other same kind of good reasons).

19.7 Members of election commissions shall be informed on meeting of the Constituency Election Commission by the chairperson of the commission at least 3 days prior to the meeting. On the election day and 5 days prior to the election day, this period shall constitute 24 hours.

19.8 For validation of the meeting of the election commission at least two thirds of its members with decisive voting right should be appointed.

19.9 A meeting of election commission is considered valid upon attendance of two thirds of the members with decisive voting right.

19.10 Any issue, raised by a request of a member of election commission or any member of a superior election commission attending the meeting, and related to the authority of the commission and relevant to approved agenda, should be voted upon.

19.11 Upon requirement of one third of the commission members, any issue related to elections shall be included in agenda of the election commission based on the members' written application addressed to the chairperson of the commission.

19.12 Minutes of all meetings of election commissions shall be taken, and all documents entering the commission shall be registered.

19.13 Decisions of election commission and minutes of its meetings shall be signed by commission chairperson and secretaries. Minutes of meetings of an election commission shall be approved at the next regular meeting of the commission.

19.14 Members of the election commission not in favor with the decision made by the election commission, can express their opinion in writing and the opinion shall be attached to the commission's minutes. Special opinion should be submitted to a superior election commission within 3 days, and information about the opinion should be given on the voting day or the day after.

19.15 In connection with carrying out of works related to preparation and holding of elections (referenda), election commission can hire non-staff workers based on labor and civil contract, and within funds allocated from budget for the mentioned activities.

19.16 During the period of preparation and holding of elections, broadcasting organizations, mentioned in Article 77.2. of this Code, shall provide the Central Election Commission 15 minutes free air time per week for explanation of the election (referendum) legislation, rules and time frame for implementation of important election actions, as well as dissemination of information about the course of the election (referendum) campaign and to respond voters' questions; the broadcasting organizations, mentioned in Article 77.3. of this Code shall provide not less than 10 minutes free air (broadcasting) time to Constituency Election Commissions for the same purpose.

19.17 Information about the time of the election commission's meeting is given to members of the commission personally in writing or by means of electronic communication facilities.

## **Article 20. Allocation of space in press to election commissions**

20.1 During the week indicated in Article 77.1. of this Code, editorial offices of periodicals that have at least one issue per week should allocate to the Central Election Commission a space not less than one page of the their weekly issues, during the period of preparation and holding of elections.

20.2 Election commissions shall use the mentioned spaces for explanation of election (referendum) legislation, to answer the questions of voters, referendum campaign groups about rules and schedule of election actions, candidates, registered candidates, political parties, blocks of political parties, course of election (referendum) campaign.

## **Article 21. Representation in election commissions**

21.1 Registered candidates, political parties and blocks of political parties that nominated their candidates during elections, and referendum campaign groups during referendum can appoint one citizen of the Republic of Azerbaijan with active suffrage as a representative of a relevant election commission with consultative voting right.

21.2 A member of the election commission with consultative voting rights that represents the candidate nominated by a political party or block of political parties, shall be appointed by that political party or block of parties.

21.3 Within 3 days, the relevant election commission shall approve the representatives, nominated by registered candidates, political parties and blocks of political parties and referendum campaign groups that nominated their candidates.

21.4 If political parties or referendum campaign groups are merged, in this case, all other representatives except one shall be recalled from election commissions. If a political party or referendum campaign group does not meet this requirement, the relevant election commissions exclude these persons and have to be recalled from the commission, on the basis of their own considerations.

## **Article 22. Status of election commission member**

22.1 Elected members and officials of State power bodies and municipalities (except for judges indicated in Article 24.2 and members of election commissions specified in Article 36.3 of this Code), members of political parties, initiators of establishment of referendum campaign groups, authorized representatives and agents of candidates, registered candidates, as well as political parties and blocks of political parties nominated a candidate, , referendum campaign groups, members of election commissions with consultative voting right, persons directly subordinate to candidates and registered candidates, kin, wives and wives' kin of the mentioned persons (children, parents, adopted children, brothers, sisters, grandchildren, grandfathers, grandmothers), persons who previously violated the election legislation and were withdrawn from the membership of the commission by a decision of a superior election commission or who committed violations of election legislation, which have been confirmed by court cannot be a member of election commission with decisive voting right.

22.2 A member of election commission with decisive or consultative voting right cannot be at the same time a member of another election commission with decisive or consultative voting right.

22.3 A member of election commission with decisive voting right shall be dismissed from his position based on the decision of a relevant election commission within a month, and during preparation and holding of election – within three days, in the following cases:

22.3.1 on submission of written application for resignation;

22.3.2 when there are grounds provided for in paragraph 1 and 2 of this Article.

22.4 Powers of a member of election commission with decisive voting right shall immediately be terminated in the following cases:

22.4.1 becoming a candidate for the post of President, deputy of the Milli Majlis or for a member of municipality;

22.4.2 being a member of a political party;

- 22.4.3 if he is a close relative or an agent of candidates for the post of President of the Republic of Azerbaijan, for deputies of the Milli Majlis of the Republic of Azerbaijan, for a candidate of a municipality, and if he passes to direct subordination to the mentioned officials and political parties;
- 22.4.4 if they are authorized representatives, agents or observers of candidates for the post of President of the Republic of Azerbaijan, for deputy of the Milli Majlis of the Republic of Azerbaijan, referendum campaign groups, municipalities, political parties;
- 22.4.5 when he/she lose his/her citizenship of the Republic of Azerbaijan or if he is a citizen of other country;
- 22.4.6 when accusatory court verdict comes into force;
- 22.4.7 when he/she is recognized by court decision that has come into force as incapacitated, with limited incapacity, considered missing or dead;
- 22.4.8 when the decision on fulfillment of his/her duties on non-regular basis or by violating provisions of Articles 17.6 and 17.7 of this Code, is approved by the court decision;
- 22.4.9 when he/she violates requirements of the election legislation.

22.5 A member of the election commission can neither be dismissed from his/her position, nor his/her authorities be terminated, except for cases established in Articles 22.3 and 22.4 of this Code.

22.6 In the place of the member with decisive voting right, who has left election commission in the cases mentioned in the Code, a new member shall be appointed by the body that had appointed the member, not later than a month after the resignation day and not later than 3 days after his resignation during preparation and holding of elections according to procedures established in Articles 22.3 and 22.4 of this Code.

22.7 Election commissions members shall bear liability established by Azerbaijan Republic's legislation for officials for violation of requirements of this Code.

22.8 A member with decisive voting right preserving his/her state or municipal position indicated in articles 24.2 and 36.2 of this Code and a member of election commission with consultative voting right cannot be put on another position by employer's initiative during the activity of the commission without their own consent.

22.9 A member of an election commission with consultative voting right has the same rights as a member of election commission with decisive voting right, excluding issuance of ballots and de-registration card for voting, counting of ballots, cancellation of ballots and de-registration cards, to draw up protocols about outcomes and results of voting, to vote during making decisions on issues concerning authorities of the election commission and the right to sign decisions of the relevant election commission.

22.10 Members of election commissions with decisive and consulting voting right:

- 22.10.1 are timely informed about meetings of the relevant election commission;

- 22.10.2 can give proposals on issues related to authorities of the relevant election commission, make a speech in the meeting of election commission and suggest voting on these issues;
- 22. 10.3 can ask questions to other participants of the meeting of election commission related to the agenda issues and get answers on them;
- 22. 10.4 can be familiarized with any election document (including voters lists, ballots), election documents of a lower election commissions, can get copies of the documents (excluding voters lists, signature sheets, ballots and voter verifications), can get familiarized with documents reflecting information that is not considered by Law as State, commercial secret or other secret;
- 22. 10.5 can complain of decisions or action (lack of action) of election commission to a relevant superior election commission and to court, in the manner defined in this Code;

22.11 Authorities of members of election commission with consulting voting right are terminated in 30 days after official announcement of overall results of election (referendum), but if superior election commission receives a complaint on decision, action (lack of action) of a lower election commission, rules of voting or vote counting were violated and court investigation is conducted on these facts, their authorities are terminated only after making decision by the superior election commission or the court.

22.12 A member of an election commission with consulting voting right appointed to election commission in relation with holding of referendum can participate in actions of the election commissions related only to referendum, member of election commission with consulting voting right appointed to election commission in relation with holding of presidential elections can participate in actions of the election commissions related only to presidential elections, a member of an election commission with consulting voting right appointed to election commission in relation with holding of elections to the Milli Majlis of the Republic of Azerbaijan can participate in actions of the election commissions related only to elections to the Milli Majlis of the Republic of Azerbaijan, a member of an election commission with consulting voting right appointed to election commission in relation with holding of municipality elections can participate in actions of the election commissions related only to municipality elections.

22.13 Authorities of a member of an election commission with consulting voting right can be terminated or given to other person by decision of the person or political party or block of political parties, that appointed the member.

### **Article 23. Term of authority of election commissions**

23.1 The term of election commissions' authority is 5 years.

23.2 If the right of citizens to participate in election and referendum was violated by a lower election commission and as a result of such actions the Central Election Commission (or a court) annulled the results of voting in the relevant constituency, the Central Election Commission can dissolve this lower election commission. Persons established by legislation can complain on decision of the Central Election Commission to the Court of Appeal of Azerbaijan Republic. The complaint shall be accepted immediately for consideration and a relevant decision shall be made not later than a week after. Within at least a week after coming

into force of a decision of the Court of Appeal of Azerbaijan Republic on the issue, a relevant lower election commission should be formed.

23.3 If an election commission is dissolved and formed again as in cases mentioned in this Code, the term of authority of a newly formed election commission shall be limited to the terms of authority of the old one.

## **CHAPTER Four. The Central Election Commission of Azerbaijan Republic**

### **Article 24. The Rule of Formation of the Central Election Commission**

24.1. Members of the Central Election Commission are elected by the Milli Majlis.

24.2 The Central Election Commission shall consist of 21 members.

24.3 Six members of the Central Election Commission shall represent the political party nominating them, deputies of which constitute majority in the Milli Majlis. Six members of the Central Election Commission shall represent the non-partisan deputies, which nominate them, and six members shall represent the political parties nominating them, deputies of which obtained minority in the Milli Majlis. The non-partisan deputies shall be presented in the Central Election Commission by independent lawyers, nominated by them. Nomination of 2 independent lawyers shall be agreed among the interested parties: 1 of the nominees be agreed with representatives of the political party constituting majority in the Milli Majlis, and the other nominee be agreed with representatives of the political party constituting minority in the Milli Majlis. At the same time, each party mentioned above shall nominate to the Central Election Commission one judge. The judges shall be involved in the Central Election Commission's work for the elections (referendum) period only, and their main position preserved.

24.4 Chairman, deputy and secretary of the chairman of the Central Election Commission are elected by members of the Central Election Commission by open vote at its first meeting.

24.5 Members of the Central Election Commission should have higher education.

### **Article 25. Authorities of the Central Election Commission**

25.1. The Central Election Commission ensures preparation and holding of presidential elections, elections of deputies of the Milli Majlis of the Republic of Azerbaijan, as well as referenda and municipality elections.

25.2. The Central Election Commission carries out the following general authorities:

25.2.1. supervises the observation of people's suffrage during preparation and holding of elections (referenda), carries out the actions related to financing of elections

(referenda), ensures the identical and correct application of the relevant Articles of this Code.

- 25.2.2. considers within own authorities the complaints related to violation of rules set forth in the Code, and makes grounded decisions regarding these complaints.
- 25.2.3. forms Constituency Election Commissions in accordance with its composition principles.
- 25.2.4. manages the activity of constituency and Precincts Election Commissions;
- 25.2.5. works out standards for technical equipment necessary for the activity of election commissions, approves the standards and supervises their observation;
- 25.2.6. ensures delivery of ballot papers (referendum ballots) (hereinafter – the ballot papers), protocols, de-registration cards and other election (referendum) related documents to the Constituency Election Commission.;
- 25.2.7. ensures preparation and holding of elections (referenda), implementation of the programs related to development of the election (referendum) system, legal education of voters, professional qualification of members of election commissions;
- 25.2.8. creates conditions for pre-election campaign of all candidates, registered candidates, political parties, blocks of political parties and pre-referendum campaign of referendum campaign groups; approves the unified regulations for distribution of air time between registered candidates, political parties, blocks of political parties and referendum campaign groups, specifies the rules of publication of voting and referendum results;
- 25.2.9. distributes funds allocated from the State budget to preparation and holding of elections (referenda), and supervises their usage for the specified purpose;
- 25.2.10. renders legal, methodical, technical and organizational assistance to election commissions;
- 25.2.11. approves samples of election (referendum) ballot papers, voters lists, de-registration cards, voting protocols and other election (referendum) documents, and insures their preparation and protection; provides delivery of election (referendum) ballot papers, de-registration cards, voting protocols and other election (referendum) documents to the relevant Precincts Election Commissions;
- 25.2.12. approves rules for storage of election materials and keeping them in archives;
- 25.2.13. approves standards for technical supply of election commissions and supervises their observation; approves samples of seals of election commissions;
- 25.2.14. supervises funding of pre-election campaign;
- 25.2.15. provides voters with information about terms, rules of voters' action and course of holding of elections (referenda);
- 25.2.16. supervises ensuring of provision of election commissions with premises, transport and communication means, and solves other logistic issues related to elections (referendum);
- 25.2.17. compiles an integrated voters list together with relevant executive authorities and local self-governance bodies;
- 25.2.18. gets information from relevant executive authorities and local self-governance bodies about issues related to preparation and conduct of elections;
- 25.2.19. ensures use of the State Automated Information System on a basis of identical rules;

- 25.2.20. registers the observers and provides them with badges of appropriate design;
- 25.2.21. carries out other duties in accordance with this Code.

25.3. Within its authorities, the Central Election Commission shall adopt and publish regulations and methodical instructions regarding implementation of this Code.

25.4. The Central Election Commission shall provide all election commissions with regulations and methodical instructions regarding implementation of this Code. For easy reading, the mentioned regulations and methodical instructions shall be posted by the election commissions on notice boards in the order approved by the Central Election Commissions.

### **Article 26. Directions of activity of the Central Election Commission**

26.1. The Central Election Commission performs the following duties during preparation and holding of referendum:

- 26.1.1. supervises compliance of holding of referendum in compliance with this Code;
- 26.1.2. registers referendum campaign groups in cases stipulated by this Code;
- 26.1.3. publishes overall lists of registered referendum campaign group;
- 26.1.4. ensures distribution air time among referendum campaign group for pre-referendum campaign on a basis of identical rules;
- 26.1.5. determines unified rules for preparation of voting results;
- 26.1.6. ensures supervision on spending of monetary means entered to referendum funds;
- 26.1.7. cancels illegal decisions of the lower elections commissions on its own initiative;
- 26.1.8. determines results of referendum and publishes them in press;
- 26.1.9. organizes holding of repeated voting;
- 26.1.10. performs other duties in accordance with this Code.

26.2. The Central Election Commission implements the following duties during preparation and holding of elections to the Milli Majlis of the Republic of Azerbaijan:

- 26.2.1. supervises holding of election to the Milli Majlis of the Republic of Azerbaijan in compliance with this Code;
- 26.2.2. ensures observation of conditions of pre-election activities, established by this Code, by all candidates, registered candidates, political parties, blocks of political parties, referendum campaign groups;
- 26.2.3. ensures carrying out of distribution of air (broadcasting) time for pre-election campaign between political parties, blocks of political parties and registered candidates on a basis of equal rules;
- 26.2.4. ensures supervision on spending of monetary means entered to election funds;

- 26.2.5. determines elected deputies among candidates registered in the single-mandate election constituencies and issues them the relevant verification cards;
- 26.2.6. officially publishes results of elections to the Milli Majlis of Azerbaijan Republic, including protocols of Precincts Election Commissions;
- 26.2.7. draws up list of the elected deputies, submits these lists and necessary documents to the Milli Majlis;
- 26.2.8. organizes holding of repeat elections and by-elections for seats of left deputies;
- 26.2.9. exercises other duties in accordance with this Code.

26.3. The Central Election Commission performs the following authorities during preparation and holding of elections of the President of the Republic of Azerbaijan:

- 26.3.1. supervises holding of elections of the President of the Republic of Azerbaijan in compliance with this Code;
- 26.3.2. registers candidates for Presidency, their agents, authorized representatives;
- 26.3.3. issues verification in established form to candidates for Presidency and their agents;
- 26.3.4. publishes overall lists of registered candidates;
- 26.3.5. ensures equal condition for pre-election campaign to all candidates for Presidency;
- 26.3.6. ensures observation of pre-election activity conditions, established by this Code, by all candidates, registered candidates, political parties and blocks of political parties;
- 26.3.7. ensures distribution of air (broadcasting) time among registered candidates on a basis of identical rules;
- 26.3.8. ensures supervision on spending of monetary means entered to the funds of candidates for Presidency;
- 26.3.9. determines unified rules for preparation of voting results;
- 26.3.10. determines the results of Presidential elections;
- 26.3.11. issues verification to the candidate elected as the President;
- 26.3.12. officially publishes results of Presidential elections, including protocols of Precincts Election Commissions;
- 26.3.13. prepares holding of repeat voting on Presidential elections
- 26.3.14. prepares holding of repeated Presidential elections;
- 26.3.15. exercises other duties in accordance with this Code;

26.4. The Central Election Commission performs the following authorities during preparation and holding of municipality elections:

- 26.4.1. supervises of holding of municipality elections in compliance with this Code;
- 26.4.2. makes a decision on holding of repeat elections and by-elections on the basis of information received from the Constituency Election Commission;
- 26.4.3. determines unified rules for preparation of voting and election results;

- 26.4.4. officially publishes results of elections, including protocols of Precincts Election Commissions;
- 26.4.5. performs other authorities in accordance with this Code.

#### **Article 27. Ensuring of Activity of Members of The Central Election Commission**

27.1. A member of the Central Election Commission shall receive salary from the state budget during the period of his/her authority. If the member of the Central Election Commission has worked in the Commission for 5 years, then retiring on a pension he/she shall be additionally paid 70% of amount of salary of the Central Election Commission member. The judges elected to the Central Election Commission shall be paid 50% of salary amount identified for members of the Central Election Commission, provided that their salary from their permanent office is paid.

27.2. A member of the Central Election Commission of the Republic of Azerbaijan cannot be detained or be subject to criminal liability without the consent of the General Public Prosecutor or administrative penalties as may be determined in a court procedure. A member of the Central Election Commission can be arrested only if he/she is caught in the act of crime. In this case, the body arresting the member of the Central Election Commission shall immediately inform the General Public Prosecutor of the Republic of Azerbaijan about the matter.

27.3. Expenses of a member of the Central Election Commission for use of inter-cities transport and any public transport (except taxi and ordered trips) within the country during elections (referendum) shall be paid from the funds allocated by the Central Election Commission.

#### **Article 28. Organization of Activity of the Central Election Commission**

28.1. Duties to members of the Central Election Commission, including the deputy Chairman and secretary of the Central Election Commission shall be assigned by the Chairman of the Central Election Commission. Decision made by the Chairman of the Central Election Commission with this respect may be repealed by the Central Election Commission;

28.2. The Central Election Commission shall adopt regulations for the purpose of determination of its activity.

28.3. Decisions of the Central Election Commission shall be adopted by open vote as follows: if 12 members of the Central Election Commission are present at the meeting of the Central Election Commission – by a majority of at least 8 of its members, if 13 members are present - by a majority of at least 9 of its members, if 14 or 15 members are present - by a majority of at least 10 of its members, if 16 members are present - by a majority of at least 11 of its members, if 17 or 18 members are present – by majority of at least 12 of its members, if 19 or 20 members are present – by a majority of at least 13 of its members and if 21 members are present – by majority of at least 14 of its members. Instructions or methodical directions on

implementation rules of this Code shall be examined through legal expertise, prior to being approved by the decision of the Central Election Commission. Opinion of the legal expertise along with the draft shall be presented to the members of the Central Election Commission at least 3 days before the voting.

28.4. Decision of the Central Election Commission should be officially published at the latest 24 hours and the decision shall enter into force upon publishing.

28.5. The Central Election Commission forms its Secretariat. Rules of activity of Secretariat of the Commission are established in accordance with the Regulations approved by the Central Election Commission. The Central Election Commission determines the structure and establishes personnel of the Secretariat within funds allocated to the Central Election Commission from State budget.

28.6. The Central Election Commission of the Republic of Azerbaijan has its official publishing organ.

28.7. The Central Election Commission of the Republic of Azerbaijan has its own letterheads and a stamp.

## **CHAPTER Five. Election (referendum) constituencies and Constituency Election Commissions**

### **Article 29. Formation of election (referendum) constituencies**

29.1. For holding of elections the Central Election Commission forms 125 election (referendum) constituencies (hereinafter – election constituencies) every 5 years based on the information about the number of voters actually residing and registered in the relevant territorial units provided by the municipalities and relevant executive bodies. Election constituencies as a rule are formed on the basis of average representation norm. The average representation norm is specified by division of total number of registered voters by 125. Election constituencies function as single-mandate constituencies during the elections of deputies of the Milli Majlis, and as election territories during the Presidential elections, referendum and elections of municipal members.

29.2. Voters residing outside the Republic of Azerbaijan shall be included on the voters lists in election constituencies. Information about the number of voters permanently residing outside the Republic of Azerbaijan, or being on long-term business trips and registered in the relevant diplomatic representations and consulates of Azerbaijani Republic shall be submitted to the Central Election Commission by a relevant executive power body. Based on the same information, the Central Election Commission shall approve a list of the relevant election constituencies for inclusion of the voters on the voters lists during referendum and Presidential elections. Number of voters in election constituencies where the voters residing outside Azerbaijan Republic are included on the lists should not be less than the average norm of voters. Number of voters residing outside Azerbaijan Republic and included on the voters lists in

election constituencies should not be more than 5% of voters registered in each election constituency.

29.3. Election constituencies shall be formed upon observation of the following requirements:

29.3.1. As a rule, number of voters registered on the territory of administrative-territorial units of the Republic of Azerbaijan should be approximately the same under the condition that their number should not be 5 % more than the average representation norm and 10% more (less) than the average representation norm in distant places and places having impassable roads;

29.3.2. Formation of election constituencies in the territories not having boundaries between each other is prohibited.

29.4. Upon observation of requirements on formation of election constituencies indicated in paragraph 2 and 3 of this Article, necessity of intersection of the boundaries of municipality should be taken into consideration.

29.5. The Central Election Commission should approve the scheme of formation of election constituencies and their graphic images on the basis of information about voters obtained every 5-years on the last Wednesday of the year. During this period the scheme of formation of election constituencies and their graphic images can be re-approved taking into consideration the provisions of Article 45 of this Code. The scheme of formation of election constituencies and their graphic images, as well as proposals on boundaries of election constituencies shall be prepared by a commission created under the Central Election Commission and consisting of specialists. If election constituencies are formed immediately before holding of election (referendum), the scheme of formation of election constituencies and their graphic images should be approved at least 115 days before election (referendum) day and be published at least 110 days before election (referendum) day.

29.6. The following should be indicated in the scheme of formation of election constituencies:

29.6.1. name and number of each election constituency;

29.6.2. list of municipalities of administrative-territorial units, or towns, district, districts in towns located in every election constituency (if election constituency includes a part of an administrative-territorial unit, municipality, and settlement, the boundaries of the part of the administrative-territorial unit, municipality, and settlement should be outlined in the scheme. If one election constituencies is formed in one administrative-territorial unit, list of municipalities located in the election constituency shall not be included in the scheme of formation of single-mandate election constituency);

29.6.3. center of each election constituency;

29.6.4. number of voters registered in each election constituency, number of voters registered in each municipality included in election constituency, in case of formation of more than one single-mandate election constituency in administrative-territorial unit;

29.6.5. number of voters included on the lists in the relevant election constituencies in accordance with Article 29.2 of this Code, with indication of foreign countries where the voters residing outside the Republic of Azerbaijan live.

29.7. At the formation of election constituencies and specification of scheme of their formation, the State Automated Information System can be used.

29.8. A unified election constituency for election of the President of the Republic of Azerbaijan and conduct of a referendum shall cover the whole territory of the Republic of Azerbaijan;

29.9. According to Article 45 of this Code, voters included on the voters list in a constituency are also considered as voters included on the voters list in the unified election constituency.

### **Article 30. Organization of Constituency Election Commissions**

30.1. If election constituencies are organized immediately before elections (referendum) they should be organized not later than 90 days before voting day.

30.2. Constituency Election Commission shall consist of 9 members. Members of the Constituency Election Commissions are appointed by the Central Election Commission.

30.3. Candidacy of three members to Constituency Election Commission shall be presented by the members of the Central Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis. Candidacy of other three members to Constituency Election Commission shall be presented by the members of the Central Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis, and three more members be presented by the members of the Central Election Commission who represent the neutral deputies of the Milli Majlis. Candidates to the Constituency Election Commission can be presented by local branches of relevant political parties to the members of the Central Election Commission representing political parties. 2 candidates nominated by the members of the Central Election Commission who represent the non-partisan deputies in the same Commission can be agreed with the interested parties: one candidate with the members of the Central Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis, and the other with the members of the Central Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis.

30.4. In case the members representing a political party do not nominate a candidate to the membership of an election constituency 95 days before the voting day, the candidate shall be presented by the members of the Central Election Commission that represent the court administration.

30.5. Members of election constituency receives an appropriate verification card from the Central Election Commission.

## **Article 31. Duties of election commissions**

31.1. The Constituency Election Commission performs the following general duties:

- 31.1.1. supervises observation of suffrage of citizens of the Republic of Azerbaijan on the territory of election constituency.
- 31.1.2. considers within own authorities the complaints related to violation of rules set forth in the Code, and makes grounded decisions regarding these complaints;
- 31.1.3. creates conditions for all candidates, registered candidates, political parties, blocks of political parties on the territory of election constituency for their pre-election activities and for pre-referendum activities of referendum campaign groups;
- 31.1.4. names Precincts Election Commissions on the territory of election constituency and ensures numbering of precinct commissions on the base of unified rule;
- 31.1.5. ensures delivery of ballots, de-registration cards and other election documents to Precincts Election Commissions;
- 31.1.6. distributes funds allocated for preparation and holding of elections (referenda) among Precincts Election Commissions, supervises use of the funds for the specified purpose;
- 31.1.7. receives information from the relevant executive authority bodies and municipalities related to preparation and holding of elections (referenda);
- 31.1.8. informs voters about rule and term of performance of election actions in the course of elections (referenda);
- 31.1.9. supervises provision of Precincts Election Commissions with premises, transport and communication means, fulfillment of relevant decisions made in relation with material and technical supply of elections;
- 31.1.10. renders organizational and technical assistance to Precincts Election Commissions on the territory of election constituency on holding of voting in election precincts;
- 31.1.11. co-ordinates activity of Precincts Election Commissions;
- 31.1.12. ensures storage of election (referendum) documents in accordance with rules approved by the Central Election Commission;
- 31.1.13. ensures submission of documents related to preparation and holding of elections (referenda) to the Central Election Commission, including protocols on outcomes of voting (elections) ;
- 31.1.14. ensures use of the State Automated Information System on the territory of election constituency on the basis of a unified rule.

## **Article 32. Activity Directions of Election Commissions**

32.1. Constituency Election Commissions shall perform the following duties during preparation and holding of referendum:

- 32.1.1. registers referendum campaign groups in cases stipulated by this Code;
- 32.1.2. determines results of vote counting in referendum constituency;

- 32.1.3. cancels illegal decisions of precinct referendum commissions in referendum constituency on its own initiative;
  - 32.1.4. ensures control on spending of election funds of referendum campaign groups in referendum constituencies;
  - 32.1.5. determines voting results in referendum constituencies, and gives information about voting results to the Central Election Commission;
  - 32.1.6. performs other authorities in accordance with this Code.
- 32.2. Constituency Election Commissions performs the following authorities during preparation and holding of elections of deputies of the Milli Majlis:
- 32.2.1. ensures reception of information about candidates nominated on corresponding single-mandate election constituency, publishes information about registered candidates;
  - 32.2.2. registers candidates on single-mandate constituency, their authorized representatives and agents, cancels their registration and issues them verifications in established form;
  - 32.2.3. ensures control on spending of election funds of candidates, registered candidates, political parties, blocks of political parties on the territory of election constituencies;
  - 32.2.4. ensures observation of pre-election activity conditions, specified by this Code, for candidates, registered candidates, political parties, blocks of political parties on the territory of election constituencies;
  - 32.2.5. determines outcomes of elections on single-mandate constituency, provides information to the Central Election Commission about voting results in single-mandate constituency;
  - 32.2.6. summarizes and publishes information from protocols of Precincts Election Commissions on voting results with indication of election results in accordance with the rule established in this Code;
  - 32.2.7. holds repeat and by-elections;
  - 32.2.8. performs other duties in accordance with this Code.
- 32.3. The Constituency Election Commissions finalizes the following regarding preparation and conduct of the Presidential Elections:
- 32.3.1. creates equal conditions for pre-election campaign activities of the candidates for Presidency within election constituency;
  - 32.3.2. ensures that all candidates, registered candidates follow rules of this Code and conditions of pre-election activities established by other laws within election constituency;
  - 32.3.3. determines results of Presidential elections within the constituency, informs the mass media about it and submits protocols on voting results to the Central Election Commission;
  - 32.3.4. performs other duties in accordance with this Code.
- 32.4. The Constituency Election Commission implements the following duties during

preparation and conduct of elections to municipalities:

- 32.4.1. registers candidates for a member of municipality within the constituency and announces it; cancels the registration of candidates for member of a municipality in the circumstances considered by this Code;
- 32.4.2. ensures obtaining of information about candidates nominated for municipality on an election territory, publishes information about registered candidates;
- 32.4.3. registers candidates for member of a municipality, their authorized representatives, their agents and issues them established sample verification cards;
- 32.4.4. controls that pre-election activities of candidates for member of a municipality within the constituency can be conducted equally;
- 32.4.5. distributes the funds allocated for preparation and conduct of elections amongst Precinct Election Commissions and controls its expenditure for election purposes within the election constituency;
- 32.4.6. determines the voting results based on information received by Precinct Election Commissions within the constituency, informs voters and the mass media about these;
- 32.4.7. organizes repeat elections and by-elections;
- 32.4.8. performs other duties in accordance with this Code.

### **Article 33. Guarantees for Functions of a Member of a Constituency Election Commission**

33.1 A member of a Constituency Election Commission will be provided with salary from the State budget, during his/her term of office.

33.2 During elections (referendum) the member of the Constituency Election Commission cannot be detained or be subject to criminal liability or administrative measures as determined by the court, without consent of a relevant district prosecutor ("district prosecutor" here shall be understood as the public prosecutor of the district covering the major part of the election constituency). A member of a Constituency Election Commission can be arrested only if he/she is caught in the act of crime. In this case, the body arresting the member of the Constituency Election Commission shall immediately inform the relevant district prosecutor about the matter.

33.3 Expenses of a member of a Constituency Election Commission for use of inter-cities transport and any public transport (except taxi and ordered trips) within the country during elections (referendum) shall be paid from the funds allocated by the Constituency Election Commission.

### **Article 34. Organization of the Functions of the Constituency Election Commission**

34.1 The Constituency Election Commission shall build its activity on regulations for the Constituency Election Commission, adopted by the Central Election Commission.

34.2 Decisions of the Constituency Election Commission are adopted during the meeting of the Constituency Election Commission as follows:

- by majority of votes of at least 6 members if attended by 9 or 8 members;
- by majority of votes of at least 5 members if attended by 7 members;
- by majority of votes of at least 4 members if attended by 6 members.

34.3 Decisions of the Constituency Election Commission must be published within a 24 hours period and enter into force upon publishing.

## **CHAPTER Six. Election (referendum) Precincts and Precinct Election Commissions**

### **Article 35. Establishment of Election (referendum) Precincts**

35.1 Election (referendum) precincts (hereafter referred to as election precincts) shall be formed every 5 years with the purpose of conducting voting and counting of votes, taking into account the number of voters registered within the territories of municipalities. Separate election precincts can be formed before the abovementioned period expires with a purpose to ensure the conformity of the requirements of Article 35.3.1. of this Code.

35.2 Election precincts shall be created by the relevant Constituency Election Commissions, agreed with heads of the relevant executive body and municipality, taking into account necessity of creation of maximum convenience for voters and local and other conditions. If election precincts are created immediately before the elections (referendum) then they must be established at least 50 days prior to the election day. The boundaries of election precinct shall be clearly indicated in decision of the Constituency Election Commission on formation of an election precinct (should the election precinct cover a part of a settlement, street names and apartment numbers shall be indicated).

35.3 The following requirements must be followed when creating the election precinct:

35.3.1. at most 2000 and at least 50 voters must be registered within the territory of each election precinct;

36.3.2. borders of election precincts must not cross the borders of the constituencies.

35.4 Voting stations can be created in the places where voters are temporarily located (hospitals, sanatoriums, rest homes, oil-production platforms located in the Azerbaijani sector of the Caspian Sea etc.), in the ships that navigate on the election day (if more than 50 voters are present), in conformity with the rules defined by the Central Election Commission and within the period defined by paragraph 2 of this Article. They can be created at least 5 days prior to the voting day only in exceptional circumstances defined by the Central Election Commission. Such voting stations shall be included in the single-mandate constituency created within their location or within the territory of which the ship is registered. Such voting stations may only be created during referendum and Presidential elections.

35.5 Military servants should vote in ordinary voting stations. Rules for transferring citizens of the Republic of Azerbaijan who are in limited military service are defined by the Central Election Commission. Voting stations can be created in the military units located outside of the settlements only in a circumstances if it is needed more than 2 hours to transport military servants by means of public transport to ordinary voting stations and if the number of military servants is more than 50. In exceptional circumstances defined by the Central Election Commission voting stations can be created in the military units located outside of the settlements. In such circumstances, voting stations are created within the period defined by the paragraph 2 of this Article, in exceptional cases, they are created at least 5 days prior to the voting day by the commanders of the military units in accordance with the decision of relevant Constituency Election Commission. Conditions to access working rooms of election commission and voting rooms easily for all members of the Precinct election commission and superior election commissions, registered candidates and their representatives, authorized representatives of political parties and blocks of political parties and observers must be created in conformity with the rules defined by this Code.

35.6 Election precincts for organizing voting for voters located in foreign states and counting of these votes shall be created in the territories where these voters reside, by the heads of diplomatic representations or consulates, provided that number of voters registered with the consulate is more than 50, at least 30 days prior to the voting day. Such voting stations may only be created during referenda and Presidential elections.

35.7 A list of voting stations, stating their number and borders (if voting station occupies a art of territory of a settlement), list of settlements (if voting station covers several settlements), places of Precinct Election Commission and voting stations, and telephone numbers of Precinct Election Commission should be published by the Constituency Election Commission at least 45 days prior to the voting day. Information about election precincts established within the period considered by Articles 35.4. and 35.5. of this Code should be published at least 2 days after the day of their establishment.

35.8 Issues on publishing information mentioned in Article 35.8. of this Code about the election precincts established outside of the Republic of Azerbaijan and information to be published should be managed by heads of relevant diplomatic representations or consulates. Local conditions should be taken into account.

### **Article 36. Formation of Precinct Election Commissions**

36.1 Precinct Election Commissions, comprising 6 members, are formed by the relevant Constituency Election Commission. If Precinct Election Commissions are established right before the elections (referenda) then they must be formed at least 40 days prior to the voting day.

36.2 Candidacy of 2 members to Precinct Election Commission shall be presented by the members of the Constituency Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis. Candidacy of other 2 members to Precinct Election Commission shall be presented by the members of the Constituency Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis, and 2

more members be presented by the members of this Commission who represent the non-partisan deputies of the Milli Majlis. Candidates to the Central Election Commission can be presented by local branches of relevant political parties to the members of the Constituency Election Commission representing political parties, and by voters (voters' initiative groups), formed pursuant to Article ?? of this Code, to the members of the Constituency Election Commission representing non-partisan deputies of the Milli Majlis. Those candidates must be the citizens of the Republic of Azerbaijan, who permanently or mostly reside within territory of the relevant election constituency. If a local branch of the relevant political party fails to present a candidate to Precincts Election Commission 45 days prior to the voting day, the candidacy shall be presented by members of the Constituency Election Commission representing non-partisan deputies of the Milli Majlis.

36.3 No more than 2 members of the Precinct Election Commission can be in either State or Municipal service. Such members shall be involved in the Precinct Election Commission's work for the elections (referendum) period only, and their main office shall be preserved.

36.4 Precinct Election Commission members obtain verification cards in accordance with the rules defined by the Central Election Commission.

36.5 Each registered candidate, political party, block of political parties, initiative groups of voters have the right to appoint one observer to the Precincts Election Commission from the time the Precincts Election Commission commences its work and until the voting results are made official.

36.6 In cases provided for in Articles 34.4 and 34.5 of the Code, in election precincts with number of voters not more than 100 and not less than 50, and those located in impassable places, the Precincts Election Commissions can be formed by open vote at general meetings of voters, and regulations on creation of Precincts Election Commissions set forth in Article 35.3 of the Code can be avoided. In such case, composition of the Precincts Election Commission can be approved by the Constituency Election Commission.

#### **Article 37. Duties of the Precinct Election Commission**

37.1 The Precinct Election Commission performs the following duties during preparation and conduct of referendum, elections to the Milli Majlis, Presidential elections and elections to municipalities:

37.1.1. informs the public about the address of the Precinct Election Commission, its telephone number, business hours, and also about date and place of voting;

37.1.2. approves and specifies the voters list; displays this list for voters information; examines applications about mistakes and errors on the voters list and makes relevant changes;

37.1.3. ensures preparation of the place for voting as well as ballot box and other equipment;

37.1.4. informs the voters about the issues to be discussed by a referendum, about registered candidates and list of registered candidates;

- 37.1.5. controls compliance with the rules for election and referendum campaigning within the territory of election precinct;
- 37.1.6. issues de-registration cards for voting;
- 37.1.7. organizes voting on the voting day at the election precinct;
- 37.1.8. determines the voting results for the election precinct, counts votes and submits protocols on voting results to the Constituency Election Commission by a specially authorized member of the Precincts Election Commission;
- 37.1.9. examines complaints on violation of this Code within its powers and makes appropriate decision based on complaints;
- 37.1.10. ensures preservation of documents on preparation and conduct of elections in accordance with the rules approved by the Central Election Commission and of their submission in accordance with the relevant rules;
- 37.1.11. performs other duties in conformity with this Code.

### **Article 38. Ensuring Functioning of a Member of the Precinct Election Commission**

38.1 A member of the Precinct Election Commission will be provided with salary from the State budget, during his/her term of office. Two elected members of the Precincts Election Commission, which are in state or municipal service shall be paid 50% of salary amount identified for members of the Central Election Commission during the elections period, provided that their salary from their permanent office is preserved.

38.2 Within a period of 30 days prior to the voting day the member of the Precinct Election Commission cannot be detained or be subject to criminal liability or administrative measures as determined by the court, without consent of a relevant district prosecutor. A member of the Precinct Election Commission can be arrested only if he/she is caught in the act of crime. In this case, the body arresting the member of the Precinct Election Commission shall immediately inform the relevant district prosecutor about the matter.

### **Article 39. Organization of the Functions of the Precinct Election Commission**

39.1 The Precinct Election Commission shall build its activity on regulations for Precinct Election Commissions, adopted by the Central Election Commission.

39.2 Decisions of the Precinct Election Commission are made as follows during the commission's meeting:

- by a majority of votes of at least 4 members if attended by 6 or 5 members;
- by a majority of votes of at least 3 members if attended by 4 members.

39.3 Decisions of the Precinct Election Commission are signed by its chairperson and secretaries. If decisions of the Precinct Election Commission are not signed by the persons mentioned above then they should be signed by members who voted for those decisions.

39.4 Decision of the Precinct Election Commission must be published within at latest 12 hour period.

## **CHAPTER Seven. Transparency During Preparation and Conduct of Elections (Referendum)**

### **Article 40. Transparency in the Activity of the Election Commissions**

40.1 Activity of election commissions shall be transparent to voters.

40.2 Members of election commissions, candidates registered within the relevant constituency and their authorized representatives or agents, or agents of referendum campaigning groups, agents of political parties and blocks of political parties have the right:

- to be present in and observe the meetings of any election commission; counting of votes; processing of ballot papers, voters lists, de-registration cards for voting, protocols on voting results and voting results and get familiarized with all mentioned above in the Precinct and Constituency Election Commissions;
- to obtain copies of the decisions and other election (referendum) documents (hereinafter referred to as election documents) (except for voters lists, copies of de-registration cards for voting, election (referendum) ballot papers (hereafter referred to as ballot papers) signature sheets) of the Constituency and Precinct Election Commissions;
- to observe other election activities.

40.3 Persons mentioned in Article 40.2 of this Code are not required any additional permission of the election commission for attendance in the meetings of the relevant election commissions or for becoming familiarized with the documents mentioned above. A relevant election commission ensures free access for persons mentioned in Article 40.2 of this Code to the locations where election documents are being processed and votes are being counted.

40.4 Citizens of the Republic of Azerbaijan having the active suffrage, including the international observers mentioned in Article 44 of this Code can act as observers.

40.5 The observer may carry out the observation based on own initiative or initiative of a registered candidate, political party, block of political parties, referendum campaign groups or non-governmental organizations.

40.6 Only observers who have been registered by the Central Election Commission in accordance with the rules defined by the Central Election Commission for getting the following rights and who have specific permission, have the right to be present at the meetings of the election commission up to the voting day. A registration card issued by the Central Election Commission must indicate this right.

40.7 Application for observation can be presented to the Central Election Commission starting from the day of announcing the elections till the period of 10 days prior to elections. Surname, name, patronymic, place of residence, serial and batch number of ID Card of the observer, and if necessary the name of the candidate he/she represents, or name of the referendum campaign group, names and legal addresses of the non-governmental organization, political party (or block of political parties) shall be indicated. Two photos shall be attached to the application. The deadline for making decisions on each application shall be not more than 5 days from the date the application is submitted. Observation can be rejected only if the information provided in the application is not confirmed. If conduct of observation is not permitted by the Central Election Commission, complaint regarding this decision of the Central Election Commission can be filed with the relevant court. In case the observation is allowed, the observer shall be provided with a badge prepared corresponding to rules established by the Central Election Commission.

40.8 Representatives of mass media shall have the right to participate at meetings of election commissions in regard with elections documents and vote counting process.

40.9 The relevant election commission informs the superior election commissions, each registered candidate and his/her authorized representative, agents of political parties and blocks of political parties which have registered candidates, agents of referendum campaigning groups about the time of processing election documents mentioned above and of election commission meetings in accordance with the rules considered by Article 19.16 of this Code.

40.10 Representatives of interested parties have the right to be present in the elections commission while it is investigating relevant complaints. Election commissions inform the public about:

- biography of each candidate registered in accordance with this Code;
- results of registration;
- list of candidates and issue of the other information received by the election commission about them;
- results of voting regarding referendum or candidates.

40.11 Persons mentioned in Article 40.2 of this Code, as well as observers, including international observers, on the voting day, can observe all processes implemented within the election precinct, from the time the Precinct Election Commission commences work and seals ballot boxes, until protocols on voting results has been received by the superior election commission; they can also observe the recount of votes.

40.12 Observers, including international observers, representatives of the mass media can observe determination of voting results and election (referendum) returns, completion of protocols of voting results and election (referendum) outcomes, as well as the recount of votes in all other election commissions.

40.13 All election commission members, persons mentioned in Article 40.2 of this

Code and observers must be ensured access to voting rooms of the electoral precincts established in military units, hospitals, sanatoriums, rest homes and other places where people are temporarily located as well as voting rooms of election precincts.

40.14 Each of the registered candidates, political parties and blocks of political parties, referendum campaign groups, can appoint an observer to the relevant Precinct Election Commission, in conformity with the rules defined by this Code, to observe the process in the voting room on the voting day or during early voting.

40.15 All the authorized persons in the voting station, as well as the members of the Precincts Election Commission shall have a badge of specific form defined by the Central Election Commission, that shows full name, position and picture of the person and allows to determine status of that person. An observer must have a badge containing his/her surname, name, father's name, address, photo, number of election commission (commissions) and voting station he/she is assigned to, and approved by the registered candidate, political party, block of political parties, referendum campaign group, non-governmental organizations whose interests the observer represents. This badge is valid only if it is supported by an identification card or other substitute document. Advance information about observer's visit is not required.

40.16 A list of observers who are in the voting station during the voting day, observing the election actions, shall be kept by the secretary of the Precincts Election Commission.

