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

**THE REPUBLIC OF AZERBAIJAN**  
**ELECTION CODE**

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**THE LAW OF THE AZERBAIJAN REPUBLIC**  
**ON APPROVAL AND ENTRY INTO FORCE**  
**OF THE ELECTION CODE**  
**OF THE AZERBAIJAN REPUBLIC**

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**THE DECREE OF THE PRESIDENT**  
**OF THE AZERBAIJAN REPUBLIC**  
**ON IMPLEMENTATION OF THE ELECTION CODE**  
**OF THE AZERBAIJAN REPUBLIC**

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

## **GENERAL PART**

### **SECTION ONE. Main Definitions**

#### **CHAPTER One. Main Definitions and Principles**

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

- 1.1 The following main definitions shall be used in this Code:
  - 1.1.1 Referendum – voting of the citizens of the Republic of Azerbaijan on the issues determined by the Constitution of the Republic of Azerbaijan;
  - 1.1.2 Elections – elections of deputies of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, members of municipalities in the Republic of Azerbaijan held on the basis of the Constitution of the Republic of Azerbaijan and the present Code;
  - 1.1.3 Voter – a person, possessing suffrage;
  - 1.1.4 Election (referendum) commission - collective bodies organizing and providing realization of elections (referenda) and being formed in accordance with provisions set forth in this Code;
  - 1.1.5 Election constituency – a territorial unit, established in accordance with this Code, where the registered voters elect a representative (representatives) to any elective state body;
  - 1.1.6 Citizen – citizens of the Republic of Azerbaijan with active voting right, and the persons, provided for in Articles 12.2 and 12.3 of this Code;
  - 1.1.7 Candidate – person nominated for member of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, member of municipality, in accordance with this Code;
  - 1.1.8 Suffrage – to elect deputies of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, members to municipalities and the right to be elected to the same bodies and as a President of the Republic of Azerbaijan, as well as the right to participate in nomination of candidates, pre-election (pre-referendum) campaign, in work of election (referendum) commissions, in observation of elections (referenda) (including determination of election (referendum) results), in voting, and in carrying out of other election (referendum) actions;
  - 1.1.9 Voters list – lists of citizens of the Republic of Azerbaijan living in the territory of the relevant election (referendum) precinct of an election (referendum) constituency having suffrage;
  - 1.1.10 Signature sheets – lists with voters' signatures directed to support either one or another candidate during election, or about membership in a referendum campaign group for the purpose of participating in pre-referendum campaign;
  - 1.1.11 Campaign materials – printed, audio-visual and other materials devoted to pre-election (pre-referendum) campaign, which are envisaged to be published or distributed through other ways during election (referendum) campaign;

- 1.1.12 Pre-referendum campaign – activity of referendum campaign groups and citizens calling or having the purpose to call upon to the citizens which have the right to participate at referendum, to participate at the referendum and to support or not to support the issues to be discussed in the referendum;
- 1.1.13 Pre-election campaign – activity of citizens and political parties calling or having the purpose to call upon to voters to participate in the election, to vote (not to vote) for one or another candidate;
- 1.1.14 Nomination of candidates – initiative as well as collection of signatures directed to support the initiative on determination of persons envisaged to be elected as an deputy of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan and a municipality member, or other methods of carrying out of an initiative in accordance with provision provided for in this Code;
- 1.1.15 Registered candidate - person registered for member of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, member of a municipality in accordance with this Code;
- 1.1.16 Initiators of establishing of a referendum campaign group – citizens of the Republic of Azerbaijan initiating development of a referendum campaign group and signed a notification on development of the group to be submitted to the relevant election commission;
- 1.1.17 Members of a referendum campaign group - citizens of the Republic of Azerbaijan signing the signature lists necessary for registration of a referendum campaign group;
- 1.1.18 Observation – preparation of an expert opinion based on gathering and assessment of information;
- 1.1.19 Observer – person appointed by political parties, non-governmental organizations, referendum campaign groups and candidates to observe the course of elections (referenda), and accredited in the relevant election (referendum) commission in the order provided for by this Code;
- 1.1.20 International (foreign) observer – person acquiring the right to observe elections (referenda) and representing a foreign state, foreign or international organization;
- 1.1.21 Persons having the right to participate in conducting of election (referendum) actions – observers, international (foreign) observers, agents, authorized representatives, media representatives;
- 1.1.22 Block of political parties – block created by two or more political parties for joint participation in elections, having the same rights as political parties during the elections;
- 1.1.23 Election (referendum) campaign – election (referendum) actions carried out within the period from the day of publication of an authorized State body’s decision on assignment of election (referendum) till the publication of results of the election (referendum);
- 1.1.24 Election (referendum) complaint – appeal directed either to cancellation of documents, decisions, results of actions (lack of actions) related to elections (referendum), or revision of such results;
- 1.1.25 Identification document – identification document or an official document with the citizen’s photo, indicating the name, patronymic, surname, date of birth and place of residence of the citizen (list of such documents shall be approved by the Central Election Commission).
- 1.1.26 Subordination – official relationship between a manager and a subordinate, including directive authorities of the first on the latter, i.e. the first should have the right to employ, dismiss the latter within his official authorities, give obligatory orders, instructions and directions, reward and impose on him disciplinary punishments;
- 1.1.27 Publication – official bringing to attention of population or announcing the election-related (referendum-related) decisions of election commissions and other state bodies participating in conduct of elections (referendum), through posting them on notice boards, and by means of press, TV and Radio broadcasting and by other methods, allowing everyone to get familiar with these decisions.

- 1.1.28 Distant or impassable places – settlements located in a mountainous area, or which are in more than 1 hour drive by public transport from the closest election precinct, due to natural circumstances;

## **Article 2. Principles of Participation in Elections and Referendum.**

- 2.1. Citizens of the Republic of Azerbaijan shall participate in elections and referenda based on general, equal and direct suffrage by means of secret and personal vote.
- 2.2. The participation of citizens of the Republic of Azerbaijan in elections and referenda shall be free and voluntary. Nobody shall have the right to put pressure upon a citizen of the Republic of Azerbaijan to participate or not in elections and referendum, and nobody can impede him to express his will freely.
- 2.3. The diplomatic representations and consulates of the Republic of Azerbaijan should facilitate implementation of the rights of citizens of the Republic of Azerbaijan residing outside the Republic of Azerbaijan during holding of elections and referendum, which are specified in Articles 3 and 56 of the Constitution of the Republic of Azerbaijan.
- 2.4. Elections cannot be held on the same day as a referendum.
- 2.5. Preparation and holding of elections and referenda, vote counting, definition of voting results and results of elections and referenda shall be carried out freely and publicly.
- 2.6. The persons participating in elections (referendum) shall follow the principles given below:
- 2.6.1 to respect freedom of press;
  - 2.6.2 not to obstruct professional activities of the mass media representatives; not to violate or interfere in election (referendum) campaign of candidates and parties (blocks of political parties);
  - 2.6.3 not to obstruct distribution of election campaign materials or referendum campaign materials;
  - 2.6.4 not to destroy or to spoil election campaign posters, referendum campaign posters and other campaigning materials;
  - 2.6.5 not to obstruct pre-election (pre-referendum) mass activities;
  - 2.6.6 to cooperate with election (referendum) bodies and their officials for conduct of free, peaceful and organized elections;
  - 2.6.7 not to obstruct the voters to express their will freely;
  - 2.6.8 to respect authorized persons and observers and to cooperate with them;
  - 2.6.9 to follow and assist in maintaining of secrecy of voting ;
  - 2.6.10 not to win over voter to its side by illegal activities;
  - 2.6.11 not to interfere in the activities of election (referendum) commissions groundlessly; not to violate the process of voting and vote count;
  - 2.6.12 to respect legally approved results of elections (referendum), to present each complaint regarding the elections (referendum) to authorized body and to observe the decision of that body regarding the relevant complaint;
  - 2.6.13 not to make speeches which intimidate, slander or call upon violence or distribute materials of this content;
  - 2.6.14 to offer rewards to voters, or intimidate them with punishment;
  - 2.6.15 not to use the state resources, municipal or other public resources in circumstances not established in this Code;
  - 2.6.16 not to provoke voters to vote or avoid voting, by using pressure or offering presents or by other methods that contradict the legislation;
  - 2.6.17 not to make voters participate or avoid participation in referendum campaign groups, self-nominate or not self-nominate, withdraw or not withdraw their candidacy, take part or

avoid participation in pre-election (pre-referendum) campaign process, by using pressure or offering presents or by other methods that contradict the legislation;

