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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**THE LAW OF THE AZERBAIJAN REPUBLIC  
ON ELECTIONS TO MILLI MAJLIS  
OF THE AZERBAIJAN REPUBLIC**

# **THE LAW OF THE AZERBAIJAN REPUBLIC ON ELECTIONS TO MILLI MAJLIS OF THE AZERBAIJAN REPUBLIC**

## **CHAPTER I COMMON PROVISIONS**

### **Article 1. Basic Principles of Elections to Milli Majlis of the Azerbaijan Republic**

- 1.1. Basis of elections to the Milli Majlis of the Azerbaijan Republic (hereafter referred to as Milli Majlis) are defined by Article 83 of the Constitution of the Azerbaijan Republic.
- 1.2. Citizens of the Azerbaijan Republic participate in the elections freely and voluntarily. No one has the right to pressure a citizen of the Azerbaijan Republic to participate or not to participate in the elections or to control his/her choice of whom he/she votes for.

### **Article 2. Legislation on Elections to Milli Majlis**

- 2.1. Constitution of the Azerbaijan Republic, this law and other laws are the basis of the legislation on elections to Milli Majlis.

### **Article 3. Elections to Milli Majlis**

- 3.1. 100 deputies of the Milli Majlis are elected as a rule on the basis of a single representation norm of voters in single mandate election districts (one district – one deputy). The single representation norm of voters is determined by dividing the total number of registered voters by 100.
- 3.2. 25 deputies of Milli Majlis are elected on the basis of number of proportional votes cast for the list of candidates nominated by voters associations and voters blocks in a single multi-mandate election district.

### **Article 4. Suffrage of Citizens of Azerbaijan Republic During Elections to Milli Majlis**

- 4.1. On the election day, a citizen of the Azerbaijan Republic who is 18 years old, has the right to vote to elect a deputy to the Milli Majlis in a single multi-mandate election district.
- 4.2. On the election day, citizens of the Azerbaijan Republic who are 18 years old and who live permanently or basically within the territory of the relevant election district have the right to vote to elect a deputy in a single-mandate election district.
- 4.3. Citizens of the Azerbaijan Republic who are 18 years old have the right to participate:
  - ◆ in determination of voting and election results;
  - ◆ in nomination of candidates;
  - ◆ in determination of lists of candidates;
  - ◆ in election campaign;
  - ◆ in election observation and observation of election commission's working processes;
  - ◆ in implementation of other election actionsin accordance with the rules considered by this law and other laws.

- 4.4. A citizen of the Azerbaijan Republic who is or lives outside of the territory of the Azerbaijan Republic during the preparation and conduct of elections has the equal right to other citizens of the Azerbaijan Republic in electing deputies to the Milli Majlis.

#### **Article 5. Determination of Elections to Milli Majlis**

- 5.1. According to the article 109.1. of the Constitution of the Azerbaijan Republic, a date of new elections to the Milli Majlis is determined by the President of the Azerbaijan Republic. Elections are determined as early as 5 months, not later than 4 months, prior to the election day. Election day to the Milli Majlis is considered a first Sunday after a month is left before term of office of the old Milli Majlis is finished. Term of office of the newly elected Milli Majlis commences from the first day it meets.
- 5.2. The Milli Majlis is considered to be elected from the date it is formed with authorised membership after the elections. A decision on determination of elections is published officially by the mass media at latest within 5 days after such a decision is made.
- 5.3. If an election day (Sunday) is a holiday or pre-holiday or post-holiday day, then election day is determined for the following Sunday.

#### **Article 6. Right to Nominate Candidate for Deputy of Milli Majlis**

- 6.1. Candidates for deputy of Milli Majlis (hereafter referred to as candidates) can be nominated by the voters of the relevant single-mandate election district or by themselves.
- 6.2. Candidates, lists of candidates can be nominated by voters associations and voters blocks.

#### **Article 7. Preparation and Conduct of Elections to Milli Majlis by Election Commissions**

- 7.1. Election commissions ensure preparation and conduct of elections to Milli Majlis (hereafter referred to as elections), implementation and defense of citizens' right to elect and controls if the rights mentioned above are followed, within the powers defined by this law and other laws.
- 7.2. Election commissions do not depend on state government and local self-government bodies in preparation and conduct of elections within the powers defined by this law and other laws.
- 7.3. Decisions and acts adopted by the election commissions within their powers defined by this law and other laws are compulsory for self-government bodies, candidates for deputy, registered candidates for deputy, voters associations, voter blocks (groups), public associations, organizations, officials and voters.
- 7.4. During preparation and conduct of elections, election commissions have the right to use state automated information systems to inform the voters about the following within the powers defined by this law and other laws:
- ◆ election preparation and conduct processes;
  - ◆ results of elections;
  - ◆ sources, collection, completeness, renewing, transfer and security of information used during preparation and conduct of elections;

- ◆ provision of election commissions with information.

#### **Article 8. Right to Conduct Election Campaign**

- 8.1. The government ensures the citizens of the Azerbaijan Republic and political parties with conduct of a free election campaign in accordance with this law and other laws.
- 8.2. Citizens of the Azerbaijan Republic and political parties have the right to conduct election campaigns through methods allowed by the law:
  - ◆ to call people to participate in the elections;
  - ◆ to call people to vote for or against any candidate or list of candidates registered by the Central Election Commission.
- 8.3. The government defines the conditions for equal use of the mass media for election campaign for:
  - ◆ registered candidates for deputy;
  - ◆ voters associations;
  - ◆ candidates registered (in a single list of candidates) nominated by voters blocks.

#### **Article 9. Financing Elections**

- 9.1. Preparation and conduct of elections are financed from the state budget.
- 9.2. Candidates, voters associations and voters blocks are to create special election funds for financing their election campaign.

#### **Article 10. Transparency During Preparation and Conduct of Elections**

- 10.1. Preparation and conduct of elections are held openly and transparently.
- 10.2. All standard statutes and other statutes on preparation and conduct of elections adopted by the election commissions, state government bodies, local self-government bodies should be published, or citizens should be informed about these by other means as a general information.

#### **Article 11. Prohibition of Foreigners, Persons Who Do Not Have Citizenship or Foreign Legal Entities from Participating in the Elections**

- 11.1. Foreigners, persons who do not have citizenship or foreign legal entities cannot assist nomination of candidates, registration of candidates, election of registered candidates or obstruct it.

### **CHAPTER II ELECTION DISTRICTS AND VOTING STATIONS**

#### **Article 12. Formation of Single Mandate Election Districts**

- 12.1. 100 single-mandate election districts are created on the basis of information prepared by the relevant executive authority together with municipal bodies and submitted to the

Central Election Commission about number of voters living and registered within the territory of the relevant election district.

- 12.2. Voters who reside outside of the Azerbaijan Republic should be registered in a single-mandate election district. Relevant executive authority submits information on voters who permanently live outside of the Azerbaijan Republic or who is out for business trip for long-term period and who are registered by the relevant diplomatic and consular representation of the Azerbaijan Republic to the Central Election Commission. Number of voters who reside outside of the Azerbaijan Republic and who are registered in a single-mandate election district must be less than single representation norm of voters. Number of voters who live outside of the Azerbaijan Republic and who have been registered in a single-mandate election district must not exceed the number of voters registered by the same single-mandate election district by more than 10%.
- 12.3. Single-mandate election districts should be formed by following the requirements mentioned below:
  - 12.3.1. number of voters registered in the single-mandate election districts should be approximately equal, with a condition not to exceed the average representation norm by more than 10%, in remote districts by more than 15%, within the borders of territorial unit of the Azerbaijan Republic;
  - 12.3.2. it is prohibited to create a single-mandate election district in the territorial units which do not have boundaries between them.
- 12.4. Borders of municipalities should be taken into account when following the requirements on creation of single-mandate election districts mentioned in 3<sup>rd</sup> paragraph of this article.
- 12.5. The Central Election Commission should approve scheme and graphical description of creation of single-mandate election districts on the basis of information on elections at latest 150 days prior to the day of termination of powers of functioning deputies of Milli Majlis. Scheme of creation of single-mandate district should contain the following:
  - 12.5.1. name and number of each single-mandate district;
  - 12.5.2. list of administrative-territorial units included in each single-mandate election district or list of municipalities in cities, districts, towns of the districts (if a single mandate district includes a part of the territory of administrative territorial unit, municipality, settlement then borders of administrative territorial unit, municipality and settlement should be shown in the scheme. If one single-mandate election district is created within the territory of one administrative-territorial unit, then a list of municipalities within this single-mandate election district is not included in the scheme of creation of a single-mandate election district);
  - 12.5.3. centre of each single-mandate election district;
  - 12.5.4. number of voters registered by each single-mandate election district, number of voters registered by each municipality which is included in the election district if more than one election district are created within an administrative-territorial unit;

- 12.5.5. number of voters registered by a relevant single-mandate election district (in accordance with the 2<sup>nd</sup> paragraph of this article) if foreign countries where voters live outside of the Azerbaijan Republic are not recorded.
- 12.6. State automated information systems can be used after single-mandate election districts have been created and their creation scheme has been defined.
- 12.7. Scheme of single-mandate election district must be published at least 120 days prior to the election day.

### **Article 13. Single Multi-Mandate Election District**

- 13.1. Single multi-mandate election districts, where deputies should be elected on the basis of proportional number of votes cast in accordance with the list of candidates nominated by the voters associations and voters blocks, cover all the territory of the Azerbaijan Republic.
- 13.2. According to article 12.2. of this law, voters who have been registered by the single-mandate election district are considered to be registered by the single multi-mandate election district as well.

### **Article 14. Formation of Precincts**

- 14.1. Precincts are created for organization of voting and for the counting of votes, taking into account number of voters registered within the territory of a municipality.
- 14.2. Precincts are created at least 50 days prior to election day by the relevant executive authority or head of the municipality (if charter of municipality doesn't consider this position, then by the relevant authorised representative of municipality), with an agreement of Territorial Election Commissions, taking into account local and other situations, to provide maximum convenience for voters.
- 14.3. Precincts are established in accordance with the following:
  - 14.3.1. not more than 3000 voters should be registered within each precinct;
  - 14.3.2. borders of precincts must not exceed the borders of an election district.
- 14.4. Precincts are formed in the places where voters are temporarily located (hospitals, sanatoriums, rest homes etc.); in remote districts; on the ships which sail on election day within the period considered by article 2 of this law; in exceptional cases at least 5 days prior to the election day. Such precincts are included in the single-mandate election district within the territory of which they are located or where the ship is registered.
- 14.5. Military officers vote in the regular precincts. Only in exceptional cases can precincts be established in the military units which are outside of the populated settlement. In such cases, precincts are established by the commanders of the military units within the period considered by the 2<sup>nd</sup> paragraph of this article, in exceptional cases 5 days prior to the election day in accordance with the decision of the relevant Territorial Election Commission. All members of the precinct or superior election commissions, registered candidates and their representatives, authorised representatives of voters associations or

voters blocks and observers should have free access to the working rooms of the election commissions and voting rooms.

- 14.6. Precincts for the organization of voting of the voters who are abroad and for the counting of votes are created by the diplomatic representation or by the head of the consular office of the Azerbaijan Republic within the territories where voters live, at least 30 days prior to the election day. In such cases, requirements of the article 3.1. of this law are used for determination of the number of voters registered.
- 14.7. Lists of precincts, which numbers and borders are shown (if a precinct covers a part of a settlement populated); lists of settlements (if a precinct is established in several settlements); information about the location of Precinct Election Commission; voting room and numbers of the Precinct Election Commissions are published by the heads of municipalities (if a charter of a municipality does not consider such a position, by an authorised representative of a municipality) at least 25 days prior to election day, and information about precincts established within the period mentioned by the 4<sup>th</sup> and 5<sup>th</sup> paragraphs of this article are published at latest within 3 days after they have been established.
- 14.8. Issues on publishing the information on precincts (mentioned in paragraph 7 of this article) established outside of the Azerbaijan Republic are solved by the diplomatic representation or head of the consular office of the Azerbaijan Republic, taking into account local situations.

### **CHAPTER III VOTERS LISTS**

#### **Article 15. Compilation of Voters Lists**

- 15.1. A relevant Precinct Election Commission prepares list of voters for precinct in accordance with the forms defined by the Central Election Commission.
- 15.2. Voters list are prepared by the election commissions at least 26 days prior to election day on the basis of information on voters provided by the relevant executive authority, heads of municipalities (if a charter of a municipality does not consider such a position, by an authorised representative of a municipality), commanders of military units as well as heads of the offices where voters located temporarily.
- 15.3. Voters lists of the precincts established in remote districts are prepared by the Precinct Election Commission on the basis of information on voters provided by the relevant executive authority or head of the municipality (if a charter of a municipality does not consider such a position, by an authorised representative of a municipality) at least 25 days prior to election day; in exceptional cases 2 days after the Precinct Election Commission has been formed.
- 15.4. List of voters (military persons within the military unit, military persons' family members who live within the territory of the military unit and other voters) for the precincts established within the territories of the military unit are prepared by the Precinct Election Commission on the basis of information on voters provided by the commanders of military units at least 25 days prior to election day.

- 15.5. Lists of voters located temporarily in sanatoriums, hospitals, rest homes and other places, or on a ship are prepared by the relevant Precinct Election Commission on the basis of information on voters provided by the heads of the offices where voters are located temporarily or by the captain of the ship prior to election day.
- 15.6. The voters list for an election precinct created outside of the Azerbaijan Republic is prepared by the relevant Precinct Election Commission on the basis of information on voters provided by the diplomatic representation or head of the consular office of the Azerbaijan Republic at least 25 days prior to election day.
- 15.7. State and municipal officials mentioned in paragraphs 2-6 of this article collect and correct information on voters in accordance with the rules defined by the Central Election Commission and then submit this information to the Territorial Election Commission at least 60 days prior to election day; if other rules are not considered by this law.
- 15.8. The voters lists are prepared in 2 copies. Information on the voters who have been included in the voters lists should be in alphabetical order (settlements, streets, buildings, apartments etc.). The voters list contains voter's name, surname, father's name, year of birth (for voters 18 years old – date and month of birth), permanent address or address of a place where he/she mostly lives.
- 15.9. State automated information systems can be used when preparing the voters list. The voters lists are typed by typing machine; only in exceptional cases they are written by hand.
- 15.10. First copy of the voters lists prepared in accordance with the paragraph 2 of this article is transferred to the Precinct Election Commission at least 25 days prior to election day with a relevant document on accept-transfer. The second copy is preserved by the Territorial Election Commission and it is used in accordance with the rules defined by the Central Election Commission. The voters list for the district is verified by the chairperson and secretary of the Territorial Election Commission.
- 15.11. The voters list for the election precincts created in accordance with the article 14.4.-6 is verified by the chairperson and secretary of the Precinct Election Commission.
- 15.12. The Precinct Election Commissions, after they receive the voters lists, examine the changes to be made on the voters list from the requests of voters or changes necessary to be made in accordance with the article 17 of this law, as well as on the basis of relevant documents provided by the officials, municipalities, marriage registration office, bodies which register citizens addresses and living places.
- 15.13. A person who provides information on voters is responsible for accuracy, completeness and in time provision, in accordance with the rules defined by the legislation.

#### **Article 16. Rules for Inclusion and Exclusion of Citizens In and From the Voters List**

- 16.1. All citizens of the Azerbaijan Republic who are eligible to vote are included in the voters list.



- 16.2. A residence of a voter or the fact that a voter is residing permanently or mostly within the territory of the relevant election precinct, defined by the body which registers residence are the sufficient bases for including the voter on the voters list for that precinct.
- 16.3. Military officers who reside outside of the military unit are included in the voters list for their district of residence in accordance with common bases. Bases for inclusion of military officers in the military unit, their families and other voters who reside within the territory of the military unit, in the voters list, can be a fact on permanent or mostly residing, defined by the bodies which register the citizens of the Azerbaijan Republic in accordance with their residing place, or by order of commander of military unit on inclusion of military person in the military staff.
- 16.4. The fact that a person is residing outside of the Azerbaijan Republic permanently or mostly or the fact that a voter is on long-term business trip determined by the diplomatic representation or head of the consular office of the Azerbaijan Republic is the basis for including the voters who live outside of the Azerbaijan Republic or are on a long-term business trip on the voters list.
- 16.5. The voters who are in hospitals, sanatoriums, rest homes and other temporary places are included on the voters list on the basis of document which confirms that he/she has been de-registered, ID or other document which substitutes it.
- 16.6. Citizens of the Azerbaijan Republic recognized as refugees or internally displaced persons (IDP) or persons who have already applied to get a status of refugee or IDP are included on the voters list for the district they are temporarily placed on the basis of ID or a document which substitutes it, as well as the relevant documents provided by the relevant executive authorities.
- 16.7. Citizens of the Azerbaijan Republic who are eligible to vote and who are abroad due to invitation, business or official trip or tourism are included on the voters list on the basis of ID or a document which substitutes it and card for voting which they submit when coming to the election commission room.
- 16.8. The voters who reside within the territory of the election precinct or voters who have not been included on the voters list for any reason, after the voters list has been submitted for public display, are included on the voters list by the Precinct Election Commission on the basis of ID or other document which substitutes it, if necessary other documents which confirm that the voter lives mainly within the territory of that election precinct.
- 16.9. A voter can be included in the voters list for one precinct only.
- 16.10. A voter can be excluded from the voters list on the basis of official documents, as well as of a voting card provided to the voter for voting in accordance with the rules defined by this law, after voters lists are verified by the chairperson and secretary of the Territorial Election Commission. In such cases, date and reason for voters exclusion from the voters list should be recorded in the voters list. These facts are verified by the chairperson of the Precinct Election Commission. When issuing a voting card, it should be verified by the commission members who have issued it.
- 16.11. It is prohibited to make any changes to the voters list after voting has been finished and votes are being counted.

## **Article 17. Public Display of Voters Lists**

- 17.1. The voters list is submitted for public display or for making additional corrections at least 20 days prior to election day.
- 17.2. A citizen of the Azerbaijan Republic who is eligible to vote has the right to inform the relevant election commission if he/she is not included in the voters list, about errors or mistakes he/she found in the voters list. The Precinct Election Commission must check the information provided within one day from when it is received; on election day – within a 2 hour period. Before the termination of voting, the Precinct Election Commission must examine the appeal and documents presented, correct errors and mistakes or must provide a written rejection of the appeal for revision (with reasons) to the voter.
- 17.3. A complaint about a decision of the Precinct Election Commission can be filed with the superior election commission or to the court within the territory of which the Precinct Election Commission is located. Such complaints should be investigated within 3 days, 3 days prior to the election day or immediately on the election day. If the decision is in favour of the claimant's application, this decision must be implemented immediately by the Precinct Election Commission.

## **CHAPTER IV ELECTION COMMISSIONS**

### **Article 18. System of Election Commission for the Elections to Milli Majlis and Their Status**

- 18.1. The following bodies prepare and conduct elections:
  - 18.1.1. Central Election Commission;
  - 18.1.2. Territorial Election Commission;
  - 18.1.3. Precinct Election Commission.
- 18.2. Powers and rules for functioning of the elections commissions for the elections to Milli Majlis are defined by this and other laws.
- 18.3. Decisions made by the superior election commissions within their powers are compulsory for the subordinate election commissions.
- 18.4. Election commissions must examine information on the violations of the law during the election processes within their powers, investigate this information and answer prior to election day or next day after election day. If facts mentioned in the requests require additional investigations, a relevant decision on these facts can be made not later than 10 days. Election commissions can request to the legal enforcement bodies to prevent violations of the election law and to hold relevant investigations. Law enforcement bodies must take necessary measures in accordance with the rules defined by the law within 5 days, on the election day or the next day after the election day. If matters need additional investigations, this period can be prolonged for 10 days.

- 18.5. The election commissions must inform the voters about periods and rules for implementation of voters actions, candidates and registered candidates, voters associations and voters blocks.
- 18.6. Election commissions decisions which are in breach of the legislation or exceed its powers can be overturned by the superior election commission or by the court. In such cases superior election commissions can make a decision on the essence of the point.
- 18.7. State bodies, state organizations and municipalities and their officials must:
- ◆ assist the election commissions in the election processes;
  - ◆ provide them with necessary compartments free;
  - ◆ organize their protection;
  - ◆ protect ballot papers, voting cards and other election documents;
  - ◆ provide them with transport and communication, equipment, information and materials;
  - ◆ answer their requests within 5 days, if there are less than 5 days left to the election day prior to election day, immediately on the election day.

TV and Radio Company and periodicals mentioned in the article 52.1. of this law should allocate airtime and pages in the periodicals for publishing necessary materials of the election commissions and to inform the voters, in accordance with the rules defined by this law and other laws. Expenses of TV and Radio Companies and periodicals (except the organizations and periodicals which are on state property) are paid from the relevant funds of the state budget. Organizations which are not mentioned in the 7<sup>th</sup> paragraph of the current article of this law, as well as TV and Radio companies, periodicals, their officials must:

- ◆ provide the election commissions with necessary information and materials;
- ◆ answer the requests of the election commission within 5 days; if there are less than 5 days left to the election day - prior to election day, immediately - on the election day.

## **Article 19. Formation of Territorial Election Commission**

- 19.1. A Territorial Election Commission is formed by the Central Election Commission at least 90 days before the election day. Members of the Territorial Election Commission cannot be members of any political party. The chairperson, deputy chairperson and secretary of a Territorial Election Commission are elected in a secret ballot at the first meeting of the members of the commission, by a simple majority of vote.
- 19.2. Territorial Election Commission members are chosen, in accordance with the rules defined by the Central Election Commission, by casting lots among candidates, as a rule with higher education, who have been nominated by public associations, local branches of political parties and local voters meetings in the relevant territory. Lots are cast amongst the candidates nominated by local public associations, local branches of political parties and local voters' meetings when the number of above mentioned candidates is not less than 12. In other cases candidates for member of a Territorial Election Commission are nominated by the Central Election Commission to make their number up to the required minimum for the casting of lots. At least 120 days prior to the election day, the Central Election Commission approves samples of forms to be provided by these candidates stating that they were nominated by local public associations, local branches

of political parties or local voters meetings, to be a member of the Territorial Election Commission.

- 19.3. Members of Territorial Election Commissions are issued relevant cards by the Central Election Commission.

## **Article 20. Formation of Precinct Election Commissions**

- 20.1. Precinct Election Commissions, comprised of 7 members, are formed by the relevant Territorial Election Commission, at least 50 days prior to election day.
- 20.2. Precinct Election Commission members must not be a member of any political party.
- 20.3. Precinct Election Commission members are chosen, according to the rules defined by the Central Election Commission, by casting lots among candidates, as a rule with higher education, who have been nominated by local public associations, local branches of political parties and local voters meetings in the relevant territory. Lots are cast amongst the candidates nominated by local public associations, local branches of political parties and local voters meetings when the number of abovementioned candidates is not less than 10. In other case, other candidates to make the number up to required number are nominated by the relevant Territorial Election Commission. At least 80 days prior to election day, the Central Election Commission approves samples of documents to be provided by these candidates stating that they were nominated by local public associations, local branches of political parties or a local voters meeting to be a member of the Precinct Election Commission.
- 20.4. The chairperson, deputy chairperson and secretary of the Precinct Election Commission are elected in a secret ballot at the first meeting of the members of the commission, by simple majority vote.
- 20.5. In the precincts created in the ships which sail under the flag of the Azerbaijan Republic, the Precinct Election Commissions are formed by the captain of the ship in accordance with the period defined by this law, in exceptional cases at least 5 days prior to election day.
- 20.6. Precinct Election Commissions outside of the Azerbaijan Republic are formed by the diplomatic representation or head of the consular office of the Azerbaijan Republic.
- 20.7. Precinct Election Commission members are issued relevant cards in accordance with the rules defined by the Central Election Commission.
- 20.8. Each member of a political party, voters association, voters block or initiative group of voters have the right to appoint an observer to the election precincts from the time voting commences, including until the commission has finalized the voting result documents for the election.

## **Article 21. Appointing a Member with a Consultative Right to the Election Commission**

- 21.1. Voters associations and voters blocks which have registered their list of candidates at the Central Election Commission can appoint a member with a consultative right to the Central Election Commission, to each Territorial and Precinct Election Commissions.

- 21.2. A candidate registered by the single-mandate election district can appoint a member with a consultative right to the Territorial Election Commission by which he/she is has been registered. Also, he/she can appoint a member to each Precinct Election Commission of the single mandate election district by which he/she has been registered.
- 21.3. Voters associations and voters blocks which have nominated a registered candidate (except the case mentioned in the paragraph 1 of this article) can appoint a member with a consultative right to the Territorial Election Commission and a member to each Precinct Election Commission of that territory.
- 21.4. A commission member with a consultative right receives an official card by the Central Election Commission.