#### **Article 41. Principles of Observation**

41.1 Observation must be based on the following principles:

- 41.1.1 it must be impartial;
- 41.1.2 all circumstances and facts regarding the activities to be observed must be taken into consideration;
- 41.1.3. it must be open;
- 41.1.4. results of the observation shall be based on facts.

#### **Article 42. Observers' Rights and Duties**

42.1 Observers, including international observers have the following rights:

- 42.1.1 to become familiar with voters lists;
- 42.1.2. to be present in the voting room of the relevant election precinct at any time;
- 42.1.3. to observe the issuance of ballot papers to voters;
- 42.1.4. to observe voting outside of voting stations;
- 42.1.5. to observe number of voters, count of ballot papers and cancelled ballot papers;
- 42.1.6. to look through the marked and unmarked ballot papers, in order to check its validity, during the vote count in a condition ensuring observation of vote count and from certain distance; to become familiar with the documents mentioned in

Article 37.6 of this Code, with election commission's protocols on voting results and election (referendum) returns and with other documents;

- 42.1.7. to apply to the chairperson of the Precinct Election Commission regarding suggestions and comments about organization of voting, if he/she is not available, to a person who assumes the chairperson's powers;
- 42.1.8. Starting from the commencement of election commission's activity on the voting day and the ballot boxes are sealed and till the reception of protocols on voting results by election commissions, to make or obtain 1 copy and then photocopy and obtain other copies of protocols on voting results and election (referendum) returns, documents and attached documents prepared by election commissions within the period mentioned in Article 38.7 of this Code after the fee defined by the Central Election Commission is paid; to become familiar with the voters list; election commission must verify copies of the above mentioned documents at the request of an observer or provide the observer with verified copies of these documents after the relevant fee has been paid.
- 42.1.9. to be present during the recount of votes in the relevant election commissions.
- 42.1.10. to observe transfer of election documents to the Constituency Election Commission and the Central Election Commission.

42.2 The observer is prohibited:

- 42.2.1. to issue ballot papers to voters;
- 42.2.2. to ask voter on how he/she will or did vote;
- 42.2.3. to sign a receipt of a ballot paper on behalf of a voter who requests it;
- 42.2.4. to mark a ballot paper on behalf of a voter who requests it;
- 42.2.5. to participate directly in the counting of ballot papers together with the commission members with decisive voting right;
- 42.2.6. to obstruct the work of an election commission;
- 42.2.7. to conduct election campaign among the voters;
- 42.2.8. make actions or calls directed to supporting any candidate or political party or make actions or calls that can be understood as support of candidate or political party;
- 42.2.9. to intervene in making decisions by the relevant election commissions.

42.3 Commission members with consultative voting rights who are present during voting and vote count processes in the voting station, observers who observe these actions, representatives of the mass media and other persons mentioned in Article 40.2 of this Code must have badges, issued by the Central Election Commission, which do not campaign and which show the status of representation.

42.4 In case the observers submit their opinion on observation results to the chairperson of the Precincts Election Commission, the opinion shall be enclosed to the protocol on either voting results or election outcomes.

### **Article 43. Representatives of the Mass Media**

Representatives of the mass media can:

- get familiarized with protocols on voting results and election (referendum) outcomes and with decisions of all elections commissions;
- make or obtain one copy, and photocopy and purchase in the manner indicated in Article 106.13 of this Code the other copies of the relevant election commission's decision, protocol or document to be attached after the fee defined by the Central Election Commission has been paid.

Election commission must verify copies of decisions, protocols on voting results and election outcomes at the request of the representatives of the mass media.

### **Article 44. International (foreign) Observers**

44.1 International (foreign) observers (hereinafter - international observers) shall be registered with the Central Election Commission, when coming to the Republic of Azerbaijan in accordance with the rules defined by legislation and on the basis of a relevant invitation.

44.2 The Milli Majlis, relevant executive authority bodies and the Central Election Commission can invite them after a decision on determination of elections has been officially published.

44.3 Proposals on inviting international observers can be submitted to the Milli Majlis, Central Election Commission or relevant executive authority by non-government organizations which have reputation in the field of protection of citizens' rights and freedom.

44.4 The international observer shall submit the documents specified in Article 40.15 of this Code, for obtaining registration. The Central Election Commission issues a specific verification card designed in the state language or one of foreign languages to the international observer based on the documents submitted by him/her. Only this card allows the international observer to function in accordance with Articles 340-42 of this Code during preparation and conduct of elections.

44.5 The term of authority of the international observer commences from the time he/she is registered by the Central Election Commission, and finishes on the day general results of the elections are officially published.

44.6 The international observer functions independently and freely, his/her activity is financed by the organization assigned him/her or from his/her personal funds.

44.7 The international observer is under the protection of the State while he/she is within the territory of the Republic of Azerbaijan. Election commissions, state government bodies and municipalities are obliged to render necessary assistance to him/her.

44.8 The international observers can conduct press conferences on election legislation, preparation and conduct of elections and make statements to the mass media after the election day.

44.9 The international observers have the right to meet with voters, candidates, registered candidates, authorized representatives of political parties, blocks of political parties, referendum campaigning groups, agents of registered candidates, political parties, blocks of political parties, referendum campaign groups.

44.10 The international observers cannot use their status for activities not related to election campaign, preparation and conduct of elections.

44.11 The Central Election Commission can cancel the registration of the international observer if he/she violates laws and international legal norms.

## **CHAPTER Eight. Voters (citizens who have the right to participate in referendum) Lists**

### **Article 45. Compilation of Voters (citizens who have the right to participate in referendum) Lists**

45.1 Permanent voters (citizens who have the right to participate in referendum) lists (hereinafter - voters lists) for a precinct are approved by the Precinct Election Commission in conformity with the format defined by the Central Election Commission on 10<sup>th</sup> of March of each year and they are specified at least 35 days prior to the election day. After this period and until the voting day, the voter can be included in the voters list only upon the court decision. Any additions and amendments to voters list on the voting day cannot be made. Voters lists cannot be published in the press. Upon request, the relevant election commission shall inform any citizen about his/her inclusion in the voters lists.

45.2 Temporary lists of voters registered in election precincts formed in accordance with Articles 35.4 and 35.6 of this Code and voters indicated in Article 45.8 of the Code are kept separately, at the level of the relevant election commission.

45.3 Permanent voters lists include information on voters who have active suffrage provided by heads of the relevant executive authority bodies and municipalities, commanders of military units. Temporary voters lists include information on voters with active suffrage provided by heads of consulates or diplomatic representatives, as well as by heads of the enterprises where voters are temporarily located.

45.4 Voters lists of the precincts established in distant and difficult to access districts are specified by the Precinct Election Commission on the basis of information on voters provided by heads of relevant executive authority and municipality at least 25 days prior to the election day, in exceptional circumstances 2 days after the Precinct Election Commission has been formed.

45.5 Voters (military servants of military unit, military servants' family members who reside within the territory of military unit and other voters) lists for the precincts established within the territory of military units are specified by the Precinct Election Commissions on the basis of information on voters provided by the commanders of military units at least 25 days prior to the election day.

45.6 Voters lists for the precincts where voters are temporarily located (hospitals, sanatoriums, rest homes and other temporary places), ships that are sailing on the election day are approved by the relevant Precinct Election Commission on the basis of information on voters provided by heads of the offices where voters are located temporarily or the captain of the ship at least 5 days prior to the election day.

45.7 Voters lists for electoral precincts created outside of the Republic of Azerbaijan are approved by relevant Precinct Election Commission on the basis of information on voters provided by heads of the diplomatic representation and consular office of the Republic of Azerbaijan at least 25 days prior to the election day.

45.8 Officials mentioned in Articles 48.2. – 48.5. (?) of this Code (if no election precincts are created in military units or places of temporary residence of the voters), the administration of investigation jails shall collect and specify information on voters in accordance with the rules defined by the Central Election Commission and then submit it to the relevant Precinct Election Commission at least 35 days prior to the election day, if no other rule is provided by this Code.

45.9 Voters lists are prepared in 2 copies. Information on voters who have been included in the voters lists should be in alphabetical or in other order (according to settlements, streets, houses, apartments). The voters lists contain the voter's name, surname, father's name, year of birth (for those who are 18 years old – date and month of birth), and pursuant to Article 44.2, permanent address or address of a place where the voter mostly resides (number of street, building, apartment, number of house; if the place is the temporary residence – address of the hospital, sanatoriums, rest homes or other places) and the number of the election precinct.

45.10 State Automated Information Systems can be used during compilation of voters lists. The voters lists shall be prepared in a typewritten format. Only in the exceptional circumstances defined by the Central Election Commission, they can be written by hand.

45.11 The first copy of the voters list prepared in conformity with Article 45.1 of this Code is preserved by the Precinct Election Commission, a relevant act is made on this. The second copy is transferred to the Constituency Election Commission not later than 20<sup>th</sup> of January of each year, but at least 25 days prior to the election day, and it is used in conformity with the rules defined by the Central Election Commission. Voters lists for the constituency are signed by the chairperson and *secretary* of the Constituency Election Commission and verified with the stamp of the election commission.

45.12 Voters lists prepared in conformity with Article 45.2 of this Code shall be kept by the Precinct Election Commission by adopting a relevant act, then transferred to the relevant Constituency Election Commission at least 5 days prior to the election day, and be used in conformity with the rules defined by the Central Election Commission.

45.13 Voters lists for the election precincts created in conformity with Articles 34.5 - 34.6 of this Code are signed by the chairperson and secretary of the Precinct Election Commission and verified by the stamp of the commission.

45.14 Precinct Election Commissions, after they specify voters lists, examine and consider the changes to be made on the voters lists at the requests of voters or changes necessary to be made in conformity with Article 45 of this Code. They also make investigation on the basis of

relevant documents submitted by the officials, municipalities, civilian registration offices and bodies which register citizens' addresses and place of residence.

45.15 A person who provides information on voters bears responsibility defined by legislation for the accuracy, completeness and timely provision of the relevant information.

#### **Article 46. Rules for Citizens' Inclusion In and Exclusion from Voters List**

46.1 All citizens of the Republic of Azerbaijan who have active suffrage shall be included in the voters lists.

46.2 Residence of a voter or the fact that a voter is residing permanently or mostly within the territory of relevant electoral precinct (residing in precinct territory at least 6 months out of 12 months prior to announcement of elections) defined by the body which registers residence is sufficient basis for inclusion of voter in the voters list for the relevant precinct.

46.3 Military servants who reside outside of the military unit are included in the voters list on a common basis for their place of residence. Basis for inclusion of military servants, their family members in a military unit and other voters who reside within the territory of the military unit in the voters list is the fact of permanent of mostly place of residence defined by the bodies which register place of residence of the citizens of the Republic of Azerbaijan or defined by order of the commander of a military unit on inclusion of persons in the military staff who are in military service.

46.4 The basis for inclusion of citizens of the Azerbaijan Republic residing outside the Republic of Azerbaijan and those who are on a long-term foreign business trip in the voters list is the fact that a person is residing outside of the Republic of Azerbaijan permanently or mostly or the fact that a voter is on a long-term business trip as determined by the diplomatic representation or consular office of the Republic of Azerbaijan.

46.5 Voters who are in hospitals, sanatoriums, rest homes and other temporary places of residence are included in the voters lists of the election precincts created there on the basis of an identification document or other substitute document. If no voting station is created in hospitals, sanatoriums, rest homes and other places of temporary residence in accordance with Article 35.4 of this Code, then voters located in those places shall be included in voters lists pursuant to information provided to the Precincts Election Commission by the administration of those institutions. The mentioned information shall fully describe all the data contained in the voter's identification document or substitute document.

46.6 The persons with no valid court sentence, and which are subject to preventive punishment shall be included in voters lists based upon information provided to the Precincts Election Commissions by the administration of investigation jails. The mentioned information shall fully describe all the data contained in the person's identification document or substitute document.

46.7 Disabled citizens of the Azerbaijan Republic can be included in voters lists according to information provided by their relatives or other persons who have relations with them. In such case, the identification document or a substitute document of the disabled citizen shall be presented.

46.8 Citizens of the Republic of Azerbaijan, who have active suffrage and who are in foreign countries, are included in the voters list on the basis of their identification document or substitute document, when they come to the voting station.

46.9 Voters who are residing within the territory of the electoral precinct or who have not been included in the voters list for any reason are included in the voters list by the Precinct Election Commission on the basis of their passport or other substitute document, after the voters list has been submitted for public display. If necessary, other documents which confirm that the voter lives mostly within the territory of that electoral precinct may be required.

46.10 A voter can be included in the voters list for one precinct only. Shall any election commission reveal that a voter has been registered in more than one precinct, the commission shall investigate the matter and ensure that the voter's name remains in one list. If the voter is intentionally included in more than one voters list, the voter may be subject to administrative liability.

46.11 After voters lists are approved, a voter can be excluded from the voters list on the basis of official documents as well as on a de-registration card for voting issued to the voter in conformity with the rules defined by this Code. In such circumstances, date and reason for exclusion of voter from the voters list must be recorded in the voters list. This fact shall be verified by the signatures of chairperson and secretaries of the Precinct Election Commission. When issuing de-registration card for voting it shall be verified with the signature of the commission members who issues it.

#### **Article 47. Integrated Voters List**

47.1 The Integrated Voters List is kept by the Central Election Commission.

47.2 Until April 30 of each year, the Precincts Election Commissions together with the Constituency Election Commissions shall provide the Central Election Commission with information on voters lists to be updated until March 30 of each year.

47.3 The Integrated Voters List covers election precincts and constituencies, and shall include the data indicated in Article 43.8 of this Code.

47.4 Information indicated in voters lists approved by the Precincts Election Commissions formed in accordance with Article 35.8 of this Code shall not be included in the Integrated Voters List. Such information shall be provided by the Central Election Commission in the order determined by the Commission itself, and be incorporated in temporary voters lists.

47.5 Temporary voters lists shall be added to the General Voters List.

#### **Article 48. Public Display of Voters Lists**

48.1 The Precinct Election Commission submits the voters lists for public display and for additional verification by informing the voters at least 65 days prior to the election day and creates relevant conditions for that. The voters lists must be displayed outside of the voting room, on notice boards, in a convenient place for voters to see and to have access to it.

48.2 A citizen of the Republic of Azerbaijan who has suffrage can advise that he/she is not included in the voters list, about mistakes and errors related him/her or other persons he/she has found in the voters list. The Precinct Election Commission must check the submitted application and documents regarding the voter's information, correct the mistake or error, investigate the reasons for the mistake or error, or must provide the voter with a written document containing the reason for rejection of voter's application within one day from the date of application, and on the election day – immediately, but before voting is terminated.

## **CHAPTER Nine. Basis for Participation of Political Parties and Blocks of Political Parties in Elections (Referendum)**

### **Article 49. Conditions for Participation of Political Parties (block of political parties) in Elections (referendum campaign)**

49.1 Political party (block of political parties) which participate in elections (referendum campaign) must follow the following conditions:

- 49.1.1 to respect right of other political parties (block of political parties) to freely and independently express views during election (referendum) campaign;
- 49.1.2 to respect rights of other political parties (block of political parties), voters and public organizations;
- 49.1.3 to respect freedom of press;
- 49.1.4 not to prevent other political parties from establishing free communication with voters;
- 49.1.5 to ensure voters who intend to participate in political activities with free conduct of those activities;
- 49.1.6 not to obstruct professional activities of representatives of the mass media; not to violate or breach election (referendum) campaign of other parties;
- 49.1.7 not to obstruct distribution of election campaign materials, referendum campaign materials of other parties (block of political parties) and candidates;
- 49.1.8 not to destroy or to spoil election campaign posters, referendum campaign posters and other campaigning materials of other parties (block of political parties) and candidates;
- 49.1.9 not to obstruct pre-election (pre-referendum) mass activities of other parties;
- 49.1.10 to cooperate with election (referendum) bodies and their officials for conduct of free, peaceful and organized elections;
- 49.1.11 not to obstruct the voters to express their will freely;
- 49.1.12 to respect authorized persons and observers and to cooperate with them;
- 49.1.13 to follow secrecy of voting and to assist in maintaining it;
- 49.1.14 not to win over voter to its side by illegal activities;

- 49.1.15 not to interfere in the activities of authorized persons, election (referendum) commissions groundlessly; not to violate the process of voting and vote count;
- 49.1.16 to respect legally approved results of elections (referendum), to present each complaint regarding the elections (referendum) to authorized body and to observe the decision of that body regarding the relevant complaint;
- 49.1.17 not to make speeches which intimidate, slander or call upon violence or distribute materials of this content;
- 49.1.18 not to use its political influence for offering any rewards or for intimidating with punishment;
- 49.1.19 not to use state, municipal or other public resources in circumstances not established in this Code;
- 49.1.20 not to provoke voters to vote for or against a definite party (block of political parties) or candidate by using pressure or offering presents or by other methods that contradict the legislation or not to provoke the voters not to vote;
- 49.1.21 not to make voters self-nominate or not self-nominate, withdraw or not withdraw their candidacy by using pressure or offering presents or by other methods that contradict the legislation;
- 49.1.22 not to use assistance or activities rendered by any official for supporting or not supporting the candidate;
- 49.1.23 not to call citizens no to participate in elections.

49.2. Observance of the principles mentioned in Articles 49.1.1, 49.1.5, 49.1.10, 49.1.12, 49.1.13, 49.1.16, 49.1.23 of the present Code by the political parties (block of political parties) is optional. Violation of other principles is subject to liability under the Criminal Code and Code of Administrative Offences of the Azerbaijan Republic.

#### **Article 50. Block of Political Parties**

50.1 At least two political parties can create block of political parties. If a political party is a member of the block, it cannot function as an independent political party or join another block during the conduct of elections. A decision on joining the block of political parties is made in conformity with the charter of each political party which intends to join the block of political parties. After a relevant decision is adopted, authorized representatives of political parties sign a joint decision on establishment of the block.

50.2 An authorized representative of the block of political parties submits the following documents to the Central Election Commission for registration:

- 50.2.1. copies of charters of political parties which included in the block, verified by the notary office;
- 50.2.2. decisions of political parties on joining the block;
- 50.2.3. a joint decision on establishment of a block signed by the authorized representatives of political parties and verified by the stamp of those parties.

50.3 Blocks of political parties must be registered within 5 days starting from the day they submit relevant documents to the Central Election Commission.

50.4 Blocks of political parties can be refused registration if the documents mentioned in Article 50.2. of this Code are not officialized or they are not complete, or do not meet requirements.

50.5 No other political party can be included in the block of political parties after the latter has been registered by the Central Election Commission.

#### **Article 51. Name and Emblem of Block of Political Parties**

51.1 The block of political parties submits information about its full and abbreviated name to the Central Election Commission.

51.2 The name of the block of political parties is defined in the joint meeting of representatives of political parties which joined that block. Names of political parties which are not included in that block (regardless of whether they participate in the elections or not) or of other political parties that participated in previous elections cannot be used. If a new registered block of political parties does not include a majority of political parties that joined the block during previous elections, a newly established block cannot be named by its previous name. Name or surname of a physical individual can be used by the block of political parties on the basis of that individual's written consent.

51.3 A block of political parties can also submit its emblem to the Central Election Commission. A block of political parties can submit any emblem except for registered emblem of any political party that is included in the block or the same emblems used by other political parties and blocks of political parties for previous or being used for current elections (taking into consideration Article 51.2 of this Code). Symbols of the block of political party must not:

- violate intellectual property rights, trademark rights;
- insult state symbols of the Republic of Azerbaijan or other countries, religious symbols;
- violate common accepted moral norms.

The block of political parties must make agreement with the Central Election Commission on the usage of the block's name, which cannot contain more than 5 words and its emblem in the election documents.

51.4 It is not allowed to change the names and emblems of blocks of political parties during the election processes.

#### **Article 52. Authorized Representatives of a Political Party and a Block of Political Parties**

52.1 Political parties and blocks of political parties appoint authorized representatives for participation in elections and for financial issues, in conformity with this Code.

52.2 The authorized representatives are appointed due to the decision of a joint meeting of relevant political parties included in the block or representatives of political parties, or to the decision of their congress, conference or meeting of a managing body.

52.3 The authorized representative of a political party and block of political parties performs his/her functions on the basis of a decision considered by Article 52.2 of this Code which contains the following:

- his/her powers;
- his/her name, surname, father's name, date of birth;
- the serial and batch number of his/her identification document or substitute document;
- address of residence;
- working place, occupation or official duty (service job) (if he/she does not have them – type of activity).

The authorized representative of a political party or block of political parties on financial issues performs his/her functions on the basis of a decision considered by paragraph 2 of this Article which contains the following:

- samples of financial documents;
- samples of stamps for those documents.

52.4 The list of authorized representatives appointed by political parties and blocks of political parties shall be submitted to the Central Election Commission. Except for the authorized representatives of political parties and blocks of political parties on financial issues, the list of other authorized representatives is submitted to the Constituency Election Commission as well. The list of authorized representatives and blocks of political representatives must contain the following information upon each authorized representative:

- name, surname, father's name, birth date;
- serial and batch number of identification document or substitute document and date of issue;
- address of residence;
- main working place and occupation (if he/she does not have them – type of activity);
- telephone number.

The relevant list submitted to the Central Election Commission must have attached a written consent to be an authorized representative of each person.

52.5 The powers of a representative can be terminated by the decision of authorized body of political parties and blocks of political parties, informing in writing. Copy of the decision on that must be transferred to the Central Election Commission.

52.6 The authorized representatives of political parties and blocks of political parties who are still working for government or municipality cannot use their occupation or service position during the elections processes.

52.7 The term of office of the authorized representatives of political parties and blocks of political parties commences from the day they are appointed and ends by the finish of status of candidacy of all candidates as well as candidates listed in the list nominated by political parties and blocks of political parties not later than general results of elections are officially published.

## **CHAPTER Ten. Nomination and Registration of Candidates During the Elections**

### **Article 53. Nomination of Candidates on Their Own Initiative or Directly by Voters**

53.1. Nomination of candidates is possible with the following conditions:

- self-nomination or nomination by voters who have active suffrage;
- submission of notification on collection of necessary signatures in support of a candidate within their territory and on intention of registration of candidate.

53.2. Candidate or initiative group of voters which nominates a candidate notifies the relevant election commission on his/her/its initiative in writing. The notification must contain the following about each initiator and candidate:

- name, surname, father's name, birth date;
- address of residence;
- serial and batch number of identification or substitute document

as well as the following about nominated candidate:

- name, surname, father's name, birth date;
- main working place or official duty (service job) (if he/she does not have them – type of activity);
- address of residence.

53.3. An application containing written consent of a candidate on undertaking to terminate activities which are incompatible with the elected post in elective government or municipal bodies must be submitted together with the notification mentioned in Article 53.2 of this Code. This application contains information about his/her biography (name, surname, father's name, birth date, address of residence, education, main working place or official duty (service job), (if he/she does not have them – type of activity)). If candidates have a sentence which is not served or cancelled, name and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan must be recorded in their application. If a candidate has committed an action abroad which imposes a criminal liability and is sentenced by a court decision which entered into force, and if the same action imposes liability established by the Criminal Code of the Republic of Azerbaijan, the application must contain name of the relevant law of the foreign

country. The application of the candidate must also contain information about candidate's citizenship of the Republic of Azerbaijan as well as information about if a candidate has foreign citizenship or obligations in foreign countries.

53.4. A candidate can include information in the application on the basis of document which certifies his/her party affiliation. In such circumstances a candidate comes to an agreement with the relevant election commission about naming his/her political party with a name containing not more than 5 words. If the political party indicated in the application has already excluded the candidate and sent an appropriate notification to the relevant election commission on the matter, then the candidate cannot refer to the political party, after such notification is received.

53.5. The relevant election commission must inform the candidate and initiative group of voters in writing about receipt of submitted documents, in conformity with the requirements of this Article.

53.6. The relevant election commission examines submitted documents within a 5 day period and makes a decision to the candidate or his/her authorized representative certifying nomination from the relevant constituencies. The relevant election commission cannot refuse receipt of submitted documents.

53.7. The basis for refusal from submission of a decision which certifies nomination of a candidate can only be:

- documents mentioned in Articles 53.2 and 53.3 of this Code are not formalized as required;
- violation of rules for nomination of candidates defined by this Code.

If the mistakes and errors can be eliminated through corrections made by the candidate in the relevant documentation, then the relevant election commission notifies the candidate about it within the period set forth in Article 53.6 of this Code, and after such correction is made, approves his/her nomination.

#### **Article 54. Nomination of Candidates by Political Parties and Blocks of Political Parties**

54.1. A political party makes a decision on nomination of a candidate in conformity with the charter of the political party. Such a decision must be made by voting, in a collective order.

54.2. A candidate nominated by a block of political parties shall be approved by each political party which is included in the block. A decision on nominating a candidate by the blocks of political parties is made in the meeting (congress, conference, meeting of managing body) of representatives of political parties. Authorized representatives who shall have the powers to make a decision on approval of candidate nominated during the meeting of representatives of political parties included in the block of political parties will be determined during the congress (conference, meeting of managing body) of political parties.

54.3. The decision of a political party and block of political parties on the nomination of a candidate is formalized by the minutes. The minutes contain the following:

- 54.3.1. number of registered participants taking part in the meeting (congress, conference, meeting of managing body);
- 54.3.2. number of participants required for adoption of a decision considered by the agreement on creation of a block of political parties;
- 54.3.3. decision on nomination of candidates and results of voting for this decision;
- 54.3.4. date of adoption of a decision.

54.4. A political party, block of political parties and a political party included in the block of political parties can nominate persons who are not members of relevant political party.

54.5. Authorized representatives submit the documents on the candidates nominated by political parties and blocks of political parties to the relevant election commission. These documents contain the following information about each candidate:

- name, surname, father's name, date of birth;
- education;
- main working place or official duty (if he/she does not have them – type of activity);
- address of residence;
- party affiliation with his/her own consent;
- status or legal status in the political party.

Names of candidates are submitted in a format defined by the Central Election Commission, type written or in another manner, which can be read by machine.

54.6. Together with the names of candidates, the authorized representatives of the political party submit the following documents:

- 54.6.1. copy of certificate on registration of political party verified by notary office;
- 54.6.2. copy of charter in effect of political party verified by notary office;
- 54.6.3. decision of congress (conference, meeting of managing body) on nominating candidates and minutes of relevant meeting;
- 54.6.4. power of attorney of authorized representatives of political parties, formalized in conformity with the rules defined by this Code.

54.7. Together with the names of candidates, the authorized representatives of the block of political parties submits the following documents:

- 54.7.1. decisions of congresses (conferences, meetings of managing bodies) of political parties included in the block of political parties on nomination of candidates and minutes of relevant meeting;
- 54.7.2. decision, made at the meeting (congress, conference) of the representatives of political parties included in the block of political parties, on nomination of single

list of candidates on behalf of block of political parties and minutes of relevant meeting;

- 54.7.3. power of attorney of authorized representatives of block of political parties issued in conformity with the rules defined by this Code.

54.8. The authorized representative of a political party and block of political parties submits documents mentioned in Articles 54.1 – 54.3 of this Code together with the candidate's application which contains:

- undertaking to terminate activities incompatible with the position if he/she is elected;
- consent to be nominated as a candidate.

This application must also contain the candidate's:

- surname, name, father's name, date of birth;
- address of residence;
- education;
- main working place or official duty including occupation (if he/se does not have it – type of activity);
- party affiliation with candidate's own consent.

If candidates have a sentence which is not served or cancelled, name and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan must be recorded in their application. If a candidate has committed an action abroad which imposes a criminal liability and if the same action provides for liability established by the Criminal Code of the Republic of Azerbaijan and is sentenced by a court decision which entered into force, the application must contain name of the relevant law of the foreign country. The application of the candidate must also contain information about candidate's citizenship, as well as information about if a candidate has foreign citizenship or obligations in foreign countries. If a candidate has a sentence which is not served or cancelled, this information must be recorded in the list.

54.9. The relevant election commission examines the submitted document within a 5 day period and makes a decision to the authorized representatives of political parties and blocks of political parties on approval of candidates nominated for relevant constituency or on refusal from approval of candidates, which is based on evidence. The relevant election commission cannot refuse the receipt of submitted documents.

54.10 The basis for refusal from approving the candidate's nomination can only be:

- documents mentioned in Articles 54.1 – 54.3 are not formalized as required;
- violation of rules for nomination of candidates defined by this Code.

If the mistakes and errors can be eliminated through corrections made by the authorized representative of a political party or a block of political parties, then the relevant election

commission notifies the candidate about it within the period set forth in Article 54.9 of this Code, and after such correction is made, approves nomination of the candidate.

54.11 The Central Election Commission and Constituency Election Commissions must create conditions for receipt of information about relevant nominated candidates.

### **Article 55. Ensuring Equal Status for Candidates During their Nomination**

55.1. All candidates have equal rights and duties.

55.2. The following actions are considered an abuse of position or official duty for getting superiority by this Code:

- 55.2.1. to engage state or municipal officials who are subordinate employees with an activity which assists to be nominated as a candidate or to be elected as a deputy during their business hours;
- 55.2.2. to use buildings, where state bodies or municipalities are located, for the activities assisting to nominate a candidate or to be elected if other candidates or registered candidates cannot use them with the same conditions;
- 55.2.3. to use communication, information and telephone services which ensure activities of state bodies, state organizations or municipalities for the purposes of collecting signatures and election campaigning;
- 55.2.4. to use transport, which is state or municipal property, free of charge or with privileged conditions for the activities assisting to be nominated or to be elected (above mentioned circumstances do not concern the persons who use transport in conformity with the legislation of the Republic of Azerbaijan on state protection);
- 55.2.5. to involve state or municipal officials in collecting signatures or election campaigning during the period of their business trip;
- 55.2.6. to use mass media mentioned in Article 77.1 of this Code for collecting signatures or election campaigning with privileged conditions.

55.3. The following cannot implement charitable activities during the election campaigning processes:

- candidates;
- political parties and blocks of political parties which have nominated list of candidates;
- authorized representatives of political parties and blocks of political parties; as well as their founders, owners and proprietors;
- legal entities who are persons or organizations mentioned above;
- other physical or legal entities that are functioning on the request or task of persons mentioned above.

Persons and organizations mentioned above are prohibited to offer rendering financial and material assistance to other physical and legal entities, rendering financial and material assistance or services to voters or organizations. Physical and legal entities are prohibited from implementing charitable activities on behalf of political parties, blocks of political parties, their authorized representative and candidates or with the purposes of supporting them.

#### **Article 56. Conditions for Collecting Voters Signatures in Support of Candidates**

56.1. Collection of voters signatures in support of candidates nominated by initiative groups of voters or self-nominated candidates starts from the day the decision provided for in Article 53.6 of this Code is adopted. Collection of voters' signatures in support of candidates nominated by political parties and blocks of political parties starts from the date the decision mentioned in Article 54.9 of this Code has been adopted.

56.2. Signatures in support of candidates (list of candidates) must be collected within the area they have been nominated.

56.3. Signature sheets are prepared in a format attached to this Code. Each signature sheet must contain the following information about the candidate:

- working place or official duty (if he/she does not have them – type of activity);
- address of residence;
- name and number of constituency he/she has been nominated for.

If a candidate has a sentence which is not served or cancelled, name and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan must be recorded in the signature sheet. If a candidate has committed an action abroad which imposes a criminal liability and if the same action imposes liability considered by the Criminal Code of the Republic of Azerbaijan and is sentenced by a court decision which entered into force, the signature sheet must contain name of the relevant law of the foreign country.

56.4. The signature sheet may also contain the name of the political party which has been recorded in the candidate's consent to be a candidate.

56.5. If a political party or a block of political parties that nominated a candidate from the relevant constituency collects signatures in support of the candidate, the signature sheet shall along with the information about the candidate contain the name of the political party or the block of political parties which has nominated this candidate; and if there is such an information in the candidate's application, then the name of the political party and the candidate's status in the political party can be indicated there. Upon request of a voter, the person collecting signatures for a list of candidates shall present a copy of the list of candidates verified by the Central Election Commission.

#### **Article 57. Rules for Collecting Signatures in Support of Candidates**

57.1. Regardless of their form of property, the state bodies, municipalities and legal entities are prohibited from participating in collection of signatures. It is prohibited to make voters sign the signature sheet or to pay any kind of rewards to them during signature collecting processes. If non observance of this prohibition is approved by a relevant court, it can be the basis for:

- considering the collected signatures invalid;
- refusal from or cancellation of registering a candidate, registration of candidates, registration of a list of candidates and registered list of candidates.

57.2. A citizen of the Republic of Azerbaijan who is 18 years old and has active suffrage can collect voters' signatures. A candidate, political party and block of political parties can sign an agreement on collecting signatures with a person who shall collect voters' signatures. Payment for this job can be paid only from the election fund of a candidate, political party and block of political parties.

57.3. Signatures in support of candidates can be collected in educational institutions, residential areas as well as other places which are not prohibited to conduct election campaign by the law.

57.4. A voter has the right to sign only once in support of a candidate or list of candidates (except the case mentioned in Article 215.2 of this Code), in accordance to his/her will. A voter records the following information upon signing the signature sheet:

- name, surname, father's name, date of birth;
- address of residence;
- serial and batch number of identification or substitute document; date of issue;
- date of signing the signature sheet.

Information about the voters required to be recorded can be recorded on the signature sheets by a person who collects signatures. Information mentioned above shall be recorded in handwriting.

57.5. While collecting signatures in support of candidates, each signature sheet must contain the following information about the candidate:

- name, surname, father's name, birth date;
- main working place or official duty, occupation (if it does not exist - type of activity).

If the candidate has a sentence which is not served or cancelled, the name and the number of the relevant Article of the Criminal Code of the Republic of Azerbaijan, as well as the name (number) of the constituency should be recorded in the signature sheet; If a candidate has committed an action abroad which imposes a criminal liability and if the same action imposes liability considered by the Criminal Code of the Republic of Azerbaijan and is sentenced by a court decision which entered into force, the signature sheet should contain the name of the relevant law of the foreign country.

57.6. While collecting voters' signatures in support of a candidate, the signatures can be recorded on front or reverse side of signature sheets. In such cases, the reverse side of the signature sheets is considered a continuation of the front page and verifying signatures are recorded on the reverse side.

57.7. A signature sheet is signed by a person who collected the signatures and by a candidate after collection of signatures has been completed. Before signing the signature sheet, a person who collected them records the following information about him/her:

- surname, name, father's name;
- address of residence;
- serial and batch number of identification or substitute document; date of issue.

The signature sheet contains also a candidate's surname, name, father's name and date of signing.

57.8. If the candidate is nominated by a political party or block of political parties, the signature sheet is signed by a person who collected signatures and by an authorized representative of a political party, block of political parties after collection of signatures has been completed. Before signing the signature sheet, a person who collected them records the following information about him/herself:

- surname, name, father's name;
- address of residence;
- serial and batch number of identification or substitute document; date of issue.

The relevant authorized representative records his/her surname, name, father's name and date of signing.

57.9. After a political party, block of political parties and initiative group of voters which has nominated a candidate informs the relevant election commission about nomination of the same candidate in writing, they can collect necessary number of signatures in support of the candidate together. In such cases, it is allowed to bring together voter's signatures in support of the candidates collected by different person.

57.10. Initiators of the nomination of a candidate, authorized representatives of a candidate, political party or block of political parties shall count the number of voters' signatures collected in support of the nominee, draw up and sign the protocol on results of collection of voters' signatures.

57.11. Signature sheets submitted to relevant election commissions should be numbered and paged in the form of a folder.

## **Article 58. Submission of Election Documents for Registration of a Candidate**

58.1. For registration of nominated candidates, authorized representatives of the candidates, political party and block of political parties shall submit the following documents to the relevant Constituency Election Commission at earliest 105 days and at latest 70 days prior to the voting day before 18:00 :

- 58.1.1. signature sheets, which include voters signatures in support of candidates;
- 58.1.2. 2 copies of protocols on results of collecting signatures prepared in a form defined by the Central Election Commission;
- 58.1.3. notification on changes made to the information about the candidates, submitted according to the Articles 53.3 and 54.8 of this Code;
- 58.1.4. information on the amount and sources of candidate's income;
- 58.1.5. information on the candidate's property on the basis of ownership right;
- 58.1.6. candidate's initial financial report (including information on funds spent for organization of collection of voters signatures).

58.2. Shall accidentally made mistakes be revealed in documents indicated in Articles 58.1.2.-58.1.6. of this Code, the relevant election commission must within 48 hours inform the candidate about the matter and propose to correct the mistakes.

58.3. Information on amount and sources of income of the candidate for the period of the previous one year should be submitted in a format defined by the Central Election Commission starting from the day of determination of the Election Day. At the same time, a reference on summary of annual income from the income source organizations shall be submitted. Information on property owned by the candidate shall be submitted in a form mentioned "Annex #". The Central Election Commission shall define the list of information of candidate's property and income to be published.

58.4. When receiving election documents, election commissions shall approve each folder containing signature sheets with their stamp, check if the number of submitted signature sheets match with the number recorded in the protocol on results of collecting signatures, then having recorded the date and time of their receipt, provide the candidate, authorized representatives of political party and block of political parties with a reference on receipt of election documents with indication of number of the signature sheets and number of announced signatures. If the above-mentioned persons submit relevant documents to relevant election commission before the time mentioned in Articles 58.1 and 58.2, they cannot be refused receipt of documents; authorized representatives of a candidate, political party and block of political parties cannot be obstructed to enter a relevant building.

58.5. A bank document on transfer of voluntary registration deposit at the amount of 3% of the relevant election fund's threshold to the account of the election commission carrying out the registration can be presented to the relevant election commission when submitting the election documents for registration of a candidate. Cases of return of the registration deposit by the election commission are determined by Article 60.4 of this Code.

58.6. The number of presented signatures must not exceed 15% of the number of signatures required for registration of a candidate.

**Article 59. Checking Accuracy by Election Commissions of Signature Sheets and Documents Submitted by Candidates, Political Parties, Block of Political Parties**

59.1. The relevant election commission shall check correctness of the information in the documents defined by this Code and in the signature sheets of each candidate and whether the information of nominating the candidates is in compliance with the requirements of this Code. According to this Code, the relevant election commission has the right to check accuracy of information about biography and other information submitted by a candidate, political party, block of political parties in accordance with this Code.

59.2. The election commission can apply to the relevant bodies with a purpose to check accuracy of information and facts submitted in accordance with this Code. Those bodies must inform the election commissions about the results of examination within the period defined by the election commission, but if there are less than 75 days remaining prior to the voting day the information must be provided within a one-day period. The relevant election commission can make a decision on creating working groups consisting of experts invited to check accuracy of signatures and relevant information. The working groups should be chaired by the member of the commission that forms the group. Independent experts, experts of the relevant bodies as well as specialists of bodies and organizations carrying out registration of population can be invited after the fee established by the Central Election Commission is paid. Their opinion shall be accepted, as a basis, which approves that information in the signature sheets, is not accurate. The election commissions can use the state voters registration system to check accuracy of information in signature sheets.

59.3. Candidates, their authorized representatives, authorized representatives of political parties, block of political parties can be present in the relevant election commission while checking signature sheets. The relevant election commission must inform the above-mentioned persons about examination of documents, in advance. The election commission cannot refuse or obstruct above-mentioned persons sent by a candidate, political party and block of political parties to participate in these actions. All signatures in the voters lists selected for investigation must be examined.

59.4. Accuracy or incorrectness of voters' signatures can be approved due to results of investigation.

59.5. Crossed out signatures in the signature sheets of the persons who have nominated a candidate are not checked and registered if persons who collect signatures made relevant notes on it before they submit the signatures sheets to the relevant election commission.

59.6. If a signature of one person appears several times while checking them, only one signature is considered valid, others are considered incorrect.

59.7. The following signatures are also considered incorrect:

59.7.1 The signatures of voters who do not have the right to vote or noted incorrect information based on the opinion of invited specialists to the work of election commission according to the 3<sup>rd</sup> paragraph of this Article or based on the reference given by relevant executive authority;

- 59.7.2. Signatures of voters entered into signature sheets before the notification on nomination of the candidate is sent to relevant election commission;
- 59.7.3. Signatures considered invalid in accordance with violation of requirements of Articles 57.1 and 57.4 of this Code;
- 59.7.4. Signatures recorded by one person on behalf of several persons;
- 59.7.5. Signatures, which are not recorded in hand writing or recorded by pencil;
- 59.7.6. If dates of signatures have been changed in the signature sheets, these signatures are considered correct if the person who approves signature sheets certifies them also;

59.8. All of the signatures in the signature sheets are considered invalid if signature sheets are not certified with the signature of the person who collected them, also by the authorized representative of candidate, political party, a block of political parties or if signature of authorized representative is not correct.

59.9. If several persons sign for one voter or one person signs for several voters all of these signatures are considered invalid in accordance with written conclusion of experts involved in work of the election commission;

59.10. If a written line in a signature sheet does not fulfill the requirements of this Code only this line where signature is invalid, except the cases mentioned in Articles 59.7 and 59.9 of this Code;

59.11. According to Articles 59.6. - 59.10 of this Code, if signatures are not defined during examining accuracy of signatures and calculating accuracy of quantity of signatures, changes and notes made by determined way in the signature list should not be reason to consider the signature invalid.

59.12. According to Articles 59.6 - 59.10 of this Code, the candidate shall not be registered if the number of signatures is less than required number for registration after invalid signatures have been removed.

59.13. The head of a working group and a member of relevant election commission who has decisive right to vote prepare a protocol on results of checking signature sheets of each candidate, then sign it and give to Election Commission for a relevant decision. The protocol indicates the number of checked signatures of voters and number of invalid signatures with a note of reason. The protocol is attached to the relevant decision of Election Commission. A copy of the protocol is submitted to a candidate, authorized representative of political party, a block of political parties at least 24 hours prior to the meeting of election commission, which deals with registration of a candidate. A candidate, a political party, a block of political parties have the right to get following documents if signatures are less than the required quantity of voter signatures during examination of signatures:

- Copy of the protocol approved by the head of working group.
- Reasons for considering signatures invalid including number of a relevant folder and number of line in relevant signature sheet
- Copy of the working-table on results of examination.

## **Article 60. Registration of a Candidate**

60.1. The relevant election commission has to make a decision based on registration or refusal of submitted list of registration of candidate after receiving of signature sheets and other required documents for the registration of candidate within a 10 days period. If the registered candidate is nominated by political parties or block of political parties, the relevant election commission mentions in registration report, that the candidate is nominated by political party, block of political parties. Registration date and time is indicated in decision of registration or refusal of registration.

60.2. The relevant election commission has to submit the copy of the decision on registration of a candidate after acceptance of decision within 1 day to the candidate, authorized representatives of political parties or block of political parties that nominated the candidate and if there is a refusal of registration the reasons must be clarified.

The followings can be reasons for the refusal:

- 60.2.1 Violation of the rules of collecting signatures determined by this Code;
- 60.2.2 Incorrect formalizing and lack of documents mentioned in Articles 57 and 58 of this Code.
- 60.2.3 If number of submitted valid signatures of voters in support of a candidate is less than required number or if more than 10% of checked signatures of voters are invalid;
- 60.2.4. If information submitted by the candidates, political parties and block of political parties according to this Code is not correct ;
- 60.2.5. If the rules for the creation of election funds of candidate, political party, block of political parties and expenditure rule of relevant election fund have been violated;
- 60.2.6. Violation of the requirements of Article 55 of this Code by the authorized representatives of political party, block of political parties as well as by candidate, political parties or block of political parties;

60.3. Due to reasons provided for in Articles 60.2.2. and 60.2.4. of this Code, if the mistakes and errors can be eliminated through corrections made by the authorized representative of a candidate, political party or block of political parties, then the relevant election commission notifies the authorized representative of a candidate, political party or block of political parties about it within the period of 24 hours, and after such correction is made, registers the candidate.

60.4. If a candidate is not registered, the managing body of a political party (block of political parties) that nominated the candidate can apply to the relevant election commission within 3 days after receipt of a copy of the refusal on registration a candidate for registration, provided for non-return of the registration deposit. In such case, the relevant election commission registers the candidate within 2 days. In all other cases, the registration deposit is returned to the relevant candidate, the political party (block of political parties) that nominated a candidate 3 days after the election commissions makes decision on registration or refusal of registration.

If the candidate is elected as a deputy to the Milli Majlis, President or a municipal councilor, the registration deposit shall be returned by the relevant election commission to the nominated person, within 3 days after the election outcomes are officially published.