2.6.18 not to use assistance or activities rendered by any official for supporting or not supporting the issue put on for referendum, or the candidate;

2.7. Violation of Articles 2.6.2-2.6.5, 2.6.7, 2.6.10, 2.6.11, 2.6.13-2.6.18 of this Code shall impose liabilities under the Criminal Code or the Code of administrative Offences of the Republic of Azerbaijan.

### **Article 3. Universal Suffrage.**

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

### **Article 4. Equal Suffrage.**

4.1. The citizens shall participate in elections and referendum on equal terms.

4.2. Each citizen shall have a single vote during each voting.

4.3. Any vote of citizens shall have equal validity.

### **Article 5. Direct Suffrage.**

5.1. The citizens shall personally vote for a candidate during elections, and for or against the issues to be discussed by referendum.

5.2. Voting in place of other persons shall be prohibited. The citizens voting or providing conditions for voting in place of other persons shall be subject to the liability provided for in either the Criminal Code or the Code of Administrative Offences of the Republic of Azerbaijan.

### **Article 6. Voting SECRECY.**

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

### **Article 7. Obligation of Holding of Elections and Referenda.**

7.1. It shall be obligatory to hold elections to the Milli Majlis of the Republic of Azerbaijan, position of the President of the Republic of Azerbaijan and municipalities within time periods indicated in the Constitution of the Republic of Azerbaijan and the present Code.

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

### **Article 8. Timeframe for Announcement of Elections (Referenda).**

8.1 Elections (referenda) shall be announced at least 120 days before the voting day.

8.2 Voting Day shall not be considered a working day.



### **Article 9. Place of Exercising of Suffrage.**

9.1 Taking into consideration Articles 35.4 – 35.6 of this Code, the active suffrage shall be exercised in the election precinct, in territory of which the citizens have been permanently residing for 6 months out of 12 months preceding the day the election is announced.

9.2 The citizens, who left their residence places due to wars, armed conflicts, public disorders or natural disasters, shall exercise their active suffrage in the order established by the Central Election Commission.

### **Article 10. Voting During Elections and Referendum.**

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

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

### **Article 11. Right to Pre-election (Pre-referendum) Campaign.**

11.1 The State shall ensure creation of conditions for conduct of free pre-election (pre-referendum) campaign by citizens, political parties, and referendum campaign groups, in accordance with the Constitution of the Republic of Azerbaijan.

11.2 The citizens, political parties, referendum campaign groups shall have the right to call on voters to participate or not to participate in elections (referendum), to conduct pre-election (pre-referendum) campaign in the form of appeals to vote for or against a candidate, registered candidate, political party and block of political parties, and for or against an issue to be discussed at the referendum, in the manner and methods allowed by the Law.

11.3 The State shall define conditions for equal use of media branches by a registered candidate, as well as political parties, blocks of political parties and referendum campaign groups for pre-election (pre-referendum) campaign in accordance with Articles 74-86 of this Code.

## **CHAPTER Two. Suffrage Ensuring. Limitations**

### **Article 12. Belonging of the Active Suffrage.**

12.1 Except for the cases stipulated by Article 56 of the Constitution of the Republic of Azerbaijan and by Article 14 of this Code, every citizen of the Republic of Azerbaijan, who has attained the age of 18 years by the day of Parliamentary, Presidential and Municipal elections and referendum (including the same day) shall have the right to elect, to vote in referendum, to observe elections (referendum process), to participate in pre-election (pre-referendum) campaign, to participate in carrying out of actions related to the election actions and preparation of referendum provided for in this Code, that is the active suffrage.

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

12.3 Citizens of foreign countries meeting the requirement indicated in Article 12.1 of this Code and residing within a relevant municipal territory for not less than 5 years, shall have the right to vote at municipal elections (provided that, in their native countries the same rights for foreigners during the municipal elections are recognized).

12.4 According to Article 56.2 of the Constitution of the Republic of Azerbaijan, the persons recognized by a court decision as incapacitated ones, shall be deprived of right to participate in elections as well as in referendum, that is the active suffrage.

### **Article 13. Belonging of the Passive Suffrage.**

13.1 Except for the cases stipulated by Article 56 of the Constitution of Azerbaijan Republic and by this Code, every citizen, having active suffrage, shall have the right to be an initiator of a referendum campaign group, and to be elected as a deputy to Milli Majlis, President or a member of municipality, which is the passive suffrage, if he/she meets requirements of the Constitution of the Republic of Azerbaijan concerning candidates for Presidency and candidates to Milli Majlis and municipality.

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

13.3 Pursuant to Articles 56.3, 85 and 100 of the Constitution of the Republic of Azerbaijan the following persons shall not have a right to be elected as a deputy of the Milli Majlis, President, member of a municipality, i.e. they shall not have the passive suffrage:

13.3.1 people sentenced to servicing their sentence in institutions of confinement, by court decision, which has entered into force;

13.3.2 persons sentenced for the crimes indicated in Articles 15.4 – 15.5 of the Criminal Code of the Republic of Azerbaijan;

13.3.3 citizens of the Republic of Azerbaijan with dual citizenship (until their dual citizenship expires);

13.3.4 citizens of the Republic of Azerbaijan who have liabilities before foreign countries (until such liabilities are terminated).

### **Article 14. Incompatibility of Responsibilities.**

14.1. Cases of incompatibility of responsibilities shall be established by Articles 56, 85, 100 of the Constitution of the Republic of Azerbaijan and by this Code.

14.2. Pursuant to Article 56.3 of the Constitution of the Republic of Azerbaijan the following persons shall not have a right to be elected as a deputy of the Milli Majlis, President and a municipality member, due to positions they occupy:

14.2.1 military servants (while they are on military service);

14.2.2 judges (while they are in office);

14.2.3 State servants (while they are in State service);

14.2.4 Clergymen (while they are engaged in professional religious activity);

### **Article 15. Prohibition to Participate in Elections (Referenda) for Foreigners, Stateless Persons and Foreign Legal Entities.**

15.1. Taking into consideration the exceptions provided for in Article 12.2 of the Code, the stateless citizens shall not possess active or passive suffrage in the Republic of Azerbaijan.

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

15.3. Foreigners, stateless persons and foreign legal entities, their branches and representative offices (hereinafter – the foreign legal entities) can participate in nomination and registration of candidates, and in election campaigns of registered candidates during elections. This fact shall not restrict the rights of foreigners and stateless persons to freedom of opinion and free assembly.