## **Article 22. Status of Election Commission Member**

- 22.1. The following persons cannot be a member of the election commission with a decisive vote right:
- ◆ elected members or officials of executive authorities of state or municipalities;
  - ◆ judges, prosecutors;
  - ◆ candidates;
  - ◆ authorised representatives or agents of registered candidates, voters associations and voters blocks;
  - ◆ election commission members who have consultative vote;
  - ◆ direct dependants of candidates, registered candidates;
  - ◆ spouses of above mentioned persons or close relatives of their spouses (children, parents, adopted children, brothers, sisters, grandchildren, grandfathers, grandmothers);
  - ◆ close relatives of candidates, registered candidates.
- 22.2. By direct dependent this law considers official relations between supervisor and subordinator, including supervisor's ruling-instructing powers upon the subordinator. It means that the first has the right to employ, to dismiss, to give instructions, orders which are to be implemented, to reward and to take disciplinary measures.
- 22.3. A member of one election commission with a decisive vote cannot be a member of another election commission with a decisive vote.
- 22.4. Powers of members of election commission with a decisive vote are finished when powers of the same election commission finish; except members of the Central Election Commission.
- 22.5. The appointment of the election commission member with a decisive vote can be terminated by an appropriate resolution, before the end of his/her term of office, within one month, but during the preparation and conduct of elections within 3 days, in the following circumstances:
- 22.5.1. if he/she provides a written notice of resignation;
- 22.5.2. in case of circumstances mentioned in paragraphs 1 and 3 of this article;

- 22.6. Powers of the election commission member with a decisive vote can be terminated before the end of his/her term of office, in the following circumstances:
- 22.6.1. if he/she is no longer a citizen of the Azerbaijan Republic;
- 22.6.2. if he/she is officially sentenced by the court;
- 22.6.3. if he/she is subject to an official resolution of the court regarding disability, mental incapacity, death or disappearance;
- 22.6.4. if he/she dies;
- 22.6.5. if a court approves (based on information provided by the relevant election commission) that election commission member does not perform his/her duties regularly.
- 22.7. A new member to replace the one who has been dismissed from the membership of the election commission and who has a decisive vote is appointed not later than a month, during preparation and conduct of elections – at latest within 10 days period, in accordance with the rules of this law.
- 22.8. Permanent chairpersons, deputy chairperson, secretaries and members of the election commissions are accountable for violation of this law in accordance with the legislation of the Azerbaijan Republic on officials.
- 22.9. A permanent election commission member who has decisive vote cannot be a state or municipal official, serve in state or municipal bodies, be busy with owners activity, be busy with other paid activity except scientific and creative activity.
- 22.10. An election commission member with a decisive vote cannot be indicted for a crime or be subjected to administrative penalties determined by a court, without permission of the relevant prosecutor during preparation and conduct of elections.
- 22.11. During the term of office, an election commission member with a decisive vote, and a commission member with a consultative right during the period election commission is functioning, cannot be transferred to another position without their own agreement on the initiative of their employers.
- 22.12. A commission member who has consultative right to vote has the following rights equal to other members' except the following right:
- ◆ to issue ballot papers and voting cards;
  - ◆ to count ballot papers;
  - ◆ to cancel ballot papers and voting cards;
  - ◆ to vote while making a decision on the issues which are within the powers of the election commission;
  - ◆ to sign a decision of a relevant election commission. His/her activity is paid from the funds allocated for the election commission.
- 22.13. Election commission members with decisive vote and consultative right:
- 22.13.1. are informed in time about the meetings of the relevant election commission;

- 22.13.2. proposes motions on issues within the powers of the commission, to deliver speeches in the meeting of the commission and demand voting on these issues;
- 22.13.3. can question other participants of the election commission meeting about the issues on agenda and get answers to them;
- 22.13.4. can get familiarized with each document and material (including voters lists, ballot papers), with materials of subordinate election commissions, can obtain copies of those materials and documents (except voters list, signature sheets, ballot papers and voters cards), can get familiarized with documents and materials which are not considered to be commercial or other secret.
- 22.13.5. can file complaints to the superior election commissions or court about the decision and actions of the election commission.
- 22.14. Term of office of the commission member who has the consultative right is in effect:
- ◆ until registration of candidates (list of candidates) for the next elections is finished;
  - ◆ if a registered candidate who appointed him/her has been elected or;
  - ◆ candidates nominated by voters associations or voters blocks participate in distribution of deputy mandates.

Term of office of other election commission members with a consultative right is finished 30 days after general results of election are officially published. But if a superior election commission receives complaints about the decisions (actions) of subordinate election commission, if rules for voting or vote count have been violated, if a court is investigating these facts, their term of office is terminated after superior election commission or court makes a decision on these complaints.

- 22.15. Term of office of the commission member who has consultative right can be terminated by a decision of a candidate or a body which appointed him/her before the end of his/her term of office or it can be transferred to another person.

### **Article 23. Power of Central Election Commission During Elections to Milli Majlis**

- 23.1. The Central Election Commission implements the following powers during preparation and conduct of elections to Milli Majlis:
- 23.1.1. supervises the activity of election commissions;
- 23.1.2. controls the process that ensures Azerbaijan Republic's citizens' rights to vote are followed during the preparation and conduct of elections, and ensures the equal application of this law;
- 23.1.3. prepares and approves draft of creation of single-mandate election districts;
- 23.1.4. organizes registration of voters who live in the Azerbaijan Republic, based on information provided by executive authorities, in accordance with the draft on creation of single-mandate election district;
- 23.1.5. adopts instructions and other standard statutes (acts) concerning the implementation of this law;

- 23.1.6. provides election commissions with legal, methodological, technical and organizational assistance;
- 23.1.7. supervises the activity of election commission with a purpose of providing with equal usage of state automated information system;
- 23.1.8. registers voters associations and voters blocks;
- 23.1.9. approves single list of candidates nominated by voters associations and voters blocks;
- 23.1.10. registers single list of candidates nominated by voters associations and voters blocks;
- 23.1.11. publishes general list of registered candidates;
- 23.1.12. registers voters associations', voters blocks' authorised representatives and representatives on financial affairs, agents;
- 23.1.13. issues cards in a defined format to the candidates, agents, authorised representatives (on financial affairs) of voters associations and voters blocks in a single multi-mandate election districts;
- 23.1.14. ensures if requirements of election campaigning for all candidates, registered candidates, voters associations and voters blocks are followed;
- 23.1.15. approves samples of election ballot papers, voters lists and other election documents, ensures preparation and protection of them;
- 23.1.16. approves samples of election commission stamps;
- 23.1.17. approves rules for preserving election documents and transferring them to archive;
- 23.1.18. distributes the funds allocated from the state budget for financing the elections, controls expenditure for this purposes, usage of election funding entered candidates', registered candidates, voters associations and voters blocks funds;
- 23.1.19. ensures equal allocation of air time for election campaigning of voters associations and voters blocks and registered candidates;
- 23.1.20. approves rules for technical supply for subordinate election commissions and controls if they are followed;
- 23.1.21. informs the voters on period and rules for implementation of election actions and on election processes;
- 23.1.22. controls if election commissions are provided with rooms, transportation and communication; resolves other issues on material-technical supply of elections;
- 23.1.23. investigates complaints received about subordinate election commissions' or their officials' decisions and actions (omissions), makes a decision on these complaints based on evidence;



- 23.1.24. determines elected deputies amongst the candidates registered by single-mandate election district and candidates included in the single list of candidates nominated by voters associations or voters blocks in single multi-mandate election district and issues relevant cards to them;
- 23.1.25. determines general results of elections in the Azerbaijan Republic and publishes them officially;
- 23.1.26. prepares list of elected deputies and submits these lists and other necessary documents to Milli Majlis;
- 23.1.27. organizes repeated elections or elections to fill vacancies;
- 23.1.28. performs other duties according to this and other laws.

#### **Article 24. Powers of Territorial Election Commission**

24.1. The Territorial Election Commission has the following powers:

- 24.1.1. controls the implementation of this law within its territory;
- 24.1.2. ensures if requirements of election campaigning for all candidates, registered candidates, voters associations and voters blocks, defined by this and other laws, are followed within its territory;
- 24.1.3. ensures equal usage of state automated information system within its territory;
- 24.1.4. transfers election ballot papers to the Precinct Election Commissions;
- 24.1.5. transfers election cards and other election documents to the Precinct Election Commissions;
- 24.1.6. distributes funding allocated for preparation and conduct of elections amongst the Precinct Election Commissions, controls expenditure for election purposes and expenditure of election funds of candidates, registered candidates, voters associations and voters blocks;
- 24.1.7. names the Precinct Election Commission within its territory and numbers the voting stations in accordance with single rules;
- 24.1.8. preserves and transfers to archives the election documents according to the rules approved by the Central Election Commission;
- 24.1.9. receives information on preparation and conduct of elections provided by relevant executive authorities and municipalities;
- 24.1.10. informs the voters about period and rules for implementation of elections actions during the elections;

- 24.1.11. coordinates the activity of Precinct Election Commissions, examines complaints received about the decisions or actions (omissions) of these commissions and their officials, and makes substantiated decisions on these complaints;
- 24.1.12. ensures receipt of information about candidates nominated for the relevant single-mandate election district, publishes information about registered candidates;
- 24.1.13. registers candidates nominated for single-mandate election district and their agents, issues them cards in a defined format;
- 24.1.14. ensures if requirements of election campaigning, defined by this and other laws, for all candidates, registered candidates, voters associations and voters blocks are followed within its territory;
- 24.1.15. determines the results for single-mandate and multi-mandate election districts; informs the Central Election Commission about election results for single-mandate and multi-mandate election districts; publishes general information from the protocols of the Precinct Election Commissions according to the rules defined by this law;
- 24.1.16. controls if Precinct Election Commission are provided with rooms, transportation and communication, if relevant decisions on material-technical support are performed;
- 24.1.17. conducts repeated and additional elections;
- 24.1.18. performs other duties according to this law.
- 24.2. Term of office of the Territorial Election Commission for elections to Milli Majlis is finished when a new Territorial Election Commission for new elections to Milli Majlis meet for the first time.
- 24.3. Powers of Territorial Election Commission are terminated 15 days after general results of elections are published by the Central Election Commission, if complaints on decisions (actions, omissions) of these commissions have been received, rules for voting and vote count have been violated and if all these facts are not being investigated by court. If a complaint on results of voting has been filed, powers of Territorial Election Commission are terminated after the Central Election Commission or court makes an appropriate decision.

## **Article 25. Powers of Precinct Election Commission**

- 25. The Precinct Election Commission has the following powers:
  - 25.1.1. informs the public about the address of the Precinct Election Commission, its telephone number, business hours, and also about voting day and voting station location;
  - 25.1.2. makes accurate the voters list; prepares and makes accurate the voters lists in the cases mentioned in the article 15.3-6 of this law, displays this list for voters information; examines applications on mistakes in the voters list and makes relevant changes on it;
  - 25.1.3. ensures preparation of place for voting, ballot box and other equipment;

- 25.1.4. informs the voters about the list of registered candidates and candidates provided by the superior election commission;
  - 25.1.5. controls compliance with the rules for election campaigning within the territory of electoral precinct;
  - 25.1.6. issues a voting card;
  - 25.1.7. organizes voting on election day as well as voting before the election day in cases considered by this law;
  - 25.1.8. determines the voting results for the electoral precinct, counts votes and presents protocols on voting results to the Territorial Election Commission;
  - 25.1.9. examines complaints on violation of this law within its powers and makes appropriate decision on it;
  - 25.1.10. ensures preservation of documents on preparation and conduct of election and transfer of them within relevant rules, according to the rules defined by the Central Election Commission;
  - 25.1.11. performs other duties according to this law.
- 25.2. If complaints on decisions (actions, omissions) of these commissions have been received, rules for voting and vote count have been violated and if all these facts are not being investigated by the court, powers of the Precinct Election Commission are terminated 10 days after final results of elections are published by the Central Election Commission. If a complaint on results of voting has been filed, powers of Precinct Election Commission are terminated after the superior election commission or court makes an appropriate decision.

## **Article 26. Transparency in the Activity of the Election Commissions**

- 26.1. Members of the same or superior election commissions, registered candidates or candidates registered due to a single list or their authorised representatives or agents, authorised representatives or agents of voters associations and voters blocks have the following rights:

- ◆ to be present in the meetings of any election commission as well as in count of votes;
- ◆ to be present in all relevant operations processed with ballot papers, voters lists, voting cards, protocols on voting results, protocols on election results in the Precinct and Territorial Election Commissions and to get familiarized with the documents mentioned above.

Persons mentioned above are not required an additional permission of the election commission for attendance in the meetings of relevant commissions or for getting familiarized with the abovementioned documents. A relevant election commission ensures access of abovementioned persons to the locations where elections documents are being processed and votes are being counted. Representatives of the mass media have the right to be present in the meetings of election commissions, in the processing of abovementioned election documents and counting of votes.

- 26.2. The relevant election commission informs the following about the time of processing election documents and election commission meetings:
- ◆ superior election commissions;
  - ◆ each candidate registered for single-mandate election district, their agents and authorised representatives;
  - ◆ agents of voters associations, voter blocks which have registered their candidates;
  - ◆ agents of candidates registered in the single list.
- 26.3. Representatives of parties interested have the right to be present in the election commission while investigating the relevant complaints.
- 26.4. Election commissions inform each registered candidate and public about the following:
- ◆ biographies of registered candidates;
  - ◆ results of registrations;
  - ◆ list of candidates;
  - ◆ other information about the candidates received by the election commissions;
- 26.5. Persons mentioned in the first paragraph of this article, as well as observers and international observers can observe all processes implemented within the electoral precinct, as well as recount of votes from time the Precinct Election Commission commences work on election day, including until information on receipt of protocols on voting results has been provided by the superior election commission if voting had been conducted before the election day.
- 26.6. Observers, international observers, representatives of mass media can observe determining voting results and final results of elections, completing protocols on voting results and final results of elections, as well as the recount of votes in the relevant election commissions.
- 26.7. All election commission members, persons mentioned in the first paragraph of this article and observers should be ensured with an access to voting rooms of the electoral precincts established in military units, hospitals, sanatoriums, rest houses, isolations for persons under investigation and other places where people are located temporarily.
- 26.8. Candidates registered for the single-mandate election district, each of the voters associations and voters blocks with single list of candidates which have been registered, and public associations can appoint an observer to the relevant Precinct Election Commission to observe the process in the voting room on election day or during the voting conducted before the election day, within the period mentioned in the paragraph 5 of this article.
- 26.9. Observers should have a written document containing his/her surname, name, father's name, address, name of election commission he/she is assigned to, as well as a written document approved by the candidate interests of who the observer represents and who has been registered for single-mandate election district, voters associations and voters blocks. This document is valid only if it is supported by the passport or other document which substitutes it. Precincts do not have to be advised in advance of observer's visits.

26.10. Documents mentioned in the paragraph 9 of this article can be submitted to the election commission any time from the time a relevant election commission has its first meeting, including protocols on voting results, on final results of elections, and on results of the recount of votes.

26.11. Observers as well as international observers have the following rights:

26.11.1. to become familiar with voters lists;

26.11.2. to be present in the voting room of the electoral precinct any time within the period mentioned in the paragraph 5 of this article;

26.11.3. to observe issue of ballot papers to the voters;

26.11.4. to observe voting using mobile ballot box;

26.11.5. to observe the counting of votes, counting of ballot papers and canceled ballot papers; to observe the counting of votes from the defined distance in a condition which allows to observe the process; to look through the ballot papers while counting of votes; to become familiar with the documents mentioned in the paragraph 5 of this article, protocols of the election commissions on voting results and election results and other documents;

26.11.6. to give comments and suggestions to the chairperson of the Precinct Election Commission about the organization of voting, if he/she is not available, to a person who assumes the chairperson's powers;

26.11.7. to make a copy and obtain copies of protocols on voting results and final election results, documents prepared by the election commissions or additional documents received by the election commissions within the period mentioned in paragraph 5 of this article; to become familiar with the list of voters who have voted; election commission should verify the copies of abovementioned documents on the request of observer or provide observer with verified copies of abovementioned documents;

26.11.8. to file complaints about actions (omissions) or decisions of Precinct Election Commissions or other election commissions directly with superior election commissions or the court;

26.11.9. to be present during the recount of voters' votes in the relevant election commissions.

26.12. The observer is prohibited:

26.12.1. to issue ballot papers to the voters;

26.12.2. to sign for a ballot paper on behalf of voter who requests it;

26.12.3. to mark a ballot paper on behalf of a voters who requests it;

26.12.4. to participate directly in the counting of ballot papers together with the commission members who have decisive vote;

- 26.12.5. to obstruct the work of an election commission;
  - 26.12.6. to conduct election campaigning among the voters;
  - 26.12.7. to participate in making decision by the relevant election commission.
- 26.13. Representatives of the mass media can become familiar with the protocols on voting results and final election results of all election commissions, obtain and make a copy of the relevant election commissions' decisions, protocols and other documents attached to them. The election commission should approve the copies of decisions, protocols on voting results and on election results on the request of the representatives of the mass media.
- 26.14. Chairperson or a person who assumes his/her powers, commission members with a decisive vote who has relevant powers or a secretary can verify copies of protocols and other documents of election commissions. In such cases, abovementioned person first records "matches with original" on a copy, then signs it, stamps it with a stamp of relevant election commission and puts date of verification.
- 26.15. Commission members with a decisive vote and observers who are present in voting and counting of votes can have signs and pins which do not campaign and which shows status of representation.

#### **Article 27. International (foreign) observers**

- 27.1. International (foreign) observers (hereafter referred to as international observers) get a relevant permission to come to the Azerbaijan Republic in accordance with the rules defined by the law or with an invitation. They are registered by the Central Election Commission.
- 27.2. Milli Majlis of the Azerbaijan Republic, relevant executive authorities and Central Election Commission can invite them after a decision on determination of elections has been published officially.
- 27.3. International, government and non-government organizations, which have a relevant reputation in the field of protection of human and civil rights and freedom can propose motions on inviting international observers.
- 27.4. The Central Election Commission issues a specific card to the international observer based on the document submitted by him/her. This card allows the international observer to function during the preparation and conduct of elections.
- 27.5. Functions of international observers are regulated by this and other laws.
- 27.6. The term of office of international observers commences from the time they are registered by the Central Election Commission and finished on the day general results of the elections are officially published.
- 27.7. The international observer functions independently and freely, his/her activity is financed by the side which send him/her or from the international observer's personal funds.

- 27.8. International observers are under the security of the government while they are within the territory of the Azerbaijan Republic. Election commissions, state government bodies, and municipalities are to render necessary assistance to them.
- 27.9. International observers can conduct press conferences on election legislation, on preparation and conduct of elections and make statements to the mass media after election day.
- 27.10. International observers have the right to meet with candidates, registered candidates, authorised representatives of voters associations and voters blocks, agents of registered representatives, voters associations, voters groups.
- 27.11. International observers cannot use their status for the activities not related to election campaigning, preparation and conduct of elections.
- 27.12. The Central Election Commission can cancel the registration of the international observer if the latter violates law and international legal standards.

## **Article 28. Organization of the Functions of Election Commissions**

- 28.1. Election commissions function in a collegial form.
- 28.2. A relevant election commission conducts its first meeting not later than 5 days after its commission members with a casting voter right have been appointed. At least two thirds of election commission members with a decisive vote must be present in meetings of election commissions to be valid.
- 28.3. The chairperson, deputy chairperson and secretary of the election commission are elected in a secret ballot, at its first meeting among the members with a decisive vote.
- 28.4. Meetings of the election commissions are called with a request of chairperson, deputy chairperson (with a request of chairperson), as well as by one third of commission members with a decisive vote.
- 28.5. An election commission member with a decisive vote is to participate in all meetings of the election commission.
- 28.6. Meetings of election commissions are valid if attended by majority of commission members with a decisive vote.
- 28.7. Decisions on the following issues are made by the majority of votes of all election commission members with a decisive vote:
  - ◆ selection of chairperson, deputy chairperson, secretary of the election commission;
  - ◆ dismissal of them;
  - ◆ financing preparation and conduct of elections;
  - ◆ registration of candidates;
  - ◆ canceling of candidates registration;
  - ◆ results of elections and final results of voting;
  - ◆ void or invalid elections;
  - ◆ cancel of decisions of the subordinate election commissions.

- 28.8. Decisions on other issues of the election commission are made by the majority of votes of election commission members with decisive vote present at the meeting of the election commission.
- 28.9. If a vote is tied when making a decision of the election commission, the chairperson of the election commission has the casting vote.
- 28.10. With the request of election commission members, as well as of the superior election commission member present at the meeting, voting is conducted on the issues included in approved agenda, which is within the powers of the election commission.
- 28.11. Minutes of all meetings of the election commissions should be recorded; all documents received by the election commission should be registered.
- 28.12. The chairperson and secretary of the election commission sign decisions and minutes of the meetings.
- 28.13. If election commission members do not agree with a decision of the election commission, they can record their opinion in writing and this is noted in the protocol of the election commission. This opinion should be sent to the superior election commission by the chairperson not later than 3 days, on election day and the next day – immediately.
- 28.14. Election commissions can hire part time employees by contract based on funds allocated from the budget, in request to preparation and conduct of elections.
- 28.15. TV and Radio companies mentioned in the article 52.2 allocate 15 free minutes for Central Election Commission, TV and Radio companies mentioned in the article 52.3 of this law allocate not less than 10 minutes for the Territorial Election Commissions, not less than 5 minutes for the Precinct Election Commissions during the preparation and conduct of elections, weekly, for them to explain election legislation; to inform population about rules for implementation of necessary election activity and its period, election campaign; to answer the voters questions.
- 28.16. Within the week mentioned in the article 52.2. of this law, periodicals published no less than once a week allocate not less than one page of weekly issue for the Central Election Commission free during preparation and conduct of elections. Within a week mentioned in the article 52.3. of this law, periodicals published not less than once a week allocate not less than one page of weekly issue for the Territorial Election Commission during preparation and conduct of elections, for Precinct Election Commissions – not less than half of a page of weekly issue. The election commissions use these pages to inform the voters about explanation of law, rules and period for performing election activities of voters, candidates, registered candidates, voters associations and voters blocks, election campaigning and to answer the voters questions.

## **CHAPTER V**

### **VOTERS ASSOCIATIONS AND VOTERS BLOCKS**

#### **Article 29. Voters Associations**



- 29.1. Voters associations which have common political ideas, participate in the political life of the country participate in the elections to Milli Majlis as voters associations. A political party which is established in accordance with the legislation of the Azerbaijan Republic, which has obtained a defined certificate confirming its registration by a relevant executive authority at least 6 months prior to the announcement of election day, which intends to participate in the elections must be registered by the Central Election Commission as a voters association.
- 29.2. The voters association must be registered within 3 days starting from the day a political party submits its decision on creating a voters association to the Central Election Commission.
- 29.3. A document on registration of voters association is presented to an authorised representative who represents a political party and who has an approved power of attorney in accordance with the rules defined by legislation.

### **Article 30. Voters Block**

- 30.1. At least two political parties which have been registered as voters associations in accordance with the article 29 of this law can create voters blocks. A political party which is a member of voters block cannot function as a voters association independently, or cannot be included in another voters block. A decision on which voters block the voters association intends to join is adopted in its conference, indicating name of the voters association. After adoption of a relevant decision authorised representatives of voters associations sign joint decisions on establishment of voters blocks.
- 30.2. An authorised representative of a voters block submits the following documents to the Central Election Commission for registration:
  - 30.2.1. copies of charters of political parties, verified by the notary office, which enter voters block;
  - 30.2.2. minutes of conference of voters association together with a decision on entering the voters block;
  - 30.2.3. a joint decision on establishment of voters block signed by the authorised representatives of voters associations and verified by the stamp of these associations.
- 30.3. The registration of voters blocks should be completed at latest within 5 days starting from the day they submit relevant documents. A single list of candidates nominated for single multi-mandate election district can be submitted together with abovementioned documents within the period of time mentioned above.
- 30.4. The voters blocks can be refused registration if the following requirements are not met:
  - ◆ documents mentioned in the paragraph 2 of this article are not prepared correctly;
  - ◆ documents are not complete;
  - ◆ voters associations which intend to be joined in voters block do not meet the requirements of article 29 of this law.

- 30.5. No other voters association can be included in the voters block after the latter has been registered by the Central Election Commission.

### **Article 31. Name and Emblem of Voters Association and Voters Block**

- 31.1. Voters associations and voters blocks submit a brief information about their full and abbreviated names to the Central Election Commission. The name of a voters association is considered to be a name shown in the charter of the political party.
- 31.2. The name of a voters block is defined in the meeting of voters associations joined in that block. The name of a political party which is not included in that block (regardless of whether it participates in the elections) and the names of voters blocks which have participated in previous elections cannot be used. If a new registered voters block doesn't include majority of voters associations which it included during previous elections, a newly established voters block cannot be named by its previous name. Name and surname of a physical entity can be used only after he/she indicates in writing his/her consent.
- 31.3. Voters associations and voters blocks must submit their emblems to the Central Election Commission together with their single list of candidates for registration. In this case, voters associations must submit the emblem of same political party or other emblem (except registered emblems of other political parties, emblems of other voters associations and voters blocks used for current or previous elections) to the Central Election Commission for approval. A voters block can submit a registered emblem of any voters association included in it or other emblem except the same emblems used for previous elections or being used for current elections by other voters associations and voters blocks (taking into account 2<sup>nd</sup> paragraph of this article). Emblems of voters associations and voters blocks must not violate patent rights, trademark rights; insult state emblems of the Azerbaijan Republic and other countries, religious emblems; violate common moral norms. Voters association, voters block must come to an agreement with the Central Election Commission about usage of name, which should not be more than seven words, and emblem in the election documents.
- 31.4. It is not allowed to change names and emblems of voters association and voters blocks during the election processes.