60.5. If the cases of legal violation subject to criminal and administrative liabilities have been established, the election commission transfers relevant document and materials to law enforcement bodies to investigate the case and institute proceedings against these persons being guilty on violation of this Code.

60.6. A card of registration is issued to each registered candidate. Relevant election commissions inform mass media about registered candidates (candidates existing in the list of candidates) in a relevant constituency, within 48 hours after registration. The Constituency Election Commissions display the information about registered candidates on notice boards, indicated in the Article 98.3 of this Code, in the rooms of election commission at least 15 days prior to the Election Day. The information about canceling of registration of candidate, about the changes in the structure of block of political parties, removing candidate from the registered list of candidates is displayed with same way.

## **CHAPTER Eleven. Registration and Establishing of Campaign Groups on Referendum.**

### **Article 61. Meaning of campaign group on referendum.**

A campaign group on referendum is an organization established by the citizens of the Azerbaijan Republic having active election rights with the reason of conducting for or against a campaign of the issues to be discussed at a referendum.

### **Article 62. Activity Principles of Campaign Groups on Referendum.**

#### **62.1. The campaign groups on referendum taking part in a referendum campaign must follow the following conditions:**

- 62.1.1. To respect the right of other referendum campaign groups to freely and independently express their views during the referendum campaign;
- 62.1.2. To respect freedom of the press;
- 62.1.3. Not to prevent other referendum campaign groups from establishing independent communication with voters;
- 62.1.4. Not to hamper to the work of the representatives of mass media, engaged in their professional activities and not violate and interfere with the campaigns of other referendum campaign groups;
- 62.1.5. Not to hamper the distribution of pre-referendum campaign materials of other referendum campaign groups;
- 62.1.6. Not to destroy and spoil pre-referendum campaign posters and other kind of campaign materials of other referendum campaign groups;
- 62.1.7. Not to hamper to conduct of pre-referendum mass-actions of other referendum campaign groups;

- 62.1.8. To cooperate with election organs and their official persons for the conducting of referendum independent, free, organized and safe;
- 62.1.9 Not to interfere with voters to freely and independently express their will;
- 62.1.10. To respect observers and authorized persons and to cooperate with them;
- 62.1.11. To keep the secrecy of voting and to assist in maintaining it;
- 62.1.12. Not to win over to voters to their side by the ways of illegal actions;
- 62.1.13. Not to interfere with the activities of authorized persons, election (referendum) commissions without grounds. Not to violate the process of voting and calculation of votes;
- 62.1.14. To respect legally approved results of referendum, to submit every single complaint regarding the referendum to authorized bodies and to follow the decision regarding this complaint of the same body;
- 62.1.15. Not to make a speech calling for violence, threat or characterized with slander and not to distribute such kind of materials during referendum campaign;
- 62.1.16. Not to use government, municipality and other public resources, which are not provided for in this Code;
- 62.1.17. Not to persuade voters to vote or not to vote for or against of the issues to be discussed at referendum by offering a gift to them or by other ways;
- 62.1.18. Not to use the activity or assistance of any official person, directed to support or not to support of the issues to be discussed at referendum;
- 62.1.19 Not to call voters not to participate in voting.

62.2. Observance of the conditions mentioned in the Articles 62.1.1., 62.1.5., 62.1.7., 62.1.8., 62.1.10., 62.1.11., 62.1.14. of the present Code by the campaign groups on referendum is optional. Violation of other conditions by the referendum campaign groups is subject to liability under the Criminal Code and Code of Administrative Offences of the Azerbaijan Republic.

### **Article 63. Initiators of Establishing of Campaign Groups on Referendum.**

63.1. The initiators of establishing of a campaign group on referendum, which are no less than two thousand (2000), shall submit a written notification to Central Election Commission.

63.2. The notification is submitted to the Constituency Election Commission which is situated in territory inhabited by 51% of initiators, if the number of the initiators of establishing a campaign group on referendum is more than 500 and less than 2000.

63.3. The following details of each initiator should be mentioned in the notification:

- Name, surname, father's name,
- Date of birth
- Address
- The serial and number of ID or substitute document
- Permanent work or service place

- Rank (if no rank – type of activity)

The list of the authorized representatives of the initiators of establishing of campaign group on referendum is attached to the notification. The notification shall be of informative nature and no decision regarding the notification is required from the relevant election commission.

63.4. Within 5 days the relevant election commission shall give written information to the initiators about the received notification.

#### **Article 64. The Authorized Representatives of the Initiators (campaign group) of Campaign Group on Referendum**

64.1. The initiators of a campaign group on referendum can appoint an authorized representative (representatives) in order to organize the collection of the required signatures and with the purpose of conducting other actions provided for in this Code, on behalf of the initiators of campaign group on referendum. The number of the authorized representatives of campaign groups on referendum, which are registered in the Central Election Commission, must not be more than 25 persons. But the number of the authorized representatives of campaign groups on referendum, which are registered in Constituency Election Commission, must not be more than 5 persons.

64.2. After the registration of a campaign group, the authorized representatives of the campaign groups on referendum, mentioned in Article 64.1 of this Code, can maintain their authorities according to the decision of an initiative group on referendum.

64.3. The appointment of the authorized representative of campaign group on referendum is conducted by the way of giving power of attorney approved by notary office to a relevant person. That power of attorney must be given on behalf of all initiators of campaign groups on referendum.

64.4. The authorized representative of a campaign group on referendum is carrying out his functions, describing his authorities, name, surname, father's name, date of birth, serial and number of ID, work place, duty or service job ((official duty) if no duty - type of activity) based on the document in accordance with the 2<sup>nd</sup> paragraph of this Article. The authorized representative on finance is carrying out his functions, describing the samples of the finance documents and stamps, based on the Power of Attorney provided for in Article 64.3 of this Code. The Power of Attorney is considered valid upon submission along with the identification document or a substitute document.

64.5 The lists of the authorized representatives, which are appointed by a campaign group on referendum, are submitted to the election commission that registered same group. The list of other authorized representatives is submitted to the Constituency Election Commission, except the authorized representatives of a campaign group on referendum on finance matters. The following information about the authorized representatives must be mentioned in the list of authorized representatives of a campaign group on referendum:

- Name, surname, father's name,
- Date of birth,

- Serial and batch number and issue date of ID or a substitute document,
- Home address,
- Place of work or duty (if no duty – type of activity)
- Telephone number.

The written consent application of being an authorized representative for each person should be attached to the relevant list submitted to the relevant election commission.

64.6. It is possible to put an end to the authorities of a representative by informing him of the decision of a campaign group on referendum in written form. The copy of this decision should be sent to the election commission and the Constituency Election Commissions, which registered this group. The members of a campaign group on referendum accept this decision with the majority of members voting and sign it. In such case the referendum campaign group can appoint another authorized representative.

64.7. The term of power of the authorized representatives of a campaign group on referendum begins from their appointed time and finishes no later than official publication of the results of referendum.

#### **Article 65. Collection Rule of Voters Signatures for Establishing of a Campaign Group on Referendum**

65.1. Government bodies, municipalities and the legal entities regardless of the form of their ownership are not permitted to take in part in the collection of signatures. During the collection of signatures, to enforce the voter to vote or to give a gift to them for this purpose is prohibited. If the violation of these requirements is proved by the relevant court, it can be a reason to consider invalid the collected signatures, for the refusal of campaign group on referendum from registration or for the canceling of registration.

65.2. A citizen of Azerbaijan, who is 18 years old and fully capacitated, can collect signatures. A campaign group can conclude a contract with the person who is collecting signatures about the collection of signatures. Such kind of expenses may be paid from the special fund of campaign group on referendum.

65.3. Signatures of voters can be collected in educational institutions, places of residence and in the places not prohibited by law for conduction of the pre-election (pre-referendum) campaign.

65.4. If the initiators establishing a campaign group on referendum intend to conduct a pre-referendum campaign in all territory of Azerbaijan Republic, they have to collect a minimum of 60,000 voters signatures about the agreement to membership in campaign group on referendum from the territory of 60 election constituencies. In this case the number of the potential members of a campaign group on referendum cannot be less than 100 persons from one election constituency.

65.5. If the initiators establishing a campaign group on referendum intend to conduct a pre-referendum campaign in one part of the territory of Azerbaijan Republic, they have to collect a

minimum of 100 voters signatures of the membership in the campaign group on referendum, in the territory of every single election constituency, which is provided to conduct pre-referendum campaign.

65.6. The number of required voter signatures for the establishment of a campaign group on a referendum must not be more than 15 per cent of the number determined by this Code.

65.7. According to his will, the voter has a right to sign only once to the membership in a campaign group on referendum. The voter writes down his name, surname, father's name, date of birth, home address, serial and batch number and issue date of ID or a substitute document and names the date, while he signs the signature sheet. The data considered necessary to be written down about signing voters, can be fulfilled into the signature sheets by signature collecting person. The aforementioned data are written by hand.

65.8. Signatures are signed on the front and back sides of signatures sheet during collecting of voter signatures. In this case the back side of the sheet is continuation of front side and approving signatures are signed on the back side.

65.9. After the collection of signatures, the signature sheet is signed by the authorized representative of initiators of a campaign group on referendum and a person who collected the signatures. The signature collector writes down his name, surname, father's name, home address, serial and batch number and issue date of ID or a substitute document before he signs the signature sheet.

65.10. The authorized representative of initiators of a campaign group on referendum calculates the quantity of collected signatures, compiles the protocol of the results of collected voter signatures and signs it.

65.11. Signature sheets, which are submitted to Central Election Commissions and Constituency Election Commission, must be numbered and paged. Signature sheets must be paged in the form of folder for the registration of the campaign group on referendum.

#### **Article 66. Submission of Documents for Registration of a Campaign Group on Referendum.**

66.1. If the signatures necessary for registration of a referendum campaign group have been collected in one or more than one constituency's territory in accordance with Article 65.5 of this Code, the documents mentioned in Article 66.2 of this Code shall be submitted to relevant Constituency Election Commission on the territory where these signatures were collected; the initiators establishing the campaign groups on referendum, who collected voter signatures as mentioned in the article 65.4 of this Code, shall submit the documents to Central Election Commission, as mentioned Article 66.2 of this Code.

66.2. The authorized representative of the campaign group on referendum has to submit the following documents to the relevant election commission before 18:00 75 days prior to the election day for the registration of the referendum campaign group:

66.2.1. Signature sheets with the collected signatures;

- 66.2.2. Two copies of protocol compiled in the form determined by Central Election Commission about results of collection of voter signature;
- 66.2.6. The initial finance report of the initiators of the campaign group on referendum (including information about the expenses spent for collection of voters signatures)

66.3. Upon accepting documents, election commissions verify each folder by affixing a stamp. Then election commissions shall check the conformity of the quantity of signature sheets with protocols on results of the collection of voters' signatures. Then, election commissions shall provide authorized representatives of initiators of a campaign group on referendum with written notification of acceptance of election documents and with an indication of numbers of signatures sheets and announced numbers of signatories and time of acceptance. If relevant documents submitted by these persons to the relevant election commission before expired time as mentioned in Article 66.2 of this Code, the acceptance of these cannot be refused and there will not be any restriction for the entrance of authorized representative of initiators of campaign group on referendum to the relevant building.

66.4. Registration of a campaign group on referendum is conducted after submission of voters' signatures to the relevant election commission.

**Article 67. Examination of Voter Signatures Required for Registration of Campaign Groups on Referendum.**

The examination of required voter signatures for registration of campaign groups on referendum is carried out according to the rules of Article 59 of this Code.

**Article 68. Registration of Campaign Group on Referendum.**

68.1. The relevant election commission has to make a decision on registration or refusal of registration of a campaign group on referendum after receiving signature sheets and other required documents for the registration of campaign group on referendum within 10 days. The date and time is indicated on the decision of registration or refusal of registration.

68.2. The relevant election commission has to submit the copy of the decision on registration of a campaign group on referendum after acceptance of decision within 1 day to the authorized representatives of initiators of the campaign group on referendum and if there is a refusal of registration the reasons must be clarified. The following can be reasons for the refusal:

- 68.2.1. Violation of the rules on collecting signatures determined by this Code;
- 68.2.2. Incorrect formalizing and lack of documents mentioned in Articles 63, 65, 66.2 and 66.3 of this Code.
- 68.2.3. If number of submitted valid signatures of voters in support of the registration of campaign groups on referendum is less than required number or if more than 10% of checked signatures of voters are invalid;

- 68.2.4. If the rule for the creation of finance funds of campaign group on referendum and expenditure rule of that fund have been violated;
- 68.2.5. Violations on the requirements of the Article 64 of this Code by the authorized representatives of initiators of campaign group on referendum.

68.3. Due to reasons provided for in Articles 68.2.2. and 68.2.4. of this Code, if the mistakes and errors can be eliminated through corrections made by the authorized representative of a referendum campaign group, then the relevant election commission notifies the authorized representative about it within the period of 2 days, and after such correction is made, the referendum campaign group is registered.

68.4. If the cases of legal violation are subject to criminal and administrative liability, the election commission transfers relevant document and materials to law enforcement bodies to investigate the case and institute proceedings against these persons being guilty on violation of this Code.

68.5. The card of registration is issued to each registered authorized representative of campaign group on referendum. The Central Election Commission submits the information about registered campaign groups on referendum to mass media, within 48 hours after registration. The Constituency Election Commissions display the information about campaign groups on referendum on special boards, in accordance with this Code, in the rooms of the election commission a minimum 15 days before voting day.

## **CHAPTER Twelve. Status of Registered Candidates and Referendum Campaign Groups**

### **Article 69. Equality of Registered Candidates and Referendum Campaign Groups**

69.1 All of the registered candidates and campaign groups on referendum have equal rights and responsibilities except in cases defined by this Code.

69.2 Registered candidates, the authorized representatives of campaign group on referendum working in state bodies and municipality organizations or in mass media on the legal basis of labor and civil contract are released from their employment during the participation in election (referendum) campaign (except for persons appointed directly by the President of the Azerbaijan Republic or Milli Majlis of the Azerbaijan Republic). The approved copy of the relevant order (statement) is submitted to the election commission who registered them, at the latest within 3 days from the day of registration. They are prohibited to abuse their positions of authority to gain privileges.

69.3 The registered candidates who fulfill their duties working in state positions, as well as the candidates, initiators of campaign group on referendum who are elected municipal officials are prohibited to abuse their positions of authority to gain privileges.

69.4 Cases of violation of the equality principles with the purpose of getting privileges by abusing occupation and position is determined by Article 55.2. of this Code.

69.5 The registered candidate, the initiators of campaign group on referendum who occupy state positions determined by relevant executive authorities and elected municipal officials have the right to conduct pre-election (pre-referendum) campaign, when they are released from the fulfillment of their duties. According to Article 81 of this Code the free usage of TV and radio programs by registered candidates and registered campaign groups on referendum are not regulated by these rules.

69.6 If the officials, journalists working in TV and mass media, or creative persons are registered candidates, the initiators of campaign group on referendum or the agents of the registered candidates, political parties, blocks of political parties, campaign groups of on referendum or the authorized representatives of the political party, block of political parties, campaign groups of on referendum, are prohibited to participate in reporting of elections (referendum) by the means of mass media.

69.7 Observation of limitation specified by this Code should not impede deputies and municipal members to perform their authorities and duties before voters.

69.8 The following persons are not permitted to conduct charity activities:

- Registered candidates, political parties and blocks of political parties,
- The relevant agents and authorized representatives of political parties, blocks of political parties and campaign groups on referendum,
- The agents of registered candidates,
- The initiators establishing campaign groups on referendum,
- Organizations, which are founders, owners, members or employees of the abovementioned persons.
- Other physical or legal entities who function due to the instruction of the abovementioned persons or organizations

The aforementioned persons and organizations are prohibited to apply to legal entities and individuals and voters for proposals to render material, financial or other services. The legal and physical entities are prohibited to conduct charity activity in support and on behalf of the candidates, registered candidates, political party, block of political parties, members of campaign group on referendum, their authorized representatives and agents.

69.9 State funds allocated to election funds of registered candidates and referendum campaign groups shall be equally distributed by the Central Election Commission and transferred within 3 days. In such case, the equal amount of the funds shall be separately identified for the referendum campaign groups registered with the Central Election Commission and Constituency Election Commission.

## **Article 70. Insurance of the Registered Candidate's Activity.**

70.1. The management bodies of relevant organization, where the candidate is studying, working, serving or commander of military unit where candidate is serving must release the

candidate for the period mentioned in their report, effective from the day of registration of candidate until the day of official announcement of results of elections. The relevant election commission has to pay to candidates average wage in amount of salary that is no more than 20 times of minimum salary determined by legislation, from the budget allocated for the preparation and conduction of election, during his release from employment. Money compensation is paid to registered candidates on the basis of statement which proves the unpaid leave from their working (studying) or servicing place for the period of his release from employment.

70.2. Transport expenses are paid to registered candidates from the day of registration of candidature until the day of official announcement of results of elections determined by this Code. Expenses spent for taxi and ordered transport services are not paid. Expenditures for travels in cities and inter cities are paid on the basis of submitted travel tickets.

70.3. A registered candidate cannot be dismissed from his/her job, service, educational institution on the initiative of his/her employer, cannot be transferred to another job (to study or to serve) in other place without his agreement or cannot be sent on business trip and cannot be conscripted to military service, military courses of instruction within the period of time mentioned in Article 70.1 of this Code. The participation time of a registered candidate in elections is included in his/her professional service years from the day of registration.

70.4. Within the period of time mentioned in Article 70.1. of this Code, the registered candidate cannot be indicted for a crime, detained or be subject to administrative penalties as may be determined in a court procedure, without the permission of the relevant prosecutor, after he/ she has been registered. The registered candidate can be arrested only if he/she is caught in the act of crime. Shall the relevant prosecutor or court give such kind of permission or make decision, they have immediately to inform the election commission where the candidate has been registered.

70.5. The registered candidate, the political party, the authorized representatives of block of political parties can obtain the list of Precincts Election Commissions, the addresses of voting stations and an information about the territory, address and phone numbers of electoral precincts from the relevant Constituency Election Commission.

70.6 In accordance with the Civil Code of the Azerbaijan Republic, the registered candidate can apply to the court for indemnification of damages incurred him due to actions (lack of actions) of either the state bodies or the election commission.

#### **Article 71. Participation Principles of a Registered Candidate in Elections.**

71.1. A registered candidate participating in elections has to obey the following conditions:

- 71.1.1. To respect the political ideas and opinions to be distributed independently and freely by other registered candidates during election campaign;
- 71.1.2. To respect the rights of other registered candidates, political parties, voters and social organizations;
- 71.1.3. To respect the freedom of the press;
- 71.1.4. Not to prevent other registered candidates from establishing independent communication with voters;

- 71.1.5. Not to obstruct to the work of the representatives of mass media, who are engaged in their professional activities, and not violate and interfere with the election campaigns of other registered candidates;
- 71.1.6. Not to obstruct the distribution of pre-election campaign materials of other registered candidates;
- 71.1.7. Not to destroy and spoil pre-election campaign posters and other kind of campaign materials of other registered candidates;
- 71.1.8. Not to obstruct the conduct of pre-election mass-actions of other registered candidates;
- 71.1.9. To cooperate with election organs and their official persons for independent, free, organized and safe conducting of elections;
- 71.1.10. Not to prevent voters from expressing their will freely and independently;
- 71.1.11. To respect observers, authorized persons and to cooperate with them;
- 71.1.12. To keep the secrecy of voting and to assist in keeping it;
- 71.1.13. Not to win over voters by the ways of illegal actions;
- 71.1.14. Not to interfere to the activities of authorized persons, election commissions. Not to violate the process of voting and calculation of votes;
- 71.1.15. To submit every single complaint regarding to elections to authorized bodies and to follow the decision regarding to this complaint of same body, to respect the legally approved results of elections;
- 71.1.16. Not to make a speech calling for violence, threat or characterized with slander and not to distribute such kind of materials during election campaign;
- 71.1.17. Not to use from his/her political authority for offering reward or for threatening someone;
- 71.1.18. Not to use state, municipality and other social resources in cases, which are not provided for in this Code;
- 71.1.19. Not to inveigle voters not to vote or to vote for or against of the registered candidate and registered party for candidacy, by putting pressure on voters, offering a gift to them or by other ways;
- 71.1.20. Not to force voters to nominate or not to nominate their candidacy, to withdraw or not to withdraw their candidacy by putting pressure on voters, offering a gift to them or by other ways;
- 71.1.21. Not to use from the activity or help of each official person, directed to support or not to support of candidate;
- 71.2.22. Not to call on voters not to participate in voting;

71.2. Observance of conditions mentioned in Articles 71.1.1., 71.1.4., 71.1.9., 71.1.11., 71.1.12., 71.1.15. of this Code by candidates is optional. Violation of other provisions shall be subject to liability under the Criminal Code and Code of Administrative Offences of the Azerbaijan Republic.

## **Article 72. Agents.**

72.1. The registered candidate, political party or block of political parties which have registered the candidate, campaign group on referendum have the right to appoint an agent. The agents are registered by the relevant election commission which have registered the candidate,

campaign group on referendum. The agents are registered within three days from the day of receipt of written application of the candidate or application about the appointment of agents of political party, block of political parties, campaign group on referendum as well as written consent of being agent. The following information about each agent must be mentioned in presentation or in requisition:

- Name, surname, father's name,
- Date of birth,
- Work place,
- Occupation ( type of activity)
- Home address
- Serial, number and issue date of ID or substitute document

The rules, defined in the Articles 52 and 65 of this Code, apply to relevant applications of political parties, block of political parties and campaign groups on referendum.

72.2. The agents receive a verification card from relevant election commission.

72.3. The agent conducts campaigning on referendum and other kind of activities in assisting for the election of registered candidate, candidates in list of candidates. The agents have observer rights.

72.4. Registered candidates, political parties, block of political parties, campaign group on referendum, which appointed the agents, can withdraw these persons and appoint another persons instead of them by the way of informing relevant election commission. If there is such kind of information, the election commission cancels the verification card of the withdrawn agent. Anytime with his/her own initiative, the agent can resign from his/her position and return his/her card to relevant election commission by informing registered candidate, as well as political party, block of political parties and a campaign group on referendum.

72.5. The authorities of an agent commence from the day of their registration by the relevant election commission and shall finish no later than the official publication of election (referendum) results, including not later than the day when the final decision of court is made in case of investigating complaints on violation of this Code, except the cases mentioned in Article 72.4 of this Code. The authorities of an agent also finish when the status of all candidates and referendum campaign groups that agents represent is lost.

### **Article 73. Candidate's Refusal from the Status of Candidacy.**

73.1. The nominated candidate can withdraw his/her application of consent to be candidate any time, by informing the relevant election commission. Such kind of written information cannot be withdrawn.

73.2. The registered candidate can withdraw his/her candidacy by submitting a written application to the relevant election commission minimum 3 days prior to election day. Such kind of application cannot be withdrawn. The Constituency Election Commission makes a decision

on canceling of candidate's registration within 1 day on the basis of received application. The relevant election commission has to get the fund back, given to him from the budget, if a registered candidate withdraws his/her candidacy without compelling reasons indicated in Article 73.3 of this Code.

73.3 The compelling reasons for withdrawing candidacy of registered candidate as well as the compelling reasons for withdrawing candidates of political party, block of political parties are:

- If a registered candidate has been found incapacitated and his/her registration cancelled by the court,
- If he/she or his/her immediate relatives have an illness that seriously affects his/her health or in condition which makes it impossible to participate in election campaign.

## **CHAPTER Thirteen. PRE-ELECTION (PRE-REFERENDUM) CAMPAIGN**

### **Article 74. Conduct of Pre-election (Pre-referendum) Campaign.**

74.1. The followings have the right to conduct pre-election and pre-referendum (hereinafter pre-election campaign) campaign:

- 74.1.1. Campaign groups on referendum;
- 74.1.2. The registered candidates for participation in the elections of deputies of the Milli Majlis;
- 74.1.3. The political parties, block of political parties, which have the registered candidates for participation in the elections of deputies of the Milli Majlis;
- 74.1.4. The registered candidates for participation in the Presidential elections;
- 74.1.5. A political party, block of political parties, which have the registered candidates for participation in Presidential elections;
- 74.1.6. A political party, block of political parties, which have the registered candidates for participation in municipal elections;
- 75.1.7. The registered candidates for participation in the municipality elections;

74.2. The pre-election campaign can be conducted by:

- 74.2.1. Mass media,
- 74.2.2. Conducting of pre-election mass activities (gatherings and meetings with citizens, mass discussions and talks, etc.);
- 74.2.3. Distributing and production of printed, audiovisual and other campaign materials;
- 74.2.4. By other means not prohibited by law.

74.3. The pre-election campaign by mass media is conducted by:

- Open discussions, round tables, press conferences;
- Interviews, speeches, political advertisings, TV spots;
- Video films about the registered candidate, political party, block of political parties;
- Other ways not prohibited by the law.

The registered candidate, political party, block of political parties determine the forms and the ways of pre-election campaign independently.

74.4. Conducting of pre-election campaign, publishing and distributing of every kind of campaign materials is prohibited to the followings:

- 74.4.1. State government bodies and municipalities;
- 74.4.2. State and municipal officials, state and municipal employees, military persons abusing their positions and privileges while they are performing their duties
- 74.4.3. Military persons, military units and organizations;
- 74.4.4. Religious and charity organizations, organizations established by them.
- 74.4.5. Election commissions, the members of an election commission with decisive voting right and other official persons of election commissions.
- 74.5. Control over observance of rules identified by the present Code for pre-election campaigning shall be carried out by a press group established under the Central Election Commission and comprising mostly journalists.

#### **Article 75. The Period of Pre-Election Campaigning.**

75.1. Conducting of all types of pre-election campaign is prohibited on election day or the day before election.

75.2. Pre-election (pre-referendum) campaign commences 60 days prior to the election day and finishes 24 hours prior to commencement of Election Day.

75.3. Pre-election campaign materials displayed outside of buildings and rooms of the election commissions according to this Code shall be removed on the Election Day.

#### **Article 76. Public Opinion Survey.**

76.1. The mass media must mention the following information, when it publishes the results of public opinion survey related to elections:

- The organizations, where the public opinion survey has been conducted,
- Date of conduct,

- Exact questions,
- The number of respondents.

76.2. The publication of the results of public opinion survey, forecast of election results in mass media is prohibited on the Election Day.

#### **Article 77. Basic Duties of Mass Media during Pre-Election Campaign.**

77.1. If founders of TV, radio companies or periodicals are state bodies and organizations, those TV, radio companies and editorial offices of the periodicals create equal conditions for registered candidates, political parties and block of political parties to conduct their election campaign, and for referendum campaign groups having 25,000 members and more to conduct their pre-referendum campaign for or against issues to be discussed at a referendum, using allocations from the government budget. Organizations mentioned above cannot campaign for or against the registered candidates, political parties and block of political parties, issues to be discussed at a referendum on their own initiative.

77.2. TV, radio companies and periodicals mentioned in Article 77.1. of this Code which are aired and distributed in half or in more than half of the territory of the Azerbaijan Republic are to create conditions for registered candidates for Presidential elections, political parties, block of political parties with registered candidates in more than 60 single mandate election constituencies or in more than a half of all municipalities, and the campaign groups on referendum, which have 40,000 or more members, to conduct pre-election campaign. The Central Election Commission publishes the list of TV-radio companies, periodicals mentioned above on the basis of document submitted by relevant executive authority no later than 20 days after the decision on determination of elections has been officially published.

77.3. TV and radio companies aired in less than half of the territory of Azerbaijan Republic, as well as the relevant branches of TV and radio companies mentioned in Article 77.2 of this Code and periodicals mentioned in Article 77.1. of this Code which is distributed in less than half of the territory of Azerbaijan Republic can create conditions for candidates for single mandate who collected the required number of voter signatures determined by this Code and the campaign groups on referendum, which have 20,000 or more members and political parties, block of political parties which candidates have been registered in more than 1/3 of all municipalities, to conduct their election campaign within the territory of relevant administrative unit. The list of TV-radio companies and periodicals should be published by the relevant Constituency Election Commission on the basis of a document submitted by the relevant executive authority at least within 50 days after a decision on determination of elections has been officially published.

77.4 If founders of the TV, radio companies and periodicals not considered by Article 77.1. of this Code are municipalities, they have to create equal conditions for the campaign groups on referendum, which have 2,000 or more members, registered candidates to the relevant municipality which were covered by the relevant constituency to conduct their election campaign. They have to create equal conditions for the registered candidate, political parties, block of political parties and campaign group on referendum with the reason of conducting a campaign in territory of the relevant municipality. If TV- radio companies and periodicals do not participate in the campaign activities at all, they can refuse to publish any materials or to allocate airtime regardless of their status.

**Article 78. Common Terms of Pre-election Campaign in Mass Media on the Paid Basis**

78.1. The TV- radio companies and periodicals, mentioned in the articles 77.1 and 77.4 of this Code, have the right to allocate paid airtime and space in periodicals for the registered candidates, registered candidates of political parties, block of political parties and campaign groups on referendum, on the basis of a contract.

78.2 The amount and the terms of payment must be equal for the relevant registered candidates, political parties, block of political parties and campaign groups on referendum.

78.3. The relevant TV-radio companies and periodicals have to send a notification to Central Election Commission and to Constituency Election Commission about the possibilities of allocating airtime and place in periodicals for the registered candidates, political parties, block of political parties campaign groups on referendum. The information about the amount of the payment must be published at least within 50 days after a decision of determination of elections has been published.

78.4. Private TV and radio companies and mass media organizations can refuse to publish the materials of the pre-election campaign.

**Article 79. Registration of Cost and Volume of Space in Periodicals and Airtime Allocated for Pre-Election Campaign in Mass Media.**

79.1. The TV-radio companies and periodicals allocating free or paid airtime or space in periodicals for registered candidates, political parties, and campaign group on referendum have to conduct the registration of the cost and volume of allocated spaces and airtime in the form of determined by Central Election Commission and have to inform the election commission which is carrying out their registration, latest 5 days prior to Election Day, earliest 5 days after the Election Day about this records.

79.2. The registered candidates, political parties, block of political parties, campaign groups on referendum are to submit the documents approving consent of payment of paid airtime and space in periodicals on the inquiry of the relevant election commission.

**Article 80. Allocating Terms of Free Airtime for Conducting Pre-election Campaign on TV and Radio.**

80.1. The candidates for Presidential elections or political parties, block of political parties with registered list of candidates or registered candidates in more than 60 single mandate election constituencies or more than a half of all municipalities, and the referendum campaign groups, which have 40,000 or more members, have the right to use free airtime on TV and radio companies for conducting free pre-election campaign according to the Article 78.2 of this Code.

80.2. Candidates registered for single-mandate constituencies and the campaign groups on referendum, which have 20,000 or more members, as well as political parties, blocks of political parties which candidates have been registered in more than 1/3 of all municipalities have the

right to use free airtime on TV and radio companies for conducting free pre-election campaign according to the Article 77.3 of this Code.

80.3. The candidates to membership of municipality and the initiative groups of citizens on referendum, which have 2,000 or more members, have the right to use free airtime on TV and radio companies with the purpose of conducting pre-election campaign according to Article 77.4 of this Code.

80.4. A draw is conducted among the registered candidates, political parties, blocks of political parties with the reason of time division of allocated free airtime according to Article 80.7. of this Code on the basis of a submitted application during one week after the commencement of the period according to Article 76 of this Code.

80.5 The total volume of allocated free airtime by the TV and radio companies must not be less than 3 hours in a week for pre-election campaign according to Article 77.2 of this Code; According to Article 78.3 of this Code, the total volume of allocated free airtime by the TV and radio companies must not be less than 1 hour and 30 minutes in a week for pre-election campaign. If the total airtime of those broadcasting companies is less than 2 hours during a day, the mentioned airtime must not be less than  $\frac{1}{4}$  part of total volume of programs. The allocated free air time should be within the time when most of the viewers can watch it.

80.6. The free airtime provided by broadcasting companies is divided on equal terms and equal volume among the registered candidates, political parties, block of political parties and campaign groups on referendum.

80.7. Date and time of airing of pre-election materials are determined by a draw conducted by the relevant election commission with participation of representatives of TV and radio companies. The information about the time and place of the draw is officially published. The persons mentioned in the Articles 40.2 and 44 of this Code have the right to participate in draw. The results of the draw are formalized by protocol. The table of division of airtime defined by the draw should be published by the periodicals mentioned in the Articles 77.2 and 77.3 of this Code.

80.8. Expenses spent by TV and Radio companies regarding the allocation of free airtime to candidates, political parties, block of political parties and referendum campaigning groups will be reimbursed from the state budget to those TV and Radio companies.

#### **Article 81. Conditions for Allocation of Paid Airtime for Conduct of Election Campaign on TV and Radio**

81.1. The election campaign on TV and Radio companies not considered by Articles 77.1 and 77.4 of this Code shall start in accordance with the contract signed with TV and Radio companies.

81.2. TV and Radio companies considered by Article 77.1 of this Code must keep airtime in reserve for conduct of paid election campaign. Candidates for membership of municipality and referendum campaigning groups members of which are more than 20,000 cannot use this airtime. The amount and terms of payment must be equal for all registered candidates, political parties, block of political parties, referendum campaigning groups and relevant information

about this must be published at least within 50 days after the decision on determination of election day has been officially published. Total volume of airtime for paid purposes reserved by each TV and Radio companies cannot be less or twice more than the total volume of free airtime allocated in conformity with Article 80.5 of this Code.

81.3. Norms of usage of airtime reserved for paid purposes for each registered candidate, political party, block of political parties, referendum campaigning groups are defined by dividing its total volume by total number of registered candidates or political parties and block of political parties with registered list of candidates.

81.4 Airtime mentioned in paragraph 2 of this Article must be presented by TV and Radio companies within the period mentioned in Article 80.4. of this Code. The time and date of election campaign products to be aired is determined by TV and Radio companies based on results of lottery conducted in the presence of authorized representatives of candidates, political parties, block of political parties and referendum campaigning groups who have submitted relevant notification. The lottery must be conducted within the period determined by Article 80.4 of this Code. Airtime shall be presented on the basis of a contract signed after the conduct of the lottery.

81.5. If a registered candidate, political party, block of political parties or referendum campaigning group refuse to use airtime after the lottery has been conducted, they must inform the relevant TV and Radio companies about this 2 days prior to the day of air. TV and Radio companies decide themselves how to use the vacant airtime except for election campaign purposes.

81.6. Allocation of airtime on TV and Radio companies not considered by Articles 77.1 and 77.4 of this Code for registered candidates, political parties, blocks of political parties, referendum campaigning groups and its payment shall be performed on an equal basis and conditions. TV and Radio companies that do not observe these requirements and requirements of Article 78.2 of this Code cannot allocate airtime for election campaign purposes for registered candidates, political parties, blocks of political parties and referendum campaigning groups.

81.7. The contract on allocation of paid airtime must consider the following:

81.7.1. method of election campaign;

81.7.2. time and date of airtime;

81.7.3. period of airtime provided, its terms and amount of payment;

81.7.4. After fulfillment of the agreement indicating the form and conditions of participation of a leading journalist , an act on using of air-time with indication of the list of programs, name of the program and its broadcasting time shall be drawn up.

81.8. A registered candidate, political party, block of political parties, referendum campaigning groups must submit the payment order on transferring full amount of money for airtime to the relevant bank at least 48 hours prior to the day or air. The relevant bank must transfer money immediately after it gets the payment order. Period of bank transfer must not be more than two banking days.

81.9. Payment for cost of airtime must be paid from the election fund of a registered candidate, political party, block of political parties and from financial fund (hereafter referred to as election fund) of referendum campaigning groups.

81.10. If a registered candidate, political party, block of political parties and referendum campaigning group violate conditions defined by this Code while using paid airtime, TV and Radio companies can appeal to the court for termination of the contract on allocation of airtime. TV and Radio companies do not have right to use that vacant time for election campaign purposes after termination of the contract.

## **Article 82. Requirements for Transmission of Election Campaign Programs via TV and Radio**

82.1. It is prohibited to interrupt transmission of election campaign programs of a registered candidate, political party, block of political parties, referendum campaigning group with advertisements for goods, works and services or with broadcasting other programs.

82.2. It is prohibited to interrupt election campaign programs of a registered candidate, political party, block of political parties, referendum campaigning groups, transmitted by TV and Radio companies mentioned in Article 78.2 of this Code, with broadcasting programs of other TV or Radio programs.

82.3. Information on conduct of election campaigning activities of registered candidates, political parties, blocks of political parties and referendum campaigning groups must be announced, as a rule, at the beginning of the telecast which is broadcasted without any comments. Candidates, registered candidates, political parties, block of political parties, referendum campaigning groups shall not pay for airtime spent for such information. In such cases, any of registered candidates, political parties, block of political parties, referendum campaigning groups must not be given preference while reporting election campaigning.

82.4. Election campaign telecasts or radiocasts shall be video/audio taped. They shall be preserved by TV and Radio companies for 12 months from the day they have been aired. TV and Radio companies must preserve reports on allocation of free and paid airtime for 5 years starting from the election day.

## **Article 83. Conditions for conduct of Pre-election Campaign via Periodicals on a Free Basis**

83.1. In order to conduct unpaid pre-election campaign, candidates for Presidential elections, political parties, block of political parties with registered candidates in more than 60 single mandate election constituencies or in more than a half of all municipalities, and the citizens' initiative groups on referendum which have 40,000 or more members are entitled to relevant space for free advertising in periodicals mentioned in Article 78.2. of this Code, issued at least once a week.

83.2 In order to conduct unpaid pre-election campaign, candidates registered for single-mandate constituencies and the campaign groups on referendum, which have 20,000 or more

members, as well as political parties, block of political parties which candidates have been registered in more than 1/3 of all municipalities are entitled to relevant space for free advertising in periodicals mentioned in Article 77.3. of this Code, issued at least once a week.

83.3. In order to conduct unpaid pre-election campaign, candidates for municipal elections and the campaign groups on referendum, which have 2,000 or more members shall be entitled to relevant space for free advertising in periodicals mentioned in Article 77.4. of this Code, issued at least once a week.

83.4. Based on applications submitted by the referendum campaign groups of candidates, political parties, block of political parties registered after commencement of the date set forth in Article 75 of this Code, a lottery for use of free advertisement pages shall be held among them within one week in the order determined by the Central Election Commission.

83.5. Editorial offices of the periodicals indicated in Article 77.1. of this Code shall allocate special pages in their periodicals for free publications.

83.6. Total weekly volume of free space allocated by editorial offices of each periodical indicated in Article 77.1. of this Code to the registered candidates, political parties, blocks of political parties and referendum campaign groups shall constitute at least 10% of the general volume of space for the period provided for in Article 75 of this Code. The editorial office of the publication shall announce the general volume of space provided on free basis for pre-referendum campaign purposes publication, within at least 50 days after publication of decision on identification of the election day. Periodicals shall allocate equal space/volume for registered candidates, political parties, block of political parties and campaign groups on referendum.

83.7. Allocation of the general free space/volume in the periodicals indicated in Articles 77.2. and 77.3. shall be determined through dividing this general volume by the total number of registered candidates, political parties, block of political parties and referendum campaign groups which are entitled to free publication of pre-election materials in those periodicals.

83.8. Dates for free publication of pre-election campaign materials of registered candidates, political parties, block of political parties and campaign groups on referendum shall be identified by a draw, in the presence of the interested parties. The draw shall be conducted on the date when the period set forth in article 75 of this Code commences. Members of the relevant election commission, as well as persons mentioned in Articles 40.2 and 40.4 of this Code,<sup>2</sup> can participate in the draw process. Results of the draw shall be officialized by a protocol.

83.9. The expenses spent by periodicals for allocation of free space in the periodicals for registered candidates, political parties, blocks of political parties and referendum campaign groups shall be reimbursed to the periodicals from the state budget.

#### **Article 84. The Rules for Paid Pre-Election Campaign Using Periodicals**

84.1. The periodicals mentioned in the Article 77.1 of this Code are obliged to allocate paid pages for pre-election campaign of the registered candidates, political parties, blocks of political parties and campaign groups on referendum. The basis, conditions and amount of payment for allocated space must be equal for all registered candidates, political parties, blocks of political parties and campaign groups on referendum and must be published by the periodicals not later

than 50 days after a decision on determination of elections has been officially published. Total volume of space allocated on paid pages of the periodicals should not be less than total amount of free allocated space according to the Article 83.6. of this Code.

84.2. Every registered candidate, political party, block of political parties and campaign groups on referendum for a certain amount of payment may have a volume of space which is determined by dividing the total amount of space allocated for reserve on the page into total number of appropriately registered candidates and campaign groups of referendum.

84.3. The periodicals that are not mentioned in the Articles 77.1 and 77.4 of this Code can publish campaign materials of the registered candidates, political party, block of political parties, campaign group on referendum according to the contract signed with them.

84.4. Periodicals, which are not mentioned in the Articles 77.1 and 77.4 of this Code, are paid on an equal basis and conditions for the cost of offered volume of space to registered candidates, political parties, block of political parties and campaign groups on referendum. Periodicals that do not follow these rules and requirements of the Article 78.2 of this Code cannot allocate space for pre-election campaign materials of a registered candidate, political party, block of political parties and campaign groups on referendum.

84.5. After the draw, registered candidates, political parties, block of political parties and campaign groups on referendum pay the cost of allocated space on periodicals based on the contract with periodicals. A registered candidate, political party, block of political parties and campaign group on referendum must submit a payment order on full payment of the cost for allocated space to the relevant bank at least two days prior publication day. When these rules are violated a space cannot be allocated by periodicals. The relevant bank must transfer money immediately starting the day of the receipt of payment order, but not later than the next banking day. In this case bank transfer cannot take more than 2 banking days.

84.6. Expenses for allocated space by the periodicals are paid from the election funds of the registered candidate, political party, block of political parties, campaign group on referendum.

84.7. Periodicals must provide a space, considered by the Article 84.2 of this Code within the period mentioned in the Article 75 of this Code.

84.8. The date of paid publication of pre-election campaign materials of registered candidate, political party, block of political party, campaign groups on referendum is determined by the lottery conducted by the periodicals, on the basis of written requests of their authorised representatives, with participation of interested persons. The draw is conducted within the period defined by the Article 75 of this Code. Members of the relevant election commissions, as well as persons mentioned in the Articles 40 and 40.4 of this Code, have the right to be present during the process of the draw. An official protocol is made on the results of the lottery.

#### **Article 85. Pre-Election Campaigning Rules for Using Periodicals**

85.1. If a registered candidate, political party or block of political parties refuse to use the space allocated by the periodicals after the draw, they must inform the relevant periodical about this at least five days prior the date of publication. The periodical decides itself how to use the vacant space, except for pre -election campaigning purposes.

85.2. According to this Article no editing can be made without the consent of candidates, political party, block of political parties, campaign group on referendum during publication of pre-election materials.

85.3. If periodicals founded by legislative, executive bodies, court bodies and municipalities, officially print founders' official materials, information, normative and other acts, these periodicals cannot print pre-election campaign and other materials.

85.4. If periodicals have been founded by registered candidates, political parties, block of political parties or political parties which are member of block of political parties, rules on equal allocation of space and Articles 78.1 and 78.3 of this Code are not applied to these periodicals.

85.5. Pre-election campaign materials of candidate, registered candidate, political party, block of political party, campaign groups on referendum published by the periodical must contain information about covering expenses of publication from election funds of which registered candidate, political party, block of political parties, campaign group on referendum. When pre-election campaign materials are published freely, materials must reflect which candidate, political party, block of political parties, campaign group on referendum they belong to.

#### **Article 86. Election Campaign Using Mass Actions**

86.1. State bodies and municipalities must assist the registered candidates, political party, block of political parties, and campaign groups on referendum in organizing and holding meetings with citizens and open debates.

86.2. Applications of registered candidates, political party, block of political parties, authorized representatives of campaign group, and their agents with a request to allocate a venue for meetings with electors, are considered by the relevant executive authority in accordance with the legislation of the Republic of Azerbaijan.

86.3. Venues (building, room) which are suitable for holding meetings with electors and which are owned by state or municipalities are provided free of charge by the owners, at times agreed by registered candidates, political parties, block of political parties, authorized representatives of campaign groups on referendum, their agents and the election commission. If a venue (building, room) has been allocated to one of the registered candidates, political party, block of political parties, campaign group on referendum for conducting pre-election (pre-referendum) campaign, the owner cannot refuse, to allocate the same venue (building, room) with the equal conditions to another candidate, political party, block of political parties, campaign group on referendum. Election commissions create equal conditions for registered candidates, political parties, blocks of political parties, and campaign groups on referendum to conduct pre-election campaign using mass actions.