15.4. Foreigners, stateless persons and foreign legal entities, their branches and representative offices during referendum shall not have the right to conduct a campaign for or against issues to be discussed by referendum, to be a member of referendum campaign groups, as well as their initiators or to take part in their activity in any form. This shall not restrict the rights of foreigners and stateless persons to freedom of opinion and free gathering.

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

#### **Article 16. Cases of Non-Participation of Citizens in Voting.**

16.1 The citizens, who are in airports or traveling by planes, or are in trains or railway stations, or in expeditions in the voting day, shall not participate in voting.

16.2 If no Precinct Election Commissions are established in the ships, which navigate on the voting day in accordance with Article 35.4 of this Code, the citizens being on these ships do not participate in voting.

16.3 If no Precinct Election Commissions are established according to Article 35.4 of this Code on the voting day on oil and gas production platforms (hereinafter the oil platforms) located in the Azerbaijani sector of the Caspian Sea, the citizens being on such platforms shall not participate in voting.

16.4 If neither Azerbaijani Diplomatic Representation nor Consulate is in the foreign country, or no Precinct Election Commission is established according to Article 35.6 of this Code in the Azerbaijani Diplomatic Representation or Consulate, the citizens of the Republic of Azerbaijan being in this foreign country shall not participate in voting.

16.5 No voting shall be held on the Election Day for the citizens of the Republic of Azerbaijan being in foreign countries, during elections of deputies to Milli Majlis or municipal elections.

16.6 No voting shall be held on the Election Day in the ships navigating on the election day, hospitals, sanatoriums, rest homes, oil platforms located in the Azerbaijani sector of the Caspian Sea, during elections of deputies to Milli Majlis or municipal elections.

### **SECTION TWO. General Provisions**

#### **CHAPTER Three. Election and Referendum Bodies**

##### **Article 17. Principles of Election (Referendum) Bodies' Activity.**

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

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

17.3 Within the boundaries of the authority established by this Code, the election (referendum) commissions shall not depend on State bodies, municipal institutions, political parties, non-government organizations and other public organizations, other legal entities and physical persons with regard to preparation and holding of elections (referendum); and they and their officials be not allowed to intervene in the activity of election (referendum) commissions. Persons intervening in or

influencing the work of election (referendum) commissions shall bear administrative or criminal liability, in accordance with the Criminal Code or the Code of Administrative Offences.

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

17.5 Within the authorities established by this Code, the election (referendum) commissions shall have the right to use the State Automated Information System with the purpose to inform the voters about the course of preparation and holding of the elections (referenda), its results, to obtain, collect, complete, re-process, transmit and preserve the information used during preparation and holding of elections (referenda), as well as to provide information about activity of election (referendum) commissions, providing that the information on voters is protected and not disseminated.

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

- 17.6.1 should organize and hold elections (referenda), based on the Law; laws should be implemented fully, equally and impartially;
- 17.6.2. should treat every political party, referendum campaign group, candidate, voter and other participants of election (referendum) campaign fairly and equally within law;
- 17.6.3. should be neutral and impartial towards a candidate, political party, referendum campaign groups and voters;
- 17.6.4. should not admit any actions directed to or that can be understood as support of any candidate, political party, referendum campaign group;
- 17.6.5. should not admit a conflict of official and personal interests as an administrator of elections (referenda);
- 17.6.6. should not take any presents or gifts from participators of election (referendum) campaign;
- 17.6.7. should not execute directions or instructions, which are illegal and contradicting their duties;
- 17.6.8. should not take part in any action and acts that conflict with their duties;
- 17.6.9. should not take part in activity (including private activity) that can lead to a preconceived attitude towards any candidate, political party, referendum campaign group;
- 17.6.10. should not express its position within any political disputes related to elections (referenda);
- 17.6.11. should not have any relation with a voter in respect of the election issues of political nature;
- 17.6.12. should not bear or distribute symbols of any political party or anyhow express their attitude to any political party;
- 17.6.13. should not comment, based on own conclusion, on the decisions made, except for meetings of election commissions;
- 17.6.14. should make possible acquirement of the information that can affect taking of any decision;
- 17.6.15. should create opportunities for voters, persons, who have right to participate in conduct of election (referendum) actions and to get acquainted with documents and information based on Law;
- 17.6.16 should create conditions for collection, investigation, and regular unambiguous and clear publication of information;
- 17.6.17. should take possible measures to ensure voters' participation in elections (referendum);

17.6.18. should take measures for correct understanding of election (referendum) campaign by voters;

17.6.19. should create all opportunities for participation of disabled voters or voters with other physical deficiencies living in distant or almost impassable places and who need special voting conditions

#### **Article 18. System of Election (Referendum) Commissions.**

18.1 System of election (referendum) commissions shall include the following commissions:

18.1.1 Central Election (Referendum) Commission of the Republic of Azerbaijan (hereinafter – the Central Election Commission)

18.1.2 constituency election (referendum) commissions (hereinafter - constituency election commissions)

18.1.3 precinct election (referendum) commissions (hereinafter - Precinct Election Commissions)

18.2 Central Election Commission shall manage the activity of election commissions.

18.3 Election commissions shall be the standing State bodies functioning in accordance with Articles 3, 83, 101 and 142 of the Constitution of the Republic of Azerbaijan (except for the Precinct Election Commissions, specified in Articles 35.4 – 35.6 of this Code).

#### **Article 19. General Rules of Organization of Election Commissions' Activity.**

19.1 Election commissions shall function collectively;

19.2 The relevant election commission shall be assembled for its first meeting not later than 5 days after appointment of members with decisive voting right.

19.3 The Chairman of an election commission (as well as the Deputy Chairperson in the Central Election Commission) and two secretaries, shall be elected through open voting in the meeting of election commission. Until the Chairperson of the election commission is selected, or if the Chairman is absent, the oldest member of the commission shall chair its first meeting. The Chairman of the election commission shall represent the political party, deputies of which are in majority in the Milli Majlis, and the Secretaries shall each represent the political parties, deputies of which are in minority in the Milli Majlis and the independent deputies.

19.4 Election commissions shall take decisions within their authority.

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

19.6 Member of election commission with decisive voting right shall be obliged to participate in all meetings of the commission, except for the cases when he/she is ill and other good reasons.

19.7 In order to replace a member of the election commission with decisive voting right in cases specified in Article 19.6, replacement members nominated on the same conditions, should be appointed (elected) to election commissions along with the main members.

19.8 Members of election commissions shall be informed on conduct of a meeting of the election commission by the Chairperson of the commission 5 days before the meeting, but at least 3 days prior to the conduct of the meeting. Information about the time of the election commission's meeting shall be given to members of the commission personally in writing or by means of electronic communication facilities. The information about time of the meeting shall be delivered within 24

hours, if less than 5 days remain to the Election Day, and on the voting day - immediately and personally.

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

19.10 A meeting of election commission shall be considered valid upon attendance of two thirds of the members with decisive voting right.

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

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

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

19.14 Decisions of election commission and minutes of its meetings shall be signed by the commission's chairperson and secretaries. If the above persons do not sign the decisions and minutes, then they shall be signed by the commission members which voted for these documents. Minutes of meetings of an election commission shall be distributed to the commission members for approval at least 24 hours prior to the meeting (and without any delay on the Election Day) and be approved by a decision at one of the next regular meetings of the commission (this issue should be included in agendas of election commissions as the first item).