### **Article 32. Authorised Representatives of Voters Associations and Voters Blocks**

- 32.1. Voters associations and voters blocks appoint their authorised representatives in respect to participation in elections, as well as to financial issues in accordance with this law.
- 32.2. The authorised representatives are appointed by a decision of joint meeting of voters associations included in voters block, or by a body authorised by their (VA included in VB) conferences.
- 32.3. The authorised representative of a voters association or voters block implements his/her functions on the basis of a document containing the following:
- ◆ his/her powers;
  - ◆ his/her name, surname, father's name, date of birth;

- ◆ the batch and serial number of his/her identification document (or a document which substitutes);
- ◆ his/her living place;
- ◆ his/her working place;
- ◆ his/her occupation or position (if he/she does not have them – type of activity).

The authorised representative on financial issues implement his/her functions on the basis of decision mentioned in the 2<sup>nd</sup> paragraph of this article containing the followings:

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

32.4. The list of authorised representatives appointed by the voters associations and voters blocks should be submitted to the Central Election Commission. The list of other authorised representatives is submitted to the Territorial Election Commissions, too, except the list of voters associations' and voters blocks' authorised representatives on finance. The list of authorised representatives should contain the followings:

- ◆ name, surname, father's name, birth date of each authorised representative of voters association and voters block;
- ◆ the batch and serial number of their identification document (or a document which substitutes it), date of its issue;
- ◆ address;
- ◆ main working place and position (type of activity – in case if they don't have them);
- ◆ telephone number.

The relevant list submitted to the Central Election Commission should be attached with each authorised representative's written consent.

32.5. Voters association and voters block can terminate powers of authorised representative with a decision of authorised body of voters association and voters block, informing him/her about this in writing.

32.6. The authorised representatives of voters associations and voters blocks who still work for government or municipal bodies cannot abuse their powers and positions or occupations during election processes.

32.7. Term of office of the authorised representatives of voters associations and voters blocks commences from the day they are appointed and ends by the finish of status of all candidates, list of candidates nominated by voters associations, and voters blocks; not later than general results of elections are officially published.

### **Article 33. Participation of Voters Association and Voters Block in the Elections**

33.1. Voters associations and voters blocks participate in the elections to Milli Majlis in accordance with the rules defined by this law and equal basis.

## **CHAPTER VI. NOMINATION OF CANDIDATES FOR DEPUTY OF MILLI MAJLIS AND THEIR REGISTRATION**

### **Article 34. Direct Nomination of Candidates by Voters**

- 34.1. Citizens of the Azerbaijan Republic who have an **active** right to vote can nominate candidates for single-mandate election district within its territory.
- 34.2. Citizens of the Azerbaijan Republic who have an active right to vote and who are 21 years old on election day can nominate candidates for single-mandate election district.
- 34.3. Nomination of candidates commences not earlier than official publication of a decision on determination elections, but from the day of official publication of scheme of approved single-mandate election districts.
- 34.4. Nomination of candidates for single-mandate election districts for repeated or additional elections is implemented after a decision on determination of this elections has been officially published.
- 34.5. An initiator (initiators) (hereafter referred as initiator) who nominates a candidate for a single-mandate election district informs the relevant Territorial Election Commission about his/her initiative in writing. This document should contain the following information about each initiator:
  - ◆ name, surname, father's name;
  - ◆ birth date, address;
  - ◆ batch and serial number of identification document (or a document which substitutes it);
  - ◆ candidate's surname, birth date, main working place and position (type of activity if he/she does not have them);
  - ◆ address.
- 34.6. A candidate sends his/her written consent (application) to the relevant Territorial Election Commission, saying that he/she **undertakes to terminate his/her functions if they exceed the functions of a deputy**, together with a document mentioned in the paragraph 5 of this article. This document contains the following information: name, surname; birth date; address; education; main working place and position (type of activity if he/she doesn't have working place and position). If these candidates have been sentenced and if it is not canceled or served, they must note name and number of a relevant article of the Criminal Code of the Azerbaijan Republic; if a candidate has done an action which requires a criminal accountability abroad and if the same action requires accountability according to the Criminal Code of the Azerbaijan Republic, a name of that law should be recorded as well. Besides the citizenship of the Azerbaijan Republic, this document should contain information about if a candidate has foreign citizenship or obligations in foreign countries.
- 34.7. A candidate nominated by the voters can give his/her consent to be nominated for only one single-mandate election district.
- 34.8. A candidate nominated by the voters can add the following information to the application at least 6 months prior to announcement of election day:
  - ◆ about party affiliation;
  - ◆ about his/her status based on the document certifying his/her status in his/her political party's management.

In such cases a candidate comes to an agreement with a Territorial Election Commission about naming his/her political party with not more than 7 words.

- 34.9. If establishment of the Territorial Election Commission has not been finished before nominating candidates, initiator's document, agreements of relevant candidates and other document are sent to the Central Election Commission. The Central Election Commission submits these documents to the Territorial Election Commission after it has been formed and a chairperson has been selected.
- 34.10. The relevant election commission should inform the initiators in writing about receipt of submitted documents, according the requirements of this law.

### **Article 35. Nomination of Candidates by Voters Associations and Voters Blocks for Single-Mandate Election District**

- 35.1. Voters association adopts a decision on nomination of candidates for a single-mandate election district in its conference.
- 35.2. Each voters association, voters block cannot nominate more than one candidate for a single-mandate election district.
- 35.3. A decision on nomination of candidate for a single-mandate election district for repeated or additional elections can be made by a permanent management of a voters association (if a charter of a relevant political party does not prohibit that) after a decision on determination of elections is published.
- 35.4. Candidates nominated by the voters block for a single-mandate election district should be approved in the conference by secret ballot of each voters association which is included in that voters block. A decision on nominating these candidates by the voters block is made in the meetings of voters associations. Authorised representatives, who have the powers to approve list of candidates nominated for a single-mandate election district in the meeting of representatives of voters associations included in voters block, are determined at the conference of voters association.
- 35.5. Nomination of candidates by voters associations and voters blocks for a single-mandate election district commences after an approved scheme of single-mandate election district is published officially, but not earlier than official publication of a decision on determination of elections.
- 35.6. A decision of meeting of voters association and voters block on nomination a candidate is recorded in the minutes of the meeting. The minutes contain the following:
- 35.6.1. number of persons registered for participation in the conference;
- 35.6.2. required number of participants for adoption of a decision considered by the agreement on the creation of a voters block;
- 35.6.3. a decision on nominating a candidate and the results of voting on this decision (list of candidates nominated for single-mandate election district should be attached);
- 35.6.4. date of adoption of a decision.

- 35.7. The list of candidates nominated for a single-mandate election district should contain name and number of election district for which each candidate has been nominated. The list of candidates nominated by voters association should be verified by the management of the voters association (by manager's signature and association's stamp).

If a list of candidates is nominated by the voters block, a decision on nominating a candidate should be approved by each voters association which is included in the voters block. The list of candidates nominated by the voters block is verified by the signatures of authorised representatives of voters block and by the stamps of each voters associations which are included in the voters block.

- 35.8. Voters block and voters association have the right to change a single-mandate election district, with a consent of the candidate and registered candidate, for which they have nominated a candidate, at least 65 days prior to election day, based on the decision of their authorised bodies. They send a written information about this to the Central Election Commission and to relevant Territorial Election Commission. Voters block and voters association have the right to nominate the same candidate for a single multi-mandate election district, who has been listed in the list of candidates nominated for a multi-mandate election district, with his/her consent, at least 65 days prior to election day, based on the decision of their authorised bodies. The Central Election Commission and the Territorial Election Commission should be informed about this. The authorised body of voters association and voters block makes a decision on this.
- 35.9. Voters associations, voters block and voters association included in the voters list can nominate candidates who are not members of those political parties.

**Article 36. List of Candidates Nominated by Voters associations and voters blocks for a Single Multi-Mandate Election District**

- 36.1. A decision of the voters association on nominating a list of candidates for a single multi-mandate election district is adopted by secret ballot at the conference of the voters association.
- 36.2. A decision of voters block on nominating list of candidates (hereafter referred to as single list of candidates) for a single multi-mandate election district is adopted by a secret ballot at the conference of voters association included in the voters block. Decision of the voters association is approved by the representatives who are authorised to make a decision on nomination of a single list of candidates on behalf of voters block in the voters block's conference.
- 36.3. Nomination of single list of candidates by voters associations and voters blocks is implemented after a decision on determination of elections is officially published.
- 36.4. The minutes of the voters block's and voters association's conference on nominating a single list of candidates is recorded and it contains the following:
- 36.4.1. number of registered participants;
- 36.4.2. required number of participants for adoption of decision, according to agreement on establishment of voters block and charter of voters association;

- 36.4.3. a decision on nominating a candidate and results of voting on this decision (a single list of candidates should be attached);
- 36.4.4. date of adoption of a decision.
- 36.5. Voters association, voters block and a voters association included in the voters block can nominate a candidate who is not a member of this political party.
- 36.6. A single list of candidates nominated by the voters association is verified by the signature of head of the association and stamp of it. If a list of candidates is nominated by a voters block, a decision on nominating a candidate by a voters association is verified by voters association (head's signature and association's stamp), a single list of candidates nominated by voters block is verified by signatures of authorised representatives of voters block and stamps of voters associations included in voters block.
- 36.7. Rules for recording candidates in the single list are defined by voters block.
- 36.8. Candidates nominated by voters associations and voters blocks for a single-mandate election district cannot be included in the single list of candidates.
- 36.9. Total number of candidates in a single list nominated by voters association and voters block should not be more than 30.

**Article 37. Submission of Lists of Candidates Nominated by Voters Association and Voters Block and Other Election Documents to the Central Election Commission**

- 37.1. Authorised representatives of voters associations and voters blocks submit the list of candidates and single list of candidates nominated by voters associations and voters blocks for single-mandate election district to the Central Election Commission. These lists should contain the following information about the candidates:
- ◆ name, surname;
  - ◆ date of birth;
  - ◆ education;
  - ◆ main working or serving place;
  - ◆ occupation or position (type of activity if he/she does not have them);
  - ◆ address;
  - ◆ party affiliation, with his/her consent, if he/she joined any registered political party 6 months prior to the announcement of election day;
  - ◆ his/her status or legal status in political party.

List of candidates should be submitted to the Central Election Commission in a format defined by it. It should be typed and prepared in a way easy to read.

- 37.2. Authorised representative of voters association submits the following documents together with the lists of candidates:
- 37.2.1. copy of certificate on registration of political party verified by the notary office;
- 37.2.2. copy of charter (in force) of political party verified by the notary office;

- 37.2.3. decision of voters associations (adopted at its conference) on nominating candidates and minutes of that meeting;
- 37.2.4. powers of attorney of authorised representatives issued in accordance with the rules of this law.
- 37.3. Authorised representative of voters block submits the following documents to the Central Election Commission:
- 37.3.1. decisions of voters associations included in voters block on nomination of candidates (adopted at their conferences) and minutes of relevant meetings;
- 37.3.2. a decision adopted at the meeting of representatives of voters associations (which are included in voters block) on nominating list of candidates and minutes of relevant meetings;
- 37.3.3. powers of attorney of authorised representatives of voters block issued in accordance with requirements of this law.
- 37.4. Besides the documents mentioned in paragraphs 1-5 of this article, authorised representatives of voters associations and voters blocks must submit a candidate's application containing his/her consent and undertakings for termination of his/her powers if he/she exceeds them after he/she is elected as a deputy. This application should contain also the following information about the candidate:
- ◆ name, surname;
  - ◆ date of birth;
  - ◆ address;
  - ◆ education;
  - ◆ main working or serving place;
  - ◆ occupation or position (type of activity if he/she does not have them);
  - ◆ party affiliation, with his/her consent, if he/she joined any registered political party 6 months prior to the announcement of election day;
  - ◆ his/her status in political party.

If these candidates have been sentenced and if it is not canceled or served, they must note name and number of a relevant article of the Criminal Code of the Azerbaijan Republic; if a candidate has done an action which requires a criminal accountability abroad and if the same action requires accountability according to the Criminal Code of the Azerbaijan Republic, a name of that law should be recorded as well. Besides the citizenship of the Azerbaijan Republic, this document should contain information about if a candidate has foreign citizenship or obligations in foreign countries. *If a candidate has been sentenced and if it is not served or canceled, this information should be recorded in the list.*

- 37.5. A candidate nominated by the voters association and voters block can be included in only one single list of candidates and cannot be nominated for a single-mandate election district at the same time.
- 37.6. The Central Election Commission examines the documents within 3 days and submits its decision to the authorised representatives, on approval or rejection from approving the list of candidates and single list of candidates nominated for single-mandate election



district. If a voters block has submitted documents required for registration of voters block together with a list of candidates, in accordance with the rules mentioned in article 30 of this law, the Central Election Commission examines all submitted documents not later than 5 days.

- 37.7. The Central Election Commission can refuse to submit copy of approved candidates list to voters association and voters blocks if documents mentioned in paragraphs 1-4 of this article have not been prepared in a required form and if rules for nomination of candidates have been violated.
- 37.8. Voters association and voters block can file a complaint about refusal of receipt of documents and submission of copy of candidates list with the Supreme Court. This complaint should be examined within 3 days by the Supreme Court.
- 37.9. No changes can be made in the list of candidates or single list of candidates nominated for a single-mandate election district, after they have been submitted to the Central Election Commission except for the following:
- ◆ in order of names of candidates (in the list);
  - ◆ if voters association and votes block withdraws the candidate based on his/her own request;
  - ◆ if a candidate dies;
  - ◆ in cases mentioned in the article 35.8. of this law.
- 37.10. Voters associations and voters blocks which have nominated candidates for a single-mandate election district must submit the following documents together with a decision on nominating candidates to the Territorial Election Commission:
- ◆ minutes of relevant meeting;
  - ◆ copy of list of candidates nominated for a single-mandate election district approved by the Central Election Commission;
  - ◆ candidate's application with his consent to be a candidate for a single-mandate election district.
- This application should contain information and candidate's undertakings mentioned in the paragraph 4 of this article.
- 37.11. The Central Election Commission and Territorial Election Commissions should create necessary conditions for receiving information about the relevant candidates.

### **Article 38. Insurance of Equal Status for Candidates**

- 38.1. Except the cases defined by this law, all candidates have equal rights and obligations. Candidates who are government or municipal officials cannot abuse their positions to have superiority.
- 38.2. The following actions are considered abuse of position and occupation by this law:
- 38.2.1. to engage state or municipal officials who are employees of candidates with an activity which assists to be nominated as a candidate or to be elected as a deputy, during their working hours;

- 38.2.2. to use the buildings of state or municipal bodies for being nominated as a candidate or for being elected as a deputy, if other candidates or registered candidates cannot use these buildings with equal conditions;
- 38.2.3. to use communication, information and telephone services of state bodies, organizations or municipalities for collecting signatures and for election campaigning;
- 38.2.4. to use transport, which is state or municipal property, free or with privileged conditions to assist to be nominated as a candidate or to be elected as a deputy (abovementioned cases do not concern the persons who use the transport in accordance with the legislation of the Azerbaijan Republic "On State Protection");
- 38.2.5. to engage state or municipal officials to collect signatures or to conduct election campaign during their business trips;
- 38.2.6. to use mass media mentioned in article 52.1. of this law for collecting signatures or for election campaigning with privileged conditions.
- 38.3. The following cannot implement charitable activities during the election campaigning processes:
- ◆ candidates;
  - ◆ voters associations and voters blocks which have nominated candidates;
  - ◆ authorised representatives of voters associations included in voters block and of voters blocks;
  - ◆ their founders, owners;
  - ◆ legal entities who are persons mentioned above;
  - ◆ other physical or legal entities which are functioning on the request of abovementioned persons.
- Abovementioned persons and organizations are prohibited to be requested from the following:
- ◆ to render financial assistance to other physical and legal entities;
  - ◆ to render financial assistance to voters or organizations or to render service to them.

Physical and legal entities are prohibited from charitable activities on behalf of the voters association, voters block and their authorised representatives or a candidate.

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

- 39.1. Collection of signatures in support of candidates nominated directly by voters starts in accordance with the article 34 of this law, from the day a relevant Territorial Election Commission is informed about this.
- 39.2. At least four thousand signatures in support of a candidate should be collected within the territory of election district a candidate has been nominated for. If an election is conducted before its determined time, at least two thousand signatures should be collected in support of candidate.

- 39.3. Signature sheets are prepared in a format mentioned in “Annex 1” which is attached to this law. Each signature paper should contain: candidate’s working or service place, occupation or position (type of activity), address, name and number of election district he/she is nominated for. If a candidate has been sentenced and it is not served or canceled, the signature sheet should contain name and number of the article of Criminal Code of the Azerbaijan Republic due to which he/she is sentenced, or name of relevant legislation of foreign country.
- 39.4. The signature paper contains candidate’s party affiliation and his/her status in this party which has been recorded in his/her application in accordance with articles 34.6 or 37.4 of this law.

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

- 40.1. Voters associations and voters blocks which have nominated candidates for a single-mandate election district should collect voters signatures within the election district, where a candidate agreed to be nominated. At least four thousand signatures of voters living within the relevant election district should be collected in support of each candidate. If an election is conducted before the determined time, at least two thousand signatures of voters who live within the territory of relevant election district should be collected in support of candidates.
- 40.2. Voters associations and voters blocks which have nominated a single list of candidates should collect at least 80 thousand signatures of voters. If election is conducted before determined time this number can be reduced to half.
- 40.3. Voters associations and voters blocks can start collection of voters signatures in support of a single list of candidates from the day Central Election Commission approves copy of a single list of candidates. Voters associations and voters blocks can start collection of signatures in support of candidates nominated for single-mandate election district from the day they submit documents and information mentioned in the article 37.10 of this law.
- 40.4. Signature sheets should be prepared in the format shown in “Annexes 1 and 2” to this law.
- 40.5. While collecting voters signatures in support of single list of candidates, each signature paper should contain names, surnames, birth dates, main working or serving place, occupation or positions (type of activity – if they do not have them) of first 3 candidates who appear in the list of candidates. If a mentioned candidate had been sentenced and it is not served or canceled, name and number of relevant article of the Criminal Code of the Azerbaijan Republic should be recorded in the signature paper. If a candidate had executed an action which requires accountability in foreign country, and if the same action requires accountability by the Criminal Code of the Azerbaijan Republic, that article should be recorded as well. A person who collects signatures should submit a single list of candidates approved by the Central Election Commission if a person signing in support of candidates requests that.
- 40.6. If voters association or voters block, which have nominated candidates for a single-mandate election district collect signatures in support of candidates, besides the

information about candidates, a signature paper should contain name of voters association or voters block which have nominated this candidate, party affiliation of a candidate and his/her relevant status in that political party, if a candidate have recorded this in his/her application.

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

- 41.1. State bodies, municipal bodies and legal entities are prohibited from participation in collecting signatures. It is prohibited to force voters to sign or to reward them signing. If these rules are violated, collected signatures can be considered invalid, candidates, registered candidates, single list of candidates, single list of registered candidates can be refused from registration or their registration can be canceled.
- 41.2. A citizen of the Azerbaijan Republic, who has reached a legal age, who has an ability of functioning, can collect voters signatures. A candidate, voters association or voters block can sign an agreement with a person who will collect voters signatures. This person can be paid only from candidate's, voters association's or voters block's election funds.
- 41.3. Signatures in support of candidates and single list of candidates can be collected in educational institutions, populated places, and other places where election campaigning is not prohibited.
- 41.4. A voter can sign only once in support of a candidate or a single list of candidates. When signing, a voter records the following information about him/herself: name, surname, date of birth, address, batch and serial number of identification document (or a document which substitutes it), date of its issue and date of signing. A person who collects signatures can record additional information about the voter who signs the signature sheets, if such information is necessary. This information is recorded in writing.
- 41.5. Voters can sign in support of candidates and a single list of candidates on both sides of signature sheets. In such cases, the reverse side of the signature sheet is considered a continuation of the front page. The signature sheet is verified on its reverse side.
- 41.6. Signature sheets containing the signatures in support of a candidate nominated for a single-mandate election district are signed by a person who has collected them and by a candidate after signatures have been collected. A person who has collected signatures records his/her name, surname, address, batch and number of identification document, date of its issue, as well as a candidate's name, surname, father's name and date of signing on signature sheets, before he/she signs it.
- 41.7. Signature sheets containing the signatures in support of single list of candidates are signed by a person who has collected them and by authorised representatives of voters associations and voters blocks after signatures have been collected. A person who has collected signatures records his/her name, surname, address, batch and number of identification document, date of its issue, a relevant authorised representative records his/her name, surname, father's name and date of signing on signature sheets, before he/she signs it.
- 41.8. Each voters association, voter block, voter or voters who have nominated candidates can collect the required number of signatures in support of the same candidate together, after

they inform the relevant election commission about it in writing. In such cases, it is prohibited to collect **together** signatures collected by different persons.

- 41.9. After signatures in support of single list of candidates have been collected, authorised representatives of voters associations and voters blocks calculate the total number of signatures. A protocol on results of calculations of signatures is completed and signed by the authorised representatives of voters associations and voters blocks.
- 41.10. Initiators of nominating candidates, authorised representatives of a candidate or voters association and voters block calculate total number of signatures in support of a candidate nominated for a single-mandate election district, complete a protocol about it and sign it.
- 41.11. The number of voters signatures on signature sheets submitted to the election commission should not exceed more than 15% than the required number defined by this law.
- 41.12. Signature sheets submitted to a relevant election commission should be numbered. In such cases, all signature sheets in support of single list of candidates should be compiled in a folder.

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

- 42.1. Authorised representatives of candidates, voters associations and voters blocks submit the following documents to the relevant Territorial Election Commission at earliest 55 days and at latest 10 days prior to election day for registration of candidates nominated for a single-mandate election district before 6.00 PM:
  - 42.1.1. signature papers, which include voters signatures in support of candidates;
  - 42.1.2. 2 copies of protocols on results of collecting signatures prepared in a format defined by the Central Election Commission;
  - 42.1.3. information on changes made to the information about the candidates, submitted according to the articles 34.5-6 and 37.1-4 of this law;
  - 42.1.4. information on amount and sources of candidate's income;
  - 42.1.5. information on candidate's property on the basis of right to property;
  - 42.1.6. candidate's initial financial record.
- 42.2. Authorised representatives of voters association and voters block must submit the following documents to the Central Election Commission at earliest 105 days and at latest 55 days prior to election day before 6.00 PM for registration of single list of candidates:
  - 42.2.1. signature papers, which include voters signatures in support of a single list of candidates;
  - 42.2.2. 2 copies of protocols on results of collecting signatures prepared in a format defined by the Central Election Commission;

- 42.2.3. information on changes made to the copies of approved single list of candidates submitted in accordance with the articles 37.1-4 of this law;
- 42.2.4. information on amount and sources of income of each candidate;
- 42.2.5. information on property of each candidate, on the basis of right to property;
- 42.2.6. initial financial account of voters association, voters block.
- 42.3. Information on amount and sources of income of the candidate for the period of one year should be submitted in a format defined by the Central Election Commission starting from the day of determination of election day. At the same time, organizations, which are income sources, submit a summary of annual income. Information on property owned by the candidate based on ownership right should be submitted in a format mentioned "Annex #1". The Central Election Commission defines the list of information of candidate's property and income to be published.
- 42.4. When receiving election documents, election commissions approve each folder containing signature sheets, check if number of submitted signature sheets match with the number recorded in the protocol on results of collecting signatures, then provides the candidate, authorised representatives of voters associations and voters blocks with a document on receipt of election documents. This document contains date of receipt, number of signature sheets received recording number of signatures. If abovementioned persons submit relevant documents to relevant election commission before the time mentioned in the paragraphs 1-2 of this article, they cannot be refused of receipt of documents; authorised representatives of a candidate, voters association and voters block cannot be obstructed to enter relevant buildings.
- 42.5. Candidates, a single list of candidates are registered, after signature sheets and a document approving transfer of funding by candidates, voters associations, voters block to the account of the Central Election Commission are submitted to the relevant election commission. Account mentioned above is opened by the National Bank of the Azerbaijan Republic. A copy of bank statement (of candidate, voters block and voters association) on transfer of money should be submitted to the relevant election commission together with other documents, according to paragraphs 1 and 2 of this article. Amount of deposit and rules for transferring it are defined by article 61 of this law.

**Article 43. Checking Accuracy of Signature Sheets and Documents Submitted by Candidates, Voters associations and voters blocks**

- 43.1. The Central Election Commission checks whether the process of nominating a single list of candidates fulfill the requirements of this law, checks accuracy of documents submitted in accordance with the requirements of this law, of information recorded in signature sheets of each voters association and voters block. According to this law, the Central Election Commission has the right to check accuracy of information about biography and other information submitted by a candidate, voters association and voters block.
- 43.2. Relevant Territorial Election Commission checks accuracy of documents defined by this law, signature sheets of each candidate and checks whether process of nominating candidates fulfill the requirements of this law. The Territorial Election Commission has

the right to check accuracy of information about biography and other information submitted by a candidate, voters association and voters block, according to this law.

- 43.3. The election commission can apply to the relevant bodies with a purpose to check accuracy of information and facts submitted in accordance with this law. Those bodies should inform the election commissions about the results of examination within the period defined by this law, and not later than 10 days if such a request is made 10 days prior to election day.