86.4. Registered candidates, political parties, block of political parties, and campaign groups on referendum have the right, regardless of the form of ownership, to lease, based on a contract, buildings and rooms owned by citizens and organizations.

86.5. Buildings and equipment, which are considered cultural facilities in accordance with the relevant State register, cannot be used for the purpose of holding pre-election campaign.

86.6. It is prohibited to conduct a pre-election campaign in the territory of military units, military organizations and military institutions. Registered candidates, political party, block of political parties, campaign groups on referendum, their authorized representatives and agents can conduct meetings with electors who are in military service within the territory of military unit, when such meetings are arranged by the commanders of those military units together with the Constituency Election Commission, if only all registered candidates, all political parties with registered candidates, block of political parties, campaign group on referendum for this constituency are necessarily invited or informed about this meeting at least three days prior to this meeting. Persons mentioned above, political parties, block of political parties, and citizens initiative groups on referendum must be provided with equal conditions for conducting these meetings, and opportunities shall be ensured for observers to observe such meetings.

86.7. According to the legislation, relevant executive bodies ensure security and public order during pre-election mass actions.

#### **Article 87. Production and Distribution of Printed Audiovisual and Other Pre-Election Campaign Materials**

87.1. Registered candidates, political parties with registered candidates, block of political parties, campaign groups on referendum have the right to produce printed, audiovisual and other pre-election campaign materials in accordance with the rules defined by the law on mass media.

87.2. Before the day of official publication of a decision on the determination of elections, advertising organizations, founders (co-founders) that are state bodies or municipalities or their organizations must create equal conditions for candidates registered for relevant constituencies, political parties, block of political parties, campaign groups on referendum from the funds allocated by state bodies and municipalities.

87.3. Printed and audiovisual pre-election campaign materials must contain information on:

- The company which produced it;
- The organization which ordered the company to produce it;
- The quantity of issues;
- The date of production.

87.4. A registered candidate, political party, block of political parties, and campaign group on referendum must submit detailed information about printed pre-election campaign materials or their copies to the election commission. Besides these materials, they must submit addresses of organizations, which ordered and produced them, to the relevant election commission.

87.5. It is prohibited to distribute pre-election campaign materials violating rules defined by Articles 87.3. and 87.4. of this Code.

87.6. At least 30 days prior the Election Day, relevant executive authorities and municipalities, with a request from the Constituency Election Commission, must allocate locations for display of pre-election campaign materials within the territory of each voting station. These places must be accessible for voters and information displayed there must be easily read. Registered candidates, authorized representatives of a political party, block of political parties and campaign groups on referendum have the right to obtain a list of locations allocated for displaying pre-election campaign materials from the Constituency Election Commission.

87.7. In the cases not mentioned in Article 87.6. of this Code, pre-election campaign materials can be displayed (hung, stuck, etc.) in the rooms, buildings and other places if the owners of these places permit.

87.8. It is prohibited to display pre-election campaign materials on historical or cultural monuments, buildings, constructions and rooms included in the relevant state register, as well as in rooms used by election commissions, in the voting rooms and their entrances.

87.9. If the election commission has the information about distribution of spuriously printed, audiovisual and other pre-election campaign materials or violation of rules defined by Articles 87.3., 87.4., 87.7., 87.8. of this Code, the election commission must take necessary measures, and must apply to the Milli Majlis of the Azerbaijan Republic, or according to the Criminal Code, to the court to stop such campaign activities which contradict the law and to remove the pre-election campaign materials distributed illegally.

#### **Article 88. Preventing Abuse to Conduct Pre-Election Campaign.**

88.1. Pre-election programs (pre-referendum calls) of registered candidates, political parties, block of political parties and campaign groups on referendum, meetings and pre-election campaign materials distributed by mass media and speeches must not contain incitements to capture the government by force, to change the constitutional system by force, to violate the territorial integrity of the country, to insult citizens honor and dignity.

88.2. When conducting a pre-election campaign, it is prohibited to abuse the mass media for campaigns, which incite social, racial, national and religious hatred and hostility.

88.3. It is prohibited to conduct a campaign, which violates intellectual property rights.

88.4. Candidates, registered candidates, political parties, block of political parties, campaign group on referendum and their agents who participate in pre-election campaign directly or indirectly, as well as other persons and organizations are prohibited from:

88.4.1. giving money, giving gifts and other valuable things (except for badges, stickers, posters and other campaign materials with nominal value) to voters, excepting purposes for performance of organizational works;

88.4.2. rewarding the voters who performed organizational works, or promising to reward them depending on results of voting;

88.4.3. selling goods at a discount, providing goods (except for printed materials) free of charge;

88.4.4. providing free or discounted services;

88.4.5. influencing to the voters during the pre-election campaign by promising them securities, as well as other goods, money and other services that contradict the legislation.

88.5. Registered candidates, agents and authorized representatives of political parties, block of political parties as well as their founders, owners, and members of managing bodies, initiators of established campaign groups on referendum, or legal entities, persons and organizations, which are mentioned as authorized representatives of such groups and their commercial and other activities can be advertised (provided that the advertisement clearly displays the relationship to a candidate or political party) according to the rules mentioned in the Articles 81.3, 84.4 and 85 of this Code from the relevant election (referendum) funds. Such advertisement should be terminated 24 hours prior to the commencement of voting.

88.6. If TV and radio companies and periodicals mentioned in the Articles 77.1 and 77.4 of this Code participate in the pre-election campaign and do not create conditions for a registered candidate, before the pre-election campaign finishes, to defend his/her prestige, dignity and honor or to disprove misinformation about him/her during the pre-election campaign, TVs, radio companies and periodicals must prevent distribution and broadcast of false information which impugns the prestige, dignity and honor of the candidate. If TV and radio companies and periodicals mentioned in the Articles 77.1 and 77.4 of this Code do not provide a registered candidate with conditions to defend his/her prestige, dignity and honor on the air and periodicals by the end of the pre-election campaign, TV and radio companies and periodicals and their high officials can be subject to liability established by legislation.

88.7. If a registered candidate, political party, block of political parties, and campaign group on referendum violate Articles 87.2. and 87.3. of the present Code, the relevant election commission must apply to the court to cancel the registration of candidates, single list of candidates, campaign group on referendum, other state bodies can use this right as well. If registered candidate, political party, block of political parties, and campaign group on referendum violate other rules defined by this Code for conduct of pre-election campaign, the relevant election commission warns by its decision registered candidates, political party, block of political party, and campaign group on referendum or applies to the court to stop illegal campaign. The relevant decision of election commission is published on press.

88.8. If TV, radio companies and periodicals violate the rules for pre-election campaigning defined by this Code, the relevant election commission has the right to apply to law enforcement bodies, the court and the relevant executive authorities with a request to stop illegal pre-election campaigning, and to take necessary measures about these companies and periodicals and their officials. For this purpose, press groups comprising mostly journalists shall be established under the central and Constituency Election Commissions, in the order defined by the Central Election Commission.

## **CHAPTER Fourteen. Financing Elections (Referendum)**

### **Article 89. Financing Preparation and Conduct of Elections (Referendum)**

89.1. Preparation and conduct of elections (referendum) (hereafter referred to as –elections), and the activities of election commissions during their term of office are financed from the state

budget. Expenses mentioned above are considered by the state budget in accordance with the budget division of the Republic of Azerbaijan.

89.2. Funds allocated for preparation and conduct of elections are transferred by the relevant executive authority to the bank account of the Central Election Commission within 10 days after the decision to determine elections has been officially published.

89.3. The Central Election Commission transfers funds requires for preparation and conduct of elections to the Constituency Election Commissions at least 90 days prior to the voting day, and the Constituency Election Commissions distribute the received funds among the Precinct Election Commissions at least 10 days prior to the voting day. In case of additional elections, or if funds have not been transferred in time or completely, election commissions distribute and transfer funds on their receipt.

89.4. The chairpersons of the election commissions give instructions on how to use these allocated funds for preparation and conduct of elections, and they are responsible for ensuring that financial statements correspond with the decisions of election commission and for submission of financial statements on expenses according to the rules and period defined by this Code.

89.5. Unused funds of the election commissions should be transferred to the account of the Central Election Commission at latest within 60 days after the Election Day to be used for purposes defined by this Code and should remain in this account. Unused credits are returned to the relevant bank, which allocated them, by the Central Election Commission at least within three months after the final results of elections are officially published.

#### **Article 90. Election (Referendum) funds of Candidates, Registered Candidates, Political Parties, Blocks of Political Parties and Initiative Groups on Referendum**

90.1. To finance activities of candidates, registered candidates, political parties which nominate candidates or have candidates registered, block of political parties and referendum campaign groups election (referendum) funds (hereafter referred to as election funds) are created.

90.2. The following are prohibited from rendering voluntary donations and assistance in kind or through service provision to election funds of candidates, political parties, blocks of political parties, and campaign groups on referendum:

90.2.1 Foreign countries and foreign legal entities;

90.2.2 Foreign citizens;

90.2.3 Persons without citizenship;

90.2.4 Citizens who are under 18 years of age;

90.2.5 Legal entities of the Republic of Azerbaijan, if on the day of official publication of the decision to define elections, more than 30% of the charter capital of the legal entity of the Republic of Azerbaijan belongs to the persons mentioned in Articles 90.2.1, 90.2.2 and 90.2.3 of this Code;

90.2.6 International organizations and international public movements;

90.2.7 State bodies, and municipalities;

90.2.8 State and municipal organizations and offices;

90.2.9 If on the day of official publication of the decision to define elections, legal entities, with more than 30% of the charter capital belonging to state or municipality;

90.2.10 Military units;

90.2.11 Charitable organizations, religious associations, offices and organizations;

90.2.12 Anonymous donation provider who does not indicate one of the following pieces of information:

**For a citizen:**

- Name, surname, middle name;
- Batch and serial number, date of issue, of his/her identification document or a document substituting it;
- His/her address;
- Birth of date;

**For a legal entity:**

- Identification number of taxpayer;
- Name;
- Date of registration;
- Bank account;
- About shares owned by state or municipalities in their charter capital and their amount, and amount of foreign shares in their charter capital – misinforming or not informing thereabout

90.3. A candidate, registered candidate, political party, block of political parties, and campaign group on referendum have the right to give instructions on how to use the election fund created by themselves. Election funds should be spent for special purposes. They can be used only for the following purposes:

90.3.1 To finance organizational-technical actions for collection of signatures, to support nomination of candidates and list of candidates and to get approval for becoming a member of a referendum campaign group, as well as to pay for relevant signature collectors;

90.3.2 To pay expenses regarding pre-election campaign, as well as information and consulting services;

90.3.3 Expenses regarding other works during the pre-election campaign performed by legal entities and citizens;

90.4. Candidates, registered candidates, political parties, blocks of political parties, campaign groups on referendum use money transferred to their election funds accounts in accordance with the rule defined by this Code up to the voting day. Candidates, registered candidates, political parties, block of political parties, campaign groups on referendum are prohibited from using other funds, besides the election funds, for the purposes mentioned in Article 90.7 of this Code. These rules, except the cases mentioned in the Articles 55.3 and 69.8 of this Code, do not concern the funds used by the political parties for their other purposes not related to the election campaign and not considered pre – election campaign.

#### **Article 91. Special Election (Referendum) Accounts**

91.1. Special election (referendum) accounts (hereafter referred as election accounts) is opened in relevant bank to form election fund. This account must be opened at the latest 24 hours prior to the collection of voters' signatures, which is necessary for the registration of candidate, and a campaign group on referendum. Candidate, political party, block of political parties and campaign group on referendum can open only one special account.

91.2. The relevant bank must open within 3 days a special election account for candidate, political party, block of political parties, and campaign group on referendum after they submit documents established in accordance with the rule defined by this Code. Bank operations and services for opening a bank account are free. No interest or charges are paid to the bank for use of funds available in a special election account. All funds are transferred in manats to special election account.

91.3. All financial transactions of registered candidates, political parties with registered candidates, block of political parties, initiative groups on referendum are stopped within 3 days after the voting day.

91.4. The relevant bank with the instruction of the relevant election commission stops financial transactions to pay expenses from the specific election accounts of candidates, registered candidates, political party, block of political parties and a campaign group on referendum in the following cases:

- If the necessary documents for registration defined in accordance with the rule in this Code were not submitted to the relevant election commission or the person refused to be registered;
- If the person who wanted to become a candidate withdraws his/her application of consent or candidacy;
- If a political party, block of political parties withdraw its candidate;
- If initiators of a campaign group on referendum apply to the relevant election commission to withdraw their membership from this group and in this case, if the number of initiators of a campaign group on referendum is less than the number defined in the Article 63 of this Code; or
- if a decision was made to cancel the registration.

#### **Article 92. Basis for Prolonging of Financial Operations**

92.1. The Central Election Commission can prolong the period of financial operations based on the appeal (request) of a candidate, registered candidate, political party, block of political parties and campaign group on referendum in the following cases:

92.1.1. For covering expenses of candidate, political party with registered candidate block of political parties and campaign group on referendum for the implemented activities, before they received refusal of registration; if a candidate withdraws his/her application on his/her consent to be a candidate; or if a political party and block of political parties withdraw their candidacy; political party and block of political parties withdraw their candidate ; when initiators of campaign group on referendum apply to the relevant election commission to leave from membership of this group and if, in such case, the number of initiators of campaign group on referendum is less than the number identified in the Article 63 of this Code; for covering expenses of work performed before signature sheets and other documents for registration are submitted within the period defined by this Code;

92.1.2. In connection with reimbursement of the cost of activities performed by

- A candidate, who withdrew his/her candidacy;
- Political parties, block of political parties that withdrew its registered candidate;
- A candidate whose registration was cancelled;
- Political parties, block of political parties, referendum campaign group, single list of candidates of which was cancelled, before the decision on refusal of registration of the candidate, list of candidate was made.

92.1.3. other cases, which require covering the expenses spent for the actions up to the Election Day by a registered candidate, political party, block of political parties, and campaign groups on referendum.

### **Article 93. Voluntary Donations to Election (Referendum) Fund**

93.1. Voluntary donations to the election fund of a candidate, registered candidate, political party, block of political parties, and campaign group on referendum are transferred through post offices, banks and credit organizations. These donations are accepted only from the citizens of the Republic of Azerbaijan and they should contain the following information about them:

- Name, surname, patronymic;
- Date of birth;
- Address
- Batch and serial number of identification document or a document which substitutes it.

93.2. Voluntary donations of legal entities are received by bank transfer to the election fund of candidate, political party, block of political parties, and campaign group on referendum recording the following information:

- Whether legal entities have state, municipal or foreign share in their charter capital;
- Its name;
- Date of registration, identification number of taxpayer;
- Bank account information.

93.3. Voluntary donations of physical and legal entities are transferred to the specific election account through post offices and banks not later than next banking day after they receive the relevant payment document. In this case, period for bank transfer cannot be more than 2 days.

93.4. A candidate, registered candidate, political party, block of political parties, campaign group on referendum have the right to return any donations to the donator, except for anonymous ones.

93.5. If donations are transferred to the election funds of candidates, registered candidates, political parties, block of political parties, and initiative groups on referendum by citizens or legal entities who do not have right to do that, or if amount of donation is more than the amount mentioned in this Code, the candidate, registered candidate, political party, block of political parties, and campaign groups on referendum must return the whole amount or a part of it which exceeds the required amount to the donator within 10 days after its receipt, indicating the reasons for bank transfer and deducting expenses for transfer.

93.6. A candidate, registered candidate, political party, block of political parties, and campaign group on referendum are not responsible for accepting the donations due to the inaccurate information mentioned in Articles 93.1 – 93.2 of this Code only when they did not receive the information about inaccurate documents in time.

93.7. Anonymous donations are transferred to the state budget by the candidate, registered candidate, political party, block of political party, and campaign group on referendum within 10 days after receipt of such donations.

93.8. Citizens and legal entities can assist the nomination and election of a candidate, registered candidate, single list of candidates by transferring donations to the relevant election funds.

93.9. If a candidate, registered candidate or political party, block of political parties, campaign group on referendum or their authorized representatives on finance do not agree officially, it is prohibited:

- To render paid services regarding the elections;
- To sell goods;
- To provide services and to cover expenses for that from election fund.

Legal entities, their branches, representatives and other organizations are prohibited from rendering assistance free or at a baseless discount regarding the elections and referendum.

93.10. A citizen can render free, voluntary assistance to the candidate, registered candidate, political party, block of political parties, and campaign group on referendum him/herself, not inviting third person during the election campaigning.

#### **Article 94. Report on Election Funds**

94.1 Registration of opening and use of specific bank accounts, rules for reporting, as well as rules for collection and expenditure of election funds of candidates, registered candidates, political parties, block of political parties, and campaign groups on referendum are defined by the Central Election Commission with an agreement of National Bank at least 110 days prior to the Election Day.

94.2 A candidate, registered candidate, political party, block of political parties, and campaign group on referendum must register the collection and expenditure of their election funds.

94.3 Candidates, registered candidates, political parties submit their financial report to the relevant election commission as follows:

94.3.1. first initial financial report is submitted to the relevant election commission in accordance with the rule defined by this Code together with the required documents for registration; this report contains information for two days prior to filing;

94.3.2. second initial financial report is submitted to the relevant election commission at earliest 20 days and at least 10 days prior to the Election Day; this report contains the information for 7 days prior to filing;

94.3.3. final financial report is submitted at latest 10 days after final results of elections (referendum) officially published; initial financial documents on the collection and expenditure of election funds are attached to the final financial report.

94.4 If a candidate, registered candidate lose his/her status, the duties for financial reporting shall be assumed by citizens who have been a candidate, registered candidate. The duties for financial reporting of political parties, block of political parties and referendum campaign group shall be carried out by their representatives authorized for financial issues. If there is no such authorized representative, financial reporting can be made by other persons who are included in the staff of political parties or block of political parties, and participated in the election (referendum) campaign and who are authorized to represent political parties, referendum campaign group.

#### **Article 95. Openness in spending of election funds**

95.1. Copies of financial reports of registered candidates, political parties and block of political parties which have a registered candidate, referendum campaign groups shall be published within 5 days after their receipt by the relevant election commissions.

95.2. The relevant bank shall inform the Central Election Commission about the funds entered and spent from the special funds of candidates, registered candidates, political parties and block of political parties not less than once a week; within 10 days prior to the election day – not less than once in three banking days. State Automated Information Systems can be used for these purposes and dissemination of such information shall not be allowed. Accordingly, Constituency Election Commissions and the Central Election Commission shall submit the information on collecting and expenditure of election funds to the mass media, regularly, not less than once every two weeks up to the election day. The relevant election commission shall inform registered candidates, political parties and block of political parties with a registered single list of candidates, about their collection and expenditure of election funds, provided by the relevant bank, on their official request.

95.3. The periodicals considered by the Articles 77.2. and 77.3. of this Code are to publish information on the receipt and expenditure of funds given to them by the relevant election commissions.

95.4. The Relevant executive authorities shall submit information on founders of a legal entity or legal entities, presence or lack of state, municipal or foreign share in legal entities charter capital, name of legal entity, date of registration of legal entity to the relevant election commissions within five days after the list of legal entities which have contributed donations to the candidates, political parties and blocks of political parties is received from the relevant election commissions. This information is submitted in accordance with format defined by the Central Election Commission. State Automated Information System can be used for these purposes and dissemination of such information shall not be allowed.

95.5. The relevant election commission shall provide candidates, registered candidates, political parties and blocks of political parties with information received by the commission immediately, in accordance with their request.

95.6. If the election commission receives information about contribution that violates the requirements of the Articles 90 and 93 of this Code, the relevant candidate, registered candidate, political parties and blocks of political parties shall be informed about this immediately.

#### **Article 96. Financial Provision of Election Commissions' Activity**

96.1. Funds allocated for preparation and holding of elections (referendum) and for organization of election commissions' activities shall be used by the election commissions independently for the purposes defined by this Code.

96.2. The following directions of activities of election commission shall be financed from the state budget including balance of funds from the previous elections (referendum):

96.2.1. participation of registered candidates, political parties and block of political parties, referendum campaign groups which have a registered single lists of candidates in formation of election funds, in accordance with the rules and amount defined by this Code;

- 96.2.2. transport expenditures and compensations paid for candidates registered for an election constituency (constituencies) in accordance with the rules and amount determined in Article 70 of this Code;
- 96.2.3. payment of salaries for members of election commissions with decisive voting rights, employees of election commissions or supernumerary employees who work in election commission on the basis of civil contract;
- 96.2.4. producing stamps, implementing printing activities, acquiring technical equipment and its installation;
- 96.2.5. transport expenditures, as well as transport expenditures in remote and difficult to access districts;
- 96.2.6. transportation and security of election documents;
- 96.2.7. implementation of proposed programs in the field of development of election systems, voters education and election organizers' education;
- 96.2.8. payment of business trips and other expenses regarding the elections; other expenses regarding powers and functions of election commissions.

96.3. The average monthly salary of an election commission member with a decisive voting right, indicated in Articles 24.3 and 36.3 of this Code and who is not released from his/her state or municipal employment during the preparation and holding of elections should remain with his/her employer at his/her main working place and they shall be paid additional salary by the relevant election commission in accordance with rules and amount defined by the Central Election Commission.

96.4. The rules for the transfer of money allocated by the Central Election Commission for other election commissions, report, registration, opening and closing of bank accounts are defined by the Central Election Commission together with the National Bank at least 90 days prior to the voting day. The bank shall not charge election commissions for opening a bank account or for conducting bank operations. No interest is paid for use of these accounts. Election commissions conduct financial records of expenditure of funds allocated from the state budget.

96.5. The Central Election Commission together with the National Bank, shall define the samples of financial reports of election commissions on receipt and expenditure of funds allocated for the preparation and conduct of elections, document on receipt and expenditure of election funds of candidates, registered candidates, political parties, blocks of political parties at least 90 days prior to the voting day.

96.6. The Precincts Election Commission shall submit its financial report on receipt and expenditure of election funds allocated from the state budget to the Constituency Election Commission within 5 days after the voting day.

96.7. The Constituency Election Commission shall submit to the Central Election Commission its financial report on receipt and expenditure of funds allocated from the state budget within 10 days after the voting day.

96.8. The Constituency Election Commission shall submit information on receipt and expenditure of election funds of candidates and registered candidates to the Central Election Commission within 10 days after final results of elections for single-mandate constituencies are officially published.

96.9. The Central Election Commission provides the President of the Republic of Azerbaijan, the Milli Majlis and the mass media with the information about use of funds in the budget amounts, use of election funds by candidates, registered candidates, expenditure of election funds of political parties and block of political parties and referendum campaign groups within three months after official results of elections are published. The information mentioned above must be published by the official press of the Central Election Commission within a month starting the date it submitted this information to the President of the Republic of Azerbaijan and to the Milli Majlis.

#### **Article 97. Supervisory and Audit Services of Election Commissions**

97.1. A supervisory and audit service shall be established in the Central Election Commission and Constituency Election Commissions to ensure the control of expenditure of funding allocated to election commissions for election purposes, correct registration and use of election funds and sources of funding.

97.2. The supervisory and audit service includes the following:

97.2.1. head of the supervisory and audit service;

97.2.2. election commission members appointed to that service, experts involved from the government, National Bank and other organizations and institutions. According to the request of relevant election commissions, and starting from the date of official publication of decision on assignment of the election (referendum), the bodies mentioned above must send relevant specialists to the Central Election Commission and to the Constituency Election Commission for the period of elections (referendum).

97.3. When experts involved with the supervisory and audit service are employed by state or municipal bodies or temporarily released from their employment, their average salaries shall be preserved in their permanent working place and they shall be paid additional salary from the relevant election commission in accordance with the rules and amount defined by the Central Election Commission.

97.4. The Central Election Commission shall approve the statute of the supervisory and audit service. Organizational, legal and logistical support to the supervisory and audit service shall be provided by the relevant election commissions.

97.5. The supervisory and audit service has the right to control receipt of funding to the election funds of candidates, registered candidates, political parties and block of political parties, referendum campaign groups, registration of these funds and their purposeful expenditure, as well as purposeful expenditure of funds allocated for subordinate election commissions. For these purposes the supervisory and audit service:

97.5.1. shall audit financial reports of candidates, registered candidates, political parties and blocks of political parties, referendum campaign groups and lower level election commissions;

- 97.5.2. shall obtain information on all issues within its powers from the candidates, registered candidates, political parties and block of political parties, referendum campaign groups and election commissions;
- 97.5.3. shall obtain necessary information on issues concerning this service and finance of elections from the executive authorities, municipalities, organizations and citizens: requests of supervisory and audit service should be answered within 10 days, but 5 days prior to the voting day and on the voting day – immediately;
- 97.5.4. shall prepare documents on financial violations that occurred during the finance of elections (referendum);
- 97.5.5. shall raise a matter before the relevant election commission on implementation of accountability measures for the violations occurred during finance of elections by physical and legal entities, candidates, registered candidates, political parties and blocks of political parties, referendum campaign groups;
- 97.5.6. shall involve experts for conducting investigations and for preparing expert considerations.

#### **SECTION FOUR. Holding of Elections (referendum)**

#### **CHAPTER Fifteen. Voting**

#### **Article 98. Voting Room**

98.1. Voting room shall be allocated to the Precinct Election Commission by relevant executive body or municipality free of charge.

98.2. There must be a hall equipped with ballot boxes, voting compartment and other specific equipment for secret ballot in the voting room. Or there must be rooms useful for secret ballot equipped with light, desk and writing materials there. Ballot boxes, voting booths and other specific equipment shall be located in such way that will not hamper actions of the voters.

98.3. Notice boards for displaying information about candidates, rules for completing ballot papers shall be located in the voting room in the order determined by the Central Election Commission. Notice board mentioned above must be placed so that voters can read the materials on it easily. Samples of the ballot paper cannot contain names of registered candidates (political parties and block of political parties). Referendum ballot papers cannot be marked. Information on criminal and administration legislations which impose liability for violation of voters' rights to elect must be displayed on the notice board.

98.4. Enlarged samples of protocol on results of voting must be displayed in the voting room from the time the voting commences, for the purposes of demonstrating the results of voting.

98.5. The voting room must be located in a place that Precinct Election Commission members and observers can easily observe a place where ballot papers shall be issued, voting compartments, other places for voting and ballot boxes.

## **Article 99. Election (Referendum) Ballot Papers**

99.1. Rules for preparation, text and format of election (referendum) ballot papers (hereinafter – ballot paper), their number and requirements for preparation shall be approved by the Central Election Commission at least 35 days prior to the voting day. Names of candidates in the ballot paper shall appear in the alphabetical order.

99.2. Each ballot paper must be numbered one-by-one and in sequence, in accordance with the rule established by the Central Election Commission and must contain instructions on how to complete it. The Number of the ballot shall be indicated on its cut-off corner.

99.3. The ballot paper shall be printed in the State language.

99.4. Ballot papers shall be published on a decision of the Central Election Commission in printing houses not later than 22 days prior to the voting date and under observation of members of the Central Election Commission. Accordingly, the number of prepared ballot papers cannot exceed the number of voters registered in election constituencies (nationwide constituency) by more than 3%

99.5. The printing house shall ensure sorting out of defected ballot papers from the usable ones and submit the ballot papers to the authorized representative of the Central Election Commission according to the act containing indication of their quantity, date and time of issuance and numbers. Having submitted ballot papers in accordance with the order, employees of the printing house destroy defective and extra ballot papers and draws up an act about this signed by all participants. The relevant members of election commission and persons indicated in Articles 40.2. and 40.4. can oversee execution of actions that accord this Code. The Central Election Commission should give information to registered candidates, political parties, block of political parties about place and time of distribution of ballot papers.

99.6. After receipt of ballot papers from the printing house, at latest 20 days prior to the voting day, the Central Election Commission, in the presence of the chairman and secretaries of Constituency Election Commission, shall draw up an act containing information about the number of ballot papers, date and time of their issuance, and hand out the ballot papers to the chairman. The Constituency Election Commission shall submit the ballot papers to Precincts Election Commissions in accordance with established procedure 4 days prior to the voting day. The number of ballot papers given to Precincts Election Commissions cannot be less than 90% or 0,5% more than the number of voters included on the list of an election precinct by the day of submission of the ballot papers. Ballot papers shall be counted by the Precincts Election Commission and the number of obtained ballot papers be verified by decision of the Precincts Election Commission. If number of ballots to be issued does not coincide with that of issued ballots, then the Constituency Election Commission shall immediately be informed about the matter. The top right corner of the ballot papers is verified by the seal of Precincts Election Commission.

99.7. Chairpersons of election commissions that submit, receive and protect ballot papers shall bear responsibility for submission and storage of the ballot papers.

99.8. In exceptional cases and if technical facilities are available, in ships navigating on the voting day and in election precincts organized outside the Azerbaijan Republic, Precincts Election Commissions are allowed to produce election documents, including ballot papers,

pursuant to Articles 35.4 and 35.6 of this Code. Decision on production of election documents with indication of appropriate circulation shall be made by a relevant Precincts Election Commission on agreement with the Central Election Commission.

99.9. After the end of voting time on the voting day all unused ballot papers in the Constituency Election Commission shall be cancelled and the Constituency Election Commission shall draw an act about this fact. Persons indicated in Articles 40.2. and 40.4 can participate at cancellation of the ballot papers. Cancelled ballot papers shall be stored in the secretariat of the commission together with other documents.

#### **Article 100. Voting Protocols of Election Commissions**

100.1. Regulations for the preparation of voting protocols of election commissions (hereinafter – the protocols) taking into consideration the Special Section of this Code, as well as their text and layout, quantity and preparation requirements shall be approved by the Central Election Commission at least 45 days before the election day.

100.2. The following information shall be included in each protocol:

- 100.2.1. total number of voters in the voters list;
- 100.2.2. number of voters who obtained voting cards;
- 100.2.3. quantity of ballots provided by the Constituency Election Commission to the Precincts Election Commission (by the Central Election Commission to the Constituency Election Commission);
- 100.2.4. quantity of ballots issued to voters on the voting day;
- 100.2.5. number of voters who received ballot papers;
- 100.2.6. quantity of ballots issued to voters voted outside the voting station;
- 100.2.7. number of voters voted with voting card;
- 100.2.8. quantity of unused ballots;
- 100.2.9. quantity of cancelled ballots;
- 100.2.10. quantity of ballots in immovable ballot boxes (excluding ballots of indeterminate form);
- 100.2.11. quantity of ballots in mobile ballot boxes (excluding ballots of indeterminate form);
- 100.2.12. quantity of valid ballots;
- 100.2.13. quantity of invalidated ballots (including ballots which have uncertainty in various lines, and unmarked ones);
- 100.2.14. quantity of spoilt ballots.

100.3. The protocols shall be produced in the form of a booklet, which consists of 3 carbonized copies (each copy of different color).

100.4. Corresponding to rules identified by the Central Election Commission, each protocol shall be enumerated in succession, and their serial numbers be indicated appropriate to number of election protocols (except for protocols of the Central Election Commission).

100.5. Protocols shall be published in the State language.

100.6. According to a decision of the Central Election Commission, the voting protocols shall be published in printing institutions under the observation of representatives of the Central Election Commission, at least 30 days prior to the election day.

100.7. The printing institution shall ensure spoilage (?) of the protocols, and hand the ballots (?) over to an authorized representative of the Central Election Commission on the basis of an act, that indicates their quantity, date and time of issue. After the protocols are handed over corresponding to the order, staff of the printing institution shall eliminate the spoilt printed protocols and compile an act about the matter, approved by signatures of all participants. Fulfillment of these procedures can be observed by members of the Central Election Commission and persons indicated in Articles 40.2. and 40.4. of this Code. The Central Election Commission shall inform the registered candidates and authorized representatives of political parties and blocks of political parties on place and date of issuance of the protocols.

100.8. After receiving the protocols from the printing institution, the Central Election Commission shall at latest 20 days prior to the election day draft an act in presence of chairperson and secretaries of a relevant Constituency Election Commission, which indicates the quantity of the protocols, their serial and batch numbers and date and time of issue, and provide the protocols to the chairperson of the Constituency Election Commission, taking into account quantity of election precincts. The Constituency Election Commission shall allocate the protocols to the election precincts in the mentioned order, 4 days prior to the election day.

100.9. Chairpersons of election commissions, that issue, accept and secure the ballot papers, shall be responsible for issuance and keeping of the protocols.

100.10. In exceptional cases and if technical facilities are available, in ships navigating on the voting day according to Article 37.4 of this Code and in election precincts organized outside the Azerbaijan Republic, the Precincts Election Commissions are allowed to produce the protocols.

100.11. Copies of the election protocols shall be produced at the same time with the election protocols, and provided to election commissions. Every single commission shall be provided with 30 copies of the protocol. Serial and batch numbers shall be printed on copies of the protocols, and be indicated in writing corresponding to the relevant protocol, when filling in the copy of the protocol. Copies of protocols and other documents of election commissions submitted to the persons mentioned in Articles 40.2. and 40.4 of this Code can be verified by the chairperson or secretary of an election commission. In this case, the person shall write the words "Matches with the original" on the copy of the document to be verified, sign it (indicating the serial and batch numbers), approve by the commission's stamp and indicate the date of approval. In order to obtain the verified copy of the protocol the persons specified by articles 40.2 and 40.4 of this Code shall pay the fee determined by the Central Election Commission, taking into account Article 42.1.8 of this Code.

100.12. Protocols shall be completed and signed by the members of the election commission with decisive voting right. Any member of the voting commission with decisive voting right who disagree with the whole protocol or its various parts shall enclose his/her special opinion to the protocol, and relevant notes shall be made in the protocol in this regard. The persons specified by articles 40.2 and 40.4 of this Code can observe the procedures of completion of protocols. It is prohibited to complete the protocol by pencil or to make any corrections on it.

100.13. The third copy of each protocol shall be posted on the notice board, after the protocol is complete, and be kept there for 5 days.

### **Article 101. De-registration Card for Voting**

101.1. Requirements on form, rule of their preparation of de-registration card for voting (hereinafter – voting card), form and preparation of issuance register shall be approved by the Central Election Commission not later than 60 days prior to the voting day. The voting cards shall be produced in accordance with rules established in Articles 99.4. and 99.5. of this Code. Voting cards shall be issued by superior election commissions to the lower election commissions in accordance with rules set forth in Article 99.6. of this Code. Chairpersons of relevant election commissions shall be responsible for issuance and storage of the voting cards.

101.2. A voter included on the voters list and not having the possibility to vote in the election precinct on the voting day, can get a voting card in the relevant Constituency Election Commission (45-25 days prior to the voting day) or in the relevant Precincts Election Commission (24-3 days prior to the voting day), and can vote on the basis of the voting card in the election precinct of the territory where he is on the voting day.

101.3. The voting card shall be issued to a voter on his or her application by the relevant election commission or to his representative on the basis of power of attorney certified by a notary. Reasons for receiving the voting card by the voter should be indicated in the application. Within two days after the application is submitted, the Precincts Election Commission shall apply to the Constituency Election Commission and clarify whether the voter has obtained the voting card before or not. Issue of more than one voter card to one voter is prohibited.

101.4. The Constituency Election Commission shall draw up the voting cards register. Surname, name, patronymic, date of birth, residential address of the voters received the voting card should be indicated in the register. 25 days prior to the voting day, the Constituency Election Commission shall send approved extracts from the register together with the voters list to the Precincts Election Commissions. Precinct election commission can make corresponding notes in the voters list based on the extracts.

101.5. A voter or his/her representative shall sign in the register (Constituency Election Commission) or in the voters list (Precincts Election Commission) indicating serial and batch number of identification or substitute document on receipt of the voting card. On this ground the voter shall be removed from the voters list of the relevant election precinct, shall not be taken into consideration when calculation of the number of registered voters and not be included in the relevant protocol.

101.6. The Precinct Election Commission shall provide the Constituency Election Commission with information on the given voting minutes (?) immediately after the card is issued. The

Constituency Election Commission shall within 2 days present this information to the Central Election Commission.

101.7. The voting card should be verified by the seal of the election commission issuing the card, the signature of a member of the relevant constituency or Precincts Election Commission should be on it.

101.8. Upon presenting the voting card, the voter should be included in the voters list.

101.9. The voter shall indicate his residential address in the additional de-registration card when receiving a ballot paper on the voting day.

101.10. Top right corners of unused voting cards shall be cut before the commencement of voting on the voting day and the relevant act on this shall be drawn up by constituency or Precincts Election Commission. Based on this act, the number of voters who received voting cards and those who voted with voting cards shall be indicated in the protocol of the Precincts Election Commission.

## **Article 102. Envelope for Ballot Papers**

102.1. Envelopes for ballot papers (hereinafter – the envelope) shall be produced corresponding to quantity of and at the same time with ballot papers, and be allocated to relevant election commission together with the ballot papers.

102.2. the Format of envelopes, which is appropriate to the parameters of ballot boxes, shall be presented by the Central Election Commission upon approving format of ballot papers.

102.3 If the ballot box is equipped with a scanner with the purpose of providing information to the State Automated Information System, a ballot paper shall not be put into an envelop.

## **Article 103. Ballot Boxes**

103.1. Parameters of ballot boxes (for ballot boxes, and separately for mobile ballot boxes) shall be approved by the Central Election Commission.

103.2 The slit for placing ballots into ballot box shall be impossible to place more than one ballot at the same.

103.2. Ballot boxes shall be sealed by the Precincts Election Commissions chairpersons in the manner established by the Central Election Commission, 3 days prior to the voting day.

## **Article 104. Rules for Voting**

104.1. Voting shall be held from 08:00 till 19:00 on the voting day. The Precincts Election Commission should inform the voters of the place and time of voting not later than 25 days prior to the voting day via mass media or using notice boards.

104.2. Shall the total number of voters in the settlement be less than 50, and more than 1 hour is needed to reach relevant election commissions from those settlements, the Constituency Election Commission can use public transport means to deliver the mentioned voters to the election precincts where they are registered. Such transportation expenses shall be paid from funds allocated by the Central Election Commission to the Constituency Election Commission.

104.3. If all voters being in the voters list took part in the voting, Precincts Election Commissions of election precincts organized on ships navigating under the State Flag of the Azerbaijan Republic, in military units, in distant and almost impassable places can give information about early ending of the voting.

104.4. If a voter ascertain that he/she will not be able to go to the polling station on the voting day because of health state or other good reasons, he/she should directly or via some other person inform the Precincts Election Commission either orally or in writing at least 24 hours prior to the voting day about his/her intention to vote outside the voting room. If the intention is declared orally, it shall be officialized by a relevant application during the voting. Constituency Election Commissions can issue permission to ships navigating under the State Flag of the Azerbaijan Republic and almost impassable distant places to hold the voting not earlier than 10 days prior to the voting day.

104.5. At 08:00 on the voting day the chairperson shall declare the election precinct open, shall show empty ballot boxes to the members of the election commission, the voters being there, observers, and seal them, then he shall invite the members of the Precincts Election Commission to commence the voting.

104.6. Voters shall sign the voters list on receipt of the ballot paper, and serial and batch number of their identification or substitute document shall be recorded in the voters list. Serial and batch number of their identification or substitute document shall be entered in the voters list by a member of the Precincts Election Commission. The voter shall check correctness of the records and sign the ballot paper upon receiving it. If the voter has no opportunity to receive a ballot paper independently, he/she can use the help of other persons, except members of Precincts Election Commission and observers. The person who helps the voter should put down his/her surname and initials and sign the column "signature of voters on receipt of ballot paper".

104.7. One of the Precincts Election Commission members shall stand at the entrance of the election precinct and check identification cards or other identification documents of the citizens entering the precinct.

104.8. On issuance of ballot paper a member of Precincts Election Commission shall sign the numbered left hatched corner of the ballot paper, cut and keep it.

104.9. Every voter shall vote in person and alone. To vote in place of other persons is prohibited. Ballot paper shall be marked in a place where nobody is authorized to enter and equipped with special technical means for the secret vote. A disabled voter, who is not able to mark the ballot paper without assistance, can invite any other person to the voting booth, except members of Precincts Election Commission and observers. The surname and initials of this

person shall be indicated together with the voter's signature on receipt of the ballot paper in the voters list.

104.10. A voter shall place the marked ballot paper in an envelop stamped by the seal of Precincts Election Commission and drop it to the box considered for voting.

104.11. Ballot boxes should be placed in the area where members of the Precincts Election Commission and observers can easily observe it.

104.12. The chairperson of Precincts Election Commission shall oversee the order in the voting place. His directions are obligatory for persons in the voting room. If the chairperson of the Precincts Election Commission is out, his powers shall be assumed by his deputy, secretary or any member of the commission charged for this purpose.

104.13. A member of Precincts Election Commission who attempts to influence a voter to express his will or violates the secrecy of the vote shall be dismissed from his position, and a person mentioned in Article 40.2. and 40.4 of this Code shall immediately removed from the voting room. The Precincts Election Commission shall take a decision on the case. If the influenced voter has not voted yet, he/she shall not be allowed to avoid voting, his/her ballot being withdrawn and invalidated.

104.14. No other person should be in election precinct, except voters participating in the voting, members of the Precincts Election Commission, and person mentioned in Article 40.2. and 40.4 of this Code. State bodies' officials shall not be allowed to participate in the voting except the cases when they participate in the voting as voters. An official of the law enforcement authority can be present in voting station if they preserve the law and order there, if the chairperson of the Precinct Election Commission invites them, and they must leave the voting station immediately after they finish to perform their duties. Voting shall be stopped, if an official from the law enforcement authorities is in the voting room during the voting process. Shall the voting process be stopped for more than 2 hours, the voting station shall be closed upon decision of the Precincts Election Commission. Voting in such election precincts shall be considered invalid.

104.15. If a voter realizes that he/she has made an error in marking his/her ballot paper, he/she can ask for a new ballot paper instead of the spoilt one from the commission member who issued the original ballot paper. In this case the Precinct Election Commission member cancels the spoiled ballot paper by cutting it in the center, puts it in a separate envelope, gives him/her a new ballot paper and makes the necessary note to the right of the voters surname on the voters list. A separate document is immediately prepared recording this.

#### **Article 105. Voting outside the Voting Room**

105.1. The Precincts Election Commission should create possibilities to all voters, including those who cannot come to the voting room because of the state of health and other reasons specified as good ones by the Central Election Commission. A mobile box for this purpose should be available in election precinct.

105.2. The number of voter's requests for voting outside the voting room shall be verified by the Constituency Election Commission, at least 2 days before the voting day. The intention of a

voter to vote outside the voting room should be confirmed again by his written application to be sent to the Precincts Election Commission, in the presence of not less than 2 members of the Precincts Election Commissions, which represent various political parties and non-partisans and observers. If a voter did not make a written request for a mobile ballot box, he/she must make an application in the presence of Precinct Election Commission members. In such case, serial and batch numbers of the identification card or other substitute document of the voter shall be indicated in the application. The voter records the receipt of his/her ballot paper in the request and verifies this with his/her signature.

105.3. The mobile ballot boxes shall be used only on the voting day. Members of Precincts Election Commission who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests (3 ballot papers shall be added to this number). The number of used and returned ballot papers from voters requesting a mobile ballot box must be recorded in a separate document. At the same time, the voters voting using the mobile ballot box are marked on the voters list by a member of the Precincts Election Commission. After the mobile ballot box is returned by the Precinct Election Commission members to the voting station, it is not opened until vote counting commences, and its slit shall be closed and sealed.

105.4. The mobile ballot box voting must be organized so that there are no violations of the voter's right to vote or the requirements for a secret ballot and not influencing the voter's choice.

#### **Article 106. Vote counting in the voting station**

106.1. When voting hours end, the Precincts Election Commission chairperson announces loudly: "only voters who have already received ballot papers and those in the voting compartments (booth) can vote." In this case, voting of the voters standing before the announcement only shall be ensured. Before opening the ballot box, Precincts Election Commission members count and cancel unused ballot papers in the presence of observers in the voting station. The number of unused ballot papers is announced and recorded in the final protocol of voting results. The number of signatures of voters who have received ballot papers is recorded in the final protocol on results of voting. At the same time, the number of voters voting with a de-registration card and those voting outside the voting room using mobile boxes, shall be recorded in the final protocol. Then the Precincts Election Commission chairperson examines the stamps and seals of the ballot boxes, shows these to the Precincts Election Commission members and observers and opens the ballot boxes.