19.15 Members of the election commission not in favor with the decision made by the election commission, can express their opinion in writing and the opinion shall be attached to the commission's minutes. The special opinion should be submitted to a superior election commission within at latest 3 days, and information about the opinion should be given on the voting day or the day after without delay.

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

19.17 The Chairman of the election commission (including the Deputy Chairman of the Central Election Commission) shall allocate positions among the secretaries and members of the commission. Decision adopted by the commission chairman with this regard, can be canceled by the election commission. Due to his position, the Chairman of the election commission shall be considered to be the head of the election commission apparatus.

## **Article 20. Allocation of Space in Mass Media to Election Commissions.**

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

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

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

#### **Article 21. Representation in Election Commissions.**

21.1 A registered candidate or political parties and blocks of political parties with a registered candidate during elections, and referendum campaign groups during referendum can appoint one citizen of the Republic of Azerbaijan with active suffrage as a representative of a relevant election commission with consultative voting right.

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

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

21.4 If political parties or referendum campaign groups are merged, all other members with consultative voting right except one shall be recalled from the election commissions. If a political party or referendum campaign group does not meet this requirement, the relevant election commission exclude the member with consultative voting right to be recalled from the commission, based on its own considerations.

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

22.1 Initiators of establishment of referendum campaign groups, authorized representatives, agents and observers of candidates, registered candidates, as well as political parties and blocks of political parties nominated a candidate, referendum campaign groups, members of election commissions with consultative voting right, persons directly subordinate to candidates and registered candidates, and according to the Family Code of the Republic of Azerbaijan, the kin, wives and wives' kin of the mentioned persons (children, parents, adopted children, brothers, sisters, grandchildren, grandfathers, grandmothers), persons who previously violated the election legislation and were withdrawn from the membership of the commission by a decision of a superior election commission or who committed violations of election legislation, which have been confirmed by a court decision cannot function as a member of election commission with decisive voting right. In this case, and if this case is confirmed by the body that appoints the member of the election commission, the member of the election commission shall be replaced by a substitutive member provided for in Article 19.7 of this Code.

22.2 A member of one election commission cannot be at the same time a member of another election commission. Except for the cases indicated in Article 36.3 of this Code, a member of the election commission with decisive voting right cannot be at a State or municipal service.

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

22.3.1 on submission of written application for resignation and if this application is verified by the chairperson of the election commission;

22.3.2 when there are grounds provided for Articles 22.1 and 22.2 of this Code.

22.3.3 if he/she is a member of a political party.

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

- 22.4.1 becoming a candidate for the post of President, deputy of the Milli Majlis or for a member of municipality;
- 22.4.2 being elected members and officials of State power bodies and municipalities (except for the members of election commissions specified in Article 36.3 of this Code);
- 22.4.3 being deprived of citizenship of the Republic of Azerbaijan, or being a citizen of another country;
- 22.4.4 when accusatory court verdict comes into force;
- 22.4.5 when he/she is recognized by court decision that has come into force, to be incapacitated or with limited capacity, or considered missing or dead;
- 22.4.6 when the decision of the relevant election commission on fulfillment of his/her duties on non-regular basis or by violating provisions of Article 17.6 of this Code, is approved by the court decision;
- 22.4.7 when violation of requirements of the election legislation is confirmed by a resolution of the relevant court.

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

22.6 In the place of the member with decisive voting right, who has left the election commission in the cases mentioned in Articles 22.3 and 22.4 of this Code, a new member shall be appointed by the body that had appointed the previous member, within at latest 30 days after the resignation day, and within 10 days during preparation and holding of elections.

22.7 Regardless of their status, the commission members shall bear liability established for officials by the Criminal Code or Code of Administrative Offences of the Republic of Azerbaijan, for violation of requirements of the present Code.

22.8 The members of election commissions with decisive voting right, specified in Article 36.3 of this Code, which preserve their municipal positions, as well as work in organizations, departments and institutions funded from the State budget, cannot without their own consent be appointed to another position or dismissed by employer's initiative during the activity of the commission.

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

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

- 22.10.1 shall be timely informed about meetings of the relevant election commission;
- 22.10.2 can give proposals on issues related to authorities of the relevant election commission, make a speech in the meeting of election commission and suggest voting on these issues;
- 22.10.3 can ask questions to other participants of the meeting of election commission related to the agenda issues and get answers on them;
- 22.10.4 can be familiarized with any election document (including voters lists, ballots), election documents of a lower election commissions, can get copies of the documents (excluding voters lists, signature sheets, ballots and voter verifications), can get



familiarized with documents reflecting information that is not considered by Law as State, commercial secret or other secret;

22.10.5 can complain of decisions or action (lack of action) of election commission to a relevant superior election commission and to court, in the manner defined in this Code;

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

22.12 Members of election commissions with consultative voting right appointed to a relevant election commission in relation with holding of referendum can participate in activity of the election commission related only to referendum, members of election commissions with consultative voting right appointed to relevant election commissions in relation with holding of presidential elections can participate in activity of the election commissions related only to presidential elections, members of election commissions with consultative voting right appointed to relevant election commissions in relation with holding of elections of deputies to the Milli Majlis of the Republic of Azerbaijan can participate in activity of the election commissions related only to elections of deputies to the Milli Majlis of the Republic of Azerbaijan, members of election commissions with consultative voting right appointed to election commission in relation with holding of municipality elections can participate in activity of the election commissions related only to municipality elections.

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

#### **Article 23. Term of Authority of Election Commissions.**

23.1 The term of election commissions' authority shall be 5 years.

23.2 If the right of citizens to participate in election and referendum was violated by a lower election commission and as a result of such actions the Central Election Commission (or a court) annulled the results of voting in the relevant territory, the Central Election Commission can dissolve this lower election commission. Complaints on decision of the Central Election Commission can be filed with the Court of Appeal of Azerbaijan Republic. The complaint shall be accepted immediately for consideration and a relevant decision shall be made not later than 3 days. Not later than a week after coming into force of a decision of the Court of Appeal of Azerbaijan Republic on the issue, a relevant lower election commission should be formed in the order established in this Code.

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

### **CHAPTER Four. The Central Election Commission**

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

24.1. The Central Election Commission shall consist of 18 members.

24.2. The members of the Central Election Commission shall be elected by the Milli Majlis.

24.3 Six members of the Central Election Commission shall represent the political party nominating them, deputies of which constitute majority in the Milli Majlis. Six members of the Central Election Commission shall represent the non-partisan (independent) deputies, which nominate them, and six members shall represent the political parties nominating them, deputies of which obtained minority in the Milli Majlis. The independent deputies shall, as a rule, be represented in the Central Election Commission by independent lawyers, nominated by them, which are not on state service. Nomination of 2 candidates shall be agreed among the interested parties: 1 of the nominees be agreed with representatives of the political party constituting majority in the Milli Majlis, and the other nominee be agreed with representatives of the political party constituting minority in the Milli Majlis.

24.4

Members of the Central Election Commission should have higher education.