The relevant election commission can make a decision on creating working groups consisting of election commission members, employees of election commission apparatus and specialists invited to check accuracy of signatures and relevant information. Such investigation can include the following persons: members of subordinate election commissions, experts of relevant bodies, experts specialized in the field of registration of population. Their conclusion can be accepted as a basis which approves that information in the signature sheets is not accurate. The election commissions can use the state registration system of voters to check accuracy of information in signature sheets.

- 43.4. At least 15% of signatures required for registration of each candidate and single list of candidates should be checked. For initial examination, equal number of signatures collected in support of each candidate and single list of candidates should be investigated. Signature sheets are selected by lottery. Rules for lottery are defined by the Central Election Commission. The following can be present in the Territorial Election Commission while casting lots and checking signature sheets: candidates, their authorised representatives, authorised representatives of voters associations and voters blocks; in the Central Election Commission – authorised representatives of voters associations and voters blocks which have nominated single list of candidates. The relevant election commission should inform the abovementioned persons about each lottery and checking documents in advance. The election commission cannot refuse or obstruct abovementioned persons sent by a candidate, voters association and voters block to participate in these actions. All signatures selected for investigation should be examined.
- 43.5. Accuracy or incorrectness of voters signatures can be approved due to results of investigation.
- 43.6. Crossed out signatures in the signature sheets are not checked and registered by the persons who have nominated a candidate or a single list of candidates if persons who collect signatures made relevant notes on it, before they submit the signatures sheets to the relevant election commission.
- 43.7. If a signature of one person appears several times while checking them, only one signature is considered valid, others are considered incorrect.
- 43.8. The following signatures are incorrect:
- 43.8.1. signatures of voters who do not have active right to vote or who have recorded information incorrectly, according to information of relevant executive authorities and conclusion of experts invited in accordance with the paragraph 4 of this article;

- 43.8.2. if signatures of voters are included in the signature sheets before the Territorial Election Commission received information on nominating a candidate or before the Central Election Commission approved the copies of single lists of candidates;
- 43.8.3. signatures of voters who did not record information required by this law;
- 43.8.4. signatures considered invalid in accordance with 41.1. of this law;
- 43.8.5. signatures recorded by one person on behalf of several voters;
- 43.8.6. signatures which are not recorded in writing or recorded by pencil;
- 43.8.7. if dates of signatures have been changed, these changes are considered correct if persons who approved the signature sheets verify them;
- 43.9. All signatures in the signature sheets are considered invalid if they are not verified by a person who collected them, a candidate, authorised representatives of voters associations and voters blocks in writing, or signatures of authorised representatives are not correct.
- 43.10. If several persons sign for one voter or one person signs for several voters, all these signatures are considered invalid in accordance with written conclusion of experts invited due to paragraph 3 of this article.
- 43.11. If a line in a signature sheet does not fulfill the requirements of this law, that line should be considered invalid, except cases mentioned in paragraphs 7 and 9 of this article.
- 43.12. If signatures are not found invalid in accordance with 7<sup>th</sup> and 9<sup>th</sup> paragraphs of this article, or if corrections and notes are made in a defined manner, these facts cannot be a reason to consider signatures invalid.
- 43.13. If more than 15% of selected signatures are incorrect, then the additional 15% of signatures required for registration should be checked in an abovementioned manner.
- 43.14. If more than 15% of total number of signatures, checked in accordance with paragraph 13 of this article, are incorrect, checking process is stopped and single list of candidates is not registered.
- 43.15. If number of signatures is less than required number, after invalid signatures have been removed, candidate and single list of candidates are not registered.
- 43.16. Head of the working group, member of relevant election commission who have active right to vote prepare a relevant protocol on results of checking signature sheets collected in support of each candidate and single list of candidates, they sign it and transfer to the election commission for a relevant decision. The protocol contains the number of checked signatures and number of invalid signatures with a note of reason. This protocol should be attached to a relevant decision of the election commission. Copy of the protocol should be submitted to a candidate, authorised representatives of voters associations and voters blocks at least 12 hours prior to the meeting of the election commission which deals with registration of candidates and single list of candidates. A candidate, voters association and votes block have the right to obtain the following



documents if signature sheets do not contain the required number of signatures and if more than 15% of signatures have been considered invalid:

- ◆ copy of the protocol verified by the head of the working group;
- ◆ reasons for considering signatures invalid including:
  - number of a relevant folder;
  - number of line in the signature sheet;
- ◆ copy of the working-table on results of investigation.

#### **Article 44. Registration of Candidate, Single List of Candidates**

44.1. The Central Election Commission makes a decision on registration or refusal of registration of the single list of candidates within 10 days after the receipt of signature sheets and other documents required for registration period. The Territorial Election Commission makes a decision on registration or refusal of registration of the candidate for a single-mandate election district within 10 days after the receipt of signature sheets and other documents required for registration of candidate for a single-mandate election district. A decision to refuse the registration must be based on evidence. If candidate nominated by voters association or votes block is registered, the Territorial Election Commission includes in the decision nomination of candidate by voters association and votes block. A decision on refusal of registration contains date and time it is adopted.

44.2. **One person cannot be registered: in more than one single lists of candidates; for more than one single-mandate election district as well as single list of candidates; besides this, for single-mandate election district.**

44.3. If rules mentioned in the paragraph 2 of this article are violated, previous registration of the candidate is considered valid, a decision on registration made a little later is canceled by the decision of relevant election commission (if a registered candidate does not apply for canceling his/her previous registration) or he/she is removed from the single list of candidates.

44.4. The relevant election commission should submit a copy of the decision on registration of candidates, single list of candidates to the candidates, a voter, voters who have nominated a candidate, authorised representatives of voters associations and voters blocks which have nominated a single list of candidates, within one day starting the day it is adopted. If registration has been refused, reasons for that should be recorded. The following can be reasons for refusal:

44.4.1. serious violation of rules for collecting signatures defined by this law;

44.4.2. if documents mentioned in the articles 34, 37 and 42 of this law are not prepared correctly or they do not exist;

44.4.3. if election deposit has not been transferred;

44.4.4. if number of correct signatures collected in support of candidates or single list of candidates is less than required number or if more than 15% of checked signatures are invalid;

- 44.4.5. if information submitted by candidates, voters associations and voters blocks, in accordance with this law, is not correct (if information about separate candidates is not correct in the single list of candidates nominated by voters association and voters block, only that candidate's name is removed from the approved list of candidates on the basis of this reason);
- 44.4.6. if rules for creation of candidates', voters associations', voters blocks' election funds and for expenditure of relevant funds have been violated;
- 44.4.7. if authorised representatives of voters associations and voters blocks, voters associations and voters blocks and candidates violate the requirements of the article 38.3 of this article;
- 44.4.8. other reasons considered by this law.
- 44.5. If the election commission finds out cases which require criminal or administrative accountability, it transfers relevant documents and materials to the law enforcement bodies to investigate the case and violators to become accountable.
- 44.6. If the election commission finds out that information submitted by candidates, voters associations and voters blocks (in accordance with 34, 37 and 42 articles of this law) is invalid after the registration of candidate, single list of candidates, the election commission can cancel the registration of the candidate (on removing the candidate from the list of candidates) up to 16 days prior to the election day. If less than 15 days are left to election day, the election commission can apply to the court to cancel the registration of the candidate (to remove the candidate from the list of candidates).
- 44.7. Complaints may be filed about the CEC's decision on registration of single list of candidates or refusal of it with the Supreme Court of the Azerbaijan Republic. Complaints may be filed about the TEC's decision on registration of candidates or refusal of registration with the Central Election Commission or relevant courts. The complaint should be examined within 5 days from the day of its receipt.
- 44.8. Each registered candidate is issued a card on registration. The relevant election commissions inform the mass media about the registered candidates and single list of candidates, within 48 hours after the registration. The Territorial Election Commissions display information about the candidates and single list of candidates on a special board in the rooms of election commissions, at least 15 days prior to election day (article 37.5., 37.6.). Information on cancellation of candidate's and single list of candidates' registration, on changes made to the membership of registered voters blocks and on withdrawal of candidate from the single list of candidates should be displayed with the same manner. Information on registered candidates, voters associations and voters blocks should be displayed in the same order that they will appear in the ballot paper.
- 44.9. If none of the candidates or only one candidate has been registered for a single-mandate election district, if none of the lists of candidates or only one list of candidates has been registered for single multi-mandate election district at least 45 days prior to election day, election is postponed for 2 months, in accordance with the article 5 of this law, with a purpose to nominate additional candidates and list of candidates and other election processes.

## **CHAPTER VII**

### **STATUS OF REGISTERED CANDIDATES**

#### **Article 45. Equality of Registered Candidates**

- 45.1. All registered candidates have the equal rights and responsibilities, except the cases defined by this and other laws.
- 45.2. Registered candidates who are state or municipal officials, or persons who work with mass media on the basis of labour or civil-legal contract are released from their employment during their participation in the elections. They submit a copy of approved order (decision) to the relevant election commission at latest within 3 days from the day of registration. They are prohibited to abuse their positions of authority to gain privileges.
- 45.3. According to the law of the Azerbaijan Republic "On State Service", all registered candidates who occupy a position (state official) and who belong to the category "A", as well as candidates who are elected municipal officials, cannot abuse their positions of authority to gain privileges.
- 45.4. Cases of violations of equality principles regarding abuse of occupation and position area determined by article 38.2. of this law.
- 45.5. Registered candidates who are state or municipal officials have the right to conduct election campaign only when he/she finishes to perform his/her duties. These rules do not concern to free usage of TV and Radio programs by the registered candidate in accordance with the article 53 of this law.
- 45.6. Officials, TV or mass media journalists or other creative persons who are registered candidates or authorised representatives of candidates, voters associations and voters blocks are prohibited from participating in reporting election processes by the mass media.
- 45.7. To follow prohibitions defined by this law should not obstruct deputies, municipal members to perform their powers and duties.
- 45.8. The following persons cannot conduct charitable activities during the election processes:
- ◆ registered candidates, voters associations and voters blocks;
  - ◆ voters associations included in the voters block which have nominated a single list of registered candidates or registered candidates for a single-mandate election district;
  - ◆ voters associations and voters blocks which have their list of candidates registered, or which have nominated registered candidates for a single-mandate election district; their authorised representatives or agents;
  - ◆ organizations which are creators, owners, **members** or employees of abovementioned persons;
  - ◆ other physical and legal entities who function due to instructions of abovementioned persons and organizations.

The abovementioned persons and organizations are prohibited to appeal to the voters with an offer to render material and financial assistance or other services. Physical and legal entities are prohibited from conducting charity activity on behalf of candidates,

registered candidates, voters associations and voters blocks and their authorised representatives and agents.

#### **Article 46. Insurance of Registered Candidate's Activity**

- 46.1. Management of the relevant organizations where the registered candidates are working, studying, serving or commander of military unit where they are serving must release the candidates for the period mentioned in their reports, effective from the date of their registration until the date of the official announcement of the results of the election. During the period of release from his/her employment, the relevant election commission should allocate payment for candidates in amount of average monthly salary (wages) from the budget allocated for preparation and conduct of elections. This payment should not exceed the amount of 20 times the minimum salary. Registered candidates are paid compensation for the period they are released from employment on the basis of document which proves their unpaid leave.
- 46.2. Transport and public transport tickets within the territory of the relevant election district are paid to the candidate registered for a single-mandate election district. If one town covers several election districts and if candidate is registered from one of these areas, registered candidate is paid for his/her travels within the town. If a registered candidate lives outside of the election district he/she has been nominated for, he/she is paid for 4 round trips by train and car, and 2 round trips by plane. All these expenses are paid by the relevant Territorial Election Commissions from the budget allocated for preparation and conduct of elections. A candidate included in the registered single list of candidates is paid for 2 round trips by public transport and plane within the territory of the Azerbaijan Republic. These expenditures are paid from the budget allocated for the Central Election Commission.
- 46.3. Travel expenditures of the registered candidates are paid effective from the date of their registration and until the date of the official announcement of the results of the elections. Expenses for taxis and unscheduled transport services are not paid. Expenditures for travels within the town and outside of the town are paid if tickets for that travels are submitted.
- 46.4. Within the period mentioned in 1<sup>st</sup> paragraph of this article, a registered candidate cannot:
- ◆ be dismissed from his/her job, service, educational institution on the initiative of his/her employer, or transferred to another job (to study or serve in other place) or position without his/her own agreement;
  - ◆ be sent on business trips;
  - ◆ be conscripted to military service or military courses of instructions.

The period during which a candidate is participating in the election is included in his/her years of professional service.

- 46.5. Within the period mentioned in the paragraph 1 of this article, a registered candidate cannot be indicted for a crime or be subjected to administrative penalties by a court without the permission of the general prosecutor, after he/she has been registered as a candidate. If the prosecutor approves the above, the General Prosecutor or the court must inform the Territorial Election Commission about it immediately.

- 46.6. Candidates registered for single-mandate election district, voters associations and voters blocks which have the single list of candidates registered, or their authorised representatives, can obtain information about territory of the relevant Territorial Election Commission, its address, telephone, as well as about lists of voting stations, Precinct Election Commissions and addresses of voting stations.

#### **Article 47. Agents of Registered Candidates, Voters associations and voters blocks**

- 47.1. Each candidate registered for a single-mandate election district has the right to have 5 agents, voters association, voters block which have a registered single list of candidates, have the right to have 50 agents. The relevant Territorial Election Commission or the Central Election Commission registers the abovementioned persons. Agents should be registered within 3 days from the day of receipt of document about agents appointment and agents written consent. An application should contain the following information about the agent:
- ◆ name, surname, father's name;
  - ◆ date of birth;
  - ◆ working or serving place;
  - ◆ occupation (type of activity);
  - ◆ address;
  - ◆ batch and serial number, date of issue of the identification document or a document which substitutes it.
- 47.2. Agents receive cards from the election commissions. Agents' employers must provide them with unpaid leave at the request of agents, within the period mentioned in article 46.1.
- 47.3. Agents conduct campaigning or other actions in assisting the candidate or single list of candidates to be elected. Agents have the right to observe.
- 47.4. Registered candidates, voters associations and voters blocks have the right to withdraw authorization of their agents and to appoint new ones to replace them. They have to inform the election commissions about this. In such cases, the election commission cancels the card given to those agents. An agent has the right to withdraw his/her authorization on his/her own initiative and return the relevant card to the election commission. He/she must inform the candidate, voters association and voters block about this in advance.
- 47.5. Agents' authorization commences from the day of their registration by the relevant election commission and finishes:
- ◆ not later than the date of the official announcement of the results of the election;
  - ◆ not later than final decision of the court is adopted, if an investigation is being conducted about the violation of this law;
  - ◆ if all candidates they represent lose their status, except the cases mentioned in the paragraph 4 of this article.

#### **Article 48. Refusal from Candidate's Status**

- 48.1. A candidate nominated for a single-mandate election district can withdraw his/her application on his/her consent to be a candidate any time, informing the relevant election commission about this. This written information cannot be withdrawn.
- 48.2. A candidate registered for a single-mandate election district can submit an application to the relevant election commission and withdraw his/her candidacy at least 3 days prior to election day. If a candidate has submitted such an application, he/she cannot withdraw it. The Territorial Election Commission makes a decision on canceling candidate's registration within 1 day based on the application received. If a registered candidate withdraws his/her candidacy without compelling excuse, he/she must return funds given to him/her from the budget by the Territorial Election Commission.
- 48.3. Candidates and registered candidates who have been included in the single list can apply to the Central Election Commission in writing and refuse to participate in the elections at least 5 days prior to election day. This application cannot be withdrawn. Based on the application received, the Central Election Commission removes the candidate, registered candidate from the relevant list of candidates.
- 48.4. Persons who have performed actions mentioned in paragraphs 1-3 of this article may nominate their candidacy for any single-mandate election district, in accordance with rules and period considered by this law.
- 48.5. Voters association and voters blocks, which have nominated a single list of candidates can apply to the Central Election Commission in writing and withdraw the single list of candidates at least 5 days prior to election day, with a decision of the body which has nominated it.
- 48.6. A voters association included in the voters block can apply to the Central Election Commission and refuse to participate in the elections as a member of a relevant voters block, at least 5 days prior to election day, based on the decision of authorised body of voters association. A voters association which has refused to participate in the election as a member of a relevant voters block can participate in the elections as an independent voters association or can join another voters block. If all voters associations (except one) refuse to participate in the elections after the Central Election Commission approves the single list of candidates nominated by voters block, the remaining voters association can participate in the elections as a voters block, keeping its name and emblem. This rule does not concern the cases of refusal or cancellation of registration of the single list of candidates, according to paragraph 11 of this article.
- 48.7. If a voters block refuses to participate in the elections, it does not mean that voters associations included in that block cannot participate either; the followings are required for this:
  - ◆ repeated nomination of candidates and
  - ◆ other required election actions.
- 48.8. Voters associations, in accordance with their charter, and voters block, in accordance with a decision of authorised representatives of voters associations, which are included in voters blocks, can withdraw some candidates from the single list of candidates registered by the Central Election Commission, any time, at least 5 days prior to election day.

- 48.9. Voters associations, according to their charter and voters blocks, according to the decision of authorised representatives of voters associations included in the voters block, have the right to apply to the relevant Territorial Election Commission in writing and to withdraw candidates nominated for a single-mandate election district and registered candidates at least 5 days prior to election day. If candidacy of a candidate has been withdrawn, the Territorial Election Commission ensures replacement of all expenses given to the candidate nominated by voters associations and voters blocks.
- 48.10. The election commission, which makes a decision on refusal of a candidate's registration, informs persons to whom this decision concerns immediately about it and submits a copy of this decision to them.
- 48.11. If the number of candidates withdrawn from the single list of candidates in accordance with the candidate's application or voters association's or voters block's decision, is more than 25% of total number of candidates appeared in the approved list of candidates, or if first three or more candidates have removed from the list, the Central Election Commission refuses to register the single list of candidates or cancels the registration (except the cases mentioned in paragraph 6 of this article).
- 48.12. Other persons can be added to the list or order of candidates' names can be changed after some candidates have been removed from the list, actions considered by the article 35.8. of this law can be performed. Changes made in accordance with this law, charter of voters association, agreement on creation of voters block cannot be basis for refusal of registration of single list of candidates or for cancel of it.
- 48.13. The Central Election Commission takes back funds given to voters associations and voters blocks when they withdraw their single lists of candidates due to paragraph 5 of this article without compelling reasons, or when the single list of candidates is canceled in accordance with paragraph 11 of this article.
- 48.14. An election is postponed for not more than 2 months in a single-mandate election district, and for not more than 3 months in a multi-mandate election district for implementing election processes mentioned in article 5 of this law in the following cases:
- ◆ if no registered candidates remain up to election day;
  - ◆ if only one registered candidate remains up to election day;
  - ◆ if no registered single lists of candidates remain for multi-mandate election district;
  - ◆ if only one registered single list of candidates remains.
- 48.15. The relevant election commission takes back all funds spent by candidates, votes associations and voters blocks for preparation and conduct of elections, when circumstances mentioned in paragraph 14 of this article happen due to followings;
- ◆ if a registered candidate withdraws his/her candidacy;
  - ◆ if voter associations, voters blocks withdraw their registered candidate (if no circumstances forced them to do that);
  - ◆ if registration of a candidate has been canceled according to paragraphs 3 and 5 of article 91 of this law;
  - ◆ if voters associations and voters blocks withdraw their registered single list of candidates without compelling reasons;

- ◆ if single list of candidates has been canceled according to paragraph 11 of this article, or paragraphs 3 and 5 of article 86 of this law.

If a voters block has to return the expenses, funds are distributed among voters associations which are included in the relevant voters block.

48.16. By “circumstances that forced a candidate to withdraw his/her candidacy”, or “circumstances that forced voters associations and voters blocks to withdraw their registered candidate” this law considers the followings:

- ◆ if a registered candidate has been found mentally incapacitated by the court;
- ◆ if a registered candidate is seriously ill;
- ◆ if a registered candidate or his/her relatives are not healthy.

By “circumstances that forced voters association or voters block to withdraw their registered single list of candidates”, this law considers:

- ◆ if first three candidates appeared in the list of candidates died or are considered dead;
- ◆ if more than 25% of candidates have been removed from the list of candidates due to these reasons.

## **CHAPTER VIII. ELECTION CAMPAIGN**

### **Article 49. Conduct of Election Campaign**

49.1. The election campaign can be conducted by:

49.1.1. mass media;

49.1.2. conducting pre-election mass activities (gatherings, meetings with citizens, meetings, rallies, mass discussions and talks);

49.1.3. producing and distributing printed materials, audiotape and other campaign materials;

49.1.4. other forms not prohibited by the law.

49.2. Election campaign by mass media is conducted by:

- ◆ open discussions;
- ◆ round tables, press conferences;
- ◆ interviews, speeches;
- ◆ political ads;
- ◆ TV spots;
- ◆ spots about voters associations and voters blocks;
- ◆ other forms not prohibited by the law.

Registered candidates, voters associations and voters blocks define forms of election campaigning independently.



49.3. The followings are prohibited from conducting election campaign, from distributing and publicizing election campaign materials:

49.3.1. state bodies and municipalities;

49.3.2. state and municipal officials, state and municipal employees, military persons (abusing their positions and privileges);

49.3.3. military units, military enterprises and organizations;

49.3.4. charity and religious organizations, their creators;

49.3.5. election commissions, members of election commissions who have decisive vote.

#### **Article 50. Period of Election Campaign**

50.1. The election campaign begins from the date the candidates, list of candidates are registered and finishes at midnight (00.00) on the day prior to election day. All types of election campaigning are prohibited on election day and a day prior to election day.

50.2. Election campaign materials displayed outside of buildings and rooms of the Article 51 election commissions may stay in their places on election day.

#### **Article 51. Public Opinion Survey**

51.1. The mass media should mention the following information when it publishes results of public opinion survey:

- ◆ organizations where public opinion survey has been conducted;
- ◆ period of conduct;
- ◆ number of respondents;
- ◆ methods of collecting information;
- ◆ exact questions;
- ◆ statistic figures of future results.

51.2. Organizations, which conduct public opinion survey on elections for publishing them by the mass media, as well as organizations which publish prognosis of results of such surveys and elections should send copies of these publications to the relevant Territorial Election Commissions or to the Central Election Commission for creating information centre (in Azeri it is not a centre, it is “bank”) (after registration of candidates and list of candidates is finished). This information is given to the persons mentioned in article 26.1. of this law, to the observers on their requests (to become familiar) or to make a copy of them.

51.3. It is prohibited to publish results of public opinion survey, prognosis of election results and other investigations related to the elections 3 days prior to election day as well as on election day.

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

- 52.1. If creators of TV and Radio companies or periodicals are state bodies and organizations, those TV and Radio companies and periodicals create equal conditions for registered candidates, voters associations and voters blocks to conduct their election campaign.
- 52.2. TV and Radio companies and periodicals mentioned in the article 1 of this law and aired and distributed in half or more than half of the territory of the Azerbaijan Republic are to create conditions for voters associations and voters blocks with a registered single list of candidates to conduct their election campaign. The Central Election Commission publishes a decision on determination of the list of TV and Radio companies and periodicals mentioned above not later than 10 days after a decision on determination of elections has been officially published.
- 52.3. TV and Radio companies aired in less than half of the territory of the Azerbaijan Republic, as well as relevant branches of TV and Radio companies mentioned in paragraph 2 of this article, and periodical distributed in less than half of the territory of the Azerbaijan Republic are to create conditions for candidates registered for a single-mandate election district to conduct their election campaign within the territory of relevant administrative unit. List of TV And Radio companies and periodicals should be published by the relevant Territorial Election Commission at least within 30 days after a decision on determination of elections has been officially published.
- 52.4. TV and Radio companies and periodicals not considered by paragraph 1 of this article are to create equal conditions for registered candidates voters associations and voters blocks if founders of those TV and Radio Companies and periodicals are municipalities. Election campaign in these TV and radio companies and periodicals begins after registration of candidates and lists of candidates has been finished. If TV and Radio companies and periodicals do not participate in election campaign, they can refuse to publish any materials regardless their form.
- 52.5. Voters associations and voters blocks define forms of usage of airtime on TV and Radio and periodicals for election campaigning independently.
- 52.6. TV and Radio companies and periodicals mentioned in the paragraphs 1-4 of this article have the right to allocate paid airtime and pages for registered candidates, voters associations and voters blocks which have their single lists of candidates registered, according to the agreement. Conditions and amount of payment should be equal for all registered candidates, voters association and voters blocks. Besides the information sent to the Central Election Commission about allocation of airtime and pages in the periodicals for voters associations and voters blocks, as well as information sent to the Territorial Election Commissions about allocation of airtime and pages in the periodical for registered candidates, the relevant TV and Radio Companies and periodicals should publish amount of payment at least within 20 days after a decision on determination of elections has been officially published.
- 52.7. TV and Radio companies, periodicals which allocate paid and free airtime and pages for registered candidates, voters associations and voters blocks should register summary and cost of airtime and pages in a format defined by the Central Election Commission. And they should inform the relevant Territorial Election Commissions (for candidates registered for a single-mandate election districts) and the Central Election Commission (for voters blocks, voters associations, registered single lists of candidates) at least 5 days prior or at least 5 days after election day. The TV and Radio companies and periodicals

mentioned above prepare documents on registered candidates', voters associations' and voters blocks' consent to pay for allocated airtime and space and they are to submit these documents to the relevant election commission on their request.