106.2. Ballot boxes are opened one by one: first the mobile ballot box, then the ballot box. Ballot papers in the mobile ballot box are counted first. Their number must not exceed the number of requests. When counting ballot papers from the mobile ballot box, if the number of ballot papers is more than the number of requests, then all ballot papers in the mobile ballot box are considered to be invalid by decision of the Precincts Election Commission. An act on this, which includes a list of the surnames of the commission members that accompanied the mobile ballot box, is attached to the final protocol. Number of voters who have voted with a voting card is added to the number of voters who appear on the voters list of the precinct (number of voters who have been issued voting card from this precinct is not included).

106.3. When counting the votes of voters of the Precincts Election Commission, ballot papers of indeterminate form, including those unofficially produced, incorrectly numbered or having uncertain numbers, not verified by the Precincts Election Commission and considered in accordance with the Special Section of this Code to be invalid shall be separated first of all.

106.4. If the voting intention of the voter is clear, the ballot paper is valid. If there is more than one ballot paper in the envelope, if it is difficult to determine the intention of the voter in the ballot paper, if the ballot is not marked at all and is as specified in the Special Section of this Code, the ballot paper (papers) shall be considered to be invalid. Shall there be more than one ballot in an envelope, all the ballot papers will be considered invalid. If there are doubts about the validity of a ballot paper, the Precincts Election Commission votes to determine if the ballot paper is considered valid. If a decision is made to consider the ballot paper invalid, the reasons for the decision are recorded on the reverse side of the ballot paper. Such record must be approved by the signatures of chairperson and secretary of the Precincts Election Commission. Invalid ballot papers are packed separately.

106.5. Counting of votes by the Precincts Election Commission chairperson, with the participation of Precincts Election Commission members, continues without a break until the count is finished. During this period, every used ballot shall be stamped. All Precincts Election Commission members and observers are advised of the results of voting.

106.6. The final protocol on voting results shall be completed in the voting station, with participation of Precincts Election Commission members and in the presence of the persons specified in Articles 40.2. and 40.4. of this Code, and is signed by all Precincts Election Commission members with decisive voting right after completing of protocol is finalized.

106.7 First copy of the protocol together with complaints (applications) about violations of this law received by the Precincts Election Commission and decisions made by the Precincts Election Commission with respect to these complaints and applications, an act on receipt of ballot papers by the Precincts Election Commission, an act on canceling the unused ballot papers (recording their number), an act on issuing voting cards and on canceling unused voting cards (recording their number), an act the number of torn off left corners of the ballot papers, an act on the number of spoiled ballot papers mentioned in the Article 100.2.14/ of this Code, along with packaged and stamped ballots shall immediately, but not later than 24 hours, be sent to the Constituency Election Commission under observation of the chairman and a member of the Precincts Election Commission. All documents mentioned above should be signed by the chairperson and secretaries of the Precincts Election Commission. Verified copies of complaints (applications), decisions of Precincts Election Commissions and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

106.8. The second copy of the protocol, the torn off left corners of those ballot papers, the torn off pieces of spoiled ballot papers as well as with list of persons mentioned in Article 40.2 and 40.4 of this Code who observed voting and vote count shall be kept by the secretary of the Precinct Election Commission until the commission has finished its activities.

106.9. The Precinct Election Commission established outside of the Republic of Azerbaijan shall send the first copy of the protocol on voting results together with the attached documents to the Constituency Election Commission determined by the Central Election Commission within 3 days starting from the election day.

106.10. The constituency or Precincts Election Commission shall consider voting in the referendum precinct ineffective, if legal violations occurred during conduct of elections (referendum) or in course of identifying voting results do not allow to identify the will of voters; or on the basis of a court decision.

## **Article 107. Completion of Protocols of Constituency Election Commission**

107.1. Protocols of Constituency Election Commissions shall be completed on basis of the integrated information from protocols of Precincts Election Commissions. Integration of the mentioned information shall be carried out uninterruptedly.

107.2. Along with items enlisted in Article 100.2 of this Code, the number of Precincts Election Commissions and quantity of protocols submitted by those commissions, as well as the number of protocols taken as a basis for completion of protocol of the Constituency Election Commission and number of election precincts where voting failed, shall also be indicated in protocol of the Constituency Election Commission.

107.3. The first copy of the protocol of the Constituency Election Commission together with complaints (applications) about violations of this law received by the Constituency Election Commission and decisions made by the Constituency Election Commission with respect to these complaints and applications, an act on receipt of ballot papers by the Constituency Election Commission, an act on canceling the unused ballot papers (recording their number), an act on issuing voting cards and on canceling unused voting cards (recording their number) shall without any delay be sent to the Central Election Commission. The mentioned acts shall be signed by the chairperson and secretaries of the Constituency Election Commission. Verified copies of complaints (applications), decisions of Constituency Election Commission and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

107.4. The 2<sup>nd</sup> copy of the protocol, along with packaged and stamped ballots, the torn off left corners of those ballot papers, as well as with list of persons mentioned in Article 40.2 and 40.4 of this Code who observed voting and vote count shall be kept by the secretary of the Precinct Election Commission until the commission has finished its activities.

107.5. Shall the Constituency Election Commission reveal mistakes, inadmissible corrections and inconsistencies in the protocol (including other documents attached thereto) of a Precincts Election Commission, the Constituency Election Commission may adopt a decision on the recount of votes in the relevant election precinct. In this case, the recount of votes shall be undertaken by the members of the Constituency Election Commission with decisive voting right. The relevant Precincts Election Commission and the persons indicated in Articles 40.2. and 40.4 of this Code shall in advance be advised of the recount of votes. A protocol shall be compiled on recount of votes and the words "recount of votes" be recorded on it.

## **Article 108. Completion of Protocols of the Central Election Commission**

108.1. Protocols of the Central Election Commission shall be completed on basis of the integrated information from protocols of Constituency Election Commissions. Integration of the mentioned information shall be carried out uninterruptedly.

108.2. Complaints (applications) about violations of this law received by the Central Election Commission and decisions made by the Central Election Commission with respect to these complaints and applications, an act on receipt of ballot papers by the Central Election Commission, an act on canceling the unused ballot papers (recording their number), an act on issuing voting cards and on canceling unused voting cards (recording their number) shall be attached to the first copy of the protocol of the Central Election Commission. The mentioned acts shall be signed by the chairperson and secretaries of the Central Election Commission.

Verified copies of complaints (applications), decisions of the Central Election Commission and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

108.3. Shall the Central Election Commission within at latest 7 days effective the voting day reveal mistakes, inadmissible corrections and inconsistencies in protocols (including other documents attached thereto) submitted by the Constituency Election Commissions, the Central Election Commission may adopt a decision on the recount of votes in the relevant election constituency. In this case, the recount of votes shall be undertaken in presence of the members of the Central Election Commission with decisive voting right. The persons indicated in Articles 40.2. and 44 of this Code shall in advance be advised of the recount of votes. A protocol shall be compiled on the recount of votes and the words "recount of votes" be recorded on it.

#### **Article 109. Publication of Preliminary Results of Voting**

109.1. Preliminary outcomes of the elections (referendum) shall be published by the Central Election Commission within 5 days starting from the voting day.

109.2. Preliminary results shall be published as a schedule providing integration of voting results of election commissions.

#### **Article 110. Use of State Automated Information Systems during the Elections (Referendum)**

110.1. The State Automated Information Systems can be used completely or some of its technical facilities for obtaining, transferring or redeveloping information in time while conduct of elections (referendum) (hereafter referred to as elections) including voter registration, compilation of voters lists, determination of voting results and election returns. Requirements regarding the state automated systems and rules for use of it are determined by the Central Election Commission.

110.2. The relevant election commission creates a specific group comprised of members of the election commission with decisive and consultative voting right with the purposes of controlling the use of State Automated Information Systems or some of its technical facilities. This group:

- checks if the complex of automated facilities is ready for operation; if information from protocols of election commissions entered the systems and information added to the protocol is accurate;
- controls if instructions of the Central Election Commission on use of the State Automated Information Systems and its other documents are observed and
- controls if documents about actions considered for usage of information systems are completed in accordance with time limits and plans of the relevant election commission.

The controlling group can involve specialists on automated information systems in its activities.

110.3. All members of the election commission, observers and representatives of mass media have the right to become familiar with any information received by and extracted from the State Automated Information Systems.

110.4 Election commission members with decisive and consultative voting rights who have been included in the controlling group have equal rights. They can:

- become familiar with any information transferred to the election commission through technical communication channels;
- demand explanation about technical documentation of The State Automated Information System or about all actions of the technical personnel of information systems;
- compare information prepared by technical facilities or in handwriting.

If any actions of the personnel of the State Automated Information System contradict the law, the controlling group informs the chairperson of the election commission about this and proposes motions on correction of those irregularities or on dismissal of the persons who committed those irregularities. Results of investigations held by the controlling group must be recorded in the current documents of relevant election commissions.

110.5 The state automated systems shall be used for observing the voting process and its results by the relevant election commissions based on information transferred by subordinate election commissions to the superior election commission, from the time voting commences including until protocols on election returns and voting results are signed. It is prohibited to transfer any information except for the signals confirmed by the superior election commissions on receipt of information from subordinate election commissions.

110.6 Information on voting process and results of voting obtained from the State Automated Information System is considered preliminary information, which does not have legal importance.

110.7 Protocols of the election commission preserved by the secretary of the election commission shall be attached text of information entered into the State Automated Information System which will be printed out through the computer. Accuracy of information in a printed out paper shall be verified by signature of a person who is responsible for information and by members of the controlling group.

110.8 Information on voter turnout, initial and final results of voting, returns of elections that are entered the State Automated Information System must be included in the information-communication lines of common use for getting prompt information by persons intending to have the information, in conformity with the rules defined by the Central Election Commission.

110.9 Dissemination of information entered in the the State Automated Information System is not allowed.

## **Article 111. Security of Election Documents**

111.1. Documents of Precinct Election Commissions and Constituency Election Commissions regarding conduct of elections (referendum) shall be kept in a secured place.

111.2. Ballot papers and voting cards shall be kept in the Constituency Election Commissions for at least 6 months starting from the day of official publication of election outcomes. Protocols of voting results of election commissions shall be kept by the Central Election Commission for at least 1 year from the date official publication of a decision on determination of the next elections. Financial reports of election commissions, as well as final financial documents of the registered candidates, political parties and blocks of political parties, referendum campaign groups shall be kept by the Central Election Commission for at least 1 year from the date of official publication of a decision on determination of the next elections (referendum). Voters lists shall be kept by the Central Election Commission for a period of 5 years.

111.3. The following are considered to be official documents:

- ballot papers;
- voting cards;
- voters lists;
- protocols of election commissions on results of voting and documents attached;
- financial reports of election commissions;
- final financial reports of registered candidates, political parties and block of political parties, referendum campaigning groups.

The chairperson and secretaries of the relevant election commission shall be responsible for security and storage of election documents until these documents are transferred to the superior election commission or to the State Archive.

## **CHAPTER Sixteen. Complaints on and Accountability for Violation of Citizens' Rights to Elect**

### **Article 112. Filing Complaints on Actions (Lack of Actions) and Decisions that Violate Citizens' Rights to Elect**

112.1. Voters, candidates, registered candidates, political parties, blocks of political parties, referendum campaigning groups, agents of registered candidates, political parties, blocks of political parties, referendum campaigning groups, observers as well as election commissions can file complaints about decision and actions (lack of actions) which violate citizens' right to elect within 7 days after the date the very decision is published or made or the date actions (lack of actions) occurred, or the interested person is informed about it.

112.2. The persons specified in Article 112.1 of this Code can file their complaints either with court, or relevant election commission.

112.3. In cases established in Articles 112 and 113 of this Code (except for case stipulated in Articles 113.1.8., 113.1.9., 113.1.10., 113.1.20., provided that they do not cause criminal

liability), the complaint shall be filed with a relevant court, and in all other cases be submitted to the relevant election commission that has made the decision (action or lack of actions).

112.4. If the complaint is not satisfied by the election commission which made that decision or actions (lack of actions) at first, one can appeal to the superior election commission. If the Central Election Commission does not satisfy the complaint finally, persons mentioned in Article 112.1 of this Code shall have the right to appeal to the Court of Appeal. In order to prevent conflict of jurisdictions, the relevant election commission shall clarify whether the complaint about the case is filed with the court or not. If the complaint is considered by the court, then the court shall investigate the matter of the complaint in accordance with criteria specified in Article 110.3. of this Code, and if there is ground - reject the complaint. Other grounds shall not be considered acceptable for rejection of the complaint. Complaints about decisions and actions of the Central Election Commission shall be filed with the Court of Appeal.

112.5. If the infringement described in the complaint can be considered criminal actions according to the Criminal Code of the Azerbaijan Republic, the relevant election commission can apply to relevant law enforcement authorities along with making decisions regarding elimination of shortcomings or infringements indicated in the complaint.

112.6. The court can cancel decisions (including decisions on results of voting, election returns) of the relevant election commissions in the circumstances considered by this Code and other laws.

112.7. If the court cancels the decision of the election commission, the same election commission must make a new decision regarding the same issue, or superior election commission must make a relevant decision based on the decision of the court. If such a decision is not made within 5 days after the court's decision comes into force, the court can make a decision on this matter.

112.8. Examination of the complaint about the decision on voting results and election returns or investigation of the facts regarding violation of this Code is not considered as violation of immunity of candidates considered to be elected in conformity with this Code. A candidate considered to be elected cannot refuse to testify as a witness during administrative, civil or criminal investigations regarding the complaints about violation of citizens' right to elect while he/she was being elected (except for cases provided for in the Civil-Procedure Code and the Criminal-Procedure Code of the Azerbaijan Republic).

112.9. The election commission has the right to receive citizens' and officials' information and to require necessary documents and materials while considering the following:

- issues on cancellation of registration of list of candidates, registered candidates, referendum campaigning groups ;
- issues on refusal of registration of candidates, referendum campaigning groups ;
  - appeals on invalidation of election of a registered candidate.

112.10. The superior election commission has the right to cancel decision of the subordinate election commission or to make a decision regarding the complaint or to instruct to reexamine the very issue.

112.11. A decision on complaints received by the election commission during the election processes shall be made within 5 days. It shall be made immediately if complaints are received on election day or the day after the election day. If facts mentioned in the complaint need additional investigations, a decision on those complaints shall be made within not later than 10 days. The court is to make a decision at least within 10 days after receipt of complaint about the decision of election commission on voting results and election returns.

**Article 113. Cancellation of Registration of Registered Candidates, Referendum Campaigning Groups and Refusal of Registration of Candidates**

113.1. If a candidate, registered candidate, political party, block of political parties, referendum campaigning group violates this Code, the relevant election commission warns the candidate, registered candidate, political party, block of political parties, referendum campaigning group by informing the voters through the mass media. The election commission has the right to make a decision about the following issues irrespective of whether or not a complaint considering Article 112.2. of this Code was made about them:

- refusal of registration of a candidate, referendum campaigning group;
- cancellation of registration of registered candidate, referendum campaigning groups;
- invalidation of election of registered list of candidates and a candidate;
- cancellation of decision on voting results and election returns.

113.2. The election commission can refuse to register a candidate and referendum campaigning groups under the following circumstances:

- 113.2.1. if information submitted by a candidate, political party, block of political parties, referendum campaigning group in conformity with this Code is not accurate and if their invalidity is of importance (except for cases indicated in Article 60.3. of this Code);
- 113.2.2. if a candidate, referendum campaigning groups are found to conduct election campaign before they are registered or before the period considered by Article 75 of this Code, and if the warning made before is not considered;
- 113.2.3. the fact of winning over the voter to its side i.e. actions prohibited by Article 88.5. of this Code committed by a candidate, political party, block of political parties, referendum campaigning group or their authorized representatives, or agents are found;
- 113.2.4. participation of organizations in collection of signatures, regardless their form of property; if the fact of forcing the voters sign while collecting the signatures is found out; reward of voters for their signatures;
- 113.2.5. if a candidate nominated for a relevant constituency uses other funds for financing his/her election campaign which exceed more than 0.1% of the highest limit of expenses from election fund defined by this Code, and if the warning made before is not considered;
- 113.2.6. if a political party, block of political parties, referendum campaigning group uses other funds for financing their election (referendum) campaign which exceed more than 0.1% of the limit of expenses from election funds defined by this Code and if the warning made before is not considered;

- 113.2.7. if a candidate, political party, block of political parties, referendum campaigning group, as well as political parties included in the block of political parties, authorized representative, members or agents of political parties, blocks of political parties, referendum campaigning groups:
- are proprietors, founders, owners of relevant organizations or they participate in managing boards;
  - conduct charitable activities during the election (referendum) campaign;
  - render financial and material assistance to physical or legal entities; or renders services to voters;
  - assist to render such assistance to physical and legal entities or make a proposal related thereto, or physical and legal entities agree with rendering assistance on their behalf, and if the notification made about it before is not considered ;
- 113.2.8. if a candidate, political party, block of political parties and referendum campaigning groups do not submit their initial financial report;
- 113.2.9. if a candidate, authorized representatives of a political party, block of political parties and referendum campaigning groups use their occupation or service position during election campaigning;
- 113.2.10. if a candidate, political party, block of political parties, as well as their agents produce and distribute pre-election publications and audiovisual election materials, violating provisions of Articles 88.2 and 88.4 of this Code;
- 113.2.11. if a registered candidate, political party, block of political parties, agent of the registered candidate, authorized representative or agent of a political party or block of political parties campaign within the territory where military unit is located, in military organizations or military offices;
- 113.2.12. if a registered candidate who is on government or municipal service does not stop implementation of functions of service while he/she participates in elections;
- 113.2.13. if a registered candidate, political party or block of political parties with registered list of candidates use illegal donations transferred to their funds.
- 113.2.14. Election commission or the court can cancel registration of a candidate, list of candidates one day prior to the voting day, if only the circumstances considered by Articles 113.2.3., 113.2.4., 113.2.7., 113.2.9., 113.2.11. of this Code are revealed after the candidate is registered.

#### **Article 114. Cancellation of Decisions of Election Commissions on Voting Results and Election (Referendum) Returns**

114.1. If violations mentioned in Article 113.2.3. of this Code, which do not provide opportunities for proper identification of the voters' will, made by a registered candidate, political

party, block of political parties or referendum campaigning group are found out after election results are published officially, the Central Election Commission can appeal to the Court of Appeal about cancellation of election of a candidate or about results of referendum.

114.2. If the court, defining existence of violations mentioned in Article 113.2.3. of this Code, considers that determination of voters' intention is not possible due to those irregularities, then the court can cancel decision of the relevant election commission on election (referendum) results. In such circumstances the elected candidate is considered to have lost his/her authority.

114.3. The relevant court can cancel the decision of the election commission on voting results and election (referendum) results for a single-mandate or nationwide constituencies if:

- rules for compilation of voters list, for formation of election commissions, for voting, for count of votes or for determination of election (referendum) results are violated;
- other violations defined by this Code occur;
- it is impossible to determine voters' intention due to these actions (lack of actions).

114.4. The relevant court or the Central Election Commission can cancel a decision of the Precinct or Constituency Election Commissions on voting results or election results in the circumstances considered by this Code.

114.5. If the facts about irregularities regarding assistance to elect not elect candidates or candidates in the not elected list of candidates are found out, they cannot be basis for cancellation of the decision on election results.

#### **Article 115. Liability for Violation of Citizens' Rights to Vote**

115.1. The following persons can be subject to criminal and administrative liabilities in conformity with the legislation of the Azerbaijan Republic:

- 115.1.1. who have obstructed the voters' rights to elect and to be elected by use of force, deceit, intimidation;
- 115.1.2. who have abused their occupation or service position as privileges for being elected;
- 115.1.3. who have forced citizens to sign in support of a candidate, who have obstructed collection of signatures in support of a candidate, or who have participated in falsifying those signatures;
- 115.1.4. who have won over the voters to their side, i.e. who have committed actions prohibited by Article 88.5. of this Code;
- 115.1.5. who have not formalized information about registered candidates in time or who have done so inaccurately;
- 115.1.6. who have intentionally disseminated misinformation about candidates or who have impugned the honor and dignity of the candidate;
- 115.1.7. who have violated rights of commission members, observers, agents, authorized representatives of candidates, political parties, blocks of political parties, referendum campaigning groups, representatives of

- mass media, including those who have violated rights to obtain copies of election documents and information and other rights regarding verification of election documents;
- 115.1.8. who have violated rules for election campaigning, including those who have conducted election campaign a day prior to election day or on voting day;
  - 115.1.9. who have produced and distributed commercial or other advertisements which violates the regulations stipulated by this Code, or those who have rendered charitable assistance;
  - 115.1.10. who have violated rules for financing election campaign defined by this Code;
  - 115.1.11. who have hidden remaining ballot papers or those who have produced additional issues of ballot papers which were not registered by the election commission and of voting cards;
  - 115.1.12. who have obstructed the election commission's work or those who have illegally interfered with performance of functions of commission members;
  - 115.1.13. who have obstructed voting in the precincts;
  - 115.1.14. who have violated the secrecy of voting;
  - 115.1.15. who have forced voters to vote against voters' choice;
  - 115.1.16. who have falsified election documents, produced and presented fake documents (including ballot stuffing), miscounted votes or those who have not submitted or published election results intentionally;
  - 115.1.17. who have violated citizens' rights to become familiar with voters lists;
  - 115.1.18. who have issued ballot papers to citizens with a purpose to created conditions for them to vote for others, who have issued ready-marked ballot papers or those who have created conditions to receive more than one ballot paper;
  - 115.1.19. who have not submitted or published report on expenditure of funds allocated for preparation and conduct of elections or financial report of candidates, registered candidates, political parties, blocks of political parties and referendum campaigning groups;
  - 115.1.20. employers who have not provided employees with leave with in respect to participation in elections or who have not released employees to implement their state functions, in circumstances considered by this Code;
  - 115.1.21. state officials who have not investigated information about violation of this Code provided by the election commissions.

#### **Article 116. Application of Penalties by Election Commissions**

The Precinct Election Commissions, Constituency Election Commissions and the Central Election Commission have the right to prepare a protocol of administrative offences and apply penalties in accordance with the Code of Administrative Offences of the Republic of Azerbaijan for the violations made by a candidate, registered candidate, authorized representative of a political party or block of political parties, in the circumstances considered by this Code.

## **SPECIAL SECTION**

### **SECTION FIVE. Referendum**

#### **CHAPTER Sixteen. General Provisions on Referendum**

##### **Article 117. Issues put for Referendum**

Issues to be put on for referendum shall be determined by Articles 3.1, 3.2, 11.3 and 152 of the Constitution of the Republic of Azerbaijan.

##### **Article 118. Issues that cannot be put for Referendum**

Issues, which cannot be put on for referendum, shall be determined by Articles 3.3 and 155 of the Constitution of the Republic of Azerbaijan.

##### **Article 119. Resolution of the Constitutional Court of the Republic of Azerbaijan on Conduct of Referendum on Amending the Constitution of the Republic of Azerbaijan**

In accordance with Article 153 of the Constitution of the Republic of Azerbaijan, prior to conduct of referendum on amending the text of the Constitution of the Republic of Azerbaijan, a resolution of the Constitutional Court of the Republic of Azerbaijan shall be obtained regarding the proposed changes. The rules for obtaining a resolution of the Constitutional Court of the Republic of Azerbaijan are regulated by the law of the Republic of Azerbaijan "On Constitutional Court."

##### **Article 120. Obligation on Conduct a Referendum**

The decision of legislative and executive bodies of the Republic of Azerbaijan on any issue cannot exempt the conduct of a referendum on the same issue.

##### **Article 121. Cases of Exemption from Conduct of Referendum**

121.1 A referendum cannot be conducted:

- if martial law or a state of emergency is declared in the territory or in more than 25% of the territory of Republic of Azerbaijan;
- during martial law and state of emergency; and
- three months after cancellation of martial law and a state of emergency.

121.2 A repeat referendum on the same issue can be conducted only 2 years after publication of the act adopted in preliminary referendum.

## **CHAPTER Seventeen. Determination of a Referendum**

### **Article 122. Adoption of Decision on the Conduct of Referendum**

A decision on the conduct of a referendum can be made by the Milli Majlis and the President of the Republic of Azerbaijan according to Articles 95.18 and 109.18 of the Constitution of the Republic of Azerbaijan.

### **Article 123. Requirements on Decision to Conduct Referendum**

123.1 The following must be mentioned in the decision on conduct of the referendum:

- 123.1.1 date of conduct of the referendum;
- 123.1.2 name of act put for referendum;
- 123.1.3 brief summary of the act put on for the referendum;
- 123.1.4 rule of financing the referendum.

123.2 A draft of the act put to referendum is attached to the decision for conduct of referendum.

### **Article 124. Familiarization with the Issues Put for Referendum**

124.1 The draft act put on for referendum must be published together with the decision on the determination of referendum in mass media. This publication must create the necessary conditions for as many voters as possible to become familiar with the text of the referendum act.

124.2 A voter has the right to obtain a draft of a referendum act at least 30 days prior to voting day from a relevant Precinct Election Commission. The Central Election Commission is responsible for publication and distribution of the draft of the referendum act in this case.

## **CHAPTER Eighteen. Preparation for Conduct of Referendum**

### **Article 125. Registration of Referendum Campaign Groups**

Registration of referendum campaign groups shall be carried out according to the rule provided for in Chapter 11 of this Code.

### **Article 126. Particulars of Representatives of Referendum Campaign Groups in Election Commission**

A member of the Central Election Commission with consultative voting right can be appointed only by the campaign groups registered with this commission.

**Article 127. Special Requirements for Conduct of Pre-referendum Campaign by Mass Media**

127.1 The participation of referendum campaign groups in the pre-referendum campaign is regulated by Chapter 13 of this Code.

127.2 One third of the total volume of free airtime of TV and radio companies shall be allocated to referendum campaign groups with more than 20,000 members for holding joint discussions, round tables and other campaigning activities.

127.3 Airtime for the conduct of the joint campaign activities on channels of each TV and radio companies mentioned in Articles 72.2 and 77.3 of this Code shall be allocated and calculated for the referendum campaign groups stipulated in those articles. The registered referendum campaign groups must equally use this free airtime. In this case, the volume of airtime to be used by each referendum campaign group is determined separately.

127.4 The norm for using paid airtime mentioned in Article 81.1 of this Code shall be determined by dividing its total volume by the total number of the referendum groups mentioned in Articles 77.2 and 77.3 of this Code.

127.5 The space which is determined by dividing the total volume of space allocated by the periodicals mentioned in Article 84.1 of this Code into the total number of referendum campaign groups mentioned in Articles 77.2 and 77.3 of this Code can be used by the latter through making relevant payment.

127.6 Refusal of the registered referendum campaign groups from participating in the activities mentioned in Article 127.2 of this Code does not cause an increase in volume of free airtime allocated according to Article 80.6 of this Code.

**Article 128. Referendum Funds of Referendum Campaign Groups**

128.1 The rules for creation and usage of referendum funds of the referendum campaign groups are regulated by Chapter 14 of this Code.

128.2 The referendum funds of referendum campaign groups can be formed by the following financial means:

128.2.1 special funds of members of the referendum campaign groups which cannot be more than 2000 times the minimum salary which is in force on the day of official publication of the decision on the determination of the referendum;

- 128.2.2 equal funds allocated to a referendum campaign group registered by the election commission at least 25 days prior to voting day, on an equal basis with other referendum campaign groups, in the order determined by Article 69.9 of this Code;
- 128.2.3 voluntary donations, not more than 100 times the minimum salary from citizens and not more than 2000 times the minimum salary from legal entities which is in force on the day of official publication of decision on the determination of the referendum.

128.3 The maximum limit for referendum funds of registered campaign groups on referendum mentioned in Article 77.4 of this Code cannot exceed 5000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum; the maximum limit for the referendum funds of registered campaign groups on referendum mentioned in Article 77.3 of this Code cannot exceed 150000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum; the maximum limit the referendum funds of registered campaign groups on referendum mentioned in Article 77.2 of this Code cannot exceed 100000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum.

#### **Article 129. Special Accounts on Referendum**

129.1 Campaign groups on referendum should open a special referendum account to form their financial funds within 5 days after submitting notification document on commencement of the collection of signatures according to Article 63 of this Code.

129.2 After receiving a certified copy of a notification from the Central Election Commission (Constituency Election Commission), but at the latest 5 days prior to introducing the referendum campaign group to the Central Election Commission (Constituency Election Commission) for registration, the referendum campaign groups should open a special referendum account on the basis of documents submitted for registration of the authorized representatives on financial issues in order to form a referendum fund.

129.3 Campaign groups on referendum themselves shall be directly liable for violation of financing rules defined by this Code during the financing of their pre-referendum campaign.

#### **Article 130. Transparency in Using of Referendum Funds**

130.1 It is obligatory to publish the following information in accordance with Article 95.3 of this Code (for the referendum campaign groups specified in Articles 77.2 and 77.3 of this Code):

- 130.1.1 about the financial report for spending that fund, if the amount of financial fund on referendum is more than 2000 times the minimum salary which is in force on the day of official publication of decision on determination of the referendum;
- 130.1.2 about the legal entities who made voluntarily donations to the referendum financial fund amount of which is more than 1000 times the minimum salary that is in force on the day of official publication of the decision on the determination of the referendum;

- 130.1.3 about the number of citizens who made donation to referendum financial fund amount of which is more than 50 times the minimum salary that is in force on the day of official publication of the decision on the determination of the referendum;
- 130.1.4 about funds that are returned to donors and the grounds for returning the funds;
- 130.1.5 about the total amount of funds received for a referendum fund and about the total amount that was spent from the referendum fund.

130.2 Should the number of members of a referendum campaign group be less than 20000, the information stipulated in Article 130.1 of this Code is published in the manner determined by the Central Election Commission.

#### **Article 131. Order of Returning the Funds Received by Referendum Campaign Groups**

131.1 With the consent of the relevant election commission, referendum campaign groups return unused financial means of the election fund to the citizens and legal entities who donated to them, on the proportional basis, until campaign groups on referendum submits a final financial report.

131.2 Referendum campaign groups which are not registered in the relevant election commission are obliged to return unused election funds (provided that the delivery expenses are excluded), in accordance with the proportion of the received donations, to the citizens and legal entities that donated them, until a final financial report is submitted.

#### **Article 132. Unused Funds in Special Accounts of Election Funds of Referendum Campaign Groups**

60 days after voting day, a relevant bank must transfer the money left unused in special accounts of election funds of campaign groups on referendum to the state budget according to the written instruction of the relevant election commission.

### **CHAPTER Nineteen. Conduct of Referendum and Determination Referendum Results**

#### **Article 133. Referendum Voting Room**

133.1 The referendum voting room is organized in accordance with the requirements of Article 98 of this Code.

133.2 The Precinct Election Commission places samples of referendum ballot papers, and draft of referendum act on notice boards inside the voting room or right in front of it.

133.3 Sample ballot papers on notice board cannot be filled in.

#### **Article 134. Referendum Ballot Paper**

134.1 Referendum ballot papers (hereinafter - ballot paper) are prepared in accordance with the rule mentioned in Article 99 of this Code.

134.2 The design of ballot papers is approved by the Central Election Commission at the latest 30 days prior the referendum.

134.3 The expression of every issue put to referendum and versions of voters response (vote) – “for” and “against” (words “yes” and “no,” “I agree” and “I disagree” can be as well) are written on ballot paper.

134.4 The Central Election Commission should deliver ballot papers to Constituency Referendum Commissions at least 5 days prior to the referendum. Constituency Referendum Commissions should deliver ballot papers to Precinct Referendum Commissions at least 24 hours prior to the referendum.

134.5 The Central Election Commission solves the issue on attaching the draft of the referendum act to the ballot paper. If this draft provides that normative legal acts, which are in force, be repealed or amended, such normative legal act (its relevant part) can be attached to the ballot paper based on the decision of Central Election Commission.

#### **Article 135. Voting Procedure during Referendum**

135.1 Voting during a referendum shall be conducted in accordance with the Articles 104 and 105 of this Code.

135.2 A voter marks an empty square to the right of the answer on referendum ballot papers by choosing one of the responses “for” or “against” (“yes” or “no,” “I agree” or “I disagree”) proposed on the referendum.

135.2 If both squares are marked, the ballot paper shall be considered invalid.

#### **Article 136. Vote Counting in Referendum Stations**

136.1 Vote counting in referendum stations shall be conducted in accordance with the Article 106 of this Code, and a protocol be compiled.

136.2 The following are included in the protocol in addition to the provisions of Article 100.2 of this Code:

136.2.1 number of voters who have voted for the issue put to referendum;

136.2.2 number of voters who have voted against the issue put to referendum.

**Article 137. Vote Counting during Referendum in Constituency Election Commission**

137.1 The count of votes in Constituency Election Commissions shall be conducted in accordance with Article 107 of this Code.

137.2 The Protocol on voting results of the Constituency Election Commission shall be compiled not later than 2 days effective the voting day.

137.3 The protocol of the Constituency Election Commission shall contain in addition to provisions of Articles 107.2 and 136 of this Code, the number of election precincts where voting results have been invalidated.

**Article 138. Completion of Referendum**

138.1 The Central Election Commission shall announce the official outcomes of a referendum not later than 15 days after the referendum.

138.2 The Central Election Commission shall indicate, in addition to provisions of Article 108 of this Code, the number of election precincts where voting results have been invalidated, the legal infringements taken place during voting or determining voting results, the number of referendum constituencies not allowing to define the voters' will, and determine the number of voters voted "for" and "against" each issue put to the vote.

138.3 An issue to be discussed in a referendum is considered to be accepted if more than half of voters participated in the voting have voted for it.

138.4 A referendum is concluded at the meeting of the Central Election Commission, and the results are announced in the form of an official notification on referendum outcomes.

**Article 139. Invalidation of Referendum Outcomes by the Central Election Commission**

139.1 The Central Election Commission shall invalidate the outcomes of a referendum in the following cases:

139.1.1 if violations of law, which have taken place in more than 50 referendum constituencies during the holding of the voting or during determination of the referendum results, do not allow to determine the voters' will;

139.1.2 if during the voting the number of referendum precincts with invalidated voting results exceeds 2/5<sup>ths</sup> of total number of the referendum precincts;

137.1.1. on the basis of a court's decision.

**Article 140. Publication of a Decision on the Outcomes of a Referendum**

A decision made by means of referendum together with the text of an act adopted by referendum, shall be published 20 days after the Central Election Commission gives an official notification about the outcomes of the referendum.

**CHAPTER Twenty. Acts Accepted by Referendum**

**Article 141. Entry into Force of Decisions made by means of a Referendum**

Any act adopted by means of a referendum shall come into force from the day of its publication.

**Article 142. Legal Force of Decisions made by means of a Referendum**

Any act adopted by means of a referendum is final; it has compulsory legal force in the whole territory of the Republic of Azerbaijan and can be cancelled or changed only by means of a referendum.

**SECTION SIX. Elections to the Milli Majlis**

**CHAPTER Twenty One. General Provisions on Elections of Deputies to the Milli Majlis**

**Article 143. Basis of Elections to the Milli Majlis**

125 deputies of the Milli Majlis are elected in single-mandate constituencies (one constituency – one deputy).

**Article 144. Right of Citizens of the Republic of Azerbaijan to be Elected to the Milli Majlis**

The citizens of the Republic of Azerbaijan indicated in Article 85 of the Constitution of the Republic of Azerbaijan can be elected as a deputy of the Milli Majlis of the Republic of Azerbaijan.

**Article 145. Determination of Elections to the Milli Majlis**

145.1 According to the Articles 84.2 and 109.1 of the Constitution of the Republic of Azerbaijan, a date of elections of deputies of a new convocation is determined by the President of the Republic of Azerbaijan.

145.2 The term of office of the newly elected Milli Majlis commences from the first day of its meeting.

145.3 The Milli Majlis is considered as elected effective the date it is formed with authorized members as a result of elections.

145.4 A decision on the determination of elections is published officially by the mass media at the latest 5 days after such a decision is made.

## **CHAPTER Twenty Two. Nomination of Candidates During Elections to the Milli Majlis**

### **Article 146. Nomination of Candidates to Single-Mandate Constituencies**

146.1 Political parties, block of political parties, citizens of the Republic of Azerbaijan having suffrage and permanently or mostly residing in a constituency can nominate candidates to a single-mandate constituency pursuant to Article 53 and 54 of this Code.

146.2 A political party and block of political parties cannot nominate more than one candidate for each single-mandate constituency.

146.3 Candidates for repeat elections to a single-mandate constituency shall be nominated after official publication of determination of the elections.

146.4 Candidates for by-elections on a single-mandate constituency shall be nominated after the period indicated in Article 145.4 of this Code.

146.5 A candidate nominated by voters can agree on his nomination only for one single-mandate constituency.

146.6 If the formation of a Constituency Election Commission has not come to the end before the nomination of candidates, notification on nomination of the candidate, applications of the relevant candidates about their consent and other documents shall be sent to the Central Election Commission. The Central Election Commission shall submit the documents to the Constituency Election Commission after its complete formation and election of its chairperson.

### **Article 147. Collection of Voters Signatures in Support of Candidates Nominated for a Single-Mandate Constituency During the Elections to the Milli Majlis**

147.1. At least 450 signatures of voters must be collected in support of a candidate within the territory of the constituency the candidate has been nominated for.

147.2. Voters signatures are collected in a manner mentioned in Articles 56 and 57 of this Code.

147.3. Signature sheets are prepared in a design mentioned in "Annexes #" which is attached to this Code.

147.4. If political parties and blocks of political parties, which have nominated candidates for a single-mandate constituency collect signatures in support of candidates, a signature sheet should contain the name of a political party and block of political parties, which have nominated this candidate in addition to the information about candidates. If a candidate has recorded this in his/her application, it should contain the information about party affiliation of a candidate and his/her relevant status in that political party.

## **CHAPTER Twenty Three. Candidates Registered for Deputy during the Elections to the Milli Majlis**

### **Article 148. Registration of a Candidate During the Elections to the Milli Majlis**

148.1 Candidates shall be registered in accordance with the rules mentioned in Article 60 of this Code.

148.2 No candidate shall be registered in more than one single-mandate constituency.

148.3 If rules mentioned in Article 148.2 of this Code are violated, previous registration of the candidate is considered valid, but a decision on registration made relatively later is canceled by the decision of relevant election commission (if a former registered candidate does not apply for canceling his/her previous registration).

148.4 The activity of the registered candidates is regulated by Articles 71 and 72 of this Code.

148.5 A list of registered candidates in the constituency shall be published by the Central Election Commission at least 55 days prior to the voting day, in periodicals specified in 77.2 of this Code.

### **Article 149. Postponement of Elections to the Milli Majlis**

149.1 If none of the candidates or only one candidate has been registered on a single-mandate constituency, during the period mentioned in Article 58.1 of this Code, elections in the relevant constituency shall be postponed for two months, in accordance with the rules mentioned in the Article 145 of this Code, with the purpose to nominate additional candidates and to conduct subsequent election activities.

149.2 If none of the registered candidates or only one registered candidate remains in an election constituency, till the voting day, elections in the single-mandate constituency shall be postponed for not more than 3 months, in accordance with the rules mentioned in the Article 145 of this Code, with the purpose to nominate additional candidates and to conduct subsequent election activities.

**Article 150. Reimbursement of Transport Expenses of a Registered Candidate During the Elections to the Milli Majlis**

150.1 Cost of travel using of city, suburb and inter-city transport in common use by a candidate registered in a single-mandate constituency within the relevant election constituency shall be reimbursed upon presenting relevant receipts.

150.2 In cities having several election constituencies, transport expenses within the city of a candidate registered in one of these constituencies are reimbursed upon presenting relevant receipts.

150.3 If a registered candidate resides outside of his/her single-mandate constituency, his/her expenses for 4 journeys by motor or railway transport or 2 (two-way) journeys by plane to the constituency and back shall be reimbursed upon provision of relevant receipts.

150.4 Travel expenses of a candidate registered in a single-mandate constituency shall be reimbursed by the relevant Constituency Election Commission at the expense of funds allocated for preparation and holding of elections.

150.5 This type of reimbursement is carried out at the expense of allocations to the Central Election Commission.

**Article 151. Immunity of a Registered Candidate During Elections to the Milli Majlis**

A registered candidate can be subject to liability only with consent of the General Prosecutor of the Republic of Azerbaijan, in the manner established in Article 70.4 of this Code.

**Article 152. Number of Agents of Registered Candidates During Elections to the Milli Majlis**

152.1 Each candidate registered in a single-mandate constituency has the right to appoint 3 agents. The relevant Constituency Election Commission registers the above-mentioned persons.

153.2 The status of agents is determined by Article 72 of this Code.

**Article 153. Refusal of Candidate Status by Candidates**

153.1 Refusal of candidates from their status during elections to the Milli Majlis is regulated by Article 73 of this Code

153.2 Persons who have performed actions mentioned in Articles 73.1-73.3 of this Code have the right to re-nominate their candidacy for any single-mandate constituency, in accordance with rules and period considered by this Code.

**Article 154. Refusal of a Political Party, Block of Political Parties from Participation in Elections to the Milli Majlis**

154.1. A political party according to its charter, and a block of political parties according to a decision of the authorized representatives of its parties, shall be entitled upon written application to withdraw a candidate and registered candidate nominated in a single-mandate constituency any time within at least a 5 day period prior to the voting day.

154.2. A political party included in the block of political parties can apply to the Central Election Commission and refuse to participate in the elections as a member of a relevant block of political parties at least 5 days prior to the voting day, based on the decision of the authorized body of political party.

154.3. A political party, which has refused to participate in the election as a member of a relevant block of political parties can participate in the elections as an independent political party or can join another block of political parties in conformity with the rules established in this Code.

154.4. If all political parties (except one) constituting a block of political parties refuse to participate in the elections after the candidate nominated by the block of political parties is registered, the remaining political party can participate in the elections as a block of political parties, keeping its name and emblem. This rule does not apply to cases of refusal or cancellation of registration of candidates.

154.5. If a block of political parties refuses to participate in the elections, it does not mean that political parties included in that block cannot participate either; the followings are required for this: in accordance with this Code, re-nomination of a candidate and carrying out of other necessary election activities.

**CHAPTER Twenty Four. Preparation to elections to the Milli Majlis**

**Article 155. Special Requirements for Conduct of Pre-election Campaign in Mass Media During Elections to the Milli Majlis**

155.1. Participation of candidates, political parties, block of political parties in pre-election campaign is regulated by Chapter 13 of this Code.

155.2. 1/3<sup>rd</sup> of total free airtime on TV and radio should be allocated for registered candidates, political parties and block of political parties, which have registered candidates in more than 60 single-mandate constituencies, to conduct discussions, round tables and other election campaigning actions.

155.3. Airtime for joint election campaign activities on TV and radio mentioned in the Articles 77.2 and 77.3 of this Code shall be allocated and calculated for a registered candidate, political party and block of political parties, and performed separately. The registered candidates, political parties and block of political parties should use such free airtime on equal basis. In this

case, volume of free airtime for each candidate, political parties and block of political parties is determined separately.

155.4. The norm of paid use of airtime mentioned in Article 81.1. of this Code is determined by dividing the total volume of the airtime by the total number of candidates, political parties and block of political parties, which have registered candidates in more than 60 single-mandate constituencies.

155.5. The volume of free space allocated by the periodicals mentioned in Article 84.1. of this Code is determined through dividing it by the total number of candidates, political parties and block of political parties, which have registered candidates in more than 60 single-mandate constituencies. In this case, the volume of free space shall be allocated separately for the candidates and separately for the political parties, block of political parties. The latter can use the space on the basis of relevant payment.

155.6. Refusal of registered candidates, political parties and block of political parties, which have registered candidates in more than 60 single-mandate constituencies from participation in actions mentioned in Article 152.2 of this Code shall not cause increase of free airtime allocated in accordance with Article 80.6.

**Article 156. Election Funds of Candidates, Registered Candidates, Political Parties, Blocks of Political Parties During Elections to the Milli Majlis**

156.1. The maximum limit of a candidate's election fund assets should not exceed 20 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the elections.

156.2. Election funds of candidates, and registered candidates nominated for a single-mandate constituency can be organized from the following monetary means:

156.2.1. the special funds of candidates and registered candidates — the amount of the special funds cannot be more than 2 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the elections;

156.2.2. funds of candidates, political parties, which have nominated a registered candidate, political parties, which are included in the block of political parties--the amount of the funds cannot be more than 5 thousand times the minimum salary which is in force on the day of official publication of the decision on determination of the elections;

156.2.3. equal funds allocated for a registered candidate and other candidates registered by an election commission for a single-mandate constituency, except the cases defined by Article 164.8 of this Code.