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

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

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

- 25.2.1. supervise the observation of people's suffrage during preparation and holding of elections (referendum), carries out the actions related to financing of elections (referenda), ensures the identical and correct application of the relevant Articles of this Code.
- 25.2.2. consider within own authorities the complaints related to violation of rules set forth in the Code, and make grounded decisions.
- 25.2.3. form Constituency Election Commissions in accordance with its composition principles.
- 25.2.4. manage the activity of constituency and Precinct Election Commissions;
- 25.2.5. work out standards for technical equipment necessary for the activity of election commissions, approve the standards and supervise their observation;
- 25.2.6. ensure delivery of ballot papers (referendum ballots) (hereinafter – the ballot papers), envelopes for ballot papers, protocols, de-registration cards and other election (referendum) related documents (hereinafter “election documents”) to the Constituency Election Commission;
- 25.2.7. ensure preparation and holding of elections (referenda), implementation of the programs related to development of the election (referendum) system, increase legal awareness of voters, conduct trainings for education of members of election commissions and provide the implementation of programs on professional qualification of the latter;
- 25.2.8. within the territory of election constituency create conditions for pre-election campaign of candidates, registered candidates, political parties, blocks of political parties and pre-referendum campaign of referendum campaign groups; approve the unified regulations for distribution of air time between registered candidates, political parties, blocks of political parties and referendum campaign groups, specify the rules of publication of voting and referendum results;
- 25.2.9. distribute funds allocated from the State budget to preparation and holding of elections (referenda), and supervise their usage for the specified purpose;
- 25.2.10. render legal, methodical, technical and organizational assistance to election commissions;
- 25.2.11. approve samples of election ballot papers, envelopes for ballot papers, voters lists, de-registration cards, voting protocols and other election documents, and ensure their preparation and protection;
- 25.2.12. approve rules for storage of election materials and keeping them in archives;

- 25.2.13. approve standards for technical supply of election commissions and supervise their observation; approve samples of seals of election commissions;
- 25.2.14. supervise funding of pre-election campaign;
- 25.2.15. provide voters with information about terms, rules of voters' action and course of holding of elections (referendum);
- 25.2.16. supervise ensuring of provision of election commissions with premises, transport and communication means, and solve other logistic issues related to elections (referendum);
- 25.2.17. compile an integrated voters list together with relevant executive authorities and municipal bodies;
- 25.2.18. get information from relevant executive authorities and municipal bodies about issues related to preparation and conduct of elections;
- 25.2.19. ensure use of the State Automated Information System on a basis of identical rules;
- 25.2.20. register the observers and provide them with badges of appropriate design;
- 25.2.21. define own work routine, as appropriate to Articles 28.1 and 28.5 of this Code;
- 25.2.22. cancel illegal decisions of election commissions, apply to the relevant commission with regard to the chairmen and secretaries of the election commissions, which do not appropriately fulfill their responsibilities;
- 25.2.23. carry out other authorities in accordance with this Code.

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

25.4. The Central Election Commission shall provide all election commissions with regulations and methodical instructions regarding implementation of this Code. The lower commissions shall post the mentioned regulations and methodical instructions on notice boards that ensure their easy reading, in the order specified by the Central Election Commission.

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

During conduct of referendum, elections to the Milli Majlis, Presidential and Municipal elections, the Central Election Commission shall function in the following directions, in accordance with Article 25 of this Code:

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

- 26.1.1. supervise compliance of holding of referendum in compliance with this Code;
- 26.1.2. register referendum campaign groups in cases stipulated by this Code;
- 26.1.3. publish overall lists of registered referendum campaign group;
- 26.1.4. ensure distribution air time among referendum campaign group for pre-referendum campaign on a basis of identical rules;
- 26.1.5. ensure supervision on spending of monetary means entered to referendum funds by referendum campaign group;
- 26.1.6. determine results of referendum and publishes them in press;
- 26.1.7. perform other authorities in accordance with this Code.

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

- 26.2.1. supervise holding of election to the Milli Majlis of the Republic of Azerbaijan in compliance with this Code;
- 26.2.2. ensure observation of conditions of pre-election activities, established by this Code, by all candidates, registered candidates, political parties, blocks of political parties, referendum campaign groups;

- 26.2.3. ensure carrying out of distribution of air (broadcasting) time for pre-election campaign between political parties, blocks of political parties and registered candidates on the basis of equal rules;
  - 26.2.4. ensure supervision on spending of monetary means entered to election funds of candidates (political parties) ;
  - 26.2.5. publishe the list of candidates registered in constituencies;
  - 26.2.6. determine elected deputies among candidates registered in the election constituencies and issues them the relevant verification cards;
  - 26.2.7. officially publishe results of elections to the Milli Majlis of Azerbaijan Republic, including protocols of Precinct Election Commissions;
  - 26.2.8. draw up list of the elected deputies, submits these lists and necessary documents to the Milli Majlis;
  - 26.2.9. organize holding of repeat elections and by-elections for seats of left deputies;
  - 26.2.10. exercise other authorities in accordance with this Code.
- 26.3. The Central Election Commission shall perform the following authorities during preparation and holding of elections of the President of the Republic of Azerbaijan:
- 26.3.1. supervise holding of elections of the President of the Republic of Azerbaijan in compliance with this Code;
  - 26.3.2. register candidates for Presidency, their agents, authorized representatives;
  - 26.3.3. issue verification in established form to candidates for Presidency and their agents;
  - 26.3.4. publishe overall list of registered candidates;
  - 26.3.5. ensure equal condition for pre-election campaign to all candidates for Presidency;
  - 26.3.6. ensure observation of pre-election activity conditions, established by this Code, by all candidates, registered candidates, political parties and blocks of political parties;
  - 26.3.7. ensure distribution of air (broadcasting) time among registered candidates on a basis of identical rules;
  - 26.3.8. ensure supervision on spending of monetary means entered to the funds of candidates for Presidency;
  - 26.3.9. determine the results of Presidential elections;
  - 26.3.10. issue verification to the candidate elected as the President;
  - 26.3.11. officially publishe results of Presidential elections;
  - 26.3.12. prepare holding of repeat voting on Presidential elections
  - 26.3.13. prepare holding of repeated Presidential elections;
  - 26.3.14. exercise other duties in accordance with this Code;
- 26.4. The Central Election Commission shall perform the following duties during preparation and holding of municipality elections:
- 26.4.1. supervise of holding of municipality elections in compliance with this Code;
  - 26.4.2. publishe the list of candidates registered in constituencies;
  - 26.4.3. make a decision on holding of repeat elections and by-elections on the basis of information received from the Constituency Election Commission;
  - 26.4.4. officially publishe results of elections;
  - 26.4.5. perform other duties in accordance with this Code.

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

27.1. A member of the Central Election Commission shall receive salary from the state budget during the period of his/her authority in the commission. When retiring on a pension, the person who was the member of the Central Election Commission shall be paid 80% of the salary amount of a full member of the Central Election Commission member.

27.2. A member of the Central Election Commission of the Republic of Azerbaijan cannot be detained, arrested or be subject to criminal liability or administrative penalties as may be determined in a court procedure without the consent of the General Public Prosecutor. A member of the Central

Election Commission can be arrested only if he/she is caught in the act of crime. In this case, the body arresting the member of the Central Election Commission shall immediately inform the General Public Prosecutor of the Republic of Azerbaijan about the matter.

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

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

28.1. The Central Election Commission shall adopt regulations with the purpose to determine the order for conduct of its meetings.

28.2. Decisions of the Central Election Commission shall be adopted by open vote as follows: if 12 members of the commission are present at the meeting of the Central Election Commission – by a majority of at least 8 of its members, if 13 members are present - by a majority of at least 9 of its members, if 14 or 15 members are present - by a majority of at least 10 of its members, if 16 members are present - by a majority of at least 11 of its members, if 17 or 18 members are present – by majority of at least 12 of its members.

28.3. The instructions or methodical guidelines adopted concerning the rules on implementation of this Code, should be legally examined prior to being approved by a decision of the Central Election Commission. The opinion on legal examination together with the draft shall at least 3 days prior to the voting, be presented to the Central Election Commission members.