- 52.8. If private TV and Radio companies and mass media do not participate in the election campaigning, they can refuse to publish election campaign materials.

### **Article 53. Election Campaign on TV and Radio**

- 53.1. Registered candidates, voters associations and voters blocks have the right to use free airtime on the TV and Radio companies mentioned in the article 52.1. of this law.
- 53.2. A lottery should be conducted (in accordance with rules mentioned in paragraph 9 of this article) for distribution of free airtime amongst the candidates, regional groups of candidates, voters associations and voters blocks (based upon their requests) within one week after registration of candidates, single list of candidates has been finished.
- 53.3. Free airtime on TV and Radio mentioned in article 52.1 of this law begins 30 days prior to election day and finishes a day before the election day.
- 53.4. Voters associations and voters blocks, which have their single lists of candidates registered, have the right to use free airtime to conduct election campaign on TV and radio mentioned in article 52.2 of this law. Candidates registered for single-mandate election districts have the right to use free airtime on TV and radio mentioned in article 52.3 of this law. Candidates registered for single-mandate election district cannot use free airtime on TV and radio mentioned in article 52.2 of this law.
- 53.5. Period of free airtime for conducting election campaign on TV and radio considered by this law, should not be less than 1 hour during the period defined by paragraph 3 of this article. Free airtime on each TV and radio mentioned in article 52.3 of this law, cannot be less than 30 minutes. If abovementioned companies air their programs only 2 hours a day, airtime mentioned above cannot be less than  $\frac{1}{4}$  of total airtime of the company. TV and Radio companies should allocate free airtime so that most of the viewers could be able to watch it.
- 53.6.  $\frac{1}{3}$  of total free airtime on TV and radio should be allocated for registered candidates, voters associations and voters blocks which have their single lists of candidates registered, to conduct discussions, round tables and other election campaigning actions.

When allocating free airtime for joint election campaign activities on TV and radio mentioned in article 52.3 of this law, allocation and calculation of airtime are performed separately for each registered candidate (voters association, voters block). Registered candidates (voters associations and voters blocks) should use free airtime on the equal basis. In this case, free airtime for each candidate (voters associations and voters blocks) is defined separately.

- 53.7. If registered candidates, voters associations and voters blocks refuse to participate in actions mentioned in paragraph 6 of this article, it does not mean that free airtime, allocated in accordance with paragraph 8 of this article, can be prolonged.

- 53.8. Free airtime provided by TV and radio companies is divided equally among the registered candidates, voters associations and voters blocks which have their single lists of candidates registered.
- 53.9. Date and time of election campaign of voters associations and voters blocks are defined by lottery conducted by the Central Election Commission, with participation of representatives of TV and radio companies. Date and time of election campaign of registered candidates are defined by lottery conducted by the relevant Territorial Election Commission with participation of representatives of relevant TV and Radio companies. Persons mentioned in article 26.2 of this law have the right to be present during the lottery. Results of lottery should be recorded in the protocol. Table of division of airtime defined by the lottery, should be published by the periodicals mentioned in article 52.2 and 52.3 of this law.
- 53.10. Expenses of TV and Radio companies are paid from the state budget to cover free airtime allocated for registered candidates, voters associations and voters blocks.
- 53.11. TV and radio companies mentioned in article 52.1 of this law should keep extra airtime for conducting paid election campaign by the registered candidates, voters associations and voters blocks. Amount and terms of payment should be equal for all registered candidates, voters associations and voters blocks. Relevant information should be published at least within 20 days after a decision on determination of elections has been published. Total volume of extra paid airtime provided by TV and Radio companies cannot be less or twice more than the total volume of free airtime allocated in accordance with paragraph 5 of this article.
- 53.12. Rules for usage of extra paid airtime by each registered candidate, voters association and voters block defined as follows: total volume of airtime mentioned above is divided by total number of registered candidates or voters associations and voters blocks which have registered single list of candidates.
- 53.13. Airtime mentioned in paragraph 12 of this article should be submitted by the TV and Radio companies within the period mentioned in paragraph 3 of this article. Date and time of airtime is defined by lottery conducted by TV and Radio companies with participation of authorised representatives of candidates, voters associations and voters blocks, according to their request. Lottery should be conducted within a period mentioned in paragraph 2 of this article. TV and Radio companies provide airtime in accordance with a contract signed after lottery has been conducted.
- 53.14. If a registered candidate, voters association and voters block refuse to use airtime after lottery has been conducted, they should inform the relevant TV and Radio company 2 days prior to the date allocated for them. TV and Radio companies decide themselves how to use this time; except election campaigning purposes.
- 53.15. Election campaigning on TV and Radio companies not considered by article 52.1 and 52.4 of this law begins after registration of candidates and single lists of candidates, in accordance with the contract signed with TV and Radio companies.
- 53.16. TV and Radio companies not considered by article 52.1 and 52.4 of this law provide registered candidates, voters associations and voters blocks with airtime and define payment terms on equal basis. TV and Radio companies which do not follow these rules

and article 52.6 cannot allocate airtime for registered candidates, voters associations and voters blocks to conduct election campaign.

53.17. Contract on allocating paid airtime should include the following:

- 53.17.1. methods of election campaigning;
- 53.17.2. time and date of airtime;
- 53.17.3. period of airtime provided, its payment terms and its amount;
- 53.17.4. methods of participation of a performer during the transmission period and his/her terms.

After terms of contract are performed, a document is made on implementation of use of airtime, recording name of program and time of air.

53.18. A registered candidate, voters association and voters blocks should submit the payment order on transferring full amount of money for allocation of airtime to the National Bank at least 2 days prior to the day of air. The National Bank should transfer money immediately after it gets the payment order. Period of bank transfer must not be more than 2 banking days.

53.19. Expenses for airtime is paid from the election funds of registered candidate, voters associations and voters blocks.

53.20. If a registered candidate, voters association and voters block violate the rules defined by this law during use of free airtime, TV and Radio companies can apply to the court for termination of a contract on allocation of airtime. After termination of the contract the TV and Radio companies do not have the right to use that time for election campaign purposes.

53.21. Election campaigning materials of registered candidates, voters associations and voters blocks cannot be interrupted by advertisements for goods, works and other services.

53.22. It is prohibited to interrupt election campaign materials of registered candidates, voters associations and voters block on TV and radio programs mentioned in article 52.2 of this law by other telecasts.

53.23. Information on conduct of candidates', registered candidates', voters associations' and voters blocks' election campaigning actions should be announced at the beginning of the telecast which is transmitted without comments. Candidates, registered candidates, voters associations and voters blocks do not pay for airtime spent for such information. Any of candidates, registered candidates, voters associations and voters blocks cannot be given a preference.

53.24. Election campaign telecasts or radiocasts should be video/audiotaped. They should 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 paid and free airtime mentioned in article 52.7 for 5 years from the election day.

## **Article 54. Election Campaign Using Periodicals**

- 54.1. Registered candidates, voters associations and voters blocks which have a registered single list of candidates have the equal right to use periodicals, which are considered in article 52.1. and which is published not less than once a week, for their election campaign free.
- 54.2. After registration of candidates is finished, a lottery is conducted among the registered candidates, voters associations and voters blocks for free conduct of election campaign using periodicals. Lottery is conducted with participation of persons mentioned above within one week, according to their requests.
- 54.3. Periodicals mentioned in article 52.1 of this law allocate free space for election campaigning starting 40 days prior to election day up to a day before the election day.
- 54.4. Total weekly volume of free space allocated for registered candidates, voters associations and voters blocks by the periodicals mentioned in article 52.1 of this law should cover at least 10% of weekly volume of periodical during the period mentioned in paragraph 3 of this article. Total volume of free space allocated by the periodicals for the period mentioned in paragraph 3 of this article should be published by the periodicals at least 20 days after a decision on determination of elections has been published. Periodicals mentioned above should allocate equal space for candidates, voters associations and voters blocks registered for a single-mandate election district.
- 54.5. Free space allocated by the periodicals mentioned in article 52.3 of this law is determined by dividing total volume of free space by total number of registered candidates, voters associations and voters blocks who have the right to publish their election campaign materials in those periodicals free.
- 54.6. Date of publication of election campaign materials is determined by lottery conducted by periodicals (in their offices) with participation of relevant persons, after registration of single lists of candidates has been finished.

Members of relevant election commissions, as well as persons mentioned in article 26.1 of this law can be present during the lottery. Results of lottery are recorded in the minutes.

- 54.7. Expenses for allocation of free space for registered candidates, voters associations and voters blocks by the periodicals are paid from the state budget.
- 54.8. Periodicals mentioned in article 52.1 of this law are to allocate paid space for registered candidates, voters associations and voters blocks to publish election campaign materials.

Terms of payment and its amount should be equal for all registered candidates, voters associations and voters blocks. It should be published by the relevant periodicals at least 20 days after the decision on determination of elections has been officially published. Total volume of paid space allocated by the periodicals should not be less than total volume of free space in accordance with paragraph 4 of this law.

- 54.9. Every registered candidate, voters association, voters block can get extra paid space size of which is determined by dividing the total volume of extra paid space by total number

of candidates, registered candidates, voters associations and voters blocks with registered lists of candidates.

- 54.10. Periodicals must provide persons mentioned above with a space, considered by paragraph 9 of this article within a period mentioned in paragraph 3 of this article. Date of publication of election campaign materials of registered candidates, authorised representatives of voters associations and voters blocks is determined by lottery conducted by periodicals, on the basis of written requests of persons mentioned above, with participation of abovementioned persons. Lottery is conducted within the period defined by paragraph 2 of this article.

Members of the relevant election commissions, as well as persons mentioned in article 26.1 of this law have the right to be present during the process of lottery. Results of lottery are recorded in minutes.

- 54.11. If a registered candidate, voters association and voters block refuse to use the space allocated by the periodicals after lottery has been conducted, they should inform the relevant periodical at least 5 days prior to the date of publication allocated for them. Periodicals decide themselves how to use this space; except for election campaigning purposes.
- 54.12. Periodicals not mentioned in articles 52.1 and 52.4 of this law can publish election campaign materials after candidates and lists of candidates are registered, according to the contract signed with registered candidates, voters associations and voters blocks which have a registered list of candidates.
- 54.13. Terms of payment and amount for space provided by a periodical not mentioned in articles 52.2 and 52.4 of this law, are equal for all candidates, voters associations and voters blocks. Periodicals which do not follow these rules and article 52.6 cannot allocate space for candidates, voters associations and voters blocks to conduct election campaign.
- 54.14. Registered candidates, voters associations and voters blocks cover the expenses for space allocated by periodicals after the lottery, according to the contract signed between them. A registered candidate, voters association and voters block must submit the payment order to the National Bank at least 2 days prior to the day of publication. They will not be allocated space by the periodicals if these rules are violated. The National Bank should transfer money immediately starting the day of receipt of payment order, but not later than next banking day. Bank transfer cannot last more than 2 banking days.
- 54.15. Expenses for space allocated by the periodicals are paid from the candidates', voters associations', voters blocks' election funds.
- 54.16. None of the periodicals can give their comments during publication of election campaign materials in accordance with this article, without an agreement of candidates, voters associations and voters blocks.
- 54.17. If periodicals founded by legislative, executive bodies, courts, municipalities are established for publishing official materials, information, standard and other statutes of their founders, these periodicals cannot publish election campaign and other materials.

- 54.18. If periodicals are founded by registered candidates, voters associations and voters blocks or by voters association included in voters block, allocation of equal space and article 52.1 of this law do not concern to these periodicals.
- 54.19. All election campaign materials of candidates, registered candidates, voters associations and voters blocks, published by periodicals should contain information on what candidate's, voters association's, voter block's election funds these expenses are paid from. In case of publishing free election campaign materials, it should be recorded which candidate, voters association or voters block this free space belongs to.

### **Article 55. Election Campaign Using Mass Actions**

- 55.1. State bodies and municipalities must assist the registered candidates, voters associations and voters blocks in organizing meetings with citizens, open debates, meetings.
- 55.2. Applications of registered candidates, authorised representative of voters associations, voters blocks and their agents with a request to allocate venue for meetings with electors, are investigated by the relevant executive authority in accordance with the legislation of the Azerbaijan Republic.
- 55.3. Venues which are suitable for holding meetings and which are owned by municipalities and state bodies are provided free of charge by the owners, at times agreed by the election commission and registered candidates, authorised representatives and agents of voters associations and voters blocks. If a venue has been allocated for one of the candidates, voters associations and voters blocks for conducting election campaign, the owner cannot refuse to allocate it with equal conditions to another candidate, voters association and voters block. Election commissions create equal conditions for registered candidates, voters associations and voters blocks to conduct election campaign.
- 55.4. Registered candidates, voters associations and voters blocks have the right to lease buildings and rooms owned by citizens and organizations for conducting meetings with electors, meetings, open debates and other election campaign actions.
- 55.5. Cultural buildings and equipment registered by the government cannot be used for election campaign.
- 55.6. It is prohibited to conduct election campaign within the territory of military units, military organizations and military institutions. Registered candidates, voters associations and voters blocks their authorised representatives and agents, can conduct meetings with electors who are in military service within the territory of military unit, only when if such meetings are arranged by the commanders of those military units together with the relevant Territorial Election Commissions and if they are invited and informed about these meetings at least 3 days prior to the meeting.
- 55.7. According to the legislation, the relevant executive bodies ensure security and order during pre-election mass actions.

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



- 56.1. Registered candidates, voters associations and voters blocks have the right to produce printed, audiovisual and other election campaign materials in accordance with rules defined by the legislation.
- 56.2. Before the day of official publication of a decision on determination of elections, advertising organizations, founders (cofounders) of which are state bodies or municipalities, their organizations, must create equal conditions for candidates, voters associations and voters, registered for a single-mandate election district, blocks to place their election campaign materials. Expenses are paid from the budget allocated by state bodies and municipalities.
- 56.3. Printed and audiovisual election campaign materials should contain information on:
- ◆ company which produced it;
  - ◆ organization which requested to produce it;
  - ◆ number of issues;
  - ◆ date of production.
- 56.4. A registered candidate should submit a sample or a copy of printed election campaign materials to the relevant Territorial Election Commission, voters associations and voters blocks submit them to the Central Election Commission. Besides these materials, they should submit addresses of organizations which produced and requested them, to the relevant election commission. It is prohibited to print and distribute election campaign materials without written consent of registered candidate, voters association, voters block.
- 56.5. It is prohibited to distribute election campaign materials violating rules defined by paragraphs 3 and 4 of this article.
- 56.6. At least 30 days prior to election day, relevant executive authorities and municipalities, with a request of Territorial Election Commission, allocate locations for displaying printed election campaign materials within the territory of Precinct Election Commission. These places must be accessible for people and information displayed there must be read easily. Candidates registered for single-mandate election district, authorised representatives of voters associations and voters blocks with registered lists of candidates have the right to obtain lists of locations allocated for displaying election campaign materials from the Territorial Election Commission.
- 56.7. In the cases not mentioned in paragraph 6 of this article, election campaign materials can be displayed (hung, stuck etc.) in rooms, buildings and other places if the owners of those places do not object.
- 56.8. It is prohibited to display election campaign materials on monuments, historical, cultural heritage, equipment, as well as in rooms used by election commissions, in voting rooms and their entrances.
- 56.9. Election commissions must take necessary measures against the display of spurious printed and audiovisual materials and if it has information on distribution of election materials violating rules defined by paragraphs 3,4,7 and 8 of this article, and must apply to the relevant legal enforcement bodies to take measures to stop such campaign activities which contradict the law.

## **Article 57. Preventing Abuse of the Right to Conduct Election Campaigns**

- 57.1. It is prohibited to abuse the mass media during the conduct of election campaign. Pre-election programs of registered candidates, voters associations and voters blocks, meetings, election campaign materials distributed by the mass media and speeches must not contain incitements to capture the government by force, to change the constitutional basis of government, to violate territorial integrity of the country. It is prohibited to abuse the mass media using methods which incite social, ethnic, national and religious hostility or other methods which contradict the law. It is prohibited to conduct election campaign which violate author's rights.
- 57.2. Candidates, registered candidates, voters associations and voters blocks, their authorised representatives and agents, as well as other persons and organizations are prohibited from:
- ◆ giving money to voters (except performance of organizational works);
  - ◆ giving gifts or other valuable things to voters;
  - ◆ granting the voters who performed organizational works, or promising to grant them, depending on results of elections;
  - ◆ selling goods at a discount;
  - ◆ providing any goods free of charge (except printed materials);
  - ◆ providing free or discounted services.

Registered candidates, voters associations and voters blocks, their authorised representatives, other persons and organizations are prohibited from promising to give them securities, goods, money, as well as from rendering other services which contradict the law.

- 57.3. Registered candidates, agents and authorised representatives of voters associations and voters blocks, as well as organizations, founders, owners and members of management of which are abovementioned persons and organizations, can display advertisements of their commercial and other activities during the election campaigning only on the basis of articles 53.16, 54.13 and 54.18 of this law and from the relevant election fund. Such advertisements should be stopped a day prior to election day.
- 57.4. If TV and Radio companies mentioned in articles 52.1 and 52.4 of this law and periodicals mentioned in articles 52.1 and 52.4 of this law participate in election campaign and do not create conditions for registered candidates to defend their prestige, dignity and honour or to disprove misinformation about them during the election campaigning period, TV and Radio companies and periodicals mentioned above should prevent distribution and broadcast of information which impugns the prestige, dignity and honour of the candidate. If TV and Radio companies mentioned in article 52.1-4 of this law and periodicals mentioned in article 52.1-4 of this law do not provide the candidates with an airtime and space to defend their prestige, dignity and honour, abovementioned companies and periodicals or their officials can be accountable for that in accordance with the legislation.
- 57.5. If registered candidates, voters associations and voters blocks violate paragraph 1 of this article, the relevant election commissions must apply to the court to cancel registration of the candidate or single list of candidates. **Other bodies mentioned in article 86.1 of this law cannot use these rights.** If registered candidate, voters association, voters block with

registered list of candidates violate the rules for conduct of election campaign or other rules defined by this law, the relevant election commission informs the registered candidates, voters associations and voters blocks about its decision or applies to the relevant legal enforcement bodies to stop illegal election campaigning. At the same time, the relevant election commission can cancel registration of the candidate and single list of candidates. Relevant decision of the election commission is published by the press.

- 57.6. Legal enforcement and other bodies must take necessary measures to prevent illegal election campaigning or illegal production of printed, audiovisual and other election campaign materials, must find out producers and financial sources of those materials, and inform the relevant election commission about this.
- 57.7. If TV and radio companies and periodicals violate the rules for election campaigning, relevant election commissions have the right to apply to the legal enforcement bodies, court and relevant executive authorities with a request to take necessary measures about these companies and periodicals and their officials.

## **CHAPTER IX. FINANCING THE ELECTIONS**

### **Article 58. Financing Preparation and Conduct of Elections**

- 58.1. Preparation and conduct of the 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 Azerbaijan Republic.
- 58.2. Funding allocated for the elections is transferred to the bank account of the Central Election Commission within 10 days after the election day is announced.
- 58.3. If the budget has not allocated required amount of money for preparation and conduct of elections or money was not transferred in time or completely, the Central Election Commission has the right to declare tender to loan. In such cases, total amount of money required for preparation and conduct of elections cannot be more than the total amount of money required for previous elections up to the election day is officially announced. The relevant executive authority must undertake that the Central Election Commission will return the loan at least within 10 days after the receipt of loan (including interest). The state budget returns loans mentioned above and pays interests. Amount of covering such loans is approved annually according to the law on state budget.
- 58.4. The Central Election Commission transfers funds required for preparation and conduct of elections to the Territorial Election Commissions, and the TECs distribute them among the Precinct Election Commissions 40 days prior to election day. In case of additional elections, or if funds have not been transferred in time and completely, the election commission distributes and transfers funds on their receipt.
- 58.5. Chairpersons of election commissions give instructions on how to use this allocated money, and they are responsible for ensuring that financial records correspond with the decisions of election commissions and for submission of financial records on expenses, according to the rules and period defined by this law.

- 58.6. Unused state funds of the election commissions remain in the account of the election commission for the purposes defined by this law, after elections finish. Unused loans are returned to the banks, which allocated them, by the Central Election Commission at least within 3 months after final results of elections are announced officially.

**Article 59. Election Funds of Candidates, Registered Candidates, Voters associations and voters blocks**

- 59.1. A candidate nominated for a single-mandate election district, voters association and voters block which have nominated a single list of candidates, are to create specific election funds. Candidates are included in the single list of candidates, voters associations and voters blocks which have nominated candidates only for a single-mandate election district, do not create specific election funds.
- 59.2. Election funds of candidates, nominated and registered for a single-mandate election district can be organized from:
- 59.2.1. personal funds of candidates, registered candidates; the amount of personal funds cannot be more than 2000 times the minimum salary as defined by law for the date the election day is determined;
- 59.2.2. funds of candidates, voters associations which have nominated a registered candidate, voters association which is included in the voters block, the amount of funds cannot be more than 5000 times the minimum salary for the date the election day is determined;
- 59.2.3. equal funds allocated for registered candidates and other candidates registered for single-mandate election district at least 40 days prior to election day, except the cases defined by this law;
- 59.2.4. voluntary donations from citizens (not more than 100 times the minimum salary) and legal entities (not more than 2000 times the minimum salary).
- 59.3. Maximum limit of expenses from the election fund of the candidate cannot be more than 50,000 times the minimum salary as defined for the date the election day is announced officially.
- 59.4. Election funds of voters associations and voters blocks can be formed only from the following funding:
- 59.4.1. specific funds of voters associations and voters blocks; the amount of funds cannot be more than 50,000 times the minimum salary as defined for the date the election day is determined (such funds of voters block are formed from the funds of voters associations which are included in that block);
- 59.4.2. funds allocated for voters associations and voters blocks by the Central Election Commission at least 40 days prior to election day;
- 59.4.3. voluntary donations from citizens and legal entities; amount of donations cannot be more than 150 times the minimum salary, for legal entities not more than 5000 times the minimum salary as defined for the date the election day is determined.

59.5. Maximum limit of expenses from the election fund of the voters associations and voters blocks cannot be more than 500,000 times the minimum salary as defined for the date the election day is announced officially.

59.6. The following are prohibited from rendering voluntary donations and assistance:

59.6.1. foreign countries and foreign legal entities;

59.6.2. foreigners;

59.6.3. persons without citizenship;

59.6.4. citizens who are not 18 years old;

59.6.5. legal entities of the Azerbaijan Republic; if more than 30% of their capital fund belongs to the persons mentioned in paragraphs 6.1., 6.2., 6.3. of this article, for the date the election day is announced;

59.6.6. international organizations and international movements;

59.6.7. state and municipal bodies;

59.6.8. state and municipal organizations and enterprises;

59.6.9. legal entities, if more than 30% of their capital fund belongs to state or municipality, for the date the election day is determined;

59.6.10. military units;

59.6.11. charitable organizations, religious organizations;

59.6.12. persons who transfer donations not recording one of the following information or if all information is not accurate:

for citizens:

- ◆ name, surname, father's name;
- ◆ batch and serial number of his/her identification document, or a document which substitutes it, date of issue;
- ◆ address;
- ◆ birth date;

for legal entities:

- ◆ identification number of taxpayer;
- ◆ name;
- ◆ date of registration;
- ◆ bank accounts;
- ◆ if state and municipal bodies have their shares in its capital fund, if yes – the amount;
- ◆ amount of foreign share.

59.6.13. legal entities which have been registered less than 1 year prior to election day;

- 59.7. Registered candidates, voters associations and voters blocks have the right to give instructions on how to use the funds created by themselves. Election funds should be spent for election purposes. They can be used only for the following purposes:
- 59.7.1. to finance organizational-technical actions regarding collecting signatures in support of candidates, single lists of candidates, to pay salary for signature collectors;
- 59.7.2. expenses regarding election campaign, information and consultation services;
- 59.7.3. expenses regarding election campaign works performed by legal and physical entities;
- 59.7.4. election deposit.
- 59.8. Candidates, registered candidates, voters associations and voters blocks use money transferred to their election funds account in accordance with the rules defined by this law, up to election day. Candidates, registered candidates, voters associations and voters blocks are prohibited from using other funds (besides the election funds) for the purposes mentioned in paragraph 7 of this article.

These rules, except articles 38.3 and 45.8 of this law, do not concern the funds used by the political parties for their other purposes not related to election campaign.

#### **Article 60. Specific Election Accounts**

- 60.1. A candidate, nominated for a single-mandate election district, after he/she submits documents on this to the Territorial Election Commission, or voters associations and voters blocks, after they submit documents on nominating a single list of candidates to the Central Election Commission, must open specific election account to create election funds.
- 60.2. Voters associations and voters blocks must open a specific election account to create election funds after they receive copy of single list of candidates approved by the Central Election Commission, not later than 5 days prior to the day they submit single list of candidates to the Central Election Commission for registration.
- 60.3. A specific election funds account should be opened by the National Bank. A candidate, voters association, voters block can open only one specific account. The National Bank should open specific accounts for candidates, voters associations and voters blocks after they submit all required documents considered and defined by this law. Bank operations and opening bank account services are free. No interest is paid to the bank for use of funds available in a specific bank account. All funds are transferred in manat.
- 60.4. Specific bank accounts are opened on the basis of the following documents:
- ◆ a candidate's document provided by the Territorial Election Commission on being nominated for a single-mandate election district;
  - ◆ approved copy of lists of registered candidates provided by the Central Election Commission to voters associations and voters blocks;
  - ◆ documents mentioned in articles 34 and 35 of this law.