156.2.4. voluntary donations from citizens amounting not more than 100 times the minimum salary and legal entities amounting not more than 2000 times the minimum salary which is in force on the day of official publication of the decision on determination of the elections;

156.3. Political parties and block of political parties, which have nominated or registered candidates in more than 50 single-mandate constituencies, can create a unified election fund.

156.4. Election funds of political parties and blocks of political parties can be formed only from the following monetary means:

156.4.1. special funds of political parties and block of political parties not exceeding 500 thousand times the minimum salary which is in force on the day of official publication of the decision on determination of the elections (such funds of blocks of political parties are formed from the funds of political parties which are included in that block);

156.4.2. funds allocated for political parties and block of political parties by the Central Election Commission, except the cases considered by Article 164.8 of this Code;

156.4.3. voluntary donations of citizens and legal entities. The limit of voluntary donations cannot be more than 150 times the minimum salary for citizens and 5,000 times the minimum salary for legal entities, which is in force on the day of publication of the decision on determination of the elections.

156.5. The maximum limit of the election fund assets of a political party and block of political parties shall be determined by multiplying the amount stipulated in Article 156.1 of this Code by the number of nominated or registered candidates. At the same time, the amount expended for each candidate should not exceed the amount provided for in Article 156.1 of this Code. Observance of this condition should be indicated in financial statements of political parties and block of political parties.

#### **Article 157. Special Election Accounts During Elections to the Milli Majlis**

157.1 Candidates should open a special election account to form their election fund, within 5 days after they submit to the Constituency Election Commission a notification on being nominated in a single-mandate constituency

157.2. Political parties and block of political parties which intend to open a single election fund for the candidates shall open a special election account to form the single election fund, within 5 days after they submit to the Central Election Commission the list of the candidates nominated in more than 50 single-mandate constituencies.

157.3. A candidate, political party, block of political parties shall open a special election account on the basis of the verified copy of the notification of the Constituency Election Commission on nomination of a candidate on a single-mandate constituency, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, block of political parties can assign its authorized representative to open the special election fund. The candidate, registered candidate, political party, block of political parties can allow another person to use the funds from its election account, through informing the Central Election Commission in writing.

157.4. If the constituency of a candidate or registered candidate changes, he/she must return the balance remained in the special election account by distributing it proportionally among the persons and legal entities who contributed voluntary donations. After doing this, the candidate

or registered candidate must submit a final financial report to the Central Election Commission and must submit a copy of the financial report to the Constituency Election Commission. Opening a special election account in a new constituency shall be regulated in conformity with the rules defined by this Code.

#### **Article 158. Cancellation of the Unified Election Fund**

If the number of candidates registered in single-mandate constituencies of a political party, block of political parties which created an unified election fund is 50 or less, the special election account of the political party, block of political parties shall be closed, and concurrently a special election account be opened for each candidate and assets of the unified election fund proportionally divided among the election funds of the candidates.

#### **Article 159. Transparency in Use of Election Funds During Elections to the Milli Majlis**

159.1 The following information about the candidate registered or nominated on a single-mandate constituency should be necessarily published in mass media in conformity with the rules mentioned in Article 77.3 of this Code:

- 159.1.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections, for political parties and blocks of political parties and 500 times - for a candidate and registered candidate;
- 159.1.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections, for political party and block of political parties and 250 times – for a candidate or registered candidate (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);
- 159.1.3 on the number of citizens who contributed donations more than 50 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections;
- 159.1.4 on the funds returned to the contributors and the grounds of return;
- 159.1.5 on the total amount received by election fund and total amount of its expenditure.

159.2 The following information about the political party and block of political parties should obligatorily be published in mass media in conformity with the rules mentioned in Article 77.2 of this Code:

- 159.2.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections;
- 159.2.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections (in this case, the

possibility of transfer of funds through several installments of donations should be taken into account);

159.2.3 on the number of citizens who contributed donations more than 50 times the minimum salary which is in force on the day of publication of the decision on the determination of the elections;

159.2.4 on funds returned to the contributors and the grounds for return;

159.2.5 on the total amount received by the election fund and total amount of its expenditures.

**Article 160. Order of Return of Funds Received by Candidates, Registered Candidates, Political Parties and Block of Political Parties During the Elections to the Milli Majlis**

160.1 A candidate not registered by the relevant election commission and a political party or block of political parties with no registered candidates must return unexpended money (excluding transfer expenses) remaining in the election fund by distributing them among the citizens-donors and legal entities in accordance with the proportional basis of transferred donations, before the final financial report is submitted.

160.2 After a registered candidate, political party or block of political parties mentioned in Article 161.1 of this Code return the funds to the relevant election commission, they return unexpended money from the election fund to the citizens-donators and legal entities in a manner mentioned by Article 157.1, before the final financial report is submitted and with an agreement of the relevant election commission.

160.3 It is prohibited for registered candidates, political parties and block of political parties not considered by Article 161.1 of this Code to return unexpended money of the election fund to citizens and legal entities which made donations to their elections fund until money provided by the relevant election commission is returned and cost of free airtime given by TV and Radio organizations and cost of spaces allocated by periodicals are paid by political parties and block of political parties. In such cases, the money of election commission shall be the first to be returned by political parties and block of political parties.

160.4 A registered candidate, political parties and block of political parties not considered by Article 161.1 of this Code can return the unexpended money of the election fund to the citizens-donators' and legal entities' bank accounts in the manner mentioned in Article 160.1, after they pay election commissions and TV and Radio companies for free airtime and periodicals for free space.

**Article 161. Obligation of Return of Budget Funds Received by Candidates, Registered Candidates, Political Parties and Blocks of Political Parties During the Elections to the Milli Majlis**

A registered candidate who participated in the voting in a single-mandate constituency and collected at least 10% of the votes of the total number of voters in that constituency; or a registered candidate who is considered to be elected as well as registered candidate who withdrew his/her candidacy due to the compelling circumstances mentioned in Article 73.3 of this Code; a political party, block of political parties' candidates which have been registered with more than 60 single-mandate constituencies are obliged to return within 30 days after the voting

day the unexpended part of the assets allocated by a relevant election commission to their election fund, to the same election commission. After this period ends, a relevant bank shall, without any disputes transfer the amount indicated the letter of the election commission to its bank account.

**Article 162. Payment of Cost of Free Airtime and Free Space Allocated by Periodicals for Registered Candidates, Political Parties, Block of Political Parties**

162.1 A candidate, political party, block of political parties not considered by Article 161.1 of this Code must pay the full cost of free airtime and free space to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code. This amount must be paid from the election fund by the candidate, political parties, block of political parties before the date the final financial report is submitted. The Central Election Commission transfers the following to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code within 3 days after general results of elections are officially published:

- a list of candidates, political parties, block of political parties considered by paragraph 1 of this Article, as well as a list of political parties included in the block of political parties mentioned above;
- their addresses;
- verified copies of extracts from joint decisions of block of political parties on payment of used free airtime and space allocated by periodicals.

162.2 TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code shall send relevant information on the cost of free airtime and free space, their legal addresses and bank account to the candidates, political parties, block of political parties and political parties included in the block of political parties not considered by Article 161 of this Code, within 10 days after the date the general results of elections are officially published.

162.3 The cost of free airtime and space considered by Articles 80.5, 83.6 and 155.2 of this Code shall be determined in a manner considered by Articles 80.6 and 83.7 of this Code by multiplying the total volume of free airtime and space provided to the candidate, political parties, block of political parties by TV and Radio companies and periodicals by the cost of airtime and space allocated for publishing information determined by TV and Radio companies and periodicals.

162.4 When political parties and block of political parties with a registered list of candidates use free airtime to conduct joint election campaign activities considered by Article 155.2 of this Code, the amount of funds returned by each political party and block of political parties is determined by TV and Radio companies by dividing it proportionally by the total number of participants of joint campaign activity.

162.5 If a candidate, political party or block of political parties refuses to use free airtime in conformity with the rules and period defined by the Article 81.5 of this Code, the cost of presented free airtime shall not be paid.

162.6 TV and Radio companies and periodicals considered by Articles 77.2 and 77.3 of this Code shall inform the Central Election Commission within a 12 month period effective from

voting day about the candidates, political parties considered by Article 161.1 of this Code which did not completely pay the cost of free airtime and space in a periodical. The Constituency Election Commission informs the Central Election Commission within a 12 month period effective from voting day about citizens, political parties not considered by Article 161 of this Code and those who have debt obligations to the election commission.

**Article 163. Money Remaining in Special Accounts of Election Funds of Candidates, Registered Candidates, Political Parties, Block of Political Parties during Elections to the Milli Majlis**

The relevant bank, according to written instructions of the relevant election commission, must transfer money remained in special accounts of election funds of candidates, registered candidates, political parties and block of political parties to the state budget 60 days after the voting day.

**Article 164. Return of Money Received by Candidates, Registered Candidates, Political Parties and Blocks of Political Parties to Their Own Accounts During the Elections to the Milli Majlis**

164.1 If there is no money in the election fund or it is short of money a registered candidate, a political party or block of political parties shall return budget money, as well as cost of free airtime and space in periodicals allocated for political parties and block of political parties from their own funds.

164.2 If a block of political parties is responsible for returning budget money allocated for payment of free airtime presented and space allocated in a periodical, the money to be returned shall be proportionally distributed among the political parties included in that block before voting day, with a condition, unless otherwise is provided for in the joint decision on creation of the block of political parties and submitted to the Central Election Commission.

164.3 If a registered candidate who is not considered by Article 161 of this Code undertakes to submit a final financial report and to return the funds in conformity with this Code, he/she can return funds to the relevant Constituency Election Commission within 12 months effective from voting day.

164.4 If a political party, block of political parties which is not considered by Article 161 of this Code and which has not fulfilled the requirements of Article 160.1 of this Code, before it submits its final financial report, undertakes obligations to the Central Election Commission, TV and Radio companies and periodicals to pay the relevant funds within the period defined by this Code, it can be given time to pay budget money, for used free airtime and free space in periodicals within a 12 month period effective from voting day.

164.5 If obligations considered by Articles 164.3 and 164.4 of this Code are not fulfilled and if the period mentioned in obligations on returning the funds expires, that money shall be returned by the court. If a registered candidate who is not considered by Article 161.1 of this Code and who has not fulfilled the requirements of Articles 164.3 and 164.4 of this Code does not undertake obligations mentioned in Articles 164.3 and 164.4 of this Code before political parties or block of political parties submit their final financial report, the money shall be returned by the court before the period for submission of the final financial report expires.

164.6 If a candidate or registered candidate loses his/her status, the obligations charged to the candidate, registered candidates by this Article shall be imposed on a person who was considered as candidate or registered candidate. Shall the candidate or registered candidate be nominated by a political party, block of political parties, the obligations charged by this Article to the political parties and block of political parties will be imposed on the political parties including those which entered the block of political parties, after elections finish.

164.7 The Central Election Commission provides the Constituency Election Commission with a list of citizens who are considered by Article 161 of this Code and who have obligations to the election commissions within 5 days after Constituency Election Commissions are formed and after a decision on determination of main, repeat or by-elections is officially published.

164.8 A person considered by Article 161 of this Code, who has debts to the election commission regarding the budget for the date of official publication of decision of assignment of the voting day, does not have the right to get funds from the state budget during the main, repeat and by-elections, regardless of what constituency he/she has been nominated for.

## **CHAPTER Thirty. Conduct of Elections to the Milli Majlis**

### **Article 165. Voting Room During the Elections to the Milli Majlis**

165.1 A voting room during the elections to the Milli Majlis shall be organized in conformity with the rules of Article 98 of this Code.

165.2 The Precinct Election Commission shall place a notice board in the voting room or right in front of it, which contains the following:

- samples of ballot papers;
- information on political parties, block of political parties and candidates of which have been registered;
- following information about all candidates registered from the relevant constituency: name, surname, date of birth, education, main working (service) place and occupation (if a candidate does not have it – type of activity), address of residence and their nominators.

165.3 If a registered candidate has a sentence, which is not served or cancelled, the information must contain name and number of the relevant article of the Criminal Code that was imposed on the candidate. If a candidate has done an action, which imposes criminal liability by the Criminal Code in the other country he/she resides and is sentenced by a court decision, which entered into force, the name of the relevant law of the foreign country must be recorded as well.

165.4 Information on candidates, political parties and block of political parties shall appear in the manner and consecutive order as defined in the ballot paper.

## **Article 166. Ballot Papers During the Elections to the Milli Majlis**

166.1 Ballot papers for the elections to the Milli Majlis shall be prepared in conformity with the rules mentioned in Article 99 of this Code.

166.2 A ballot paper for a single-mandate constituency must contain the following information about the registered candidates in alphabetical order:

- name, surname, patronymic, pseudonym, date of birth;
- place of residence;
- main employment or service place (if they do not have it – type of activity);
- elective position occupied in state or municipal bodies;
- who has nominated them.

The ballot paper must contain short name and emblem of the political party that a candidate is a member of who is registered in conformity with Article 54 of this Code. Emblems of political parties included in the ballot paper should be of same color. The ballot paper may contain party affiliation of the candidate registered in conformity with Article 53 of this Code, with his/her consent. A blank square is placed to the right hand side of the information about each registered candidate.

166.3 If some candidates are withdrawn or their registration is cancelled after the ballot papers are produced then following the decision of the Central Election Commission the constituency or Precinct Election Commissions shall cross out their names with the purpose of erasing information about such candidates or political parties, block of political parties from the ballot papers. In case of need of adding or amending information regarding the registered candidate, political party or block of political parties in the printed ballot paper, the addition or amendment to the ballot papers is made in conformity with the decision of the Central Election Commission with handwriting of the Constituency or Precinct Election Commissions members using stamp of the election commission.

## **Article 167. Voting Rules During the Elections to the Milli Majlis**

167.1 Voting rules during the elections to the Milli Majlis shall be conducted in conformity with Articles 104 and 105 of this Code.

167.2 When voting for the single-mandate constituency, a voter shall mark the square located to the right hand side of the surname of the candidate he/she wants to vote for.

167.3 The ballot paper shall be considered invalid, when more than one square is marked.

## **Article 168. Count of Votes in Election Precincts During the Elections to the Milli Majlis**

168.1 The count of votes in the election precincts during the elections to the Milli Majlis shall be conducted in conformity with Article 106 of this Code.

168.2 Each protocol shall contain, along with provisions of Article 100.2 of this Code, the following information about results of voting:

168.2.1 names, surnames, patronymics of candidates who appear in the ballot box; if they are identical – additional information about the candidates;

168.2.2 number of votes cast for each candidate.

**Article 169. Determination of Election Outcomes for Single-Mandate Constituencies During the Elections to the Milli Majlis**

169.1 The count of votes in a Constituency Election Commission shall be conducted in conformity with Article 107 of this Code.

169.2 The Constituency Election Commission shall determine election outcomes for single-mandate constituency within at latest 2 days after the voting day.

169.3 A candidate who record the most votes of the voters who have participated in the elections is considered to be elected from the single-mandate constituency.

169.4 The protocol of the Constituency Election Commission shall contain, along with provisions of Articles 100.2 and 168 of this Code, name, surname and patronymic of the candidate elected as a deputy, and number of election precincts where the elections have been considered invalid.

**Article 170. Failure or Invalidation of Elections on Single-Mandate Constituencies**

170.1 The Constituency Election Commission shall consider elections on single-mandate constituency failed, if number of votes cast for the registered candidates are equal.

170.2 The Constituency Election Commission or the Central Election Commission shall consider the elections on the single-mandate constituency to be invalid, in the following circumstances:

170.2.1 if violations occurred in the election constituency during the conduct of voting or during the determination of the voting results, that make it impossible to determine the voters' will

170.2.2 if the number of election precincts where voting results are considered invalid during the elections on a single-mandate constituency exceeds  $\frac{1}{4}$  of all precincts of the same election constituency;

170.2.3 on the basis of a court decision.

## **CHAPTER Thirty One. Outcomes of Elections to the Milli Majlis**

### **Article 171. Checking and Approval of Outcomes of Elections to the Milli Majlis**

171.1 In accordance with Article 86 of the Constitution of the Republic of Azerbaijan, the outcomes of elections shall be checked and approved by the Constitutional Court of the Republic of Azerbaijan.

171.2 At latest 10 days after the Election Day, the Central Election Commission shall check protocols (along with documents attached thereto according to this Code) of Constituency Election Commissions and shall compile a protocol according to Article 108 of this Code and shall submit it together with the mentioned documents to the Constitutional Court.

171.3 After the Constitutional Court receives the aforementioned documents, it involves relevant specialists and within a 10-day period checks if the documents meet the requirements of this Code. The Constitutional Court can, upon its own decision prolong this period for an additional 10 days, if so required for the checking process.

171.4 If the protocols of the Constituency Election Commissions and the documents attached to them meet the requirements of this Code, then the Constitutional Court shall approve the results of elections.

171.5 If the results of elections are not completely approved, the Constitutional Court shall adopt a decision about it and new elections be assigned in accordance with Article 145 of this Code.

### **Article 172. Repeat Elections to the Milli Majlis**

172.1 The Central Election Commission shall conduct repeat elections in accordance with this Code, if the elections are considered invalid in the relevant constituency, based on Article 170.2 of this Code, or outcomes of elections are not approved according to Article 170.4.4 of this Code.

172.2 During the repeat elections, a deputy of the Milli Majlis cannot nominate himself/herself as a candidate.

### **Article 173. Registration of Deputies Elected to the Milli Majlis**

173.1 The Constituency Election Commission shall inform the candidate elected as a deputy immediately after signing the protocol on results of elections. Within at most 60 days, the candidates elected as deputies should submit to the Central Election Commission a copy of the order on resignation from a position incompatible with his/her deputy status and indicated in Article 85 paragraph 2 of the Constitution (copies of documents which prove that he/she has

submitted an application on resignation within 3 days) or an application which contains the candidate's obligations on termination of his/her functions.

173.2 If a candidate elected from a single-mandate constituency does not perform the requirements specified in Article 173.1 of this Code, then the Central Election Commission shall cancel outcomes of elections in the relevant constituency and shall carry out repeat elections. If a candidate does not perform the requirements mentioned in Article 173.1 of this Code, without compelling reasons indicated in Article 73.3 of this Code, and if due to these reasons repeated elections are carried out, then the candidate must pay all state funds, allocated by the relevant election commission with regard to repeat elections.

173.3 After the results of elections are published and after a deputy has resigned from his/her position which is incompatible with the status of deputy, or after his/her functions are terminated, the Central Election Commission registers him/her as a deputy and issues him/her a deputy card.

#### **Article 174. Publication of Election Outcomes and Voting Results of Elections to the Milli Majlis**

The Central Election Commission shall officially publish information on final outcomes of elections; number of votes cast for candidates, within at most 60 days after the Election Day. Within this period, the Central Election Commission publishes by its official press detailed information on the elected deputies and information from protocols of the Constituency Election Commissions.

### **CHAPTER Thirty Two. Deprivation of Deputies of the Milli Majlis from their Mandates and Conduct of By-Elections to the Milli Majlis**

#### **Article 175. Adoption of Decision on Deprivation of Deputies of the Milli Majlis from their Mandates**

175.1 In case of grounds specified in Part I, Article 89.1 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the Constitutional Court.

175.2 In case of grounds specified in Part I, Article 89.3 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the relevant court.

175.3 In case of grounds specified in Part I, Articles 89.2, 89.4 and 89.5 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the Central Election Commission. The decision of the Central Election Commission can be appealed in the relevant court.

**Article 176. Conduct of By Elections for Single-Mandate Constituencies in Elections to the Milli Majlis.**

176.1 In case of grounds defined in Part II, Articles 89.2 and 89.5 of the Constitution, the Central Election Commission issues a decree on deprivation of the deputy elected from a single-mandate constituency from his/her mandate according to Article 175.3 of this Code, not later than 2 days after the relevant application is received.

176.2 If the Central Election Commission receives an application concerning the circumstances specified in Part I, Article 89.4 of the Constitution, the Central Election Commission shall consider the facts indicated in the application within at most 2 months, make a decision, and can create a group of specialists with this regard.

176.3 In cases, as mentioned in Part I, Articles 89.2, 89.4 and 89.5 of the Constitution, the deputy is considered deprived of his/her mandate, effective the date the Central Election Commission makes the relevant decision; in circumstances indicated in Part I, Articles 89.1 and 89.3, if there is a relevant court decision (verdict), the deputy is considered deprived from his/her mandate from the date the relevant decree (verdict) enters into force.

176.4 By-elections shall be determined on the relevant single mandate constituency in the manner specified in Article 145 of this Code, within a month after a mandate has become vacant.

176.5 A deputy cannot act as a candidate, when additional elections are conducted for vacant deputy mandates.

176.6 During by-elections in a single-mandate constituency nomination of candidates, their registration and other electoral actions in a single-mandate constituency are carried out in accordance with the rules established by this Code.

**SECTION SEVEN. Election of the President of the Republic of Azerbaijan**

**CHAPTER Thirty Three. General Provisions on the Election of the President of the Republic of Azerbaijan.**

**Article 177. Basis of the Election of the President of the Republic of Azerbaijan**

The basis of the election of the President of the Republic of Azerbaijan (hereafter referred to as Presidential Elections) are determined by Articles 100-103 of the Constitution of the Republic of Azerbaijan (hereafter referred to as Constitution).

**Article 178. Determination of the Presidential Elections**

178.1 The election day is considered to be the Friday of the third week of October which is after President's term of office, determined by the Constitution.

178.2 The day of conduct of elections shall be determined by the Central Election Commission.

178.3 The decision of the Central Election Commission on determination of the elections should be published within at least 48 hours.

#### **Article 179. Conduct of Early Presidential Elections**

179.1 Early Presidential Elections shall be conducted if term of office of the President finishes before the period provided for by the Constitution in the circumstances considered by the Constitution.

179.2 Effective from the date the relevant decision of the Constitutional Court or of the Milli Majlis of the Republic of Azerbaijan is made, according to Articles 104 and 107 of the Constitution of the Republic of Azerbaijan, elections shall be determined on a Sunday within a week by the Central Election Commission and shall be conducted within a 3 month period.

### **CHAPTER Thirty Four. Candidates for the Presidency. Preparation of Conduct of Presidential Elections**

#### **Article 180. Nomination of a Candidate for the Presidency**

180.1 Political parties, block of political parties and citizens having suffrage can nominate candidates for the Presidency in conformity with Articles 53 and 54 of this Code.

180.2 Each citizen or citizens having suffrage can create an initiative group consisting of at least 100 persons for nominating candidates for the Presidency.

180.3 Candidates for the Presidency shall be nominated after the decision on the determination of the elections has been officially published.

180.4 After an initiative group, political party, block of political parties which have nominated a candidate for the Presidency submits to the Central Election Commission the candidate's application on his/her consent to be a candidate for the Presidency, this application must indicate that the candidate meets requirements of Article 100 of the Constitution.

#### **Article 181. Collection of Signatures in Support of a Candidate for the Presidency**

181.1 A political party, block of political parties or initiative groups of citizens must collect not less than 45 thousand signatures in support of a candidate they have nominated for the Presidency. At least 50 signatures should be collected from the territory of each constituency and the total number of constituencies from which signatures are collected is not less than 60.

181.2 Signatures of voters shall be collected in conformity with the rules established by Articles 56 and 57 of this Code.

181.3 Signature sheets shall be prepared in format "Annexes # "attached to this Code.

181.4 If a political party, block of political parties which has nominated a candidate collect signatures in support of a candidate for the Presidency itself, besides the information about a candidate, the signature sheet shall contain the name of a political party, block of political parties which has nominated this candidate and may contain the name of a political party which a candidate is a member of, and if a candidate's application contains such information, his/her relevant status in the party.

#### **Article 182. Registration of a Candidate for the Presidency**

182.1 Candidates for the Presidency shall be registered by the Central Election Commission in conformity with the rules established by Article 60 of this Code.

182.2 Activities of registered candidates shall be regulated by Articles 69 and 71 of this Code.

182.3 The list of the registered candidates should be published by the Central Election Commission at least 55 days prior to the voting day, in the periodicals stipulated in Article 77.2 of this Code.

#### **Article 183. Postponement of the Presidential Elections**

183.1 If no candidates for the Presidency have been registered or only one candidate has been registered during the period mentioned by Article 58.1 of this Code, elections for the relevant constituency shall be postponed for 2 months in conformity with the rules established by Article 178 of this Code for the purposes of nomination of additional candidates and subsequent election activities.

183.2 If no registered candidates for the Presidency remain or only one registered candidate remains on the voting day, elections shall be postponed for at least 3 months period for nomination of candidates and further actions in conformity with rules mentioned in Article 178 of this Code.

#### **Article 184. Reimbursement of Transport Expenses of a Candidate for the Presidency**

184.1 A candidate for the Presidency has the right to use all kinds of public transport (except taxis and ordered services) at the expense of state within the territory of the Republic of Azerbaijan effective from the date he/she has been registered and until the date results of elections are officially published.

184.2 The mentioned transport expenses for traveling within the country shall be reimbursed from the funds allocated by the Central Election Commission for preparation and conduct of elections.

**Article 185. Immunity and Security of a Candidate for the Presidency**

A registered candidate for the Presidency can be subject to liability only with permission of the General Prosecutor of the Republic of Azerbaijan, in the manner specified in Article 70.4 of this Code.

**Article 186. Number of Agents of a Candidate for the Presidency**

186.1 A candidate for the Presidency may have up to 50 agents. Persons mentioned above shall be registered by the Central Election Commission.

186.2 The status of agents shall be determined by Article 72 of this Code.

**Article 187. Refusal of a Candidate for the Presidency from the Candidacy Status**

187.1 Refusal of the candidates for the Presidency from the candidacy status is regulated by Article 73 of this Code.

187.2 A registered candidate for the Presidency may refuse to participate in the elections at least 2 days prior to the election day by submitting written application to the Central Election Commission. The submitted application cannot be withdrawn.

**Article 188. Refusal of Political Party, Block of Political Parties to Participate in the Presidential Elections**

188.1 Refusal of a political party, block of political parties participating in the Presidential Elections cannot be basis for refusal of candidacy status of the candidates for the Presidency or of cancellation of registration of the candidates for the Presidency.

188.2 A political party which is included in the block of political parties may refuse to participate in the elections as a member of this block of political parties, due to the decision of authorized body of the relevant political party by submitting an application to the Central Election Commission any time at least 5 days prior to election day.

188.3 A political party which refuses to participate in elections as a member of a block of political parties can act as an independent political party or can join other block of political parties in conformity with the rules established by this Code.

188.4 If all political parties (except one) included in the block of political parties refuse to participate in the elections after the candidate for the Presidency nominated by the abovementioned block of political parties has been registered by the Central Election Commission, the remaining political party can participate in the elections as a block of political parties keeping name and symbols of the block of political parties. This rule does not apply to cases of refusal of registration of candidates for the Presidency or cancellation of registration.

188.5 The refusal of a block of political parties to participate in elections does not deprive political parties included in the block of rights to participate in elections. In such cases it is required to re-nominate a candidate for the Presidency and to implement other necessary election actions in conformity with this Code.

## **CHAPTER Thirty Nine. Preparation to Presidential Elections**

### **Article 189. Specific Requirements for the Conduct of the Election Campaign through Mass Media During the Presidential Elections**

189.1 Participation of registered candidates for the Presidency, political parties, block of political parties in pre-election campaign is regulated by Chapter Thirteen of this Code.

189.2 One third of total volume of free airtime allocated by TV and Radio companies shall be allocated for registered candidates for the Presidency to conduct debates, round tables, other campaigning activities.

189.3 Airtime for conduct of joint campaign activities on channels of TV and Radio organizations mentioned in Article 77.2 of this Code shall be allocated for registered candidates for the Presidency, calculated separately and implemented. Registered candidates for the Presidency must use such airtime on the equal basis. In such circumstances, volume of free airtime used by each candidate for the Presidency shall be determined separately.

189.4 The norm of usage of paid airtime mentioned in Article 81.1 of this Code is determined by dividing its total volume by the total number of candidates for the Presidency.

189.5 The volume of space allocated in periodicals mentioned in Article 84.1 of this Code shall be determined through dividing it by the total number of the candidates. The latter can use this space on the paid basis.

189.6 Refusal of registered candidates for the Presidency to participate in activities mentioned in Article 189.2 of this Code shall not be reason to increase free airtime allocated in conformity with Article 80.6 of this Code.

### **Article 190. Special Election Accounts during the Presidential Elections**

190.1 A candidate for the Presidency or his/her authorized representative should open a special election account for formation of election fund after he/she submits notification or a relevant decision on nomination of a candidate by political party or block of political parties to the Central Election Commission, but at least 5 days prior to the day of submission of notification for registration of candidates to the Central Election Commission.

190.2 A registered candidate for the Presidency shall open special election account on the basis of a document on his/her nomination received from the Central Election Commission, and documents mentioned in Articles 53 and 54 of this Code.

190.3 A candidate for the Presidency may assign another person to open a special election account for him/her in conformity with defined rules.

190.4 A candidate for the Presidency, a registered candidate for the Presidency may authorize another person to use his/her funds available in the special election account, informing the Central Election Commission about this in writing.

#### **Article 191. Election Funds of Candidates for the Presidency**

191.1 The maximum limit of the election fund of a candidate for the Presidency cannot be more than 200 thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published.

191.2 Election funds of candidates for the Presidency shall be formed only from the following monetary means:

- 191.2.1 special funds (these special funds for candidates for the Presidency nominated by political parties or block of political parties shall be formed from the funds contributed by political parties or political parties which have created block of political parties) of candidates for the Presidency, with a condition it cannot be more than 25 thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published;
- 191.2.2 a fund allocated by the Central Election Commission, except for circumstances considered by Article 197.6 of this Code;
- 191.2.3 voluntary donations of citizens and legal entities. For citizens the limit of voluntary donations for cannot be more than 1500 times the minimum salary which is in force for the date the decision on determination of the election day is officially published, for legal entities – more than 10 thousand times.

#### **Article 192. Transparency in Usage of Election Funds During Presidential Elections**

192.1 The following information should be necessarily published in the mass media provided for by Article 77.2 of this Code:

- 192.1.1 about the financial report on expenditure of funds if the election fund of a registered candidate for the Presidency is more then 2 thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published, for the candidate for the Presidency – 500 times;
- 192.1.2 about the legal entities who contributed donations, the amount of which is more than one thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published for

the registered candidate for the Presidency, for the candidate for the Presidency – 250 times (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);

- 192.1.3 about the number of citizens who contributed donations to the election fund which is more than 50 times the minimum salary in force for the date the decision on determination of the election day is officially published;
- 192.1.4 about the funds returned to the contributors and about the grounds for return;
- 192.1.5 about the total amount of money received by the election fund and the total amount of its expenditure.

**Article 193. Order of Return of Money Received by Candidates for the Presidency, Registered Candidates for the Presidency During the Presidential Elections**

193.1 A candidate for the Presidency who does not become registered can return unexpended money of the election fund (excluding transfer expenses) to citizen-contributors and legal entities according to the proportional relativity of the amount of voluntary donations before he/she submits final financial report.

193.2 After a registered candidate for the Presidency mentioned in Article 194 of this Code returns funds to the Central Election Commission and before submission of final report financial report, he/she can return unexpended money of the election fund to the citizen-contributors and legal entities according to the rule provided for in Article 190.1 of this Code only with the permission of the Central Election Commission.

193.3 A candidate for the Presidency not considered by Article 194 of this Code is prohibited to return unexpended money from election funds to citizens and legal entities who contributed donations to the election funds until funds given by the Central Election Commission are returned and cost of airtime on TV and Radio companies and cost of space in periodicals is paid. In such circumstances funds of the Central Election Commission shall be returned first.

193.4 Registered candidates for the Presidency not considered by Article 194 of this Code can return unexpended money of election funds to the accounts of citizens and legal entities who have contributed donations according to the rule provided for in Article 193.1 of this Code after they pay the funds of the Central Election Commission and cost of free airtime on TV and Radio companies and space in periodicals.

**Article 194. Obligation to Return Budget Funds Received by Candidates for the Presidency and Registered Candidates for the Presidency During the Presidential Elections**

A registered candidate for the Presidency who participated in elections and recorded at least 10% of total number of voters or who is considered to be elected, as well as a registered candidate for the Presidency who withdrew candidacy due to compelling reasons specified in article 73.3 of this Code are obliged to return the unexpended part of the election fund transferred by the Central Election Commission to this election commission within 30 days after the election day. When this period finishes a relevant bank must transfer the money mentioned in the letter of the Central Election Commission to the account of the latter with no disputes.

**Article 195. Payment for Free Airtime and Free Space Allocated in Periodicals for Candidates for the Presidency During the Presidential Elections**

195.1 A candidate for the Presidency not considered by Article 194 of this Code must pay the full amount of the cost of free airtime and space to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code. Within 3 days after the results of the Presidential Elections have been officially published, the Central Election Commission sends the following to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code:

- names of the mentioned candidates;
- their addresses;
- verified copies of notifications on payment for free airtime and space used in periodicals.

195.2 Within 10 days after the results of the Presidential Elections have been officially published, the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code send relevant information on the cost of used airtime and cost and volume of space in periodicals, their legal address and bank details to the candidates for the Presidency considered by Article 194.1 of this Code.

195.3 Cost of free airtime and space in periodical considered by Articles 80.5, 83.6 and 189.2 of this Code is determined in conformity with rules established by Articles 80.6 and 83.7 of this Code by multiplying total volume of airtime and space in periodicals allocated for the candidates for the Presidency by cost of airtime determined by TV and Radio companies and the cost of space allocated and information published in periodicals.

195.4 If candidates for the Presidency use free airtime for joint election campaign activities mentioned in Article 189.2 of this Code, the amount of money returned by each candidate is determined by TV and Radio companies proportionally for total number of participants of each joint election campaign activity.

195.5 If candidates for the Presidency refuse the use of free airtime in the manner and within the period established by Articles 81.5 of this Code, the cost of free airtime presented shall not be paid.

195.6 TV and Radio companies and periodicals considered by Articles 77.2 and 77.3 of this Code shall inform the Central Election Commission about candidates for the Presidency not considered by Article 194 of this Code who have not completely paid the cost of free airtime and space in periodicals, within 12 months effective from election day.

**Article 196. Money Remaining in Special Accounts of Election Funds of Candidates for the Presidency and Registered Candidates for the Presidency**

The relevant bank, on the basis of written instructions of the Central Election Commission, must transfer money remaining in special accounts of election funds of candidates for the Presidency, registered candidates for the Presidency, to the state budget 60 days after the election day.

**Article 197. Return of Money Received by Citizens Nominated as a Candidate for Presidency at Their Own Expenses**

197.1 If there is no money in the election fund or it is short of money, the return of budget money by a registered candidate, as well as the cost of free airtime and space in periodicals allocated, will be implemented from the personal funds of citizens nominated as candidate for the Presidency.

197.2 If a registered candidate for the Presidency not considered by Article 194 of this Code, undertakes obligations to return relevant funds in addition to submitting the final financial report according to this Code, he/she can return the funds to be returned to the state budget to the account of the relevant Central Election Commission within a 12 month period effective from voting day.

197.3 If the obligations established by Article 197.2 of this Code are not performed and if the period mentioned by the obligations for returning money expires, funds will be returned by court. If a registered candidate for the Presidency not considered by Article 194 of this Code and who does not perform requirements mentioned in Article 197.2 of this Code nor undertakes obligations mentioned in the same Article before the final financial report is submitted, funds shall be returned by court before the period for submission of the final financial report expires.

197.4 If a candidate for the Presidency or registered candidate for the Presidency loses his/her candidacy status, the obligations imposed on the candidates and registered candidates by this Article shall be imposed on the citizen who is considered to be a candidate or registered candidate.

197.5 A list of citizens not considered by Article 194 of this Code and who have debt obligation to the Central Election Commission shall be published.

197.6 If a citizen not considered in Article 194 of this Code and nominated as a candidate for Presidency, has debts regarding the budget to the Central Election Commission during the previous elections when the date of the decision on determination of the election day was officially published, this candidate does not have the right to receive funds from the state budget during the Presidential Elections.

**CHAPTER Forty. Conduct of Presidential Elections**

**Article 198. Voting Room During the Presidential Elections**

198.1 The voting room during the Presidential Elections is organized in accordance with requirements of Article 98 of this Code.

198.2 The Precinct Election Commission places a notice board in the voting room or right in front of the room for displaying sample ballot papers and information about registered candidates for the Presidency: name, surname, date of birth, education, main employment (or

service) place and occupation (if a candidate does not have it – type of activity), address of residence and who has nominated them.

198.3 If a registered candidate for the Presidency has a sentence which is not served or cancelled, the information must contain name and number of the relevant article of the Criminal Code that a candidate for the Presidency was imposed. If the candidate has done an action which imposes criminal liability in another country where he/she resides and is sentenced by a court decision which entered into force, and if this action is subject to criminal liability under the Criminal Code of the Republic of Azerbaijan, then the name of the relevant law of the foreign country must be recorded as well.

198.4 Information on candidates for the Presidency shall appear on the notice board in the manner and consecutive order as defined by the ballot paper.

### **Article 199. Ballot Papers for the Presidential Elections**

199.1 Ballot papers for the Presidential Elections are prepared in conformity with the rules mentioned in Article 99 of this Code.

199.2 The ballot paper for the Presidential Elections shall contain the following about the candidates for the Presidency in alphabetical order: name, surname, patronymic, pseudonym, date of birth, address of residence, main employment (or service) place (if a candidate does not have it – type of activity), elected position occupied at state bodies or municipalities, who has nominated the registered candidate for the Presidency.

199.3 The ballot paper must contain the short name of a political party that a registered candidate for the Presidency is a member of, in conformity with Article 54 of this Code. The ballot paper may contain party affiliation of a candidate for the Presidency if he/she so desires, in conformity with Article 53 of this Code.

199.4 A blank square shall be located to the right hand side of a name of candidate for the Presidency. To the end of the list of candidates for the Presidency, a line containing "Against all candidates" will be placed on the same level with a blank square, which is located on the right hand corner.

199.5 If some candidates for the Presidency were withdrawn or their registration was cancelled after ballot papers have been prepared, based on decision of the Central Election Commission, the Constituency Election Commission or Precinct Election Commission shall cross out names of the abovementioned candidates with a purpose of erasing information about them from the ballot paper. In case of need of adding or amending information regarding the registered a candidate for the Presidency in the printed ballot paper, the addition or amendment to the ballot papers is made in conformity with the decision of the Central Election Commission with handwriting of the Constituency or Precinct Election Commissions members using stamp of the election commission.

### **Article 200. Rules for Voting during the Presidential Elections**

200.1 Voting during the Presidential Elections shall be conducted in conformity with Articles 104 and 105 of this Code.

200.2 A voter marks a blank square to the right hand side of the surname of a candidate for the Presidency

200.3 The ballot paper shall be considered invalid, if more than one square is marked.

#### **Article 201. Count of Votes in the Voting Station During the Presidential Elections**

201.1 The count of votes in an election precinct during the Presidential elections shall be conducted in conformity with Article 106 of this Code, and a protocol be compiled.

201.2 Each protocol shall contain, in addition to provisions of Article 100.2 of this Code, the following information about results of voting:

201.2.1 names, surnames, patronymics of candidates for the Presidency, if this information is identical, other information about the candidates;

201.2.2 number of votes cast for each candidate for the Presidency;

#### **Article 202. Count of Votes for the Constituency During the Presidential Elections**

202.1 The count of votes in an election constituency during the Presidential elections shall be conducted in conformity with Article 107 of this Code. At latest 2 days after the election day the Constituency Election Commission shall determine the voting results.

202.2 The protocol of the Constituency Election Commission shall include in addition to those indicated in Articles 100.2 and 201 of this Code, the number of precincts where the voting results have been invalidated.

### **CHAPTER Forty One. Results of Presidential Elections**

#### **Article 203. Determination of Results of Presidential Elections**

203.1 Not later than 14 days starting the election day the Central Election Commission finalizes Presidential Elections and submits the results to the Constitutional Court of the Republic of Azerbaijan.

203.2 A general schedule displaying the data from Constituency Election Commissions shall be attached to the protocol of the Central Election Commission.

203.3 Based on protocols on voting results received from Constituency Election Commissions, the Central Election Commission shall, in addition to provisions of Article 108 of this Code,

define the number of election constituencies where legal violations have taken place during conduct of elections or determination of voting results or that did not allow to identify the voters' will; the number of election precincts where voting results were invalidated and the number of votes cast for each candidate for Presidency.

203.4 In accordance with Part II, Article 101 of the Constitution, a candidate for Presidency of the Republic of Azerbaijan is considered elected if more than half of the voters who participated in the voting, voted for him/her.

203.5 A protocol on results of the Presidential elections shall be published within 24 hours upon its signing.

#### **Article 204. Invalidation of Results of Presidential Elections by the Central Election Commission**

204.1 The Central Election Commission shall consider invalid the results of the Presidential elections in the following cases:

204.1.1 if legal violations not allowing to identify the voters' will, have taken place in more than 50 election constituencies during the voting or determination of voting results;

204.1.2 if during the voting the number of election precincts with invalidated voting results in more than 2/5 of election precincts exceeds 2/5 of total number of the election precincts;

204.1.3 on the basis of a court decision.

#### **Article 205. Repeat voting during the Presidential elections**

205.1 If more than two persons are included in the ballot paper as candidates for presidency and no one was elected, the Central Election Commission shall determine repeat voting for the two of the candidates that gain the majority of the votes during the elections.

205.2 In accordance with Part III, Article 101 of the Constitution of , the repeat voting is held on the second Sunday after the voting in general elections.

205.3 Information about the conduct of repeat voting is published in mass media not later than 2 days after the Central Election Commission makes the relevant decision.

205.4 Pursuant to Article 101.4. of the Constitution, the candidate who gained the majority of votes of voters that participated in the repeat voting is considered elected as the President of the Republic of Azerbaijan.

#### **Article 206. Repeat Presidential elections**

If outcomes of the Presidential elections are considered invalid and the President of the Republic of Azerbaijan is not elected, a repeat Presidential election is determined by a decision of the Central Election Commission.

#### **Article 207. Early Presidential Elections**

In case of early Presidential elections, the Central Election Commission shall define periods of implementation of election actions which are appropriate to the period specified in Part I, Article 105 of the Constitution of the Republic of Azerbaijan, and publish it in a table form along with the decree on conduct of the early Presidential elections. With this purpose, the periods identified in this Code can be decreased at most 2 times.

#### **Article 208. Publication of Outcomes of the Presidential Elections and Voting Results**

208.1 Within 45 days after the voting day the Central Election Commission organizes the official publication of information from protocols of Constituency Election Commissions in mass media mentioned in Article 77.2. of this Code.

208.2 Information from the protocols of a Constituency Election Commission on the voting results shall be published not later than 5 days after conduct of elections and information from the protocols of a Precinct Election Commission on the voting results shall be published not later than 10 days after conduct of elections in mass media considered by Articles 77.3 and 77.4 of this Code.

#### **Article 209. Commencement of the President's power**

209.1 In accordance with Article 103 of the Constitution of a person elected President takes an oath within 3 days after official announcement of the Presidential election results by the Constitutional Court.

209.2 From the day of taking the oath, the President of the Republic of Azerbaijan receives a salary at the rate of 3000 times the minimum salary established by law.

209.3 The functioning President of the Republic of Azerbaijan implements his power until the commencement of the powers of the newly elected President of the Republic of Azerbaijan.

### **SECTION EIGHT. Municipal Elections**

#### **CHAPTER Forty Two. General Provisions on Municipal Elections**

#### **Article 210. Basis of Municipal Elections.**

210.1 Members to municipalities, which implement local self-governance in the Republic of Azerbaijan are elected by relative majority on nationwide constituencies.

210.2 The municipal members are elected on the basis of election areas as follows:

- 210.2.1 in the areas with less than 500 population – 5 municipal members
- 210.2.2 in the areas having 500 to 1000 population –7 municipal members
- 210.2.3 in the areas having 1000 to 5000 population – 9 municipal members
- 210.2.4 in the areas having 5000 to 10000 population – 11 municipal members
- 210.2.5 in the areas having 10000 to 20000 population – 13 municipal members
- 210.2.6 in the areas having 20000 to 50000 population – 15 municipal members
- 210.2.7 in the areas having 50000 to 100000 population – 17 municipal members
- 210.2.8 in the areas having 100000 to 300000 population – 19 municipal members

#### **Article 211. Term of Office Municipalities**

211.1 The term of office of municipalities is 5 years.

211.2 The term of office of municipalities commences from the voting day and ends on the day of first meeting of newly elected municipalities.