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

28.5. The Central Election Commission forms its Secretariat. Activities of the Secretariat shall be regulated by the Regulations approved by the Central Election Commission. The Central Election Commission shall determine the structure and establish the personnel of the Secretariat within the funds allocated to the Central Election Commission from the State budget. The Regulations of the Central Election Commission, the structure of its Secretariat and the personnel schedule should be published after being approved.

28.6. The Central Election Commission of the Republic of Azerbaijan shall have its own official media outlet.

28.7. The Central Election Commission of the Republic of Azerbaijan shall have its own letterheads, emblem, badges and a stamp.

### **CHAPTER Five. Election (Referendum) Constituencies and Constituency Election Commissions**

#### **Article 29. Formation of Election (Referendum) Constituencies.**

29.1. For holding of elections the Central Election Commission shall form 125 election (referendum) constituencies (hereinafter – election constituencies) every 5 years based on the information about the number of voters permanently residing and registered in the relevant territorial units provided by the municipalities and relevant executive bodies to the Central Election Commission. Election constituencies shall as a rule be formed on the basis of average representation norm. The average representation norm is specified by division of total number of registered voters by 125. Election constituencies shall be considered the single-mandate constituencies during the

elections of deputies of the Milli Majlis, and the election territories – during the Presidential elections, referendum and elections of municipal members.

29.2. Voters residing outside the Republic of Azerbaijan shall be included on the voters lists in election constituencies. Information about the number of voters permanently residing outside the Republic of Azerbaijan, or being on long-term business trips and registered in the relevant diplomatic representations and consulates of Azerbaijan Republic shall be submitted to the Central Election Commission by a relevant executive power body. Based on the same information, the Central Election Commission shall approve a list of the relevant election constituencies for inclusion of the voters on the voters lists during referendum and Presidential elections. Number of voters in election constituencies where the voters residing outside Azerbaijan Republic are included on the lists should be less than the average norm of voters.

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

- 29.3.1. As a rule, number of voters registered on the territory of administrative-territorial units of the Republic of Azerbaijan should be approximately the same under the condition that their number should not be 5 % more than the average representation norm and 10% more (less) than the average representation norm in distant places and places having impassable roads;
- 29.3.2. Formation of election constituencies in the territories not having boundaries between each other shall be prohibited.
- 29.3.3. Determining (changing) the boundaries of election constituencies purposefully for any of the voters group to be in majority shall not be allowed.

29.4. Upon observation of requirements on formation of election constituencies indicated in Articles 29.2 and 29.3 of this Code, necessity of intersection of the boundaries of municipality should be taken into consideration.

29.5. The Central Election Commission should approve the scheme of formation of election constituencies and their graphic images on the basis of information about voters, every 5-years within 30 days after the integrated voters list is compiled. During this period the scheme of formation of election constituencies and their graphic images can be re-approved taking into consideration the requirements provided in Articles 29.3 and 46 of this Code.

29.6. The scheme of formation of election constituencies and their graphic images, as well as proposals on boundaries of election constituencies shall be prepared by a commission on determining the boundaries of election constituencies created under the Central Election Commission and consisting of specialists. The work of such commission shall be supervised by the Deputy Chairman of the Central Election Commission Republic, and he/she be considered the chairperson of the commission, due to his/her duties. Meetings of the Commission on Determining the Boundaries of Election Constituencies shall be held not later than two months after annual update of the Integrated Voters List. The main object of the mentioned commission shall be to ensure compliance of the election commissions with Articles 29.3 and 29.7 of this Code. Only 1/3 of members of such commissions can be on state service. If election constituencies are formed immediately before holding of election (referendum), the scheme of formation of election constituencies and their graphic images should be approved at least 115 days before election (referendum) day and be published at least 110 days before election (referendum) day.

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

- 29.7.1. name and number of each election constituency;
- 29.7.2. list of municipalities of administrative-territorial units, or towns, district, districts in towns located in every election constituency (if election constituency includes a part of an administrative-territorial unit, municipality, and settlement, the boundaries of the part of the administrative-territorial unit, municipality, and settlement should be outlined in the scheme. If one election constituencies is formed in one administrative-

territorial unit, list of municipalities located in the election constituency shall not be included in the scheme of formation of election constituency);

29.7.3. center of each election constituency;

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

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

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

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

29.10. According to Article 46 of this Code, voters included on the voters list in a constituency shall also be considered as voters included on the voters list in the unified election constituency.

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

30.1. If election constituencies are organized immediately before elections (referendum) they should be organized at least than 90 days before voting day.

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

30.3. Candidacy of three members to Constituency Election Commission shall be presented by the members of the Central Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis. Candidacy of other three members to Constituency Election Commission shall be presented by the members of the Central Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis, and candidacies of other three members be presented by the members of the Central Election Commission who represent the non-partisan deputies of the Milli Majlis. Candidates to the Constituency Election Commission can be presented by local branches of the relevant political parties to the members of the Central Election Commission representing political parties. 2 of the candidates to the Constituency Election Commission nominated by the members of the Central Election Commission who represent the non-partisan deputies in the Commission, can be agreed with the interested parties: 1 candidate with the members of the Central Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis, and the other one with the members of the Central Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis.

30.4. Members of election constituency shall receive an appropriate verification card from the Central Election Commission.

### **Article 31. Duties of Constituency Election Commissions.**

31.1. The Constituency Election Commission shall perform the following general duties:

31.1.1. supervise observation of suffrage of citizens of the Republic of Azerbaijan on the territory of election constituency;

31.1.2. consider within own authorities the complaints related to violation of rules set forth in the Code, and makes grounded decisions;

- 31.1.3. create conditions for candidates, registered candidates, political parties, blocks of political parties on the territory of election constituency for their pre-election activity and for pre-referendum activities of referendum campaign groups;
- 31.1.4. name the Precinct Election Commissions on the territory of election constituency and ensures numbering of precinct commissions on the base of unified rule;
- 31.1.5. ensure delivery of ballots, envelopes for ballot papers, protocols, de-registration cards and other election documents to Precinct Election Commissions;
- 31.1.6. distribute funds allocated for preparation and holding of elections (referenda) among Precinct Election Commissions, supervises use of the funds for the specified purpose;
- 31.1.7. receive information from the relevant executive authority bodies and municipalities related to preparation and holding of elections (referenda);
- 31.1.8. inform voters about rule and term of performance of election actions in the course of elections (referenda), publishes information about the registered candidates and preliminary election (voting) results;
- 31.1.9. supervise provision of Precinct Election Commissions with premises, transport and communication means, fulfillment of relevant decisions made in relation with material and technical supply of elections;
- 31.1.10. render organizational and technical assistance to Precinct Election Commissions on the territory of election constituency on holding of voting in election precincts;
- 31.1.11. co-ordinate activity of Precinct Election Commissions;
- 31.1.12. ensure storage of election (referendum) documents in accordance with rules approved by the Central Election Commission;
- 31.1.13. ensure submission of documents related to preparation and holding of elections (referenda) to the Central Election Commission, including protocols on outcomes of voting (elections);
- 31.1.14. ensure use of the State Automated Information System on the territory of election constituency on the basis of a unified rule;
- 31.1.15. provide instructions to the members of precincts election commissions.
- 31.1.16. cancel illegal decisions of Precinct Election Commissions.