A candidate can request other person to open a specific bank account for him/her, according to defined rules. A candidate, a registered candidate can authorize other persons to use their funds available in their accounts, informing the Central Election Commission about it in advance in writing. Voters associations and voters blocks open the specific bank accounts after the Central Election Commission approves a copy of single list of candidates, [on the basis of documents submitted together with documents for registration of their authorised representatives on financial issues](#). Candidates, registered candidates, voters associations and voters blocks are accountable for violation of rules on finance defined by this law during conduct of election campaign.

- 60.5. If the election district of the candidate or registered candidate changes, the balance in the specific bank account opened in accordance with the rules defined by article 35.8 of this law should be returned by distributing it proportionally among the persons or legal entities which transferred voluntary donations. Election deposit considered by article 61 of this law should be returned. After all these, the candidate or registered candidate must submit a final financial report to the Territorial Election Commission, and a copy of it to the Territorial Election Commission. Opening a specific bank account in a new election district is implemented in accordance with the rules defined by this law.
- 60.6. All financial operations of registered candidates, voters associations and voters blocks with a registered single list of candidates must be stopped on election day.
- 60.7. Bank operations from the specific bank accounts of a candidate, registered candidate, voters association, voters block must be stopped by the National Bank in accordance with instructions of the Central Election Commission if:
- ◆ documents, defined by this law, required for registration are not submitted to the relevant election commission;
  - ◆ registration is refused;
  - ◆ candidate takes back his/her application of consent;
  - ◆ candidate withdraws his/her candidacy;
  - ◆ voters associations and voters blocks withdraw their single lists of candidates;
  - ◆ a decision is made on canceling registration.
- 60.8. The Central Election Commission can prolong the period for financial operations in the following cases based on a request of a candidate, registered candidate, voters association, voters block:
- 60.8.1. [for covering expenses, candidates, voters associations, voters blocks and single lists of candidates of which are not registered, spent for implementation of their activities before they got refusal of registration](#); if a candidate withdraws his/her application on his/her consent to be a candidate; or if a voters association or voters block withdraws his/her candidacy; if voters association or voters block withdraws single list of candidates before signature sheets and other documents for registration are submitted within the defined period;
- 60.8.2. for covering expenses spent for implementation of activities before decision on cancel of registration or cancel of single list of candidates of the following persons is made:
- ◆ registered candidate who has withdrawn his/her candidacy;
  - ◆ voters associations and voters blocks which have withdrawn registered single list of candidates;

- ◆ registered candidate whose registration has been canceled;
- ◆ voters associations and voters blocks, registration of single lists of candidates of which has been canceled.

60.8.3. other cases, that require cover of expenses spent up to the election day by registered candidates, voters associations and voters blocks.

#### **Article 61. Election Deposit**

- 61.1. The Central Election Commission and Territorial Election Commission must open a specific bank account for election deposit of candidates, voters associations and voters blocks within 10 days effective the day a decision on determination of elections is officially published. The National Bank is to open an account for election deposit for the relevant election commission within 5 days effective the day of receipt of such a request. Opening of such an account and bank operations are free. The National Bank is to transfer deposit to the account next bank day after it receives payment order. Bank transfer cannot take more than 2 days.
- 61.2. If a relevant Territorial Election Commission has not yet been formed, and if a candidate, nominated for a single-mandate election district, has submitted his/her consent to be a candidate, the Central Election Commission informs him/her about the bank information of the Territorial Election Commission, if such an account is not opened yet, the Central Election Commission informs about it immediately after it is opened. The Central Election Commission informs the voters associations and voters blocks about the bank information on specific account for election deposit, after it registers their single lists of candidates.
- 61.3. Election deposit for the candidate is 1000 times the minimum salary as defined for the date the election day is determined. Election deposit for voters associations and voters blocks is 30,000 times the minimum salary as defined for the date the election day is determined.
- 61.4. A candidate, voters association, voters block transfer election deposit from their election funds to the specific account of relevant election commission at earliest 85 days and at least 55 days prior to election day. When transferring election deposit, voters associations and voters blocks record purpose of transfer, but the candidate record the following information: name, surname, date of birth, number of election district; voters blocks and voters associations – additionally record their names. When transferring election deposit to the bank account of the relevant election commission, the candidate, voters association, voters block inform the election commission which registered them or their single lists of candidates, about the sources of funding transferred to the election funds of candidates, voters associations and voters blocks in writing (for a physical entity – name, surname, father's name, address, date of birth; for legal entity: name, bank information).
- 61.5. Physical and legal entities who transfer money to the candidate's, voters association's and voters block's account can record if a part of these funds or funds completely are for the deposit purposes. In such cases, candidates, registered candidates, voters associations and voters blocks cannot use these funds for other purposes. The candidate, voters associations and voters blocks are to return these funds to the physical and legal entities who transferred them, if they do not use these funds (for election deposit), within 10 days after period for registration of candidates, and single list of candidates is finished.



- 61.6. If a candidate, voters association, voters block transfer funds more than amount required by paragraph 4 of this article, the extra funds should be transferred back to their accounts within 10 days after the receipt of money. If the deposit transferred is less than amount required by paragraph 4 of this article, or if it is transferred after the period for registration of candidates and single lists of candidates is finished, this amount of money is transferred to the relevant election funds within 20 days after the receipt of these funds by the election commission. **The Central Election Commission and Territorial Election Commission transfers back the deposit back to the relevant election fund at least within 10 days after voters associations and voters blocks submit applications on refusal of candidates' or single lists of candidates' registration or after adoption of decision on refusal of registration:**
- ◆ if a candidate takes back his/her application on his/her consent to be a candidate;
  - ◆ if voters associations or voters blocks withdraw their single lists of candidates, except the cases considered by article 48.15 of this law;
  - ◆ if an election district where a candidate is nominated for changes;
  - ◆ if candidates and single lists of candidates are refused to registered in accordance with the article 35.18;
- 61.7. If a registered candidate has collected at least 6% of total number of votes of the voters voted, according to voting results for a single-mandate election district or if he/she is elected, if single list of candidates nominated by voters associations and voters blocks has collected at least 6% of total number of votes of voters voted or if single list of candidates participated in distribution of deputy mandates, an election deposit should be transferred back to the election account of abovementioned candidates, voters associations and voters blocks within 5 days after the official results of elections are published.
- 61.8. If election deposit will not be transferred back in accordance with paragraphs 6,7 of this article, the very account should be transferred to the state budget by the relevant election commission at least within 60 days after the election day. If relevant election commission transfers back the election deposit, the candidate, registered candidate, voters associations and voters blocks should return this amount to the relevant physical and legal entities within 10 days after the receipt of returned election deposit. If a part from the election deposit remains after the relevant election commission transfers it back, this part is included in the amount spent by candidates, registered candidates, voters associations and voters blocks.
- 61.9. Election commissions cannot instruct election deposit in accordance with the rules not considered by this law.

**Article 62. Voluntary Donations to Election Funds of Candidates, Registered Candidates, Voters associations, Voters blocks**

- 62.1. Voluntary donations to the election funds of candidates, registered candidates, voters associations and voters blocks are transferred by the post-offices and banks. These donations are accepted only from the citizens of the Azerbaijan Republic and they should contain the following information about them:
- ◆ name, surname, father's name;
  - ◆ birth date;

- ◆ address;
  - ◆ batch and serial number of identification document or a document which substitutes it.
- 62.2. Legal entities transfer voluntary donations by bank transfer to the candidate's registered candidate's, voters association's, voters block's accounts recording the following information:
- ◆ whether legal entities have state, municipal, foreign share in their capital
  - ◆ its name;
  - ◆ date of registration, tax identification number;
  - ◆ bank information.
- 62.3. Voluntary donations of physical and legal entities are transferred to the accounts through post offices and banks not later than one day after they receive the relevant payment order. Period for bank transfer is not more than 2 days.
- 62.4. Candidates, registered candidates, voters associations and voters blocks have the right to return any donations, except anonymous ones. If donations are transferred to the accounts of candidates, registered candidates, voters associations and voters blocks by physical or legal entities, who do not have right to do that or if amount of donation is more than the amount required by article 59 of this law, the candidate, registered candidate, voters association, voters block should return the whole amount or a part of it which exceeds the required amount to the donators within 10 days after receipt of it, indicating reasons for back transfer and keeping expenses for transfer. Candidates, registered candidates, voters associations, voters block are not responsible for not accepting the donations due to inaccurate information mentioned in paragraphs 1-2 of this article only when they did not receive the information about inaccurate documents in time.
- 62.5. Anonymous donations should be transferred to the state budget by the candidate, registered candidate, voters association, voters block within 10 days after receipt of such donations.
- 62.6. Physical and legal entities can assist the nomination or election of candidates, registered candidates, single list of candidates, only by transferring donations to their election funds. If candidates, registered candidates, voters associations and voters blocks and their authorised representatives on finance do not agree officially, it is prohibited:
- ◆ to render paid services regarding the elections;
  - ◆ to sell goods;
  - ◆ to render services and to cover expenses for that from the election funds.

Legal entities, their branches, representations and other organizations are prohibited from rendering assistance free or at a groundless discount regarding the elections. A citizen can render a free, voluntary assistance to the candidates, registered candidates, voters associations and voters blocks him/herself, not inviting a third person during the election campaigning.

### **Article 63. Reports on Election Funds**

- 63.1. Registration of opening and using specific bank accounts, rules for reporting, as well as rules for collection and expenditure of election funds of candidates, registered candidates, voters associations and voters blocks are defined by the Central Election Commission with an agreement of National Bank. The candidate, registered candidate, voters associations and voters blocks are to register collection and expenditure of their election funds. Candidates, registered candidates, voters associations and voters blocks submit their financial reports to the election commissions as follows:
- 63.1.1. first financial report is submitted to the relevant election commission in accordance with the rules defined by this law, together with the required documents for registration; this report contains information 2 days prior to filing.
- 63.1.2. second financial report is submitted at earliest 20 days and at least 10 days prior to election day; this report contains information 7 days prior to filing.
- 63.1.3. final financial report is submitted at least 30 days after final results elections are officially published; final financial report is attached initial financial documents on collection and expenditure of election funds and documents mentioned in article 56.3.
- 63.2. If a candidate or registered candidate loses their status; a candidate or registered candidates are responsible for financial reporting. Authorised representatives on financial affairs of voters associations and voters blocks are responsible for their reports, if they don't have such representatives, a person who is authorised to represent a political party which participates in election campaign in voters associations and voters block.
- 63.3. Copies of financial reports of registered candidates, voters associations and voters blocks are published by the relevant election commissions within 5 days after their receipt.
- 63.4. The National Bank informs the Central Election Commission about the collection and expenditure of specific funds of candidates, registered candidates, voters associations and voters blocks weekly, but during the period less than 10 days prior to election day – not less than once in three days. State automated information system can be used for these purposes.
- Relevant Territorial Election Commissions and the Central Election Commission submit the information on collecting and expenditure of election funds to the mass media, regularly, not less than once 2 weeks up to the election day. The relevant election commission informs registered candidates, voters associations and voters blocks with a registered single list of candidates, about their collection and expenditure of election funds, provided by the National Bank, on their official request.
- 63.5. The periodicals considered by article 52.2-3 of this law are to publish information on receipt and expenditure of funds transferred by relevant election commissions. The following information should be published:
- 63.5.1. about financial report on use of election funds; its amount should not be more than 2000 times the minimum salary as defined for the date the election day is determined, for the voters association, voters block, and not more than 500 times the minimum salary for the candidates, registered candidates.

- 63.5.2. about legal entities which have transferred donation to the election accounts in amount of 1000 times the minimum salary as defined for the date the election day is determined, for voters associations and voters blocks, and 250 times the minimum salary for the candidates and registered candidates.
- 63.5.3. about physical entities who have transferred donation in amount of 50 times the minimum salary as defined for the date the election day is determined;
- 63.5.4. donations transferred back; reasons of return;
- 63.5.5. total amount of funds received and total amount of expenditure.
- 63.6. Relevant executive authorities submit the following information on legal entities to the relevant election commissions within 5 days after list of legal entities (which have contributed donations to the candidates, voters associations and voters blocks) are received from the relevant election commissions:
  - ◆ founders of legal entity;
  - ◆ whether legal entity has state, municipal or foreign share;
  - ◆ name of legal entity;
  - ◆ date of registration.

This information is submitted in accordance with format defined by the Central Election Commission. State automated information system can be used for these purposes. The relevant election commission provides the candidates, registered candidates, voters associations and voters blocks with information received by the election commission immediately, in accordance with their request. If the election commission receives information about contribution which violates the requirements of article 59.6 of this law, it immediately informs the relevant candidate, registered candidate, voters association, voters block.

#### **Article 64. Return of Funds of Candidates, Registered Candidates, Voters associations, Voters Blocks**

- 64.1. A candidate not registered by the relevant election commission, voters associations and voters block with no registered single lists of candidates are to return unexpended money remained in election fund to the physical and legal entities which have contributed these donations (excluding transfer expenses). This amount of money should be distributed among legal and physical entities proportionally.
- 64.2. The following persons are to return unexpended part of election funds transferred by the relevant election commission within 30 days after the election day:
  - ◆ a candidate who participated in the election for in a single-mandate election district and collected at least 3% of total votes of voters voted (for that district) or who is elected;
  - ◆ a registered candidate who withdrew his/her candidacy due to circumstances that forced him/her to do that;
  - ◆ a voters association or voters block which has collected 3% of total votes of voters voted in the single-mandate election district;

- ◆ voters associations and voters blocks with a registered single lists of candidates or which participate in distribution of deputy mandates;
- ◆ voters associations and voters blocks which have withdrawn their single lists of candidates due to circumstances that forced them to do that.

The National Bank should transfer this amount mentioned in the letter to the relevant election commission when this period finishes.

- 64.3. After a registered candidate mentioned in paragraph 2 of this article, voters association, voters block returns the funds to the relevant election commission, he/she transfers back unexpended funding of his/her election funds to the physical and legal entities following the rules defined by paragraph 1 of this article. It should be performed with an agreement of relevant election commission before the final financial report is submitted.
- 64.4. A registered candidate not considered by paragraph 2 of this article, voters association, voters block must return all funds and transport expenses allocated by the relevant election commission within 30 days after the election day. After this period finishes the National Bank transfers amount mentioned in the election commission's letter to the relevant election commission's account without any dispute.
- 64.5. Voters associations, voters block not considered by paragraph 2 of this article must pay completely all funds to cover expenditure for free airtime and space provided by TV and radio companies and periodicals considered by article 52.2-3. This amount should be paid from the election fund prior to the date the final financial report is submitted.
- 64.6. After the date the final results of elections are published officially, the relevant election commission informs the registered candidates, voters associations and voters blocks, which are not considered by paragraph 2 of this article about the sum of funds to be returned. These are funds transferred to the election funds by the relevant election commission and budget allocated for transport expenses.
- 64.7. Within 3 days after the date the final results of elections are published officially, the Central Election Commission sends the following documents to the TV and radio companies and periodicals considered by article 52.2 and 52.3 of this law:
- ◆ list of voters associations and voters blocks as well as voters associations which are included in voters block;
  - ◆ their addresses;
  - ◆ copies of joint decisions of voters blocks on covering expenses for free airtime and space in periodicals.
- 64.8. Within 10 days after the date the final results of elections are published officially TV and radio companies and periodicals considered by article 52.2 and 52.3 of this law inform the voters associations and voters blocks considered by paragraph 5 of this article as well as voters associations which are included in voters block about the following:
- ◆ cost of used free airtime;
  - ◆ size and cost of space allocated by the periodicals;
  - ◆ their own legal address;
  - ◆ bank information.

- 64.9. Cost of free airtime and space considered by articles 53. 5 and 53.6 and 54.4 and 54.5 of this law is determined by dividing total volume of free airtime and space provided by TV and radio companies and periodicals in accordance with article 53.12 of this law (to voters associations, voters block) by cost of allocated airtime and space. When voters associations and voters blocks which have their single list of candidates registered, use free airtime to conduct joint election campaign actions considered by article 53.6 of this law, amount of funds returned by each voters association and voters block is determined by dividing total volume of airtime proportionally by the total number of participants of each joint TV program. If voters association or voters block refuse to use free airtime or space in a periodical in accordance with the rules and period defined by article 53.14 and 53.11 of this law, expenditure for free airtime and space in periodical is not paid.
- 64.10. Registered candidates, voters associations and voters blocks not considered by paragraph 2 of this law are prohibited from returning unused donations to the physical and legal entities that contributed them, until they return funds to the relevant election commissions or until they pay TV and radio companies and periodical for free airtime and space. In such cases, first the voters associations and voters blocks should return election commission's funds. After voters associations and voters blocks not considered by paragraph 2 of this article return election commission's funds and pay TV and radio companies and periodicals for free airtime and space, they must return unused donations in their election funds to the physical and legal entities in accordance with paragraph 1 of this article.
- 64.11. Within 60 days after the election day, the National Bank should transfer the balance of the funds in specific bank accounts of candidates, registered candidates, voters associations and voters blocks, according to written instructions of the relevant election commission to the state budget.
- 64.12. If registered candidates, voters associations and voters blocks do not have funds or they are short of funds, return of funds to the relevant election commissions and expenditures for free airtime and space in mass media must be paid from their own budget. If voters blocks are responsible for return of funds or for payment of free airtime and space in mass media, amount received up to election day should be distributed proportionally among the voters associations which are included in the voters block, if no other cases are considered by the joint decision submitted to the Central Election Commission, on establishment of voters block.
- 64.13. A registered candidate who is not considered by paragraph 2 of this article and who has not followed requirements of paragraph 4 of this article until he/she submits a final financial report, and if he/she undertakes to submit a final financial report and to return the funds, he/she can return funds to the relevant Territorial Election Commission within 12 months starting from the election day.
- 64.14. If voters associations and voters blocks which are not considered by paragraph 2 of this article and which have not fulfilled requirements of paragraphs 4 and 5 of this article before they submit final financial report, undertake to return funds to budget and to pay expenditures for free airtime and space in mass media, they can pay it within 12 months beginning election day.
- 64.15. If obligations required by paragraphs 13 and 14 of this article are not performed, or period for payment is finished, funds will be returned by the court. If registered

candidates, voters associations and voters blocks not considered by 13th and 14th paragraphs of this article do not perform obligations considered by 13th and 14th paragraphs of this article before they submit final financial report, funds will be returned by the court before financial reporting finishes.

- 64.16. If a candidate or registered candidate loses his/her status, a person who is considered a candidate and registered candidate are responsible for the obligations mentioned by this article. Political parties which participated in elections as voters association or voters block are responsible for voters association's and voters block's obligations considered by this article, after elections finish.
- 64.17. Within 12 months starting the election day TV and radio companies and periodicals considered by article 52.2 and 52.3 of this law inform the Central Election Commission on political parties which have not completely covered expenditures for free airtime and space considered by paragraph 5 of this article. Within 12 months starting the election day, the Territorial Election Commission informs the Central Election Commission on citizens who are considered by paragraph 4 of this article and who have not performed their obligations.
- 64.18. The Central Election Commission provides the Territorial Election Commission with information on persons who have not performed their obligations and who are considered by paragraph 4 of this article, within 5 days after a decision on determination of main, repeated or additional elections is officially published. Persons who have not performed their obligations, do not have rights to get funds from the relevant election commissions during the main, repeated or additional elections regardless of what election district they have been nominated for. Voters association which participated in the previous elections independently or as a member of a voters block and which has debts to the Central Election Commission during the period considered by paragraphs 4 and 5 of this article or for the date next election day is determined, does not have the right to get funds from the Central Election Commission and cannot be provided free airtime and space in the mass media. These rules concern voters blocks which is established from the voters associations mentioned above.

## **Article 65. Financing Election Commissions**

- 65.1. Funds allocated for preparation and conduct of elections and for organization of election commissions' activities are used by the election commissions independently for the purposes defined by this law.
- 65.2. The following election activities are financed from the state budget including balance of funds from the previous elections:
- 65.2.1. establishment of election funds of registered candidates, voters associations and voters blocks which have their single lists of candidates registered in accordance with the rules and number defined by this law;
- 65.2.2. to cover transport expenditures and compensations paid for candidates registered for a single-mandate election district in accordance with article 46 of this law;

- 65.2.3. to pay salaries for members of election commissions who have decisive votes, employees of election commissions or part-time employees who work on the basis of [civil-legal contract](#);
- 65.2.4. producing stamps, implementing transport activities; getting technical equipment and its installation;
- 65.2.5. transport expenditures, as well as transport expenditures in remote districts;
- 65.2.6. transportation and security of election documents;
- 65.2.7. development of election system, voters education and election organizers' education; implementation of purposed programs in this field;
- 65.2.8. business trip and other expenses regarding the elections; other expenses regarding powers and functions of election commissions.
- 65.3. Average monthly salary of election commission member with a casting vote who is released from his/her employment during the preparation and conduct of elections should be remained by his/her employer at his/her main working place. Salaries for permanent commission members and personnel are paid by the relevant election commission in accordance with rules and amount defined by the Central Election Commission.
- 65.4. Rules for transfer of money allocated by the Central Election Commission for other election commissions, report, registration, opening and closing bank accounts are defined by the Central Election Commission together with the National Bank. The bank does not charge election commissions for opening bank account and for conducting bank operations. No interest is paid for use of these accounts. Election commissions conduct financial records of funds allocated from the state budget.
- 65.5. The Central Election Commission together with the National Bank defines the samples of following documents:
  - ◆ financial reports of election commissions on receipt and expenditure of funds allocated for preparation and conduct of elections;
  - ◆ candidates', registered candidates, voters associations' and voters blocks' document on receipt and expenditure of funds to and from their election funds.
- 65.6. The Precinct Election Commission submits its financial report on receipt and expenditure of election funds allocated from the state budget to the Territorial Election Commission within 3 days after the election day.
- 65.7. The Territorial Election Commission submits a financial report on receipt and expenditure of funds allocated from the state budget to the Central Election Commission within 10 days after the election day.
- 65.8. The Territorial Election Commission submits 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 election district are officially published.



65.9. The Central Election Commission provides Milli Majlis and the mass media with the following information within 3 months after official results of elections are published:

- ◆ use of budget;
- ◆ use of election funds by candidates, registered candidates,;
- ◆ expenditure of election funds of voters associations and voters blocks.

Information mentioned above should be published by the official press of the Central Election Commission starting the date it submitted this information to Milli Majlis.

## **Article 66. Control and Inspection Services of Election Commissions**

66.1. The Central Election Commission and the Territorial Election Commissions create a control and inspection service to ensure:

- ◆ the control of expenditure of funding allocated for election purposes;
- ◆ correct registration and use of election funds;
- ◆ sources of funding.

66.2. Control and Inspection service includes the following:

- ◆ head of the control and inspection service;
- ◆ election commission members appointed to that service, experts invited from the government, National Bank and other organizations and institutions.

According to the request of relevant election commissions, bodies mentioned above should send relevant specialists to the Central Election Commission at least for 6 months and to the Territorial Election Commission at least for 4 months after the publication of decision on determination of election day.

66.3. When experts invited to the control and inspection service are released from their employment, their salaries and other payments will be preserved.

66.4. The Central Election Commission approves decree on control and inspection service. The relevant election commissions implement activities regarding the organizational, legal, material and technical insurance of control and inspection service.

66.5. The control and inspection service has the following rights to control:

- ◆ receipt of funding to the election funds of candidates, registered candidates, voters associations, voters blocks;
- ◆ registration of these funds and purposed expenditure;
- ◆ purposed expenditure of funds allocated for subordinate election commissions.

For these purposes the control and inspection service:

66.5.1. inspects financial reports of candidates, registered candidates, voters associations and voters blocks, subordinate election commissions;

66.5.2. obtains information on all issues within its powers from the candidates, registered candidates, voters associations and voters blocks, election commissions;

- 66.5.3. obtains necessary information on issues concerning this service and finance of elections from the executive authorities, other state bodies, organizations and citizens; all abovementioned must provide the control and inspection service with information required within 10 days, but 5 days prior to election day and on election day – immediately;
- 66.5.4. prepares documents on financial violations occurred during the finance of elections;
- 66.5.5. raises a matter with the relevant election commission on implementation of measures of accountability for the violations occurred during finance of elections by physical and legal entities, candidates, registered candidates, voters associations and voters blocks;
- 66.5.6. invites experts for conducting investigations and for preparing expert considerations.

## **CHAPTER X. VOTING AND DETERMINATION OF VOTING RESULTS**

### **Article 67. Voting Station**

- 67.1. The relevant executive body or municipality allocates voting station premises to the Precinct Election Commission free of charge.
- 67.2. There must be a hall with ballot box, voting compartments and other equipment for secret ballot in the voting station. Or voting compartments equipped with light, desk and pens for secret ballot.
- 67.3. The Precinct Election Commission places a notice board inside the voting station or in front of it with the following:
  - ◆ samples of ballot papers;
  - ◆ information on voters associations and voters blocks which have their single lists of candidates registered;
  - ◆ following information about all candidates registered for a single-mandate election district:
    - name, surname;
    - date of birth;
    - education;
    - main working (serving) place and occupation;
    - address;
    - who has nominated him/her.