211.3 The powers of members of municipality are in force only during the term of office of municipality.

#### **Article 212. Right to be Elected as a Member of Municipalities**

On Election Day citizens of the Republic of Azerbaijan who are 18 years or more than 18 years old and who lives permanently in the relevant election territory can be elected as a member to municipalities.

#### **Article 213. Determination of Elections to Municipalities**

213.1 The President of the Republic of Azerbaijan appoints elections to municipalities.

213.2 The decision on determination of elections to municipalities must be officially published in mass media at the latest within 5 days after the decision had been made.

### **CHAPTER Forty Three. Rules for Nominating Candidates for a Member of Municipality**

**Article 214. Nomination of Candidates for a Member of Municipalities**

214.1 Political parties, block of political parties and citizens of the Republic of Azerbaijan who live permanently or mostly in the same election constituency and have the right to vote, can nominate candidates for a member of municipality in the election constituency in accordance with the Articles 53 and 54 of this Code.

214.2 Candidates for a member of a municipality in repeat elections to municipalities are nominated after the decision on determination of these elections is officially published.

214.3 Candidates for a member of a municipality in by elections to municipalities are nominated after the period mentioned in Article 213.2 of this Code.

214.4 The nominee can consent to nomination to one municipality only.

214.5 The candidate nominated for municipal membership can be nominated and registered on one municipality only.

214.6 Notification on nominating, application of consent of relevant candidates and other documents are sent to the Central Election Commission if formation of a Constituency Election Commission is not completed until nomination of candidates for member of municipality. The Central Election Commission submits the abovementioned documents to the Constituency Election Commission after it has been formed and its chairperson has been elected.

**Article 215. Rules for Collecting Voters Signatures in Support of a Candidate for Member of Municipality**

215.1 Each nominated citizen must collect voters signatures as follows to be registered as a candidate for member of a municipality in the relevant election constituency:

- 215.1.1 area having population more than 100000 – 150;
- 215.1.2 area having population more than 50000 – 100;
- 215.1.3 area having population more than 20000 – 70;
- 215.1.4 area having population more than 10000 – 50;
- 215.1.5 area having population more than 5000 – 30;
- 215.1.6 area having population less than 5000 – 15.

215.2 Voters have the right to sign in support of several candidates.

215.3 Voters signatures are collected in accordance with the rule mentioned in Articles 56 and 57 of this Code.

215.4 Signature papers are prepared in the form of "Appendices #. - "attached to this Code.

215.5 The Constituency Election Commission gives a written confirmation document about the receipt of documents.

215.6 If a political party or a block of political parties that nominated a candidate on a nationwide constituency collect signatures in support of the candidate, the signature sheet shall contain, along with the information about the candidate, the name of the political party or the block of political parties which has nominated the candidate; if the candidate's application contains such information, then the name of the political party the candidate belongs to and the candidate's relevant status in the political party may be indicated.

## **CHAPTER Forty Four. Registered Candidates to Municipality Membership**

### **Article 216. Registration of a Candidate for Membership of Municipality**

216.1 Candidates for membership of municipality are registered according to the rules mentioned in Article 60 of this Code.

216.2 It is not allowed for one person to be registered for a member of more than one municipality.

216.3 If the rules mentioned in Article 214.5 of this Code have been violated, the candidate's previous registration shall be considered to be valid, and the decision on registration that had been made relatively late is cancelled with the decision of relevant Constituency Election Commission.

216.4 The activities of a registered candidates for member of municipality is regulated by Articles 69-71 of this Code.

216.5 A list of registered candidates for municipalities shall be published by the relevant election commission at least 55 days prior to the voting day, in the periodicals specified in Articles 77.3 and 77.4 of this Code.

### **Article 217. Postponement of Municipal Elections**

217.1 If none of the candidates or only one candidate has been registered for municipalities, during the period mentioned in Article 58.1 of this Code, elections in the relevant municipality shall be postponed by the Central Election Commission for a two month period, with a purpose to nominate additional candidates and to conduct following election activities.

217.2 If none of the registered candidates or only one registered candidate remains for a municipality till the voting day, elections to the municipality shall be postponed by the Central Election Commission for 2 months, with a purpose to nominate candidates and to conduct further election activities.

**Article 218. Reimbursement of Transport Expenses of Registered Candidates for Membership of a Municipality**

218.1. A candidate for membership of a municipality has the right to use all kinds of public transport within the relevant constituencies (except taxis and ordered transport services) free of charge effective from the date of registration until the date of the official publication of election returns.

218.2. Such payments shall be made from the funds allocated for the Constituency Election Commission.

**Article 219. Immunity of a Registered Candidate to Municipal Membership**

The registered candidate for membership of municipality can be subject to liability only with consent of the relevant district prosecutor, in the manner established in Article 70.4 of this Code.

**Article 220. Number of Agents of Registered Candidates for Member of Municipality**

220.1 A candidate for membership of a municipality has the right to appoint up to 5 agents. These persons shall be registered by Constituency Election Commission.

220.2 The status of agents shall be determined by Article 72 of this Code.

**Article 221. Refusal of Candidates for Membership of a Municipality from Status of Candidacy**

221.1 Refusal of candidates for membership of a municipality from candidacy status shall be regulated by Article 73 of this Code.

221.2 A person who committed actions considered by Articles 73.1-73.3 of this Code has the right to re-nominate him/herself for any other municipality within the rules and period established by this Code.

**Article 222. Refusal of a Political Party, Block of Political Parties from Participation in Municipal Elections**

222.1 A political party, based on its charter, and a block of political parties, based on the decision made by authorized representatives of political parties that are members of the block, have the right to withdraw a candidate for a member of municipality nominated for election constituency or registered candidate for a member of municipality at any time by submitting written application to the relevant Constituency Election Commission at latest 3 days prior to the election day.

222.2 By submitting a written application to the Constituency Election Commission at least 3 days prior to the election day, a political party or block of political parties which have nominated a candidate for a member of municipality can refuse to participate in the elections, based on a decision of the body that nominated candidates. In this case, the political party or block of political parties can withdraw its candidates for membership of a municipality.

222.3 A political party, which is included in the block of political parties can refuse to participate in the elections as a member of this block based on the decision of the authorized body of the political party at any time by submitting a written application to the Constituency Election Commission at least 3 days prior to the election day.

222.4 A political party, which refused to participate in elections as a member of the block can function as an independent party or join another block of political parties in conformity with the rules established by this Code.

222.5 If all political parties (except one) included in the block of political parties refuse to participate in the elections after candidates for membership of a municipality nominated by abovementioned block of political parties have been registered by the Constituency Election Commission, the remaining political party can participate in elections as a block of political parties keeping name and symbols of the block of political parties. This rule does not apply the cases of refusal in the registration of candidates for member of municipality or cancellation of registration.

222.6 The refusal of a block of political parties to participate in the elections does not deprive political parties included in the block of rights to participate in elections. In such cases it is required to re-nominate a candidate for membership of a municipality and to implement other necessary election activities in conformity with this Code.

#### **Article 223. Particulars of Representatives in Election Commissions during Municipal Elections**

The political parties or block of political parties which during municipal elections nominate candidates to the Central Election Commission membership in more than half of all municipalities, and nominate candidates to the Constituency Election Commission membership in more than half of all municipalities within the constituency, can appoint one member with consultative voting right.

### **CHAPTER Forty Five. Preparation for Municipality Elections**

#### **Article 224. Special Requirements for Candidates of Political Parties, Block of Political Parties to Municipal Membership for Conducting Pre-election Campaign**

224.1 Participation of candidates for membership of a municipality in the pre-election campaign is regulated by Chapter 13 of this Code.

224.2 1/3 of total free airtime allocated by TV and radio companies should be provided to the political parties and block of political parties, which have registered candidates in more than 1/3 or in more than half of municipalities, to conduct discussions, round tables and other campaigning actions, taking into consideration provisions of Articles 77.2 and 77.3 of this Code.

224.3 Airtime for joint election campaign activities on TV and radio mentioned in Articles 77.2 and 77.3 of this Code shall be allocated and calculated for political parties and block of political parties, and performed separately. The political parties and block of political parties should use such free airtime on equal basis. In this case, the volume of free airtime for each candidate, political parties and block of political parties is defined separately.

224.4 The norm of paid use of the airtime mentioned in the Article 81.1 of this Code is determined by dividing the total volume of free space by total number of candidates for membership of a municipality specified in Article 77.4 of this Code.

224.5 Candidates for membership of a municipality can use the space that is allocated in the periodicals mentioned in Article 84.1. of this Code and is determined by dividing the total number of candidates for membership of a municipality mentioned in Article 77.4. of this Code, on the basis of payment.

224.6 Refusal of the registered candidates, political parties and block of political parties, which have registered candidates in more than half of municipalities from participation in actions mentioned in Article 224.2 of this Code shall not cause increase of free airtime allocated in accordance with Article 80.6.

#### **Article 225. Election funds of candidates of political parties, block of political parties to Municipal Membership**

225.1 Candidates to municipal membership must establish their election funds.

225.2 Election funds of candidates for member of a municipality can be formed through the following amounts:

##### 225.2.1

- the amount of special funds of candidates for membership of a municipality mentioned in Article 215.1.1. cannot be more than 2000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day;
- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- not more than 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;

- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 150 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.2.2 Election funds of political parties or block of political parties with nominated candidates for membership of a municipality can be formed from

- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- not more than 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- not more than 750 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 100 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.2.3 funds allocated by a Constituency Election Commission on equal basis to candidates for membership of a municipality 25 days prior to the voting day, except for the cases defined by Article 233.8 of this Code;

225.2.4 voluntary donations from citizens not more than 100 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day.

225.2.5 voluntary donations of legal entities that are:

- not more than 2000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day -

for candidates for membership of a municipality mentioned in Article 215.1.2.;

- not more than 750 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 150 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.3. Maximum limit of the funds of candidates for membership of a municipality cannot exceed:

- 10000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- 7500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- 5000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- 2500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.

225.4 Municipalities can allocate funds of equal amounts, to election funds of candidates nominated within their territory. The amount of these funds shall be regulated by Article 225.2.5 of this Code.

225.5 Political parties and block of political parties, which have nominated or registered candidates on more than half of municipalities can create an unified election fund.

225.6 Election funds of candidates, and registered candidates nominated for a single-mandate constituency can be organized from the following monetary means:

- 225.6.1 the special funds of political parties and block of political parties — the amount of the special funds cannot be more than 50 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the elections (these special funds of the block of political parties can be formed from funds provided by the political parties that constitute the block);
- 225.6.2 funds allocated for political parties and block of political parties by the Central Election Commission, except the cases considered by this Code;
- 225.6.3 voluntary donations of citizens and legal entities. Limit of voluntary donations cannot be more than 150 times the minimum salary for citizens and 5,000 times the minimum salary for legal entities, which is in force on the day of publication of the decision on determination of the elections.

225.7 The maximum limit of the election fund assets of a political party or block of political parties shall be determined through multiplying the amount stipulated in Article 225.2 of this Code by the number of nominated or registered candidates. In any case, the maximum limit of the election fund assets of a political party or block of political parties cannot exceed 200 times the minimum salary which is in force on the day of publication of the decision on determination of the elections. At the same time, the amount expended for each candidate should not exceed the amount provided for in Article 225.3 of this Code. Observance of this condition should be indicated in financial statements of political parties or block of political parties.

#### **Article 226. Special Accounts of Candidates to Municipal Membership of Political Parties, Block of Political Parties**

226.1 Candidates for membership of municipality must open special accounts for creating their election fund within 5 days after they submit to the Constituency Election Commission a notification on commencing collection of signatures.

226.2 The political parties, which intend to open a single election fund for the candidates shall open a special election account to form the unified election fund, within 5 days after they submit to the Central Election Commission the list of the candidates nominated in more than 1/3 of municipalities.

226.3 A candidate, political party, block of political parties shall open a special election account on the basis of the verified copy of the notification of the Constituency Election Commission on nomination of a candidate, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, block of political parties can assign its authorized representative to open the special election fund. The candidate, registered candidate, political parties, block of political parties can entitle another person to use the funds from its election account, through informing the Constituency Election Commission (the Central Election Commission) in writing.

226.4 If the municipality, where the candidate or registered candidate is nominated changes, he/she must return the balance remaining in the special election account by distributing it proportionally among the persons and legal entities that contributed voluntary donations. After doing this, the candidate or the registered candidate must submit a final financial report to the Constituency Election Commission. Opening a new special election account shall be regulated in conformity with the rules defined by this Code.

**Article 227. Cancellation of the Single Election Fund**

If the number of candidates registered in municipalities of a political party or block of political parties which created an unified election fund, covers half or less than half of the municipalities, the special election account of the political party, block of political parties shall be closed, and concurrently a special election account be opened for each candidate and assets of the unified election fund proportionally divided among the election funds of the candidates.

**Article 228. Transparency in Usage of Money from Election Funds of Candidates to Municipal Membership of Political Parties, Block of Political Parties**

228.1 The following information on the election fund of the candidate to municipal membership is obliged to be published by the mass media mentioned in Article 77.4 of this Code:

- 228.1.1 on the financial report about usage of election fund of a candidate for a membership of a municipality if its amount is more than thousand times the minimum salary which is in force on the date decision on determination of election day is officially published;
- 228.1.2 on the legal entities who contributed donation, which is more than 500 times the minimum salary which is in force on the date the decision on determination of the election day is officially published, to the election fund of a candidate for membership of a municipality (in this case, possibility of transfer of funds through several installments of donations should be taken into account);
- 228.1.3 on the number of citizens who contributed donations, which are more than 50 times the minimum salary which is in force on the date the decision on determination of the election day is officially published, to the election fund of a candidate for membership of a municipality;
- 228.1.4 on the funds returned to the contributors and on the grounds for return;
- 228.1.5 the total amount of money received by the election fund of a candidate for membership of a municipality and the total amount expended;

228.2 The following information about the political party or block of political parties is obliged to be published in mass media in conformity with the rules mentioned in Articles 77.2 or 77.3 of this Code:

- 228.2.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections;
- 228.2.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections (in this case, possibility of transfer of funds through several installments of donations should be taken into account);
- 228.2.3 on the number of citizens who contributed donations more than 50 times the minimum salary which is in force on the day of publication of the decision on determination of the elections;
- 228.2.4 on the funds returned to the contributors and the grounds for return;

228.2.5 on the total amount received by the election fund and the total amount of its expenditures.

**Article 229. Order of Return of Funds Received by Candidates to Municipal Membership of Political Parties, Block of Political Parties**

229.1 Before submission of a final financial report, a candidate not registered as a candidate for a member of municipality, political party or block of political parties which candidates are not registered by the Constituency Election Commission is obliged to return unexpended money of the election fund (excluding transfer expenses) to citizen-contributors and legal entities according to the proportional relativity of donations contributed.

229.2 Candidates for membership of a municipality, political parties or block of political parties not considered by Article 230 of this Code are prohibited from returning unexpended money of the election fund to citizens and legal entities who have contributed donations to their election funds unless money allocated by election commissions is returned and unless cost of free airtime on TV and Radio companies and space allocated in periodicals is paid. In such case, the candidate to municipal membership, political party or block of political parties should first of all return the funds of the election commission.

229.3 After candidates for membership of a municipality, political parties or block of political parties return funds to the Constituency Election Commission and before they submit final financial report, they can return unexpended money of the election fund in a manner considered by Article 229.1 of this Code, with permission of the Constituency Election Commission, to citizens and legal entities who have contributed donations.

229.4 After paying funds to the election commission, as well as paying cost of free airtime on TV and Radio companies and space allocated in periodicals, candidates to municipal membership, political parties, block of political parties not considered by Article 230 of this Code can return unexpended money of election funds to bank accounts of citizens and legal entities who had contributed donations in a manner established by Article 229.1 of this Code.

**Article 230. Obligations on the Return of Budget Funds Received by Candidates to Municipal Membership of Political Parties, Block of Political Parties and Registered Candidates for Member of Municipality**

A candidate for membership of a municipality who participated in voting and collected at least 10% of votes of total number of voters or who is considered to be elected, as well as a registered candidate for membership of a municipality, political party or block of political parties which have registered candidates in more than half of municipalities who withdrew candidacy due to compelling circumstances are obliged to return unexpended part of funds transferred to their election funds by the Constituency Election Commission to this Constituency Election Commission within 15 days after the election day. After the funds are transferred, the funds of the municipalities shall be returned within 15 days, in the mentioned manner. If this period expires, the relevant bank must transfer the amount mentioned in Central Election Commission's letter or that of the relevant municipality to their account with no disputes.

**Article 231. Payment for the Costs of Free Airtime and Free Space on Periodicals by Candidates to Municipal Membership**

231.1 The candidate, political party or block of political parties not mentioned in Article 230 of this Code, must completely pay the costs of free airtime and space allocated by TV and radio companies and periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code. The given cost must be paid by the candidate, political party or block of political parties from election funds until the day a final financial report is submitted. The Central Election Commission sends the following to the TV and Radio companies and periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code within 3 days after the general results of elections are officially published:

- a list of candidates, political parties or block of political parties, as well as a list of political parties included in the block of political parties mentioned above;
- their addresses;
- verified copies of extracts from joint decisions of blocks of political parties on payment of used free airtime and space allocated by periodicals.

231.2 TV and radio companies and periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code inform the candidates, political parties, block of political parties not considered in Article 230 of this Code about the cost of used free airtime, volume and cost of used free space in periodicals, about their legal address and bank information within 10 days after final election results are officially published.

231.3 The cost of free airtime and free space in periodicals mentioned in Articles 80.5, 83.6 and 224.2 of this Code, is determined by multiplying the total volume of airtime and space in periodicals allocated for the candidate, political party or block of political parties in accordance with the rules defined in Articles 80.6 and 83.7 of this Code to cost of airtime and space on periodical and for publication of information determined by TV and radio companies and periodicals.

231.4 When political parties and block of political parties with registered list of candidates use free airtime to conduct joint campaign activities considered by Article 224.2 of this Code, the amount of funds returned by each political party and block of political parties is determined by TV and Radio companies by dividing it proportionally by the total number of participants of each joint TV program.

231.5 If a candidate, political party or block of political parties refuses to use free airtime in conformity with the rules and period defined by the Article 81.5 of this Code, the cost of presented free airtime shall not be paid.

231.6 TV and Radio companies and periodicals considered by Articles 77.2, 77.3 and 77.4 of this Code shall inform the Central Election Commission about the candidate or political parties considered by Article 230 of this Code, which did not completely pay cost of free airtime and space in a periodical, within 12 months period effective voting day. The Constituency Election Commissions inform the Central Election Commission about citizens or political parties not considered by Article 230 of this Code and those who have debt obligations to the election commission, within 12 months period effective the election day.

**Article 232. Money Remaining in Special Accounts of Election Funds of Candidates to Municipal Membership of Political Parties, Blocks of Political Parties**

The relevant bank must transfer money remaining in the special account of election funds of candidates for membership of a municipality 30 days after voting day in accordance with the written instruction of the Constituency Election Commission to the state budget.

**Article 233. Return of Money by Candidates to Municipal Membership of Political Parties, Blocks of Political Parties, at their Own Expenses**

233.1 if there is no money or a shortage of money in the election fund, the state budget and municipal money shall be returned by the registered candidate, political party, block of political parties, and the cost of allocated free airtime and space in periodicals be reimbursed by political parties and blocks of political parties at their own expenses.

233.2 If a block of political parties is responsible for returning budget money allocated for payment of free airtime presented and space allocated in a periodical, the money to be returned shall be proportionally distributed among the political parties included in that block before voting day, with a condition, unless otherwise is established in the joint decision on creation of the block of political parties and submitted to the Central Election Commission.

233.3 If a registered candidate who is not considered by Article 230 of this Code undertakes to submit a final financial report and to return the funds in conformity with this Code, he/she can return funds to the relevant Constituency Election Commission within 6 months effective from voting day.

233.4 Before the submission of the final financial report, the political parties, block of political parties, not considered by Article 230 of this Code and who do not fulfill requirements of Article 230 of this Code but undertake obligations before the Central Election Commissions, TV and Radio companies and periodicals to pay relevant amount of monetary funds to them, can be provided with a prolongation for the period of 6 months starting from the voting day to pay for the amounts of state and municipal budgets as well as cost for used free airtime and space in periodicals.

233.5 If the obligations considered by Articles 233.3 and 233.4 of this Code are not fulfilled and if the period mentioned in the obligations on returning the funds expires, that money shall be returned by the court. If a registered candidate, political party or block of political parties not considered by Article 230 of this Code and who has not fulfilled the requirements of Articles 233.3 and 233.4 of this Code does not undertake the obligations mentioned in Articles 233.3 and 233.4 of this Code unless the final financial report is submitted, money shall be returned in the court prior to expiration of the period for submission of final financial report.

233.6 If a candidate or registered candidate loses his/her status, the obligations charged the candidate or registered candidates by this Article shall be imposed on a person who was considered as a candidate or registered candidate. Should the candidate, registered candidate be nominated by a political party or block of political parties, the obligations charged by this Article to the political parties and block of political parties will be imposed on the political parties including those which entered the block of political parties, after elections finish.

233.7 The Central Election Commission provides the Constituency Election Commission with information about citizens who are considered by Article 230 of this Code and who have obligations to the election commissions or municipalities, within 5 days after Constituency Election Commissions are formed and after a decision on determination of elections, repeat or by-elections is officially published.

233.8 The citizen considered by Article 230 of this Code, who has debts to the election commission regarding the budget for the date of official publication of decision of determination of the voting day, does not have the right to receive funds from the state or municipal budget during the elections, repeat and by-elections, regardless of what constituency he/she has been nominated for.

## **CHAPTER Forty Five. Conduct of Municipality Elections and Determination of the Election Results**

### **Article 234 Voting Room During the Elections to Municipalities**

234.1 The voting room during the elections to municipalities is organized in accordance with requirements of Article 98 of this Code.

234.2 The Precinct Election Commission shall place a notice board in the voting room or in front of it, which contains the following:

- samples of ballot papers;
- information on political parties, block of political parties and candidates of which have been registered;
- following information about all candidates registered from the relevant constituency: name, surname, date of birth, education, main working (service) place and occupation (if a candidate does not have it – type of activity), address of residence, their nominators.

234.3 If candidates have been sentenced and if it is not canceled or served, the name and number of a relevant article of the Criminal Code must be noted; if a candidate residing in another country has committed an action which imposes a criminal liability in accordance with the Criminal Code of that country and is sentenced by a court decision which entered into force, the name of the relevant law of the foreign country must also be recorded.

234.4 Information on candidates, political parties and block of political parties shall appear in the manner and consecutive order as defined in the ballot paper.

### **Article 235. Ballot Papers During Municipal Elections**

235.1 Ballot papers for the conduct of municipality elections are prepared in accordance with the rule established by Article 99 of this Code.

235.2 Separate ballot papers are prepared for each municipality election.

235.3 It shall be indicated in the heading of the ballot paper what municipal election it is intended to be used for.

235.4 A ballot paper for a municipality elections must contain the following information on the candidates for member of a municipality:

- name, surname, patronymic, pseudonym;
- date of birth;
- address;
- main working or serving place (if he/she does not have them - type of activity);
- if he/she has an elected position in state and municipal bodies;
- who has nominated him/her

The ballot paper must contain the short name of the party of a candidate for membership of a municipality who has been registered in accordance with the Article 54 of this Code. Party affiliation of a candidate for membership of a municipality, registered in accordance with the Article 53 of this Code, can be indicated by his/her will.

235.5 If, after the ballot papers have been produced, candidates for membership of a municipality withdraws his/her candidacy or his/her registration is canceled, Precinct Election Commissions cross out the names of candidates for the purpose of erasing of the information on such candidates by the instruction of Constituency Election Commissions. If in case of the need to add information about candidate for membership of a municipality to the ballot paper, or to make some changes, members of the Precinct Election Commission can add information or make changes in handwriting verifying it with the seal of the relevant commission on the basis of a decision of Constituency Election Commission.

#### **Article 236. Rule of Voting During Municipal Elections**

236.1 Voting during municipality elections is conducted in accordance with Articles 104 and 105 of this Code.

236.1.2 (?) The voter marks the square opposite to the surnames of candidates they want to vote for and the number of such marks should be equal or less than the number of the relevant municipality's members.

236.1.3 (?) if the number of marked squares is more than the number of municipal members, then the ballot paper shall be considered invalid.

#### **Article 237. Counting of Votes in the Election Precinct during Municipal Elections**

237.1 The counting of the votes in the election precinct is conducted in accordance with Article 106 of this Code.

237.2 Each protocol shall contain, along with provisions of Article 100.2 of this Code, the following information about results of voting:

- 237.2.1 names, surnames, patronymics of candidates who appear in the ballot box; if they are identical – additional information about the candidates;
- 237.2.2 number of votes cast for each candidate.

#### **Article 238. Determination of Voting Results by the Constituency Election Commission**

238.1 The count of votes in a constituency precinct shall be conducted in conformity with Article 107 of this Code.

238.2 The Constituency Election Commission shall determine election returns for single-mandate constituency within at latest 2 days after voting day. The candidates who participate in the elections and collect the majority of votes shall be considered as elected to a relevant municipality, as appropriate to number of municipal members. The protocol of the Constituency Election Commission shall contain the name, surname and patronymic of the candidate elected as a member to municipality

#### **Article 239. Checking and Approval of Outcomes of Elections to Municipalities**

The Central Election Commission shall check the protocols of the Constituency Election Commissions (along with the documents attached pursuant to this Code), and in accordance with Article 108 of this Code, compile a protocol on general outcomes of the elections, within 20 days effective the voting day.

#### **Article 240. Failure or Invalidation of Elections to Municipalities**

240.1 The Constituency Election Commission or the Central Election Commission shall consider the elections in a municipality to be invalid, in the following circumstances:

- 240.2.1 (?) if the number of election precincts where voting results are considered invalid during the elections on a municipality exceeds 2/5 of all precincts within the same municipality;
- 240.2.2 (?) on the basis of a court's decision.

#### **Article 241. Announcement of Results of Elections to Municipalities**

The Central Election Commission announces the results of the elections to municipalities in the Republic of Azerbaijan at latest within 20 days after starting from elections day.

**Article 242. Card for Being Elected as Municipal Member**

According to the sample determined by Central Election Commission, a card for being elected as municipal member is provided by the Territorial Election Commission within 5 days after elections results have been announced.

**Article 243. Repeat Elections**

Repeat elections shall be conducted by the decision of Central Election Commission for the period, if municipal elections are considered to be invalid, based on Article 240 of this Code.

**Article 244. By- Elections**

If the required number of members of a municipality has not been elected, or their terms of office have been terminated before their normal expiry date and as a result of the above there is less than  $2/3$  of the members in a municipality, by-elections shall be held with the decision of the Central Election Commission.

**Article 245. Filling of Vacancies of Municipal Members**

Following receipt of the application from a Constituency Election Commission that a member of a municipality has died during his/her term of office, or has had his/her term of office terminated, the Central Election Commission determines a new election.

**Article 246. Publication of Returns of Elections to Municipalities and Voting Results**

The Central Election Commission publishes information on voting results as well as full voting information for Territorial Election Commissions and Precinct Election Commissions in its own official publication not later than 2 months after the municipal Election Day.



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**Journalists call for press freedom in the Arab world**

*Regional, Politics, 1/11/2002*

Journalists have called on the Arab states to lift hard restrictions imposed on the mass media with the aim to establish democratic basics on the western style in the age of Globalization.

Representatives of international media who met on January 7 in Dubai to discuss the freedom of expression, especially in the Arab world, said the Arab media " lacks democracy," especially because of the fact that this press undergoes restrictions. British journalist Francis Mathew who works in the Gulf News daily stressed in the seminar which was organized by Dubai's club for the press that the press " are facing all forms of direct and indirect pressures which impede their movement. He called for abrogating " imprisonment penalty " stated by laws in most Arab states against journalists who write articles implying " dispraising."

For his part chief editor of the Yemen Times Walid Abdul Aziz said that the Arab states will " sooner or later be obliged to take the democratic option in order to merge into Globalization." He added to have a freedom of expression in a certain country, gradual adaptation of democratic values should be first observed.."

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# **Azerbaijan**

## **Voter Registration Assessment**

**September 2002**

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# 1. Executive Summary

IFES undertook an assessment to analyze the current voter registration system in Azerbaijan and provide alternative solutions for problems identified during past elections. IFES Election Specialist Tony Reissig traveled to the country of Azerbaijan to evaluate the registration of voters and the production of the voters' list that are used for elections. His findings are complemented by legal analyses conducted by IFES Legal Advisor Kamran Baghirov and IFES' experience in the region. Interviews were held with members of the Central Election Commission (CEC), heads of numerous Executive Commissions (ExCom), as well as representatives of political parties. In addition, roundtable discussions were held with chairmen and members of the Constituency Election Commission (ConEC) and Precinct Electoral Commissions (PEC).

This study confirmed that the current system of registration in Azerbaijan is not accurate and effective. The list of voters is conceived and reconceived for each election and the trust of the public in the validity of the voters' list is virtually non-existent. Therefore, recommendations presented in this document are based on the premise that the process of creating a voter registration program must be revised from its present system and method. The public trust in the electoral system in Azerbaijan must be regained and the beginning of this process needs to begin at the ground level with the creation of a valid voters' list.

This assessment proposes several alternatives to the current process - all of which are currently being used in other countries. Although all of the proposals are monumental in their tasks, all of them are achievable. A timeline is provided for each suggested alternative and is reasonably attainable if organized and executed in a professional manner and method.

## 2. Introduction

This report is based on the technical voter registration assessment mission to Azerbaijan from September 15 – 27, 2002 and IFES' experience in the region. Its main objective was to analyze the current voter registration system and provide alternative solutions for problems detected during past elections. IFES interviewed the Chairman and Deputy Chairmen of the Central Election Commission (CEC) of Azerbaijan, District Executive Commission Chairmen (ExCom), Constituency Election Commission Chairmen (ConEC), Precinct Election Commission (PEC) members, political party representatives, representatives of international organizations and local NGO's involved in elections.

This report bases its conclusions on the ten basic functions of an election system. These being: legislating it, administering it, drawing district boundaries, registering voters, providing ballot access to parties and candidates, regulating campaigns, providing voter information, balloting, tabulating the votes, and resolving dispute outcomes. This report looks at the legal basis for voter registration and compares the procedures that are currently in place in Azerbaijan to their actual application as administered by election officials.

The Republic proclaimed its independence on August 30, 1991. According to the Constitution of Azerbaijan, adopted by a universal referendum on November 12, 1995, Azerbaijan is a democratic, legal, and secular Republic. The Constitution was recently amended by a referendum held on August 24, 2002. The system of government administration of Azerbaijan is based on the principles of separation of powers.

1. *Executive Branch.* The head of state is the President. The executive power is vested in the President. The President is elected for a five year term by direct elections. The supreme body of the executive power of the President is the Cabinet of Ministers, headed by the Prime Minister.
2. *Legislative Branch.* The legislative power is vested in the *Milli Majlis* - a one chamber Parliament that consists of 125 deputies elected on the basis of general, equal, direct elections for five a year term. Previously elected by a mixed majority and proportional electoral system, the newly revised Constitution mandates that all seats be elected through single-mandate districts.
3. *Judiciary.* The judicial power is vested in independent courts of Azerbaijan: Constitutional Court, Supreme Court and High Economic Court.

The official language of the Azerbaijan Republic is the Azerbaijan language spoken by 95% of the population.

Administratively, the republic is divided into 65 rural regions and 11 towns of the Republican submission (Baku, Ganja, Sumgayit, Ali-Bayramly, Lankaran, Mingechevir, Naftalan, Khankendi, Sheki, Guba, and Shusha). The capital of Azerbaijan is Baku. The city is divided into 11 districts - Azizbeyov, Binagadi, Garadagh, Narimanov, Nasimi, Nizami, Sabail, Sabunchi, Surakhani, Khatai, Jasamali; comprising 30 settlements (130 in all the republic). Each of these regions, towns, and districts has a cooresponding

appointed District Executive Authority which reports to the Presidential Apparatus. Additionally, there are 2667 elected municipalities.

According to the CEC, Azerbaijan had 4,300,000 voters who received a notice about the August 24, 2002 referendum election. During the election for the *Milli Majlis* on November 5, 2000, there were 100 Constituency Electoral Commissions and some 5000 Precinct Election Commissions.

### 3. Purposes of Voter Registration<sup>1</sup>

As a general rule, a prerequisite of voting in elections is that eligible citizens are recorded in a register called a voters' list. Different countries use many different methods to verify the identity of voters' and their eligibility to vote. The voter registration database is the cornerstone of election integrity. It ensures that all eligible voters are allowed to vote, and prevents ineligible voters from casting a ballot. It validates voter identity and protects against voters casting multiple ballots in the same election. The voters' list is the engine that runs the election system. The main purpose of voter registration is established by three general principles:

1. To enable all qualified citizens to be included on the list.
2. To prevent electoral abuse and fraud by individuals, special interest groups, political parties, and governments.
3. To be widely accepted as an authoritative and legitimate means of cataloguing the electoral population and of settling disputes.

The main objective of voter registration is that of establishing each voter's identity and qualifications. The second important objective is to ensure that qualified voters vote only once. These objectives are accomplished in two ways. First, the registered voter's name appears in only one polling place so that s/he cannot vote (at least under that name) in any other place. Second, it normally entails some sort of verification of the voter's identity -whether by signature comparison, a check of the voter's identity cards or papers, or even in some countries, a voter registration card containing the voter's photograph.

Voter registration is a process that allows the state to identify individuals who have the right to vote under the law and generally specifies the polling site assigned to them on Election Day.

#### 3.1 Methods of Voter Registration

There are four basic ways to conduct voter registration, including a system of non-registration:

- 3.1.1 *No registration.* Using this method, the citizen arrives at the polling station and votes after a process of positive identification. Some countries in Africa, in rural areas, use this type of voting which gives the elders of the tribe, who know everybody in the village, the authority to determine the identity of the person and his/her right to vote. Voting in Latvia is carried out in any polling station without any requisite except the presentation of the local passport or other identification document. Finger inking is the only secure way to avoid multiple voting.

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<sup>1</sup> Most of this section "Purposes of Voter Registration" is extracted from *Voter Registration Recommendations: Voter Registration System in Georgia*, Enrique Saltos , IFES, May 1999.

- 3.1.2 *Compulsory registration.* In this type of system, all citizens must register, whether in a civilian registry or in an electoral registry. In the first case, the mandatory electoral registration is a consequence of a legal obligation to register everybody at the moment of birth in a civilian registry. Later, when voting age is reached, the citizen is automatically included in the voter list. In the second case, people register in an ad-hoc voter registration system. Compulsory registration can be state-initiated, using a civil registry or the door-to-door system. Alternatively the burden for registration can be placed on the individual voter who must register at special registration places.
- 3.1.3 *Voluntary registration.* The burden for this type of registration is on the citizen. Citizens register in designated places during the entire year, as in Guatemala or El Salvador in Central America, or only during some months, prior to Election Day. Voluntary registration is always self-initiated by the individual.
- 3.1.4 *Simultaneous registration and voting.* In this type of voting system, citizens first register and then vote immediately. This was the case in the Dominican Republic in 1996.
- 3.1.5 Usually, registration is completed before elections. There are two ways in which registration takes place. First, an electoral or ID document is issued to the individual. This document includes the electoral district where he/she has the right to vote. Second, the name of the individual is entered into an electoral register, and a list of voters is then provided to each polling station that is comprised of the names of persons allowed to vote in that polling station. When the voter appears, his/her identity can be proven with particular documents (ID card, electoral card, passport, driver's license). In most countries, both systems are used simultaneously: a card is issued and the voter's name appears on the voter's list.

## **3.2 Technology of Voter Registration**

Another type of classification is provided by the technology used to register citizens:

- 3.2.1 *Manual registration:* Voters register in a book personally, manually, and in the same electoral districts of their residences. This type of registration is often used for first time voter registration in countries that do not have a civilian registry. This was the case in Nicaragua, Mozambique and Cambodia. After the registration is completed, the data in the books can be introduced into a computer to develop a computerized voter list (Cambodia, Bosnia, and Eritrea), or can be kept "as is" to vote in the same books (Nicaragua 1989, Ukraine and other CIS countries). Advantages of this type of manual registration include its simplicity, low cost (a relatively low budget necessary to implement it), and the citizens' immediate knowledge of the polling station where they vote. Disadvantages include the low level of security, the short lifespan of the system (if it is not updated regularly or data is not transferred to computers), and, in the long run, a

higher cost because a totally new registration phase must be built each time elections are carried out.

3.2.2 *Computerized registration.* Using computer technology, a voter registration database can be built for the first time in different ways:

1. It can use a special inscription form, which can be taken and deposited in any of several booths or places designated for this purpose. Information on these forms is transferred to computers, verified against it to detect multiple registrations, sorted for place of residence and alphabetized. The processed information is then distributed to polling stations in the form of voter lists.
2. Voters are requested to register in the place where they want to vote. A special registration form is issued and completed, and then the information is transferred to computers. After the usual verification, the voter list is printed using the same address provided by the individuals.
3. Voters are requested to go to a designated location, where an identification document is requested. At these locations, data from the identification is entered directly in to the computer system. An observer verifies this information, and then the voter signs and receives a receipt.
4. In a State-initiated registration system, electoral authorities (Nicaragua) or central/local government authorities (most countries in Eastern Europe and the NIS) verify the residence of individuals, house by house, using special forms to collect information. Later, data in these forms could be entered into computers.

When the voting process is over, the registration system can be updated permanently (permanent voter list systems) or discarded, with all registration steps repeated before the next elections (periodic update).

### **3.3 Objectives of Electoral Registration**

Electoral Registration does the following:

- 3.3.1 Connects persons and polling stations. Information on the number of voters in each electoral district is necessary to ensure fairness. Elections are not considered free and fair if it is not possible to verify the legitimacy of voters.
- 3.3.2 Prevents multiple voting. In computerized systems, this is done using computer programs to verify the whole database against itself to detect similar or identical registers. Complete security can be obtained only through fingerprint matching.
- 3.3.3 Permits a simple and cheap update for future elections -- if a permanent key field like the passport number is captured in all registers.

- 3.3.4 Provides some degree of control over “ballot paper stuffing” since the names of voters are crossed out and, at the end of the voting day, the number of names crossed out must coincide with the number of ballots in the box.
- 3.3.5 Streamlines the logistics of the administrative voting process by providing knowledge of the number of ballots, office supplies, and a fair calculation of transportation and human resources required for the electoral project.
- 3.3.6 Increases the credibility of the whole electoral process (together with transparency).
- 3.3.7 Determines who has the right to vote. There are exceptions in Nicaragua and in Eastern Europe, where the law permits citizens’ to vote if they are not registered. In computerized registration systems, voting without registration is the exception and not the rule.
- 3.3.8 Provides a comprehensive database for verification and auditing of the electoral process, and a mechanism to determine the right to vote in the case of absentee voting or tender voting.
- 3.3.9 Provides immediate information, at the end of the process, about the turnout of voters and statistical data to improve future elections.
- 3.3.10 Provides information for electoral research for political parties, electoral authorities, international organizations and NGO’s.

### **3.4 Characteristics of a Voter Registration System**

A Voter Registration System must be:

- 3.4.1 *Integral and not discriminatory.* The registration must include all people who have the right to vote, according to law, without any restrictions due to race, religion or any other type of discrimination against groups of individuals.
- 3.4.2 *Transparent.* All participants and stakeholders in the electoral process, internal and external -- including the legislature, political parties and international and local observers should have access to information gathered by the system, the administrative processes and the computer programs. They should be able to make suggestions and have the right to verify whether their input was considered and implemented, or know the reason why it was not. The legitimacy of an election sometimes lies more in perception than on facts and figures. Transparency is the way to provide this perception. Transparency is not opposed to confidentiality, although it is usually necessary to define some rules to balance both concepts.

- 3.4.3 *Secure*. It needs to have the necessary physical and logical safeguards to guarantee that data inside the database cannot be amended, deleted or added to by anyone but the personnel in charge, and that those changes are in accordance with reality.
- 3.4.4 *Effective*. It must be easy to operate, easy to transport, and adaptable to the environment in which it will be implemented.
- 3.4.5 *Audit capable and accountable*. The system must be reliable and able to track all changes made from its initiation and provide clear information about itself.
- 3.4.6 *Feasible*. It must be designed in accordance with the law, be able to be implemented and have all the resources necessary (money, time, people, equipment, etc.) to permit its full implementation.
- 3.4.7 *Reliable*. It must be constant and inviolable in order to provide sustainable citizen confidence.

## 4. Legal Basis for Voter Registries

Other than basic principles and fundamentals established in the elections (referendum) related legal acts,<sup>2</sup> neither procedures for compiling and maintaining the voters' registry nor duties and authorities of the relevant state agencies responsible for the registry are well-developed and clearly specified in Azerbaijani laws. There also exist no precedents for issuing regulatory statutes on these issues by executive bodies either. This section, therefore, only addresses those election-related laws which affect issues of the voters' registry.

The compilation of the voters' registry is mainly governed by the following laws:<sup>3</sup>

1. Law of the Azerbaijan Republic No.425-IQ *On Referendum*, dated December 30, 1997 (Referendum Law)
2. Law of the Azerbaijan Republic No.496-IQ *On the Central Elections Commission*, dated May 15, 1998 (CEC Law)
3. Law of the Azerbaijan Republic No.503-IQ *On Elections to the Presidency*, dated June 9, 1998 (Presidential Elections Law)
4. Law of the Azerbaijan Republic No.699-IQ *On Municipal Elections*, dated July 2, 1999 (Municipal Elections Law), and
5. Law of the Azerbaijan Republic No.900 *On Elections to the Milli Majlis*<sup>4</sup>, dated July 5, 2000 (Parliamentary Elections Law).

### 4.1 Composition of Voters' Lists

Under Article 15(2) of the Parliamentary Elections Law and Article 15(1) of the Referendum Law, bodies of the executive authorities and municipalities<sup>5</sup> as well as commanders of military units and heads of enterprises, institutions and establishments<sup>6</sup> where voters are temporarily located are directly authorized to prepare lists of voters, and then to submit them to the PECs for their approval.

The similar provisions are established in the Presidential Elections Law and the Municipal Elections Law. However, there is no direct reference to the local executive authorities to compile voters' lists in these laws. According to Article 23(1) of the Presidential Elections Law and Article 20(1) of the Municipal Elections Law, the compilation of voter's lists should be made by PECs but on the basis of information received from local executive authorities. The duties and role of municipalities in the voters' lists compilation process are left in both laws as well.

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<sup>2</sup> While the Regulations of Local Executive Authorities, as approved by the Presidential Decree No.138 of June 16, 1999, provides for that local executive authorities shall assist to the relevant bodies in preparing and conduct of elections (referendum) 1999, no relevant authorities and duties with regard to such assistance are specified.

<sup>3</sup> The Government of Azerbaijan is preparing to submit a draft Unified Electoral Code (UEC) to the Milli Majlis for approval that will bring the provisions of these laws together into a single, consistent Code.

<sup>4</sup> The National Assembly.

<sup>5</sup> The role of municipalities in compiling voters' lists is established in the Parliamentary Elections Law only.

<sup>6</sup> Hospitals, prisons, correctional institutions, etc.

The Parliamentary Elections Law, further, specifies that commanders of military units shall be responsible to prepare lists of those voters who are located in the military units and areas. These persons include military servants and their families as well as other persons residing within the military units and areas. Heads of hospitals, resorts, ships, prisons, and correctional institutions are also authorized to compile lists of voters who are temporarily located at these places. Heads of Azerbaijani diplomatic missions and councils are responsible for preparing voters lists of citizens residing in foreign countries. These are established in Articles 15(4), 15(5) and 15(6) of the Parliamentary Elections Law. The similar provisions exist in the Presidential Elections, Municipal Elections and Referendum Laws.

Thus, local executive authorities and municipalities are primarily responsible to provide PECs with the voter's lists. The inclusion of military servants and their families as well as citizens located in hospitals, resorts or prisons, correctional institutions, ships or abroad is a responsibility of commanders or heads of such establishments/places.