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

During conduct of referendum, elections of deputies to the Milli Majlis, Presidential or municipal elections, the Constituency Election Commission shall function in the following directions, in accordance with Article 31 of this Code:

- 32.1. Constituency Election Commissions shall perform the following duties during preparation and holding of referendum:
  - 32.1.1. register referendum campaign groups in cases stipulated by this Code;
  - 32.1.2. determine results of vote counting in referendum constituency;
  - 32.1.3. ensure control on spending of election funds of referendum campaign groups in referendum constituencies;
  - 32.1.4. perform other authorities in accordance with this Code.
- 32.2. Constituency Election Commissions shall perform the following authorities during preparation and holding of elections of deputies of the Milli Majlis:
  - 32.2.1. ensure reception of information about candidates nominated on corresponding single-mandate election constituency, publishes information about registered candidates;
  - 32.2.2. register candidates on single-mandate constituency, their authorized representatives and agents, and issues them verifications in the form established by the Central Election Commission;
  - 32.2.3. ensure control on spending of election funds of candidates, registered candidates, political parties, blocks of political parties on the territory of election constituencies;



- 32.2.4. ensure observation of pre-election activity conditions, specified by this Code, for candidates, registered candidates, political parties, blocks of political parties on the territory of election constituencies;
- 32.2.5. determine outcomes of elections on single-mandate constituency;
- 32.2.6. hold repeat and by-elections;
- 32.2.7. perform other duties in accordance with this Code.

32.3. The Constituency Election Commissions shall undertake the following authorities with regard to preparation and conduct of the Presidential Elections:

- 32.3.1. provide equal conditions for pre-election campaign activities of the candidates for Presidency, within the election constituency;
- 32.3.2. ensure that the conditions for pre-election activities established by this Code are observed by the candidates and the registered candidates within the election constituency;
- 32.3.3. determine results of Presidential elections within the election constituency;
- 32.3.4. perform other duties in accordance with this Code.

32.4. The Constituency Election Commission shall implement the following duties during preparation and conduct of elections to municipalities:

- 32.4.1. ensure obtaining of information about candidates nominated for municipality on an election territory, publishes information about registered candidates;
- 32.4.2. register candidates for member of a municipality, their authorized representatives, their agents, and issues them verification cards in the form established by the Central Election Commission;
- 32.4.3. control that pre-election activities of candidates for member of a municipality within the constituency can be conducted equally;
- 32.4.4. determine the voting results based on information received by Precinct Election Commissions within the constituency;
- 32.4.5. organize repeat elections and by-elections;
- 32.4.6. perform other duties in accordance with this Code.

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

33.1 The Chairman and Secretaries of a Constituency Election Commission shall be provided with salary from the State budget, during his/her term of office. The members of the Constituency Election Commission shall receive compensation from the State budget, within the period from the day of publication of the authorized state body's decision on determination of elections (referendum) to the day of publication of the election (referendum) results, as well as during annual drafting of voters' lists. The salary the member elected to the Constituency Election Commission receives from the place of employment, serving at the structures, enterprises, organizations or institutions funded from either the state or local budget, shall be preserved.

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

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

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

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

34.2 The Secretariat of the Constituency Election Commission shall build its activity on the Charter verified by the Central Election Commission.

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

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

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

**CHAPTER Six. Election (Referendum) Precincts and Precinct Election Commissions****Article 35. Establishment of Election (Referendum) Precincts.**

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

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

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

- 35.3.1. at most 1500 and at least 50 voters should be registered within the territory of each election precinct;
- 35.3.2. borders of election precincts must not cross the borders of the constituencies.

35.4 Voting stations can be created on (hospitals, sanatoriums, rest homes, oil platforms located in the Azerbaijani sector of the Caspian Sea), in the ships that navigate on the election day (if more than 50 voters are present), and in the places where voters are temporarily located (hospitals, sanatoriums, rest homes), in conformity with the rules defined by the Central Election Commission and within the period defined by Article 35.2 of this Code. They can be created at least 5 days prior to the voting day only in exceptional circumstances defined by the Central Election Commission. Such voting stations shall be included in the constituency created within their location or within the territory of which the ship is registered. Such voting stations may only be created during referendum and Presidential elections.

35.5 Military servants should vote in ordinary voting stations. Rules for transferring citizens of the Republic of Azerbaijan who are in limited military service are defined by the Central Election Commission. Voting stations can be created in the military units located outside of the settlements only in circumstances if it is needed more than 1 hour to transport military servants by means of public transport

to ordinary voting stations and if the number of military servants is more than 50. In exceptional circumstances defined by the Central Election Commission voting stations can be created in the military units located outside of the settlements. In such circumstances, voting stations shall be created within the period defined by Article 35.2 of this Code, in exceptional cases, they shall be created at least 5 days prior to the voting day by the commanders of the military units in accordance with the decision of relevant Constituency Election Commission. Military servants from frontier troops and military servants located at the areas of military conflicts, as well as those serving under special regime, shall vote in election precincts created within their military units. In the election precincts formed in accordance with this Article, the conditions to access working rooms of election commission and voting rooms easily for all members of the Precinct election commission and superior election commissions, registered candidates and their representatives, authorized representatives of political parties and blocks of political parties and observers should be created in conformity with the rules defined by this Code.

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

35.7 A list of voting stations, stating their number and borders (if voting station occupies a part of territory of a settlement), list of settlements (if voting station covers several settlements), places of Precinct Election Commission and voting stations, and telephone numbers of Precinct Election Commission should be published by the Constituency Election Commission at least 45 days prior to the voting day. Information about election precincts established within the period considered by Articles 35.4. and 35.5. of this Code should be published not later than 2 days after the day of their establishment.

35.8 Issues on publishing of the information mentioned in Articles 35.7 and 109 of this Code in the election precincts established outside of the Republic of Azerbaijan should be managed by the heads of relevant diplomatic representations or consulates, by taking into account the local conditions.

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

36.1 Precinct Election Commissions, comprising 6 members, shall be formed by the relevant Constituency Election Commission.

36.2 Candidacy of 2 members to Precinct Election Commission shall be presented by the members of the Constituency Election Commission who represent the political party, deputies of which constitute majority in the Milli Majlis. Candidacy of other 2 members to Precinct Election Commission shall be presented by the members of the Constituency Election Commission who represent the political parties, deputies of which constitute minority in the Milli Majlis, and candidacies of the next 2 members be presented by the members of the Constituency Election Commission who represent the non-partisan deputies of the Milli Majlis. Candidates to the Precinct Election Commission can be presented by local branches of relevant political parties to the members of the Constituency Election Commission representing political parties, and by voters (voters' initiative groups) to the members of the Constituency Election Commission representing non-partisan deputies of the Milli Majlis. The candidates should be the citizens of the Republic of Azerbaijan, who permanently reside within territory of the relevant election constituency.

36.3 No more than 2 members of the Precinct Election Commission can be in municipal service.

36.4 If Precinct Election Commissions are created immediately before the elections (referendum), they should be organized at least 40 days before the Voting Day.

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

36.6 Each registered candidate, political party, block of political parties, initiative groups of voters shall have the right to appoint one observer to the Precinct Election Commission from the time the Precinct Election Commission commences its work and until the voting results are made official. Such observers shall not be required to be registered in the order, specified in Article 40.7 of this Code.

36.7 In cases provided for in Articles 35.4 and 35.5 of the Code, in election precincts with number of voters less than 100 and more than 50, and those located in impassable places, the Precinct Election Commissions can be formed by open vote at general meetings of voters. In such case, composition of the Precinct Election Commission can be approved by the Constituency Election Commission.