If a registered candidate or a candidate included in the single list of candidates had been sentenced and it is not served or canceled, name and number of relevant article of the Criminal Code should be recorded in abovementioned information. If a candidate had executed an action which requires accountability in foreign country where he/she lives, name of the relevant law should be recorded as well.

Single lists of candidates registered by the Central Election Commission should be displayed in the voting station. Samples ballot papers must not contain actual names, surnames of registered candidates and candidates included in the single list of candidates

or actual names of voters associations and voters blocks. Information on candidates, voters associations and voters blocks appears in the same order that it appears in ballot paper. These notice boards should contain information on accountability for violation citizens' suffrage. All these should be displayed in the voting station in a convenient place for voters to have access to it.

- 67.4. Samples of protocols that are larger than normal format should be displayed in the voting station for recording information on voting results.
- 67.5. Voting stations should be located in places that have a place for issuing ballot papers, voting compartments, other voting places and ballot boxes that are easily accessible to the commission members and observers and where they may easily observe the processes.

## **Article 68. Ballot Papers**

- 68.1. Rules for preparation of ballot papers, their number and requirements for preparation of ballot papers are approved by the Central Election Commission at least 35 days prior to election day.
- 68.2. Ballot papers are prepared for single-mandate and multi-mandate election district. Ballot papers for single-mandate and multi-mandate election districts should differ. The content of the ballot paper can be printed on one side only.
- 68.3. Ballot paper for a single-mandate election district, as defined by the lottery, should contain short names of voters associations and voters blocks and their emblems in the same colour. The Central Election Commission conducts lottery at least 36 days prior to election day. Authorised representatives of voters associations and voters blocks should be present in the process of lottery. Number received by the voters associations and voters blocks should be kept till the end of elections. Names, surnames, patronymic's of first three candidates nominated by voters associations and voters blocks should be placed under the names of voters associations and voters blocks.
- 68.4. To the right hand side of the names of votes associations and voters blocks, there must be a blank box. To the end of the list of voters associations and voters blocks, at the blank box which is on the right side, there must be a line containing "against all single lists of candidates".
- 68.5. A ballot paper for a single-mandate election district should contain the following information on the candidates in alphabetical order:
  - ◆ name, surname, father's name, nickname;
  - ◆ 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 should also contain information on candidate's party affiliation, party's short name, candidate's status in this party, according to articles 34.8 or 37.4 of this law. To the right hand side of the information on each registered candidate there must be a

blank box. To the end of the list of all registered candidates at the blank box which is on the right side, there must be a line containing “against all candidates”.

- 68.6. If a registered candidate had been sentenced and it is not served or canceled, the name and number of relevant article of the Criminal Code should be recorded in ballot paper. If a candidate had executed an action which requires accountability in a foreign country, name of the relevant law should be recorded as well.
- 68.7. Each ballot paper should contain instructions on how to complete it.
- 68.8. The ballot paper is printed in the national language.
- 68.9. The ballot papers are printed at least 22 days prior to election day in accordance with instructions of the Central Election Commission, with observation of its members.
- 68.10. The printing company ensures sort of ballot papers, and transfers ballot papers to the authorised representatives of election commission in accordance with the act which contains the number of ballot papers, date and time of transfer. After the ballot papers are transferred in accordance with request, sorted and extra ballot papers are destroyed and an act on this, with signatures of all participants, is prepared. Members of relevant election commissions, registered candidates, authorised representatives and agents of voters associations and voters blocks as well as persons considered by article 26.5 of this law can observe the process mentioned above. The relevant election commissions should inform the registered candidates, authorised representatives of voters associations and voters blocks about the place and time of transfer of ballot papers.
- 68.11. The Central Election Commission, after it receives ballot papers from the printing company, prepares an act which contains number, date and time of transfer, with the participation of members of relevant Territorial Election Commissions at least 20 days prior to election day. Then it transfers ballot papers to the chairpersons of the Territorial Election Commissions. The number of ballot papers to be transferred to the Precinct Election Commissions is determined by the Territorial Election Commission. The Territorial Election Commission transfers ballot papers to the Precinct Election Commissions 4 days prior to election day. Number of ballot papers transferred to the Precinct Election Commission cannot be more than 90% of voters included in the voters list for the date ballot papers are transferred, or cannot exceed it by more than 0.5%. On each ballot paper, in the top right hand corner, must appear the signatures of two PEC members with casting vote, verified by the stamp of the Precinct Election Commission.
- 68.12. Chairpersons who transfer, receive and secure the ballot papers are responsible for transferring and preserving the ballot papers.
- 68.13. If, after the ballot papers have been produced, a candidate withdraws his/her candidacy or his/her registration is canceled, or if some voters associations or voters blocks withdraw their single lists of candidates, the Territorial or Precinct Election Commissions cross names of candidates or voters associations and voters blocks in accordance with the request of election commissions which have registered the single list of candidates. If in case of need to add information about candidate, voters associations or voters block to the ballot paper, or to make some changes, only members of the Territorial or Precinct Election Commissions can add information or make changes in handwriting verifying it with a stamp of the relevant commission.

- 68.14. Only in exceptional cases, precincts established on ships sailing on election day, or precincts in remote districts are allowed to prepare election documents and ballot papers, if these precincts have technical possibilities. With an agreement of the Central Election Commission, the relevant Territorial Election Commission makes a decision on preparation of election documents, showing number of copies to be printed.
- 68.15. On election day, after voting finishes, the Territorial Election Commission cancels used ballot papers and prepares an act on it. Persons considered by article 26.5 of this law can participate in the process mentioned above. Secretary of the commission preserves these ballot papers together with other documents of the commission.

#### **Article 69. De-registration Form for Voting**

- 69.1. At least 60 days prior to election day, the Central Election Commission approves format, rules for preparation, number, requirements for preparation of de-registration form (hereafter referred as voting card). Voting cards are transferred to the subordinate election commissions in accordance with the rules defined for transferring of ballot papers. Chairpersons of the relevant election commissions are responsible for transfer of voting cards.
- 69.2. A voter who cannot vote in the voting station where he/she is included in the voters list on the election day, can get a voting card from the relevant Territorial Election Commission (45-25 days prior to elections day) or from the Precinct Election Commission (24-1 days prior to election day). According to this card, a voter can vote in the precinct where he/she is on the election day.
- 69.3. A voting card is issued to the voter based on his/her request, or to his/her representative based on power of attorney verified by the notary office. Voters request should contain reasons for application. If a voter is in hospital or jail, power of attorney can be verified by the managers of those organizations and places.
- 69.4. The Territorial Election Commission prepares the register of the voting cards. This register contains the following information about the voter who receives a voting card:
- ◆ surnames, names, fathers' names;
  - ◆ date of birth;
  - ◆ address.

25 days prior to election day the Territorial Election Commission transfers approved extract from the abovementioned register together with the voters lists. The Precinct Election Commission can make relevant notes on the voters list based on these extracts.

- 69.5. A voter or voter's representative signs in the register (in the Territorial Election Commission) or on the voters list (in the Precinct Election Commission) on the receipt of voting card recording batch and serial number of their identification document or of a document which substitutes it. According to this, a voter is removed from the voters list of the relevant election commission. He/she is not considered while counting votes and he/she is not included in the relevant protocol.

- 69.6. A voting card should be verified by the stamp of election commission that issues it. This voting card should contain the signature of a member of the Territorial or Precinct Election Commissions that issued it.
- 69.7. On presenting voters card, a voter should be included in the relevant voters list, after this voting card should be given to the relevant election commission. In such cases, when a voter is issued a ballot paper, he/she records his/her address on the voters list additionally.
- 69.8. On the election day, before voting starts, right hand corners of unused voting cards are cut and a relevant document is prepared on it.

## **Article 70. Voting Rules**

- 70.1. Voting is conducted from 7:00 hours to 21:00 hours on election day. Precinct Election Commissions must inform voters of the voting station location and the hours of voting, at least 20 days prior to election day.
- 70.2. Precinct Election Commissions established in the ships which sail under the flag of the Azerbaijan Republic, military units or remote areas, if all votes registered in the voters list for the Precinct Election Commission have voted, can announce that voting has finished before the scheduled closing time.
- 70.3. If a voter cannot attend the voting station on election day, due to his/her health or other reasons, he/she may inform the Precinct Election Commission, at least 24 hours prior to election day, of his/her wish to vote using the mobile ballot box. The Territorial Election Commission may permit the conducting of voting on the ships which sail under the flag of the Azerbaijan Republic or which is on expedition on election day and other remote places not earlier than 15 days prior to election day.
- 70.4. The Precinct Election Commission chairperson announces the voting station is open at 7.00 AM, shows empty ballot boxes to the commission members, voters who are present there, observers and then seals them; then requests Precinct Election Commission members to commence the voting process.
- 70.5. Each voter receives 2 ballot papers – for single multi-mandate election district and for single-mandate election district. A voter records his/her ID, or other document which substitutes it, series and number on the voters list after he/she receives a ballot paper. Series and number of ID or other document which substitutes it are recorded on the voters list by the Precinct Election Commission member. The voter checks the record and signs if it is correct. If the voter cannot receive his/her ballot paper without help, he/she may ask another person, except for Precinct Election Commission members and observers, for assistance. The person who assisted the voter to receive the ballot paper writes his/her surname and signs on the voters list in a special column “Signature on receipt of voter’s ballot paper”.
- 70.6. When a voter is given a ballot paper, the left corner of the ballot paper is cut off and retained by the Precinct Election Commission member.
- 70.7. Each voter votes personally. It is not allowed to vote for other people. The ballot paper is completed in a special secret ballot voting compartment, which is equipped with special

equipment. If a voter cannot complete the ballot paper himself/herself, he/she can ask any other person, except Precinct Election Commission member and observers, to assist him/her in the voting compartment. That person's surname is shown in the voters list beside the voter's signature for receiving the ballot paper.

- 70.8. The voter marks a single box located to the right of the voters associations and voters blocks, list of candidates of which he/she has voted for in the single multi-mandate election district, or "against single list of all candidates". In a single-mandate election district, a voter marks a single box to the right of the last names of candidates or the box located to the right of the title "against all candidates". The voter places the completed ballot paper in the ballot box.
- 70.9. Ballot boxes are positioned in the voting station so that observers and Precinct Election Commission members have an unobstructed view of them.
- 70.10. The Precinct Election Commission should give all voters the opportunity to vote, including those who requested a mobile ballot box. To enable this, there must be mobile ballot boxes, the number of which is determined by the Precinct Election Commission, in the voting station. The request to use a mobile ballot box sent by a voter to the Precinct Election Commission must be verified again in writing by the voter at the time of voting, in the presence of not less than 2 Precinct Election Commission members, and observers. If a voter did not make a written request for a mobile ballot box, he/she must make an application in the presence of Precinct Election Commission members. The voter records the receipt of his/her ballot paper in the request and verifies this with his/her signature. The application must contain the same information about the voter as appears in the voters list. Precinct Election Commission members who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests. The number of used and returned ballot papers from voters requesting a mobile ballot box must be recorded in a separate document. At the same time, the voters voting using the mobile ballot box are marked on the voters list. Observers have the right to be present while voters vote using mobile ballot box. 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. 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.
- 70.11. The Precinct Election Commission chairperson controls adherence to the rules within the voting station. All persons in the voting station must follow his/her directions. If a Precinct Election Commission chairperson is absent, his/her deputy, assumes the chairperson's powers. If the deputy is also not available, the chairperson's powers are assumed by the secretary. Any Precinct Election Commission member who tries to influence a voter or violates the rules of the secret ballot, is dismissed from his/her job immediately. Observers breaching these rules are removed immediately from the voting station. The Precinct Election Commission decides these matters.
- 70.12. Persons, except voter voting, commission members and observers cannot be present in the voting station. State officials are prohibited to be present in the voting station, except the cases they have been invited by the Precinct Election Commission and they are voting. Officials of the executive authority can be present if they preserve law and order in the voting station or relevant specialists if they solve some technical problems if they are invited by the chairperson of the Precinct Election Commission.

- 70.13. If a voter realizes that he/she has made an error in marking his/her ballot paper, he/she can ask for a replacement ballot paper from the same Precinct Election Commission member who issued the original ballot paper. In this case the Precinct Election Commission member gives him/her a new ballot paper and makes the necessary note to the right of the voters surname on the voters list. Later, the spoiled ballot paper is canceled and a separate document is prepared recording this.

#### **Article 71. Counting the Votes in the Voting Station**

- 71.1. When voting hours end, the Precinct Election Commission chairperson announces: “only voters who have already received ballot papers and those in the voting compartments (booth) can vote“. Before opening the ballot box, Precinct 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 Precinct Election Commission chairperson then examines the stamps and seals of the ballot boxes, shows these to the Precinct Election Commission members and observers and opens the ballot boxes.
- 71.2. Ballot boxes are opened one by one: first the mobile ballot box, the ballot box in the voting station. Ballot papers in the mobile ballot box are counted first. The number of ballot papers must not be more than the number of requests. When counting ballot papers from a mobile ballot box, if the number of ballot papers is more than the number of requests, then all ballot papers in the mobile ballot box are considered to be invalid by decision of the Precinct Election Commission. A report (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.
- 71.3. When counting the votes, the following types of ballot papers are separated: ballot papers of indeterminate form, ballots that are not officially produced, ballot papers that have not been verified by the Precinct Election Commission and ballot papers which are considered to be invalid.
- 71.4. If the voting intention of the voter is clear, the ballot paper is valid. If it is difficult to determine the validity of a ballot paper, if a box is marked more than once or it is not marked at all, the ballot paper is considered to be invalid. If there doubts about the validity of a ballot paper, the Precinct Election Commission votes to determine if the ballot paper is considered valid. If a decision is made to consider ballot paper invalid, reasons for the decision are recorded on the reverse side of the ballot paper. This record must be approved by the signatures of at least 3 Precinct Election Commission members. Invalid ballot papers are packed separately.
- 71.5. Counting of votes by the Precinct Election Commission chairperson, in the presence of Precinct Election Commission members, continues without a break until the count is finished. All Precinct Election Commission members and observers are advised of the results of voting.
- 71.6. The Precinct Election Commission prepares 2 protocols on voting results: protocol #1 for single mandate election district and protocol #2 for single multi-mandate election district. Both protocols contain the following information:



- ◆ total number of voters on the voters list (including in separate columns – on the supplementary list);
- ◆ number of ballot papers transferred to the Precinct Election Commission;
- ◆ number of ballot papers issued to the voters in the voting station on election day;
- ◆ number of ballot papers issued to the voters who requested mobile ballot box;
- ◆ number of ballot papers canceled;
- ◆ number of ballot papers inside the ballot box in the voting station (except ballot papers not in the defined form);
- ◆ number of valid ballot papers;
- ◆ number of ballot papers inside the mobile ballot box (except ballot papers not in the defined form);
- ◆ number of invalid ballot papers (including in separate columns – ballot papers not in the defined form and blank ballot papers).

71.7. The following additional information is recorded in the protocol #1:

- ◆ names, surnames, fathers' names of the candidates who appear on the ballot papers, and if more than one of the abovementioned are the same, additional information about them;
- ◆ the number of votes cast for each candidate;
- ◆ the number of votes cast against all candidates.

71.8. The following additional information is recorded in the protocol #2:

- ◆ names of voters associations and voters blocks which appear on the ballot papers;
- ◆ the number of votes cast for each voters associations and voters blocks;
- ◆ the number of votes casts against the single list of candidates of all blocks.

71.9. Number of voters who have voted with a de-registration card is added to the number of voters who appear on the voters list of the precinct (number of voters who have been de-registered from this precinct is not included).

71.10. The final protocol on voting results is completed in 3 copies (using carbonized paper) with the participation of Precinct Election Commission members and in the presence of observers, and is signed by all Precinct Election Commission members. If a Precinct Election Commission member does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol. It is prohibited to complete a protocol on voting results in pencil or to make corrections on it.

71.11. If a superior election commission has doubts about the protocol from a Precinct Election Commission, it can make a decision on recounting the votes in that voting station. Votes are recounted by the Precinct Election Commission in the presence of superior election commission members.

71.12. First copies of each protocol should be transferred to the Territorial Election Commission and should be attached the following:

- ◆ complaints (applications) about violations of this law received by the Precinct Election Commission and decisions made by the Precinct Election Commission in respect of these complaints and applications;

- ◆ a document on receipt of ballot papers by the Precinct Election Commission;
- ◆ a document on canceling the unused ballot papers (recording their number);
- ◆ an act on issuing voting cards and on canceling unused voting cards (recording their number).

All documents mentioned above should be signed by the chairperson and secretary of the Precinct Election Commission. Verified copies of complaints (applications), decisions of Precinct Election Commissions and acts mentioned above are attached to the second copy of the protocol.

- 71.13. The second copy of each protocol, the packaged and sealed ballot papers, the torn off left corners of these ballot papers, the list of observers and representatives of the mass media who observed the count, are preserved by the secretary of the Precinct Election Commission until the Precinct Election Commission has finished its activity.
- 71.14. The Precinct Election Commission approves and sends the first copy of the protocol to the relevant Territorial Election Commission within the 24 hours after election day.
- 71.15. The third copy of the protocol is considered those which are displayed on the board, with all information, for general information of observers and representatives of the mass media, and it is signed in accordance with the rules.
- 71.16. If a Precinct Election Commission member with a decisive vote does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol.
- 71.17. Election documents and ballot papers must be sent to the relevant Territorial Election Commission not later than 10 days after election results are officially announced.
- 71.18. Precinct Election Commissions established outside of the Azerbaijan Republic send the first copy of the protocol on voting results with the documents attached to it to the Territorial Election Commission defined by the Central Election Commission within 3 days (starting from election day).
- 71.19. If the Precinct Election Commission finds mistakes or something not accurate in the protocol after it has been signed, this matter should be discussed in its meeting. Persons mentioned in the article 26.2 of this law should be informed about the date and time of the meeting. A new protocol should be completed. This new protocol should contain the word “repetition” and send to the Territorial Election Commission immediately.

## **Article 72. Determination of Election Results by Territorial Election Commission in Single-mandate Election district**

- 72.1. The Territorial Election Commission summarizes all information based on the first copy of the protocols of Precinct Election Commissions on voting results (after accuracy of them has been checked) and determines the results of the election in single-mandate area and final results of voting in single multi-mandate election districts. Summarizing of information from protocols of Precinct Election Commission on voting results is performed directly by the Territorial Election Commission members who have the decisive vote.

- 72.2. The Territorial Election Commission can consider the elections void in the following circumstances:
- 72.2.1. if less than 25% of voters included in the voters list up to the end of elections record their votes;
- 72.2.2. if the number of votes cast for a candidate who has recorded the most votes is less than the number of votes cast against the all candidates.
- 72.3. The Territorial Election Commission considers the elections to be invalid in the following circumstances:
- 72.3.1. the election commission cannot determine the voting intention of voters due to violations occurred during the conduct of voting or during the determination of results of voting;
- 72.3.2. if number of voting stations results of which are canceled is more than 25% of all voting stations within the relevant territory;
- 72.3.3. on the basis of court's decision.
- 72.4. The Territorial Election Commission completes a protocol #1 on the results of elections in single-mandate election district on the basis of protocols #1 provided by the Precinct Election Commissions. This protocol contains the followings:
- ◆ number of Precinct Election Commissions;
  - ◆ number of protocols #1 provided by these Precinct Election Commissions (protocols on which the Territorial Election Commission based while completing its protocol);
  - ◆ summary of information mentioned in the article 70 of this law and from protocols #1 provided by the Precinct Election Commissions;
  - ◆ names, surnames and fathers' names of candidates elected as a deputy.
- 72.5. Candidates who record the most votes of the voters who have participated in the elections are considered to be elected from the single-mandate election district. If a vote is tied among the registered candidates, then the candidate registered first is considered to be elected.
- 72.6. The Territorial Election Commission completes a protocol #2 on results of voting in the single multi-mandate election district part of which is within the territory of the single-mandate area, based on the protocols #2 of the Precinct Election Commissions. This protocol contains:
- ◆ number of Precinct Election Commissions;
  - ◆ number of PEC protocols #2 which the TEC based on while completing its protocol #2;
  - ◆ summary of information mentioned in the article 70 of this law and from the PEC protocols #2.
- 72.7. The protocols #1 and #2 of the Territorial Election Commission are completed in 3 copies of each and are signed by the members of this commission who have the right of

casting vote. First copies of each protocol should be transferred to the Central Election Commission immediately and it should be attached the followings:

- ◆ complaints (applications) about violations of this law received by the Territorial Election Commission and decisions made by the Territorial Election Commission in respect of these complaints and applications;
- ◆ a document on receipt of ballot papers by the Territorial Election Commission;
- ◆ a document on canceling the unused ballot papers (recording their number);
- ◆ a document on issuing voting cards and on canceling unused voting cards (recording their number).

All documents mentioned above should be signed by the chairperson and secretary of the Territorial Election Commission. Verified copies of complaints (applications), decisions of Territorial Election Commissions and acts mentioned above are attached to the second copy of the protocol.

- 72.8. The second copy of each protocol, the packaged and sealed ballot papers, the torn off left corners of these ballot papers, the list of observers and representatives of the mass media who observed the count, are preserved by the secretary of the Territorial Election Commission until the Territorial Election Commission has finished its activity.
- 72.9. Third copy of each protocol is displayed on a relevant board for the general information of the persons mentioned in the article 26.5 of this law; attaching to them approved copies of the documents mentioned in the article 75.7 of this law.
- 72.10. If a Territorial Election Commission member with a decisive vote does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol.
- 72.11. If the Territorial Election Commission finds mistakes or something not accurate in the protocol after it has been signed, this matter should be discussed in its meeting. Persons mentioned in the article 26.2 of this law should be informed about the date and time of the meeting. A new protocol should be completed. This new protocol should contain the word “repetition” and send to the Central Election Commission immediately.
- 72.12. If the Territorial Election Commission finds any mistakes, corrections or differences in the protocols (including other documents) provided by the Precinct Election Commissions, it can make a decision on recounting the votes in the relevant precinct. Votes are recounted with the participation of the Territorial Election Commission members who have the decisive vote. Persons mentioned in the article 26.2 of this law are informed in advance about the recount. A relevant protocol is completed on recount of votes and this protocol is recorded “recount of votes”.

### **Article 73. Determination of Results of Voting in the Single Multi-Mandate Election districts**

- 73.1. The Central Election Commission summarizes all information from the protocols #1 on results of voting (after accuracy of them has been checked) of the Precinct Election Commissions and determines the results of election in the single multi-mandate election district. Summary of information from the protocols of the Territorial Election Commissions is performed directly by the CEC members with a decisive vote.

- 73.2. Number of voters participating in the elections in a single mandate election district is determined on the basis of number of ballot papers which are in the determined form, inside of the ballot box.
- 73.3. Voters associations and voters blocks can get a mandate only then if 8% of voters participating in the elections have voted for the single list of candidates nominated by them.
- 73.4. Using the quota and remainder method, mandates are distributed among the voters associations and voters blocks proportionally, based on votes collected by voters associations and voters blocks. Firstly, the number of votes required for the quota, i.e. for receiving one mandate, is determined by dividing the total number of voters who voted in multi-mandate areas, by the number of mandates. Then, the number of votes cast for the single list of candidates nominated by voters associations and voters blocks is divided by the voting quota and the resulting figure shows the number of mandates for each party. The remaining mandates are distributed based on the method of the highest remainder, that is the remaining votes after the previously described division are distributed systematically according to the highest proportions of a quota amongst the lists of candidates.
- 73.5. Candidates in a single list receive mandates based on their position in the list shown by the voters associations and voters blocks.
- 73.6. A candidate who has the right to receive a mandate can refuse to get it. An application on refusal of receiving a mandate cannot be withdrawn. In such cases a mandate is given to the person whose name appears in the single list of candidates, whose name comes immediately after the name of a candidate who refused to receive a mandate and who was not considered to be given a mandate.
- 73.7. The Central Election Commission considers the elections to be void in the single multi-mandate elections area in the following circumstances:
- ◆ if less than 25% of voters have participated in the elections in multi-mandate election district or
  - ◆ if non of the voters associations and voters blocks could collect more than 8% of votes of voters.
- 73.8. The Central Election Commission considers the elections to be invalid in the single multi-mandate election district in the following circumstances:
- 73.8.1. if violations occurred during the conduct of voting or during the determination of results of voting do not allow to clear the voting intention of voters;
- 73.8.2. if number of voting stations (in single-mandate election district) results of which are canceled is more than 25% of all voting stations within the relevant territory;
- 73.8.3. on the basis of court's decision.
- 73.9. The Central Election Commission includes the following information in the protocol on distribution of deputy mandates among the voters associations and voter blocks:

- ◆ number of Territorial Election Commissions in the Azerbaijan Republic;
- ◆ number of protocols #2, which the CEC based on, provided by the Territorial Election Commission;
- ◆ summary of information mentioned in the article 71 of this law and information from the protocols #2;
- ◆ names of voters associations and voters blocks which participate in the distribution of mandates, and number of mandates given to the single list of voters nominated by each of them;
- ◆ name, surname, father's name of each candidate elected as a deputy.