The draft Unified Electoral Code (UEC), which is expected to be adopted in Spring 2003, is also unclear on regulations of bodies of local executive authorities and municipalities to prepare voters lists and establish mostly similar provisions specified in the current election (referendum) legislation. Article 43(2) of the draft UEC provides for voters' lists to be prepared by PECs on the basis of information provided by heads of executive and municipal bodies.

As was previously mentioned, the procedure for compiling voters' lists is not well specified in the Azerbaijan legislation. Article 15(7) of the Parliamentary Elections Law stipulates the voters' information is to be collected and submitted to the PECs by local executive authorities and/or municipalities as well as by military commanders and heads of hotels, prisons, etc. Aside from provisions in legislation, there are no procedural guidelines issued by the Central Election Commission clarifying how this is to occur.

It should be noted that the Parliamentary Elections Law does contain basic provisions and requirements that local executive and municipal bodies should meet upon compiling the voters' lists. In fact, under Article 23(2) of the Presidential Elections Law and Article 20 of the Municipal Elections Law, information on voters' residence of registration must be clarified by local executive authorities two times every year, not later than January 1 and July 1 of each year.

Moreover, under Articles 15(8) and 15(9) of the Parliamentary Elections Law, information on the voters provided by local executive authorities and municipalities must be listed in alphabetical order by detailed addresses of voters' settlements, streets, buildings, apartments etc., and include voters' first name, surname, middle name, year of birth and passport data. Similar provisions are set forth in the Referendum, Presidential and Municipal Elections Law.

Article 16(2) of the Parliamentary Elections Law further specifies the main basis for inclusion of citizens into the voters' lists. These include the following:

1. Place of permanent (or regular) residence<sup>7</sup> of the voter within the territory of the relevant executive authorities or municipalities which register citizens' residence, and
2. De-registration cards<sup>8</sup>, if necessary.

Military servants and their families are included on the voters' lists by order(s) of higher military officers confirming voters' military status in addition to the information provided by local executive authorities and municipalities.

Thus, the main basis for inclusion of citizens into the voters' lists is citizens' place of residence recorded in the register of the local executive authorities and/or municipalities and maintained thereby. The inclusion of military servants and their families residing in military settlements into the voters' lists should also be supported by orders of military authorities confirming their military status. Those persons located outside of their place of permanent (regular) residence, e.g. in hospitals, abroad, etc., will be included into the voters' lists provided that they have de-registration cards.<sup>9</sup> In addition, the local executive authorities and/or municipalities are responsible for updating the voters' registers each six months.

#### **4.2 Timeframe for Providing Information**

The draft UEC establishes clearer rules with regard to updating the voters' lists. In fact, Article 43(1) of the draft UEC states that the Central Election Commission should receive the voters' lists approved by the PECs March 10 of each year. Thus, local executive and/or municipal authorities must provide the PECs with updated voters register every year.<sup>10</sup> The draft UEC, however, makes no provisions specifying procedures for compilation of voters' lists. There merely exists a repetition of the current elections (referendum) legislation, leaving specific procedural guidelines to be issued by the Central Election Commission.

The timeframe for local executive authorities and/or municipalities to submit the information on the voters' lists to the PECs are fairly clearly established in the election (referendum) legislation. Local executive authorities and/or municipalities should provide the PECs with the information on the voters' lists not later than 35 days prior to parliamentary elections under Article 15(7) of the Parliamentary Elections Law; not later than 40 days prior to the presidential or municipal elections under Article 23(2) of the

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<sup>7</sup> While the law does not define the permanent or regular residence, as a practical matter, the registration at the place of residence ("propiska") for permanent and six months for mostly is acceptable in this term.

<sup>8</sup> Under Article 69 of the Parliamentary Elections Law, de-registration cards are issued either by the Constituency or the Precinct Election Commission.

<sup>9</sup> De-registration cards is unnecessary for citizens located in prisons or correctional institutions.

<sup>10</sup> Moreover, the PECs must provide the constituency election commissions as well as the Central Election Commissions with updated voters lists every year.

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Presidential Elections Law and Article 20 (2) of the Municipal Elections Law; or not later than 30 days prior to a referendum under Article 15(1) of the Referendum Law.

The elections (referendum) legislation also allows local executive authorities and municipal bodies to use the State Automated Information Systems (SAIS) during compiling the voters' lists. As a practical matter, the Central Elections Commission and the State Statistical Committee currently maintain such database. According to officials of the Central Election Commission, the database of the state automated system however, was only used during the Referendum of August 24, 2002.

#### **4.3 Personal Liability**

Unlike the Referendum, Presidential and Municipal Elections Laws, liabilities for persons responsible to provide information on voters for the voters' lists are envisaged in the Parliamentary Elections Law. Under Article 15(3) of the this law, persons responsible for providing information on voters shall be liable for providing actual, true information in timely manner. Neither the Code of Administrative Offences nor the Criminal establishes penalties or fines, however, for failure to meet Article 15(3) of the Parliamentary Elections Law.

Thus, local executive authorities and/or municipalities are responsible to provide actual and true information on voters for voters' lists within the deadline varying from 30 till 40 days prior to the election (referendum) day. As a practical matter, local executive authorities collect information and compile voters' lists within 20 – 30 days before the voters' lists are to be submitted to the PECs.

The draft UEC establishes the unified timeframe for submitting voters' lists by local executive authorities and municipalities to the PECs. Under Article 43(7) of the draft, the local executive authorities must submit voters' lists to the PECs at least 35 days prior to the election (referendum) day. This timeframe is applicable to all elections and for referendum.

#### **4.4 Verifying and Composing Voters' Lists**

Upon receiving the voters' lists, the PECs must examine and, if necessary, amend them. Article 15(2) of the Parliamentary Elections Law states that the PECs must examine voters' lists in accordance with the information as set forth in the relevant documents provided by local executive authorities and municipalities, civilian registration office, and bodies which register citizens' addresses and living places. Thus, voters' lists provided by local executive authorities and municipalities must be supported with extracts from the residence register and other relevant documents. As a practical matter, local executive authorities provide the PECs with the voters' lists with no supporting documents.

It should be noted that the elections (referendum) legislation also envisages the deadline for the PECs to check and approve the voters' list received from local executive authorities and/or municipalities. The PECs must approve the voters lists not later than

35 days prior to the parliamentary election day, under Article 15(1) of the Parliamentary Elections Law, or not later than 30 days prior to the presidential or municipal elections day, under Article 24(5) of the Presidential Elections Law and Article 21(6) of the Municipal Elections Law.

The Referendum Law does not clearly specify the approval deadline for the PECs. Article 15(1) of the law does, however, state that PECs should receive the voters' lists from the local executive authorities 30 days period prior to the referendum. The PECs' deadline for approval, therefore, is deemed to be 30 days prior to the referendum day.

Once the voters' lists have been examined, the PECs should draft two copies for parliamentary elections and referenda and three copies for presidential and municipal elections. One copy of voters' lists must be sent to constituency (territorial) election commissions at least 25 days prior to the parliamentary elections and referenda prior to the election (referendum) day and 16 days prior to the presidential and municipal elections.

Thus, the voters' lists compiled by local executive authorities and/or municipalities must be examined, amended if necessary, and approved by the PECs within the timeframe ranging from 30 to 35 days prior to the election (referendum) day. Then, the voters' lists must be submitted to the constituency election commissions. The timeframe for submitting thereto also ranges from 16 – 25 days prior to the elections (referendum) days.

The draft UEC specifies the unified timeframe for the PECs to approve and submit the voters' lists to the Central Election Commission not later than 35 days prior to the election or referendum day.

#### **4.5 Public Review of Information**

The elections (referendum) legislation establishes a timeframe for the publication of the voters' lists prior to the election (referendum) day and the possibility for citizens to challenge the information.

Under Article 17(1) of the Parliamentary Elections Law, the PECs must ensure the public display of voters' lists for citizens not later than 25 days prior to the election day. With regard to presidential and municipal elections, the voters' lists must be made public 30 days prior to the election day under Article 25 (1) of the Presidential Elections Law and Article 22(1) of the Municipal Elections Law. Article 19 of the Referendum Law envisages the publicizing of voters lists not later than 20 days prior to the referendum day.

Should citizens not be included in voters' lists or if the information is incorrect, they may require the omissions or mistakes to be corrected by either PECs or local executive authorities. Under Article 17(2) of the Parliamentary Elections Law, the PECs must consider citizens' complaints on omissions and mistakes in the voters' lists within one day following the receipt of the complaint. Similar provisions are also set forth in the

Presidential and Municipal Elections Laws. Further, Article 17(2) of the Parliamentary Elections Law, Article 25(4) of the Presidential Elections Law and Article 22(4) of the Municipal Elections Law state that omissions and mistakes in the voters' lists can be challenged at any time including the election day.

Unlike the aforementioned laws, different procedures for challenging information in the voters' lists are specified in the Referendum Law. Pursuant to Article 20(1), of the Referendum Law, citizens may only file complaints on omissions and mistakes in the voters' lists not later than 10 days prior to the referendum day.

Further, decisions, actions, or inaction of the PECs with regard to complaints can be appealed in the courts or higher election commissions. The election (referendum) legislation specifies also time frame for courts and/or higher election commissions to consider appeals. The timeframe ranges from one to three days following the date appeal filed. Should the appeal be filed at the election (referendum) day, the courts/higher election commissions must consider the appeal immediately.

Thus, publicizing the information of voters' lists is the direct responsibility of the PECs and must be performed within the timeframe ranging from 20 to 30 days. Once the voters' lists have been published, the information therein may also be corrected on the basis of citizens' complaints on omissions or mistakes.

Article 45(1) of the draft UEC establishes the unified time frame for publicizing voters' lists as not later than 35 days prior to the election or referendum day.

#### **4.6 Suggestions for Legal and Administrative Clarifications**

Generally, the current elections (referendum) legislation is unclear and vague with regard to procedures and implementing rules for compiling the voters' lists. There exist no unified obligations for local executive authorities and municipalities to prepare the voters lists, *e.g.* the Parliamentary Elections and the Referendum Law requires local executive and municipal bodies to compile the voters lists, while the Presidential and Municipal Elections Laws establish that local executive and municipal bodies must provide the PECs with information on voters only.

Also, the elections (referendum) legislation makes provisions that procedures for compiling the voters' lists should be established by the Central Election Commission's regulation(s) or any instructive orders. As of today, the Central Election Commission has never issued such regulations and therefore, the compilation proceedings are, in practice, regulated by internal rules of local executive authorities and/or municipalities. The draft UEC also is unclear on this issue.

The existing election (referendum) legislation will benefit if the status of local executive authorities and municipalities with regard to compile the voters' lists is clarified. It is advisable to establish clear rules governing duties and powers as well as liabilities with

regard to preparing or providing the voters lists, and subordination or coordination between the PECs and local executive authorities and municipalities.

## **5. Voter Registration Process in Practice**

The compilation of the voters' lists rests heavily in the hands of the local executive authorities. This section highlights the relationships between these executive bodies and the election administration structures in administering the process in practice.

### **5.1 Constituency Election Commissions and the Central Election Commission Oversight**

Neither the Constituency Election Commissions nor the Central Election Commission appear to have very little to no input in the creation of the voters' lists. As the system of formulating the names currently exists, the local executive authorities are initially responsible for creating the lists. The ConECs only pass the voter information from the PEC's to the CEC. The CEC then passes the data to the State Automated Information System. The CEC has no registration department in its commission. The registration is not an ongoing process and is reestablished for each election.

### **5.2 Role of the Local Executive Authorities**

The District Executive Commission has sole authority over all election commissions prior, during, and after the election, although this is not stated in the law. According to the written law, these local executive authorities are only responsible to provide a building for ConECs and PECs. They also are to provide services such as phones and heat for these buildings. But in reality, they play a much greater role. Representatives of the District Executive Commission also become responsible for the creation of the voters' lists.

The names for the voters' lists are originally gathered by Jecks (housing authority representative of the District Executive Commission) who are each assigned a certain number of houses. The Jecks are a carryover from the Soviet period. Their main job is to record the movements of people in and out of the homes. These housing authorities prepare a written list of all residents of voting age and submit it to the head of the head of the Local Executive Commission within the time period established by law. The Local ExCom gives the list to the Constituency Election Commission who gives the list to the Central Election Commission. The CEC then gives the list to the State Automated Information System (SAIS) for data input.

The printed voters' lists are then returned to the ConECs who in turn give them to the PECs. The PECs posts the lists as required by law.

This system is plagued by problems of mistrust. The election commissions have little or no input in the generation of the voters' list. The political parties have no access to the lists themselves other than when they are posted. Since the representatives of the ExCom prepare the lists, there is mistrust that these individuals would have a better understanding as to who is and is not going to vote. For example, names of dead people may still appear on the lists and their names may be used as fraudulent votes.

### **5.3 Role of the Precinct Election Commission**

The precinct election commission is responsible for the verification of the voters' list. The members of the commission must make corrections to the list based on information submitted to them. After making these corrections, the PEC forwards the list to the ConEC. In addition to conducting the election on Election Day, the PEC is responsible for producing and delivering a written notice of election to each voter based upon the corrected voters' list.

### **5.4 Special Problems: Internally Displaced Persons**

Internally Displaced Persons are those citizens of regions that have become occupied by the Armenians and have temporarily moved into camps, settlements and other locations throughout Azerbaijan. The law permits these individuals to vote for representatives from the territory from which they originally resided. This system causes a major problem for the election process. Although the voters' lists for these areas are created in the same manner as those of the other Commissions, the majority of the Constituency Election Commissions are located great distances from the PEC's and there is a lack of quality control, accountability and consistency. Since some of these individuals have been out of their original homes for as long as ten years, these voters should be included in the voters' list where they are presently residing and not from the regions in which they lived before their displacement. This most likely will not happen since it would be an admission that the government has accepted the occupation of the disputed area by Armenia. Although for the upcoming Presidential elections, it is possible to include these voters on the lists where they are residing; since the office of President would be on their ballot wherever they reside. This would not only be a cost effective change, but would allow better accountability and quality control.

### **5.5 General Procedural Recommendations**

There are five recommendations for adjusting the current system that should be highly considered. One is a clear breach international standard of transparency and the other four are technological changes that would ease the delivery of the notices of the election and help purge the lists of duplicate names.

1. At present, the only accessibility of the voters list to political parties and candidates is to view it when it is posted. The voters' list is the one document that is visible and verifiable in the election process. If there are problems with the voters' lists, there is the logical assumption that there are problems in other areas as well. IFES highly recommends that the lists should be made available to all political parties and candidates through the State Automated Information System. SAIS has the data stored in their database and it would not be a problem that this agency print copies.

2. IFES recommends steps to ease the preparation of the notice of elections. At present, the list of voters is prepared by SAIS and sent to the PEC's in an alphabetical order according to last name. The PEC's would then hand-write the information in the blanks on a preprinted form sent by the CEC. (Form attached Example A) It is first recommended that the list be sorted by street order; not alphabetically by name. Since the notices are delivered house by house, the PEC's must sort the notices into house order after they have been filed in with the proper information. It is also recommended that the notices themselves be printed by SAIS. It would take little for the computer center to print the notices by street order with all necessary information. These printed notices would then be delivered to the PEC's and the time would then be better spent delivering the notices; rather than filling out notices.
  
3. IFES recommends that the passport number should also be included in the database. This number was not included in the voters' lists that were used in the past referendum election. These should be entered into the database so they may be used as another identifier in the record to verify the identity of the voter. The passport numbers would not be printed on the voters' lists when they are forwarded for the election; but would be included in the database of the voter. When the voter presents their passport and signs onto the voters' list, the poll workers would then write the passport number in a space provided. Then after the election, members of the CEC or SAIS could compare the number given at the time of the election to that which is in the database to verify the true identity of the voter.
  
3. IFES recommends that SAIS run a search of the voters' file and look for any duplicate voters. By looking at names, addresses, and dates of birth of voters already in the file, any individuals that have moved and whose name still appear at the old location as well as in the new one, could be identified electronically. These duplicates could be sent to the PEC's to verify which address would be correct.
  
4. IFES recommends that IDPs be included on the lists where they are residing, especially for the presidential election as the ballot would be the same in all precincts. This would not only be a cost effective change, but would allow better accountability and quality control.

## **6. Voter Registration Alternatives in Azerbaijan**

The alternatives discussed should be broken down into two areas. One is the method in which the information on the voter is gathered and the other is how this information is stored, maintained, updated and sent to the PEC's on election day. Timelines presented under each alternative are based on readying accurate voters' lists in time for scheduled presidential elections.

The agency that stores the gathered data and maintains and prepares the voters' lists is the State Agency Information System. SAIS is an agency under the direction of the CEC that was established in 2000 through the joint fund venture between the UN and the Azerbaijan government. This center was originally designed to report unofficial election results on election night through a network of computers linked through the Internet and modems within each of the constituency election commissions. In the August 24, 2002 referendum, the center entered the data for the voters' lists and created the lists used on election day. The potential and capability of this agency in election administration has not yet begun to be used. This agency should be able to implement all recommendations and it should be mandatory that the lists produced by this agency be used in their entirety. Some PEC's hand-wrote the voters' lists used on election day from the computer-generated lists sent to them by the CEC that were compiled by the SAIS. By handwriting these lists, the accuracy of the lists is compromised as the voters could be added or deleted at will.

### **6.1 Alternative One: International Registration Drive**

There is a total mistrust of the entire voting process by opposition parties and a large segment of the voting population. This perception could change if an independent international group like IFES, OSCE, and/or UNDP gathered the collection of the original data for the registration of voters. The group could develop a network of teams that would go door to door to register voters; similar as to what Canada and England have done. The teams would fill out registration cards with last name, first name, middle name, address, date of birth, passport numbers and signatures. These cards would be turned into the SAIS for data input. The signatures would be scanned into the record of the voter and would be printed onto the list of voters to be used as an identifier on election day when the voter arrives to vote.

The recommended time frame for this would be from January to April for collecting the data by going door to door. As the registration cards are gathered during this period, they would be turned into SAIS for data entry on a regular basis. SAIS would have the month of May to complete all the data entry. Lists would be distributed to the political parties, international and domestic electoral observation groups and the international community in June. All discrepancies would be submitted and ruled on by the end of August and the corrected notices of election and voters' lists would be available as described in the law.

The international registration drive option has the following advantages:

1. It would create trust of the system within the voter population and also generate a voter database based on unbiased data collection.
2. It would create a high level of transparency by allowing duplicates of the voters list. Then verification by the political parties, international and domestic electoral observation groups and the international community could be performed.
3. Knowing a more precise number of registered voters by address, the political boundaries, the number of PEC's, polling locations, and the necessary number of ballots could be determined with greater accuracy.
4. It would have a secondary effect of providing employment opportunities as the designated international group would hire local citizens to handle the door-to-door operation.

The international registration drive option has the following disadvantages:

1. The first and most apparent problem with this proposal is that the general public would not readily accept the program without skepticism and may refuse to give the information needed. This type of program must have full support of the government and have a massive civic education program through print and electronic media to gain the public's trust and awareness of its necessity.
2. The organizational complications of a project of this magnitude are large. A pyramid type of program would need to be created in which all regions have their own teams that report to a regional office. The regional office would then report to a central office where all would be using consistent techniques to assure all possible citizens of suffrage age are registered.
3. The expense of this alternative would be another disadvantage. The cost of a program like this would have to be financed by a single or group of international donors.
4. The law would have to be changed, or an administrative order of the CEC would have to be issued, in order to permit this type of program.

## **6.2 Alternative Two: Political Parties Registration Drive**

This alternative envisages political parties and NGO's involved in democracy and governance to verify the voters, their addresses, and make any corrections to the list of voters. SAIS would use the names of voters from the last referendum election held on August 24, 2002 and make copies of the list available to the interested parties. These parties would in turn would go door to door and then submit corrections to the PECs. The PECs would investigate, based on the information provided, and make corrections accordingly. These completed lists would then be sent back to SAIS who would enter the

corrected data and submit the adjusted list for the election as stated in the code. This alternative also provides that the SAIS would be responsible for the storage and maintenance of the data for registration.

The time frame for this proposal is based on political parties and/or NGOs receiving the lists in June. The PECs would get revisions to investigate in August and have corrected list by the beginning of September submitted to SAIS. This would require two major actions to succeed. One would be that all political parties and/or NGOs would have to organize and work together using each other's resources and manpower to cover the entire country in sufficient time. Secondly, the law would have to change to organize the PECs by August; which is one month earlier than is in the present law.

Again, in this proposal, it is suggested that a registration card is used in which the voter will give the pertinent information such as first name, last name, middle name, address, passport number, date of birth and signature. The signatures would be scanned and attached to the record by SAIS; as described in the first alternative.

The political party registration drive alternative has the following advantages:

1. It would be effective in correcting errors in the current voters' lists; as well as satisfy the concerns of the validity of the lists since the political parties would be the ones responsible for them.
2. It would provide the highest level of transparency. By allowing the political parties full access to the voters' lists, there could not be a more open process in the verification of names on those lists.
3. Since this project would require the cooperation of all of the major political parties, this in itself would be an advantage in that the political parties would be forced to work cooperatively with each other.

The political party registration drive alternative has the following disadvantages:

1. If the political parties were not able to organize, the suggested alternative would fail. This would allow the government to continue to publish the lists as they have previously done and no positive changes would occur.
2. This alternative could cause numerous disputes within the PECs because the political parties would be the challengers of the current voters' lists and not the individual voter.
3. The law would have to be changed to permit this form of registration.

### **6.3 Alternative Three: Volunteer Registration Drive**

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This alternative proposes a volunteer registration program. All citizens of voting age would be asked to go to the local elected municipal authorities and register to vote. A standard registration form would be used. The registration forms would include voter's last name, first name, middle name, address, date of birth, passport numbers, and signature. These registration forms would then be turned into the SAIS on a regular basis for data input. The signatures would be scanned into the record of the voter and would be printed onto the list of voters to be used as an identifier on Election Day when the voter arrives to vote.

The time frame for this recommendation would be for citizens to register from January to July. After submitting the information to SAIS, the list of voters would be generated and sent to the PECs to be processed as stated in the law.

A massive civic education program using both electronic and print media would be necessary to ensure all citizens are aware of the program and register to vote.

The volunteer registration drive alternative has the following advantages:

1. It would allow the municipalities to be involved in another public service to the citizens within their jurisdictions and also permit many people to observe the operation of the municipality for the first time.
2. By using the elected officials from the municipal offices to collect the registration data, there would be a better opportunity to trust the voting lists when they are used in the election.
3. Using signatures on a registration card verifies the identity of the voter to the poll worker on Election Day.

The volunteer registration drive alternative has the following disadvantages:

1. If voluntary registration is used, the public may not participate in the program. This is a much different type of process than the general public has experienced in the past. This type of alternative, as well as most of the others, would require massive civic education. It would have to use print as well as electronic media to promote it. Both of these options would be very expensive.
2. The law would have to be changed to permit this type of registration program.
3. This recommendation would require SAIS to create a large database department at additional costs.

#### **6.4 Compulsory Registration Drive**

This alternative proposes a compulsory registration program. All citizens of voting age would be required to go to the local ConEC and register to vote. This would be a state-

initiated mandatory requirement of all citizens of voting age. In addition to the registration form and signature mentioned in the other alternatives, this alternative would permit the issuing of a registration card that could include a photo. These cards could be presented as identification when the person votes. This would require special equipment that would take a photo when the person registers in person and attach the photo to the registration cards. This equipment and operational training would be provided to each ConEC office. After the registrations are completed, the ConEC could use the computers that are linked to SAIS and enter the given data directly into the database at SAIS. This would eliminate a massive data entry facility at SAIS.

The compulsory registration drive alternative has the following advantages:

1. This alternative would lessen the opportunity for falsification of the voter since the voter would be required to present the card with the photo to vote.
2. By using ConEC computers, it would utilize their equipment which already exists and by doing daily updates on a regular basis as registrations come in it would increase the skills of their staff in computer technology.

The compulsory registration drive alternative has the following disadvantages:

1. A major disadvantage of this suggestion would be the cost of this system to generate the photo registration cards. This could be cost prohibitive. In order to encourage citizens to participate, the registration cards would have to be free of any costs.
2. This alternative would not elevate the mistrust that the general public has with the current authorities and possibly not create a belief in the validity of the voters' lists.
3. This type of alternative, as mentioned in the others, would require massive civic education. It would have to use print as well as electronic media to promote it. Since the burden for registration would be placed on the individual voter who must register at the ConEC it could disfranchise a voter who does not get the message that everyone must register.

## **6.5 Alternative Five: Enhancing the Present System**

The final alternative is to use the current system of gathering information on voters and to take the voters' lists that were used in the referendum election of August 24, 2002 and are currently being stored by the CEC. Then have the SAIS scan these lists and utilize document imaging to capture the signatures of those that voted in the election. These lists would be given to the PECs, who would go through the normal procedures that are stated in the current law.

Enhancing the present system would have the following advantages:

1. This alternative would be relatively inexpensive. The only cost would be the hardware and software for SAIS to capture the signatures from the old voters' lists.

Enhancing the present system would have the following disadvantages:

1. The political parties and international community do not believe the alleged turnout of 83% for the August 24, 2002 referendum election is accurate. Therefore, a significant majority of the signatures gathered could be fraudulent. This would defeat the purpose of using the signatures to identify voters.
2. The PEC members would argue over the validity of a person's signature match and disfranchise a valid voter.

## **7. Recommendations for Reform**

Alternative One: International Registration Drive and Alternative Four: Enhancing the Present System are recommended as being most feasible and effective for the Azerbaijan voter registration system. In addition to these recommendations, the following five mentioned in 5.5 General Procedural Recommendations should be included in whatever recommendation is implemented:

1. In the attempt to make the registration process more transparent the voters' lists should be available to all political parties and candidates through the State Automated Information System (SAIS)
2. The Notice of Elections should be printed by SAIS in street order and sent to the PEC's to be delivered.
3. The passport number for each voter should also be included in the database at SAIS, and printed on the voters' list. This could then be matched and used as another identifier on Election Day.
4. SAIS prior to every election and before printing the voters' list, run a search of the voters' file and electronically look for any duplicate voters.
5. IDPs should be included on the lists where they are residing.

### **7.1 Recommendation One**

The International Registration Drive would be the best alternative since it would build a registration system from the bottom up. In addition and most importantly, this alternative, using the international community to organize and execute, would help begin the process of regaining the trust of the public in elections. The most accurate way to determine who is living at a certain address is to make an actual home visit to that address and record those of voting age.

This plan would need to break down into the 65 rural regions and the 11 districts of Baku. Each district would have an office to monitor teams that would do the actual door-to-door registration. Using the same breakdown as the Jecks (housing authority), each two-person team would use the lists either from the CEC or the most current list from the executive commission and make contact with each individual home on the list. This may require multiple visits but every household on a teams list would have to have be contacted. Several teams would have a supervisor who would be responsible to monitor the progress of the teams under their supervision and report to the district office who in turn would report to the central office in Baku. This is not an impossible task. Jurisdictions in Canada regularly undertake this form of canvassing. And in the summer of 1998 in the United States, the Board of Elections in the city of Chicago ordered a canvas of all registered voters on the voters' list. All Precinct Judges were given a list of voters, sorted by address and were asked to go door to door in approximately two months

and were able to canvas the 1,310,374 voters. The complete work force consisted of 2000 people.

## **7.2 Recommendation Two**

Another recommendation for a Volunteer Registration Drive would provide a solution to the current problem of inaccurate voters' lists by starting from the beginning and creating a new list. This option would also take the responsibilities of development of the voters' list away from the executive authorities and thereby reducing their authority and possible control over this process of the election administration. It would further enhance the offices of the elected local officials.

By developing a volunteer registration system, only those who choose to vote will take the effort to register. This suggestion may propose the most difficult problem since the public must be informed of the change. A massive civic education program would need to be developed using all forms of media. This recommendation would have to have full support of the government and all of its resources.

The mechanical development of this recommendation is simple in theory. The citizens who are of voting age would come to their municipal offices and have a form filled out and sign the form. Then the forms would be given to SAIS on a regular basis to be entered into the database. Both of these offices exist now and only SAIS would have to purchase hardware and software to scan the signatures and store them electronically in the database. Additionally, both may have to hire staff to execute the extra duties.

This recommended option would need to be launched in January and continue through July. After submitting the information to SAIS, the new list of voters would be generated and sent to the PECs in accordance with the timeframe set forth by law.

Although international assistance may be required in the area of civic education and in the organization of the program itself, this recommendation places a greater emphasis on the electorate of Azerbaijan.

## **8.0 Conclusion and Next Steps**

Based on the findings of this assessment and experience in Azerbaijan, IFES considers it critical that considerable steps are taken to ensure that the voters' lists are compiled effectively, updated regularly, and incorporate significant elements of civil society oversight in order to ensure their accuracy. IFES has presented a series of options and recommendations for reform based on Azerbaijan experience, the legal and procedural framework, and realities in election administration. These suggestions for reform should be considered a starting point towards drafting a comprehensive plan of action. They are basic guidelines that can be adjusted as necessary to incorporate features from other options. IFES will seek feedback from various players in the election process from the executive administration, election administration structures, and civil society with a view towards choosing an option that best suits the electoral environment of Azerbaijan.

## Attachment A

National Voting (Referendum) in the Republic of Azerbaijan  
August 24, 2002, Saturday

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### NOTICE

Address of voter \_\_\_\_\_

Dear citizen \_\_\_\_\_

(name, last name, father's name)

We are inviting you to the national voting (referendum) conducted with the purpose of making changes to the Constitution of the Republic of Azerbaijan.

Voting hours for referendum are from 8.00AM to 22.00.

You are listed in the voters list for referendum voting station # \_\_\_\_\_ which is located in

\_\_\_\_\_

(address of voting station)

of referendum constitution # \_\_\_\_\_.

Don't forget to bring an identification and citizenship document!

**Precinct Election Commission**

## Attachment B

The following individuals were interviewed, participated in a discussion groups or met with IFES Election Specialist Tony Reissig.

Mazahir M. Panahov, Chairman, CEC  
Svetlana Gasinovo, Deputy Chairman, CEC  
Rovzat A. Gasimov, Head of the International Relations Department, CEC  
Willaim D. Mc Kinney, USAID, Country Coordinator  
Kelley Strickland, USAID, Civil Society Advisor  
Mark Foehr, Country Director, IRI/Azerbaijan  
Fuad Mustafayev, APEF (Popular Front) Party  
Ilgar Mammadov, Deputy Chairman, National Independence Party of Azerbaijan (ANIP)  
Dr. Igbal A. Babayev, Chairman, State Information Center (SAIS)  
Ibrahim Mehdiyev, Chairman, Executive Commission, Khatai District  
Isayev Rafig, Head of Department of records and the computer, Khatai District  
Kerim Agayev, Chairmen, Constituency Election Commission, Khatai District  
Mirfaig Mirheydarli, Chairmen, Constituency Election Commission, Khatai District  
Rustam Milkailov, Chairmen, Constituency Election Commission, Khatai District  
Zulfigar Kazimov, Chairman, Executive Commission, Narimanov District  
Mustafa Hasanov, Chairmen, Constituency Election Commission, Narimanov District  
Irada Aliyeva, Chairmen, Constituency Election Commission, Narimanov District  
Natig Jabiyev, ADP Party  
David Sip, Director, NDI/Azerbaijan  
Gorkhmaz Askerov, Political Officer, NDI/Azerbaijan  
Khayyam Mammadov, Chairman, Executive Commission, Gakh District,  
Rajab Yahyayev, Chairman, Constituency Election Commission #60  
Nizaami Ahmadov, Chairman for the Territorial Issues in Gakh Executive Commission.  
Firgat Mammadov, Chairman for the Territorial Issues, Seki District  
Ayyub Jabrailov, Chairman, Constituency Election Commission #43  
Veysal Hajiyevev, Chairman, Constituency Election Commission #44  
Alovsat Nasrullayev, Head of Executive Commission Department, on refugee and IDP issues, Seki District  
Bashir Ibrahimov, chairman, PEC #59 of Constituency Election Commission #41 that represents Kalbajar-Khojali-Khojavand-Tartar regions  
Maharram Rzayev, Secretary of PEC #59,  
Mahammad Shukurov, chairman of PEC #54 of Constituency Election Commission #71 that represents Lachin-Kalbajar regions,  
Gizkhanim Aleskerova, member of PEC #50 of Constituency Election Commission #48,  
Rafael Ismayilov, chairman of Chalabikhan municipality, Aghdam village  
Ahliman Taghiyev, Chairman, Executive Commission. Ismayilli district  
Aghasaf Aliyev, Chairman, Constituency Election Commission, Ismayilli district  
Akif Aliyev, Chairman, Executive Commission, Shamakhi district  
Vahid Khanaliyev, Chairman, Constituency Election Commission #98  
Sabir Mammadov, Secretary, Constituency Election Commission #98  
Soltan Osmanov, Executive Commission representative, Shahriyar settlement

**IFES TECHNICAL REPORT  
ON  
MUNICIPAL BY-ELECTIONS  
NOVEMBER 2, 2002**

Five IFES observer teams observed November 2 Municipal by-elections. Teams 1 and 2 observed the by-elections in Khatai Territorial Election Commission. Team 3 visited Ismayilli, Team 4 were in Guba and Team 5 in Masalli. Overall number of precincts observed - 41.

**Team 1: Charles and Shahla - Khatai**

IFES observation Team 1 did not observe the opening procedures. Overall number of Precincts visited was 9. They were 10, 63, 64, 65, 66, 79, 80, 81, 82. The layout of all Precincts observed was correct. Polling station workers in all precincts conducted themselves correctly. All precinct commission members in all 9 precincts were present..

Irregularities during voting: Minor technical irregularities, did not affect the results. In one precinct it was noted that ID numbers of all voters were included in the voter list.

The team did not observe the counting process.

**Team 2: Jeffrey and Kenan - Khatai**

The team observed the opening procedures in Precincts #107 and #108. Overall number of Precincts visited was 14. They were #99, 100, 101, 102, 105, 106, 107, 108, 113, 114, 115, 116, 117 and 118. The layout of most Precincts observed was correct. Polling station workers in Precincts 105,106, 115, 116, 117 and 118 conducted themselves correctly.

Full number of precinct commission members was present only in 10 precincts. Faultless voting process was observed in Precincts# 106, 115, 117 and 118. In general, there were minor problems in voting process in the rest of Precincts, excepting Precincts#113 and 114, where quite serious problems, such as ballot stuffing, appearance of similar signatures on voters lists, provision of unstamped and unsigned ballots to voters, etc were observed. Few voters presented passport for getting ballot paper in Precinct 114, while 3 or 4 pages in Main List of the Precinct 113 were entirely full with voters details and signatures. Precinct chairperson explained the situation saying that voters living in same buildings come to voting station in groups.

There were some cases of family voting. Mobile ballot box had been properly sealed in all the Precincts. According to chairpersons' information, nobody applied for mobile voting. In Precinct 105, the mobile ballot box was placed on top of the ballot box, and therefore caused confusion, i.e. one ballot was placed in mobile ballot box by mistake. Observer from YAP were present in each precinct, neutral and candidate's observers were only in Precincts 115 and 116. Unauthorized persons were allowed access to the polling stations in Precincts 113 and 114. Voter turnout was pretty high in almost all Precincts observed. Team 2 observed the counting processes in the precincts 113 and 114, and witnessed acts of falsification, such as distortion of number of invalid ballots, putting stamp and signatures on unsigned and unstamped ones, avoiding invalidation of ballots improperly completed either by commission members or voters, etc. According to the chairperson of Precinct 113, prior to the by-elections starting from October 15 the PEC members attended several meeting arranged by the local ExCom dedicated to electoral procedures.

A full, more detailed, report on the observation conducted by team 2 is attached as an Appendix to this report.

### **Team 3: Anna and Parviz - Ismayilli**

The team did not observe the opening procedures. Overall number of Precincts visited was 3 out of 9 located in the territory. They were Galajig village Precinct #1, Sumagalli village Precinct #2, Galinjag village Precinct #9. The layout of all Precincts observed was correct. Polling station workers in Precincts 1 and 2 conducted themselves correctly. All precinct commission members in all three precincts were present. In general, there were no problems in voting process in the Precincts 1 and 2. The team observed four irregularities in the Precinct 9. All ballots were pre-stamped, signed and the corners were cut. No voters presented passport before receiving a ballot paper. The column where passport details should be written down was blank through the entire list. Precinct chairperson explained the situation saying that majority of population in the village do not have old Soviet passports and not received the new ID. But in spite of this, all of them were allowed to vote. There were some cases of family voting. Mobile ballot box had not been properly sealed, it was open, empty and placed in a corner. According to the chairperson, nobody applied for mobile voting. In Precinct 2 the mobile ballot box was not sealed at all, but it was in proper place. In the Precincts 9 and 1 there was only one observer from YAP in each. Voter turnout was pretty high in all Precincts observed. By 3 pm more than 50% of all voters in the Precincts had voted.

The team did not observe the counting process.

### **Team 4: Francois, Kamran and Ulker - Guba**

The team did not observe the opening procedures. Overall number of Precincts visited was 7. They were Girmizi village Precinct #1 and #2, Mirzamammad village Precinct #3, Agbili village Precinct #4, Alekseyevka village Precinct #5, Barli village Precinct #6 and Alpan village Precinct #7. In the last precinct the team observed counting process. The layout of all Precincts observed was correct. Polling station workers in 5 precincts out of 7 conducted themselves correctly.

Irregularities during voting:

Precinct 1, 2, 3 : ballots were pre-stamped, cut and signed, ballot box was unsealed;

Precinct 3, 4 : voters lists were not stamped and included dead people, ballot box placed too far away from PEC members to keep proper control, no secrecy in mobile voting;

Precinct 6 : observer from YAP interfered the election process and sometimes instructed commission members and voters.

Counting: Protocol received, all the numbers are correct, the protocol is valid and signed by all commissioners.

### **Team 5: Servet and Mirali - Masalli**

The team did observe the opening procedure in Precinct 3. Overall number of Precincts visited was 8 - 4 Precincts in Masalli town (#2, 3, 4, 7) and 4 in the villages (#6, 7, 13, 14). During the observation process it was established that the election officials were not aware of their rights and responsibilities. They did not know the voting procedures. In all PECs the representatives of ExComs were present and they controlled all election process. In Precinct 3 the members came to the PEC after 08:10 am and PEC chairman made official opening at that time alone. Family voting and voting without ID were observed in all PECs in town. In comparison with the town the election officials were seemed more experienced in the villages of Masalli.

Team 5 did not observe the counting processes in the precincts.

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**APPENDIX**  
**IFES TECHNICAL REPORT**  
**ON**  
**MUNICIPAL BY-ELECTIONS**  
**NOVEMBER 2, 2002**

**Detailed Report from Team 2:**  
**Jeffrey and Kenan - Khatai**

The team observed a total of 14 precincts: 99, 100, 101, 102, 105, 106, 107, 108, 113, 114, 115, 116, 117 and 118. In each case there were between two and four precincts per a polling site. IFES noted that while the full number of precinct commission members was present only in 10 precincts, there appeared to be a sufficient number of PEC members to carry out polling procedures. While the layout of most Precincts observed was generally correct, it did appear that in some cases the existence of multiple precincts in a single site could cause confusion due to the lack of space. In one case, there was only one set of polling booths for four precincts which could cause confusion. Ballot boxes and mobile ballot boxes were all sealed. Although polling sites were generally well marked, voter instructions were not always publicly displayed.

Especially in the case of schools, IFES noted that unauthorized persons, apparently those working at the school, were allowed into the polling sites. At times, precinct election commissioners appeared to be performing two tasks at once as PEC members and as employees of the institution where the polling site was located. In some cases pictures of the President and his achievements were displayed publicly which, combined with existence of YAP party observers in each polling site, could appear to encourage voters to choose a particular candidate. Neutral and candidate's observers were only in Precincts 115 and 116. In one case, the YAP observer was clearly performing the task of PEC chairman at precincts 113 and 114. Her role as an observer was clouded by the fact that (a) she was instructing PEC members how to conduct procedures, (b) she was director of the school in which the polling site was located, and (c) that the PEC chairmen and members were her employees.

IFES noted that each PEC had at least one copy of the Election Guide and relevant legislation. Each chairman had experience conducting multiple elections. Many of the chairmen asked also noted that they had received training from ExComs on the election process. It also appeared that the selection process for PEC chairman and members was not voluntary, rather appeared to be selected by ExComs and directed to serve in their respective positions.

In each polling station, IFES was allowed to perform its role as accredited international observers.

**Opening procedures**

The team observed the opening procedures in Precincts 107 and 108. Opening procedures began late. The PEC chairmen explained that they should begin at 8:00. Despite the fact that there were two precincts, the Chairman of 108, dominated the procedures at both stations. Ballot papers were not counted publicly. IFES also noted that the nature of the seals (a piece of paper glued to the box) were difficult to secure. Although the seal was stamped, IFES did not witness the seal being signed by members of the PEC nor by observers.

**Polling Procedures**

PEC chairmen and members seemed generally knowledgeable about polling procedures. In most cases, procedures were conducted properly. According to chairpersons' information, nobody applied for mobile voting in any of the precincts observed. IFES observed several irregularities

that could affect the integrity of the ballot and of the process. In some cases, these irregularities could affect the outcome of the results. These irregularities included:

- Family voting was witnessed.
- In one case, the mobile ballot box was placed on top of the ballot box, and therefore caused confusion, i.e. ballots were placed in mobile ballot box by mistake.
- Multiple ballots were placed in the ballot box, which was explained as a single family member collecting the ballots of other family members.
- Ballots were being stamped and signed in advance (but not cut).
- Voters' lists were inconsistent. In some cases, voters lists had identification numbers already entered in advance.
- In general, the process of issuing the ballot was not consistent. Voter identification was not always checked. In some cases, PEC members noted that they checked the invitation to vote with the date of birth of the voter. In some polling stations, in particular 102, 113, 114, IFES noted that multiple signatures on the voter lists were similar. In precinct 114, whole pages of voters were completely full while other pages were blank. (The explanation that voters organized themselves to vote in groups in 114 contradicted the fact that this was not happening in adjacent precinct 113.)
- In precincts 113 and 114 unsigned and unstamped ballots were provided to voters. IFES brought this to the attention of the PEC chairpersons at 13:45 who began to sign, stamp, and cut ballots in accordance with the law. In precinct 113, observers were informed that none of the ballots were stamped as of this time and that they planned to stamp and sign them after they were counted. After this was brought to the precinct chairperson's attention, she appealed to the YAP observer and was told of the proper procedure. Based on information received by the chairperson, 192 ballots had been issued (unstamped) and reported to the TEC by 13:00.

### Counting Procedures

Team 2 observed the counting processes in the precincts 113 and 114. IFES focused most of its attention on precinct 113. Several irregularities that affected the integrity of the counting process and could have affected the result were witnessed.

Although there was general confusion, the counting procedures took place openly in front of the observers. IFES mentioned to the chairperson that procedures were not being followed correctly and in the proper order and that irregularities would be noted in the IFES report. Generally, IFES witnessed facts of falsification during the counting procedure, such as distortion of number of invalid ballots, putting stamp and signatures on unsigned and unstamped ones, avoiding invalidation of ballots improperly completed either by commission members or voters, etc. In particular, IFES noted the following:

- Unused ballots from both precincts 113 and 114 were collected and counted in a single stack. It was explained that they would be divided up in accordance after all the ballots were counted.
- The number of voters on the voters list was not counted until requested by IFES observers. The count of 389 was one shy of the 390 ballots in the ballot box. This was explained as possibility of a proxy ballot being delivered for a military voter based outside the precinct who did not sign his name. Many signatures appeared similar or identical.
- PEC members from precinct 113 initiated the counting of ballots prior to destroying all invalid ballots. IFES observed invalid ballots without signatures and stamps being placed into the piles of valid ballots. IFES mentioned this and they were removed. Then IFES witnessed them being placed back into the piles of valid ballots. IFES also witnessed PEC members (from both precincts) signing unsigned ballots (the same signature on both

lines). *The total number of 42 used ballots invalidated and reported in the protocol is significantly less than the 192 unstamped ballots reported to observers earlier in the day.*

- Numbers were not announced as they were tallied and tallied numbers appeared to be changing often, especially as the YAP observer was noticeably involved in the counting and tabulation process for both precincts.
- Unauthorized personnel were allowed in the polling station during the count (although this did not appear to impact the process.)
- Police were allowed to enter to make a phone call, after which the lights went out in the building as the protocols were being completed.