This protocol of the Central Election Commission is signed by members of the commission who have decisive vote. A table which contains the complete results of elections in single multi-mandate election district is attached to the protocol.

73.10. If a commission member who has a decisive vote does not agree with the protocol or some parts of it, he/she can add his/her opinion to the protocol, and this is noted in the protocol. Complaints (applications) received by the Central Election Commission on violations of the requirements of this law and decisions made on them are attached to this protocol.

73.11. Approved copies of the protocol and summarized table are submitted to the following persons:

- ◆ all Central Election Commission members;
- ◆ observers who were present while determining the results of elections in multi-mandate election district;
- ◆ persons mentioned in the article 26.1 of this law;
- ◆ representatives of the mass media.

73.12. If mistakes, changes or differences are found out in the protocol or summarizing table of the Central Election Commission after they are approved, the Central Election Commission must discuss the matter on making changes to the protocol and table in its meeting. Persons mentioned in the article 26.2 of this law, members of the CEC who participated in completing the protocol and observers (including representatives of mass media) are informed about the place and time of the meeting in advance.

73.13. If the Central Election Commission finds any mistakes, corrections or differences in the protocols (including other documents) provided by the Territorial Election Commissions, it can make a decision on recounting the votes in the relevant territory. Votes are recounted with the participation of the Central Election Commission members who have the decisive votes. Persons mentioned in the article 26.2 of this law are informed in advance about the recount. A relevant protocol is completed on recount of votes and this protocol is recorded "recount of votes".

#### **Article 74. Determination of General Results of Elections**

74.1. The Central Election Commission determines general results of elections within 10 days, starting from election day, based on the protocols on determination of results of elections in single multi-mandate area and the protocol on distribution of deputy mandates, the protocols #1 of the Territorial Election Commissions.

- 74.2. The Central Election Commission considers the results of elections to be invalid in the single-mandate election districts if it cannot determine voters' intentions due to violations occurred during the conduct of voting or during determination of voting results.

#### **Article 75. Check and Approval of Results of Elections**

- 75.1. According to the article 85 of the Constitution, Constitutional Court of the Azerbaijan Republic checks and approves the results of the elections.
- 75.2. The Central Election Commission submits protocols #1 and #2 (together with documents attached to the protocol in accordance with this law) of the Territorial Election Commissions, its own decision on determination of election results in single multi-mandate areas to the Constitutional Court not later than 10 days after election day.
- 75.3. After the Constitutional Court receives documents mentioned above, it **enlists** specialists and checks if they answer the requirement of this law within 10 days period.
- 75.4. If TEC protocols and documents attached to them and CEC's relevant decision answer the requirement of this law, the Constitutional Court approves the results of elections.
- 75.5. If complete results of elections are not approved, new elections should be determined in accordance with the article 5 of this law.
- 75.6. If election results in single multi-mandate election district or in single-mandate election district are not approved, repeated elections are determined in accordance with the article 75 of this law.

#### **Article 76. Repeated Elections**

- 76.1. The Central Election Commission conducts repeated elections based on the article 72,73, and 74 if in accordance with rules defined by this law:
- ◆ elections are considered void in the relevant election district;
  - ◆ elections are considered invalid in the relevant election district;
  - ◆ results of elections are canceled according to article 85.4.

The repeated elections should be conducted not later than 4 months after the initial elections, or not later than 3 months after the elections have been announced void or invalid. During the repeated elections election activities can be reduced twice. In such cases, the Central Election Commission can prolong term of office of Territorial and Precinct Election Commissions or can reform them. If repeated elections have been considered void based on article 72.2 of this law, other repeated elections can be conducted in the same district not later than a year after the last repeated elections.

- 76.2. Repeated elections are not conducted if term of office of Milli Majlis finishes less than a year.
- 76.3. During repeated elections, deputy of Milli Majlis cannot nominate himself/herself as a candidate.

## **Article 77. Registration of Deputies Elected to Milli Majlis**

- 77.1. The relevant election commission informs the candidate immediately after it signs the protocol on results of elections. Within 5 days the candidates elected as deputies should submit an application which contains the candidate's obligations on termination of his/her functions **which exceed the status of the deputy** (considered by article 85.2 of the Constitution) together with a copy of document on resignation (copies of documents which prove that he/she has submitted an application on resignation within 3 days).
- 77.2. If a candidate who is elected from the single list of candidates nominated by voters associations or voters blocks and who has received a mandate do not perform the requirements considered by paragraph 1 of this article, that candidate is removed from the single list of candidates, and his/her mandate is given to another candidate. A voters association or a voters block which has nominated a single list of candidates is deprived of all deputy mandates if a candidate who does not refuse his/her position which is not compatible with the status of deputy, and who takes one of three places in the single list of candidates of voters association or voters block. In such cases, mandates are given to other votes associations and voters blocks in accordance with the rules of distribution considered by article 72 of this law.
- 77.3. If a candidate elected from a single-mandate election district does not perform the requirements of paragraph 1 of this article, the Central Election Commission cancels results of this election district and conducts repeated elections. If a candidate does not perform the requirements of paragraph 1 of this article, **without cases considered by articles 48.16 and 80.3**, and if due to this reasons repeated elections are determined, that candidate must return all state funds allocated by the relevant election commission due to repeated elections.
- 77.4. After final results of elections are announced and after a deputy is dismissed from his/her employment which is not compatible 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 78. Publication of Election Returns and Voting Results**

- 78.1. After commission members approve relevant protocols, information on election returns of electoral precinct and on voting results of Territorial Election Commission are submitted to:
- ◆ each voter;
  - ◆ each registered candidate;
  - ◆ agents of voter associations and voters blocks;
  - ◆ observers;
  - ◆ authorised representatives of voters associations and voters blocks;
  - ◆ representatives of mass media
- on their request for become familiar.  
The relevant election commission submits information mentioned above.
- 78.2. The Territorial Election Commission and the Central Election Commission provide the mass media with information on results of elections within a day after election results are determined for the relevant Territorial Election Commission.



78.3. Within 25 days after election day, the Territorial Election Commission organizes official publication of information from the protocols #1 and #2 of all Territorial and Precinct Election Commissions by the mass media considered by article 52.2 of this law. Within one week period after a relevant decision is made on results received by the Territorial Election Commission from separate electoral precincts located within the area of repeated elections, the Territorial Election Commission publishes accurate information on them. (“on them” is “on results” I think. If it is “results” I will change the sentence. I don’t like construction of the sentence).

78.4. Within 30 days after election day, the Central Election Commission publishes official information on:

- ◆ final results of elections;
- ◆ number of votes for candidates and single lists of candidates;
- ◆ number of votes against all candidates and single lists of candidates.

Within this period the Central Election Commission publishes by its official press full information on elected deputies considered by article 68.5-6 of this law and on reports from protocols #1 and #2 of the Territorial Election Commissions.

#### **Article 79. Use of State Automated Information Systems during the Elections**

79.1. The state automated information systems can be used completely or some of its technical means to obtain, transfer and develop information during:

- ◆ conducting elections;
- ◆ registering voters;
- ◆ preparing voters lists;
- ◆ determining voting results and election returns.

Requirements and rules for use of state automated systems are determined by the Central Election Commission.

79.2. The relevant election commission creates a specific group consisting of commission members with decisive and consultative vote to control use of state automated systems or some its technical means. This group controls the following:

- ◆ if state automated systems are ready to be operated;
- ◆ accuracy of information from protocols of election commissions to be entered the information systems;
- ◆ accuracy of information added to the protocol;
- ◆ if instructions and other documents of the Central Election Commission on use of state information systems are followed;
- ◆ completion of documents about actions considered for usage of information systems in accordance with time-limits and plans of the relevant election commission.

This controlling group can invite specialists on automated information systems.

79.3. All members of the election commissions, observers have the right to become familiar with any information received by and extracted from the automated information systems.

79.4. Election commission members with decisive and consultative vote included in the controlling group have equal rights and they can:

- ◆ become familiar with any information received by the election commissions through technical communication means;
- ◆ demand explanation on technical documentation of state information systems and on all actions of the technical personnel of information systems;
- ◆ compare information prepared by technical equipment and by handwriting;

If any actions of personnel of state information system or observer contradict the law, the controlling group informs the chairperson of the election commission and proposes motions to correct these irregularities or to fire the persons who made this. Results of the investigations held by the controlling group should be recorded in the current documents of information centre of the election commission.

79.5. The relevant election commission uses state information systems for observing election processes and results, based on relevant information received by superior election commissions from subordinate ones, from the time voting starts including until protocols on elections returns and voting results are approved. It is prohibited to provide them with any information but those received after the signal which approves receipt of information.

79.6. Information about elections processes and results, obtained from the state information system is considered to be initial information which does not have legal importance.

79.7. Information printed from the computer and included in the state information systems is attached to the protocol of the election commission which is preserved by the secretary of the commission. Accuracy of information printed from the computer is verified by the signatures of persons who are responsible for transferring information and members of controlling group.

79.8. Information on turnout, initial and final results of voting and results of elections, which are included in the state information systems, should be included in the information-communication lines of common use for subscribers to get prompt information in accordance with the rules defined by the Central Election Commission.

## **Article 80. Security of Election Documents**

80.1. Documents of Precinct Election Commissions and election commissions are kept in the secure places. These documents are transferred to the Central Election Commission before terms of office of the Territorial and Precinct Election Commissions are finished.

80.2. Election documents are preserved by the Central Election Commission for the period defined by the legislation.

80.3. Ballot papers, voting cards and voters lists are preserved at least a year from the date results of elections are officially published. Protocols on voting results of election commissions are preserved at least a year after a decision on determination of election day for the next elections is officially published. Financial reports of election commissions, final financial documents of registered candidates, voters associations and votes blocks with a registered single lists of candidates are reserved at least a year after a decision on determination of election day for the next elections is officially published.

80.4. The following documents are official documents:

- ◆ ballot papers;
- ◆ voting cards;
- ◆ voters lists;
- ◆ protocols of election commissions on voting results and attachments;
- ◆ financial reports of election commissions;
- ◆ final financial documents of registered candidates, voters associations and voters blocks.

Chairpersons and secretaries of election commissions are responsible for security and preservation of election documents until these documents are transferred to superior election commission or archive.

## **CHAPTER XI. REDISTRIBUTION OF VACANT DEPUTY MANDATES**

### **Article 81. Distribution of Vacant Deputy Mandates for Single Multi-Mandate Election District**

- 81.1. If one of the candidates is removed from the list for deputies of voters associations and voters blocks, the Central Election Commission submits the deputy mandate to another candidate from the same list in accordance with the rules defined by article 73.8 of this law.
- 81.2. In case of circumstances considered by article 90 of the Constitution, chairman of Milli Majlis makes a decision on termination of powers of the candidate elected from the single list of voters association or voters block not later than 10 days after the relevant request is received. In case of breaks between the sessions the chairperson makes a decision within 10 days after meetings commence. Powers of deputy are terminated from the date of receipt of his/her application on termination of his/her powers.
- 81.3. If a candidate violates the rules defined by article 85.2 of the Constitution, the Central Election Commission makes a decision on facts within 30 days from the date the relevant information is received. Paragraph 1 of this article is not executed in such cases. Mandate of the deputy, whose powers are terminated, is given to other single list of candidates which participated in distribution of mandates, in accordance with the rules defined by article 73.9 of this law, by the Central Election Commission, on the basis of decision of this commission. In case of other compelling circumstances considered by article 48.16 of this law, paragraph 1 of this article is not executed for the deputy who is removed from the list of candidates where he/she took one of the three places and who had no compelling circumstances within less than a year period. In such cases, the Central Election Commission transfers his/her mandate to other list of candidates which participated in distribution of mandates, according to article 73.9 of this law.
- 81.4. Vacant mandates are distributed in accordance with the rules defined by paragraph 3 of this article, if functions of political party which is a voters association are terminated in accordance with basis and rules of legislation of the Azerbaijan Republic; and if as a reason of this deputies who are included in the list of candidates of that voters association (single list of voters block) loose their mandates. If there are more than 20 vacant mandates due to termination of functions of a political party, additional elections should

be conducted for a multi-mandate election district in accordance with article 5.2 of this law.

- 81.5. If a single list of candidates loses deputy mandates due to paragraph 3 of this article, **other voters association or voters block** loses to get a vacant deputy mandate after deputies elected from single list of candidates are dismissed.
- 81.6. If there are no registered candidates in the single list of candidates, deputy mandates will be vacant up to the next main elections to Milli Majlis.

## **Article 82. Presentation of Vacant Deputy Mandates for Single Mandate Election District**

- 82.1. In case of circumstances considered by article 90 of the Constitution, the chairman of Milli Majlis makes a decision on termination of powers of the candidate elected from a single mandate election district in accordance with article 80.2 of this law, not later than 2 days after the relevant request is received. In case of breaks between the sessions, or during the sessions, the chairperson makes a decision within 2 days after meetings commence.
- 82.2. Within a month period after a deputy mandate is vacant, the Central Election Commission conducts additional elections within the period considered by article 5.2 of this law.
- 82.3. Additional elections are not conducted if the constitutional period of Milli Majlis finishes in one year or less than one year. Additional elections are conducted if 25 or more vacant mandates remain. If additional elections for a single-mandate election district are considered void in accordance with article 73.2 of this law, repeated additional elections should be conducted not later than one year after the last additional elections have been conducted.
- 82.4. A deputy cannot be a candidate during additional elections conducted for filling vacant deputy mandates.
- 82.5. Nomination of candidates for a single-mandate election district, their registration and other election actions for the additional elections are implemented in accordance with rules determined by this law.

## **CHAPTER XII. COMPLAINTS ON AND ACCOUNTABILITY FOR VIOLATION OF CITIZEN'S RIGHTS TO VOTE**

### **Article 83. Filing Complaints on Actions (Omissions) that Violate Citizens' Rights to Vote and On Decisions**

- 83.1. Voters, candidates, registered candidates, voters associations and voters blocks, agents of registered candidates, voters associations and voters blocks, observers, as well as election commissions can file a complaint on decisions and actions (omissions) that violate citizens right to vote.
- 83.2. A complaint may be filed about decision and actions (omissions) of state authority bodies, municipalities, political parties and officials which violate citizens' rights to vote,

or about decision and actions (omissions) of election commission and their officials with a court.

- 83.3. A complaint about decisions and actions of the Central Election Commission and its officials should be filed with the Supreme Court, and a complaint about decision and actions (omissions) of the Territorial and Precinct Election Commissions should be filed with district (city) courts.
- 83.4. In the circumstances considered by this law, the court may cancel decisions of the relevant election commissions (including results of voting, election results).
- 83.5. If decisions of the election commissions are canceled by the court, the very election commission should make a new decision regarding the same issue, or superior election commission must make a decision based on the decision of the court.
- 83.6. Conducting investigations on decisions about voting results, election results as well as on facts that violate this law does not mean that immunity of a candidate, elected in accordance with this law, has been violated. A candidate who is considered to be elected cannot refuse to testify as a witness during administrative, civil and criminal investigations regarding the complaints about violations occurred during citizens elected him/her. It is not required to get permission of new elected Milli Majlis before it commences its work, for investigating decisions of election commissions on voting results and election results, for initial investigations and termination of immunity of candidates.
- 83.7. A complaint can be filed about election commissions' decisions and actions (omissions) which violate citizens' rights to vote with superior election commissions.
- 83.8. The election commission has the right to receive citizens' and officials' information, to demand necessary documents and materials while investigating the following issues by the Supreme Court:
- ◆ on canceling single list of candidates and registered candidates;
  - ◆ on refusal of registration of single list of candidates;
  - ◆ on considering election of single list of candidates to be invalid.
- 83.9. The superior election commission has the right to cancel decision of subordinate election commission or to make a decision regarding the complaint or to give instructions on reinvestigating the issue.
- 83.10. It is not necessary to appeal to the superior election commission before applying to the court.
- 83.11. If the court has received a complaint and if the same person has filed the similar complaint with the election commission, the latter stops investigations until decision of the court comes into force. The court should inform the election commission about the complaint received and about efficiency of court's decision.
- 83.12. A decision on complaints received by the election commissions is made within 5 days, and on election day and a day after the election day – immediately.

If matters mentioned in the complaint need additional investigation, then a decision on those complaints is made not later than 10 days. The court is to make a decision at least within 10 days after receipt of complaint on decision of election commission on voting results or election results.

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

84.1. If a candidate, registered candidate, voters association, voters block violate requirements of this law, the relevant election commission warns them with informing the voters by the mass media. The election commission has the right to make a decision on the following issues irrespective it made the abovementioned warning on:

- ◆ refusal of registration of candidates, single list of candidates;
- ◆ cancel of registration of candidates, registered single list of candidates;
- ◆ considering election of registered single list of candidates and candidates to be invalid;
- ◆ canceling of decision on voting results and election results.

84.2. The election commission can refuse to register single list of candidates and candidates in following circumstances:

84.2.1. if information submitted by candidates, voters associations and voters blocks in accordance with this law is not accurate and *if invalid information is of great importance;*

84.2.2. if a candidate or a single list of candidates nominated by voters associations and voters blocks conducts election campaigning before they are registered by the Territorial Election Commission and the Central Election Commission;

84.2.3. in case of circumstances considered by article 57.2 of this law;

84.2.4. if organizations participate in collecting signatures; if the voters have been forced to sign during collecting signatures; if the voters have been rewarded for their signatures in support of the candidate;

84.2.5. if a candidate nominated for a single mandate election district spends more than 0.05% of limit determined by this law of his/her election funds to finance his/her election campaign;

84.2.6. if a voters association or voters block spends more than 0.05% of limit determined by this law of their election funds to finance their election campaign;

84.2.7. if a candidate nominated for a single-mandate election district spends more than 0.05% of limit determined by this law of his/her election fund;

84.2.8. if voters associations or voters blocks spend more than 0.05% of limit determined by this law of their election fund;

84.2.9. if a candidate, voters association, voters block, as well as voters association which is included in the voters block, authorised representatives of voters associations and voters blocks are owners, founders of the relevant organizations; or if they are members of

management of an organization, if they are engaged with charitable activities during the election campaigning, if they render financial assistance to physical or legal entities or they serve voters, if they help physical and legal entities to render such assistance, or of persons mentioned above render such assistance on behalf of them;

- 84.2.10. if a candidate, voters association or voters block do not submit initial financial report;
  - 84.2.11. if authorised representatives of a candidate, voters association or voters block use their positions during election campaigning;
  - 84.2.12. in case of other circumstances considered by this law.
- 84.3. Registration of a candidate, a single list of candidates can be canceled by the election commission or court in the following circumstances:
- 84.3.1. if circumstances mentioned by paragraph 2 of this article are found after a candidate, or a single list of candidates have been registered;
  - 84.3.2. if registered candidates, voters associations and voters blocks, agents of candidates, authorised representatives or agents of voters associations and voters blocks conduct election campaign in military units, military organizations and military offices;
  - 84.3.3. if registered candidates, voters associations and voters blocks, their agents produce and distribute printed, audiovisual election campaign materials violating article 56.3-4 of this law.
  - 84.3.4. if organizations, managers of which are registered candidates, voter associations, voters blocks, agents of registered candidates, voters associations and voters blocks, conduct charitable activities; if they offered other organizations to render financial assistance to physical and legal entities; if they promised physical and legal entities to render such an assistance;
  - 84.3.5. if a registered candidate, authorised representatives of voters associations or voters blocks use their positions during election campaigning;
  - 84.3.6. if a registered candidate, voters association or voters block do not submit their financial reports within the defined period;
  - 84.3.7. if a registered candidate who occupies a position in state or municipal bodies does not stop his/her functions during his/her participation in elections;
  - 84.3.8. if registered candidates, voters associations and voters blocks with a registered list of candidates, as well as voters association which is included in the votes block, their authorised representatives, agents of registered candidates, voters associations and voters blocks or other persons on their requests act as prohibited by article 57.2 of this law;
  - 84.3.9. if a candidate registered for a single-mandate election district spends money to finance his/her election campaign more than limit (0.05%, as defined by this law);

- 84.3.10. if voters associations and voters blocks spend money to finance their election campaign more than limit (0.05% as defined by this law);
- 84.3.11. if a candidate registered for a single-mandate election district spends more than 0.5% of defined expenses from his/her election funds;
- 84.3.12. if voters associations and voters blocks with a registered single list of candidates spend money from their election funds more than 0.5% limit as defined by this law;
- 84.3.13. if registered candidates, voters associations or voters blocks with a registered single list of candidates use illegal donations transferred to their election funds.
- 84.4. The Central Election Commission can cancel registration of single list of candidates if rules considered by article 48.11 of this law are violated.
- 84.5. If candidates, registered candidates, voters associations or voters blocks abuse the mass media, the election commission can refuse to register them or to apply to the court on this matter. If the court finds out abuse of mass media, it cancels registration of the single list of candidates.

#### **Article 85. Cancel of Decisions of Election Commissions on Voting Results and Election Results**

- 85.1. The Central Election Commission can apply to the Supreme Court to consider election of candidate and single list of candidate invalid, if after the election results are published officially, it finds out violations considered by article 86 of this law made by registered candidates, voters associations and voters blocks.
- 85.2. If the court defines irregularities mentioned in article 85 of this law, it cancels the decision on election results.
- 85.3. The relevant court can cancel the decision on voting results and election results of election commissions for a single-mandate or single multi-mandate election district if the following irregularities occur:
- ◆ rules for preparation of voters list are violated;
  - ◆ rules for formation of election commissions are violated;
  - ◆ rules for voting are violated;
  - ◆ rules for vote count and determination of election results are violated;
  - ◆ if due to actions (omissions) mentioned above it is not possible to determine voters' intention.
- 85.4. The relevant court and the Central Election Commission can cancel the decisions of Territorial and Precinct Election Commissions on voting and election results in the cases considered by this law.
- 85.5. If results of elections are invalid in more than ¼ of precincts, elections can be considered invalid relevantly in single-mandate or single multi-mandate election districts. If results of elections are invalid in more than 1/3 of a single election district, elections for a single election district can be considered invalid.



- 85.6. Irregularities occurred during the assistance to elect candidates and single lists of candidates who are not elected cannot be basis for canceling a decision on election results.

**Article 86. Accountability for Violation of Citizens' Rights to Vote**

86.1. The following persons are accountable in accordance with this law:

- 86.1.1. Who have obstructed voters rights to vote and to be elected by: use of force, deceit, threat or other methods;
- 86.1.2. who have abused their positions to be elected;
- 86.1.3. who have forced citizens to sign in support of candidates, who obstructed collecting signatures in support of candidates, voters associations and voters blocks;
- 86.1.4. who have done actions prohibited by article 57.2 of this law;
- 86.1.5. who have not officially finalized information about registered candidates or have not made it accurate;
- 86.1.6. who have distributed misinformation about registered candidates, or they have impugned honour and dignity of the candidates;
- 86.1.7. who have violated rights of commission members, observers, agents, candidates, authorised representatives of voters associations and voters blocks, representatives of mass media; who have violated the rights to obtain copies of election documents, to obtain information and to verify copies of election documents;
- 86.1.8. who have violated rules of election campaigning, as well as those who have conducted election campaigning a day prior to election day or on election day;
- 86.1.9. who have produced and distributed commercial and other advertisements which violate this law, or those who have rendered charitable assistance;
- 86.1.10. who have violated rules for finance defined by this law for election campaigning;
- 86.1.11. who have hidden ballot papers remained, or those who have produced ballot papers which are not registered by the election commission and additional voting cards;
- 86.1.12. who have obstructed the election commission's work, or those who have interfered with functions of members of the election commission;
- 86.1.13. who have obstructed voting in the voting station;
- 86.1.14. who have violated secrecy of voting;
- 86.1.15. who have forced voters to express their intention;

- 86.1.16. who have falsified election documents, produced and presented fake documents, miscounted votes, defined results of elections inaccurately, have not submitted information on voting results in time or those who have not published them;
- 86.1.17. who have violated citizens' rights to become familiar with voters lists;
- 86.1.18. who have issued ballot papers to the persons with a purpose to vote for others, who have issued completed ballot paper, or those who have created conditions to get more than one ballot paper;
- 86.1.19. who have not submitted reports on expenditure of funds allocated for preparation and conduct of elections, and those who have not submitted financial reports of registered candidates, voters blocks, voters associations and who have not published them;
- 86.1.20. who have not provided persons with leave in respect to participation in the elections according to this law, or employers who have not released persons to implement their state positions;
- 86.1.21. state officials who have not investigated information on violation of this law provided by the election commissions;
- 86.2. The Central Election Commission, Territorial and Precinct Election Commissions have the right to prepare a protocol on administrative irregularities based on the Code of the Azerbaijan Republic On Administrative Irregularities, for the irregularities done by candidates, registered candidates, authorised representatives of voters associations and voters blocks.

### **CHAPTER XIII. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 87. Date of Effect of this Law**

- 87.1. This law takes effect from the day it is published.
- 87.2. The law "On Elections to Milli Majlis of the Azerbaijan Republic", adopted on August 15, 1995, is considered to lose its force.
- 87.3. If a municipality does not have a chief, or a person authorised to perform election actions considered by this law is not appointed, election actions should be performed by the relevant executive authorities or other persons appointed by them.