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

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

- 37.1.1. inform the public about the address of the Precinct Election Commission, its telephone number, business hours, and also about date and place of voting;
- 37.1.2. approve and specifies the voters list; displays this list for voters information; distributes (delivers) de-registration cards to voters; examines applications about mistakes and errors on the voters list and makes relevant changes;
- 37.1.3. ensure that the voting place, as well as the ballot box and other equipment are ready for the voting process;
- 37.1.4. inform the voters about the issues to be discussed by a referendum, about the registered candidates and the list of registered candidates;
- 37.1.5. control compliance with the rules for pre-election and pre-referendum campaigning within the territory of the election precinct;
- 37.1.6. issue de-registration cards for voting;
- 37.1.7. organize voting on the voting day at the election precinct;
- 37.1.8. determine the voting results for the election precinct, counts votes and delivers the protocols on voting results to the Constituency Election Commission;
- 37.1.9. examine complaints on violation of requirements of this Code within its powers and makes grounded decision;
- 37.1.10. ensure preservation of documents on preparation and conduct of elections in accordance with the rules approved by the Central Election Commission and of their submission in accordance with the relevant rules;
- 37.1.11. perform other duties in conformity with this Code.

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

38.1 The Chairman, Secretaries and Members of a Precinct Election Commission shall be provided with compensation from the State budget, within the period from the day of publication of the authorized state body's decision on determination of elections (referendum) to the day of publication of the election (referendum) results, as well as during annual drafting of voters' lists. The salary the member elected to the Precinct Election Commission receives from his/her permanent place of employment, serving at the structures, enterprises, organizations or institutions funded from either the state or local budget, shall be preserved.

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

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

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

39.2 The Secretariat of the Precinct Election Commission shall build its activity on the Charter verified by the Central Election Commission.

39.3 Decisions of the Precinct Election Commission shall be made as follows, during the commission's meeting:

- by votes cast for by at least 4 members, if attended by 6 or 5 members;
- by votes cast for by at least 3 members, if attended by 4 members.

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

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

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

40.1 Activity of election commissions shall be transparent to voters.

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

- to observe the meetings of the election commission and processes of vote counting, with purposes to become familiar with processing of ballot papers, voters lists, de-registration cards for voting, protocols on election outcomes and voting results in the Precinct and Constituency Election Commissions;
- to obtain copies of the decisions and other election documents (except for voters lists, de-registration cards for voting, election ballot papers and signature sheets) of the Constituency and Precinct Election Commissions;
- to observe implementation of other election activities in election commissions.

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

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

40.5 The observer can carry out the observation based on own initiative or initiative of a registered candidate, political party, block of political parties, referendum campaign group or a non-governmental organization that functions in the field of elections.

40.6 Application for observation within the whole territory the Republic of Azerbaijan can be presented to the Central Election Commission starting from the day of announcing the elections till the period of 10 days prior to elections. Surname, name, patronymic, place of residence, serial and batch number of ID Card of the observer, and if necessary the name of the candidate interests of which are to be represented, or the name of the referendum campaign group, names and legal addresses of the non-governmental organization, political party (or block of political parties) shall be indicated. Two photos shall be attached to the application. The decisions on each application should be made within 3 days from

the date it is submitted. Observation can be rejected only if the information provided in the application is not confirmed. If conduct of observation is not permitted by the Central Election Commission, complaint regarding this decision of the Central Election Commission can be filed with the Court of Appeal. In case the observation is allowed, the observer shall be provided with a badge prepared corresponding to rules established by the Central Election Commission.

40.7 Application for observation within territory of an election constituency can be presented to the relevant Constituency Election Commission starting from the day of announcing the elections till the period of 5 days prior to elections. Surname, name, patronymic, place of residence, serial and batch number of ID Card of the person intending to observe, and if necessary the name of the referendum campaign group, names and legal addresses of the non-governmental organization, political party (or block of political parties) shall be indicated. Two photos shall be attached to the application. The deadline for making decisions on each application shall be not more than 2 days from the date the application is submitted. Observation can be rejected only if the information provided in the application is not confirmed. If conduct of observation is not permitted by the Constituency Election Commission, complaint regarding this decision of the Constituency Election Commission can be filed with the Central Election Commission. In case the observation is allowed, the Constituency Election Commission shall provide the observer with a badge prepared corresponding to rules established by the Central Election Commission.

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

40.9 The relevant election commission shall inform the superior election commissions, each registered candidate and his/her authorized representative, agents of political parties and blocks of political parties which have registered candidates, agents of referendum campaigning groups and the observers entitled to be present at commission meetings about the time of processing the election documents and meetings of election commission, in accordance with the rules considered by Article 20.1 of this Code.

40.10 Representatives of the interested parties shall have the right to be present in the meetings, while elections commission are investigating the officially submitted complaints.

40.11 The election commissions shall inform the citizens about:

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

40.12 The persons mentioned in Article 40.2 of this Code, as well as observers, including international observers, representatives of the mass media can observe implementation of election actions, determination of voting results and election (referendum) returns, completion of protocols of voting results and election (referendum) outcomes, as well as count and recount of votes in all election commissions.

40.13 Only the observers who have obtained specific permission by being registered with the Central Election Commission in accordance with the rules defined by the Central Election Commission for getting the following rights, shall have the right to observe the meeting of the election commission up to the voting day. This right should be indicated on the badge provided by the Central Election Commission. Such observers shall be identified by the Central Election Commission by means of lottery, providing that each of the subjects provided for in Article 40.5 of this Code has one observer with such rights (separately for each election commission), and that the number of such observers for each commission does not prevail 10. No specific permission shall be required to observe a meeting of an election commission on the voting day.

40.14 Unimpeded access of all election commission members, persons mentioned in Article 40.2 of this Code and observers to voting rooms of any of the electoral precincts, including those established in military units, hospitals, sanatoriums, rest homes and oil platforms located in the Caspian Sea, should be ensured.

40.15 All the authorized persons in the voting station, as well as the members of the Precinct Election Commission, the persons specified in Article 40.2 of this Code and mass media representatives should have a badge of specific form defined by the Central Election Commission, that shows surname, name, patronymic, position and picture of the person and allows to determine status of that person.

40.16 An observer should have a badge, indicating his/her surname, name, patronymic, address, election commission (commissions) he/she is assigned to, and approved by the registered candidate, political party, block of political parties, referendum campaign group, non-governmental organizations whose interests the observer represents. This badge shall be valid only if it is supported by an identification card or other substitute document. Advance information about observer's visit is not required.

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

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

41.1 Observation should be based on the following principles:

- 41.1.1 the election process should not be influenced for interests of any candidate or political party;
- 41.1.2 all circumstances and facts regarding the activities to be observed should be taken into consideration;
- 41.1.3 it should be open;
- 41.1.4 results of the observation shall be based on facts;

41.2 The principles listed above should be indicated on the reverse side of the observer's badge.

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

42.1 International and domestic observers shall have the same rights and undertake the same duties.

42.2 Observers, including international observers shall have the following rights, along with those indicated in Articles 40.12 and 40.13 of this Code:

- 42.2.1 to become familiar with voters lists;
- 42.2.2. to be present in the voting room of the relevant election precinct at any time;
- 42.2.3. to observe the issuance of ballot papers and envelopes for ballot papers to voters;
- 42.2.4. to observe voting outside of voting stations;
- 42.2.5. to observe number of voters, count of ballot papers and cancelled ballot papers;
- 42.2.6. to require the observation results to be included into the protocol of the election commission;
- 42.2.7. to look through the envelopes for ballot papers, marked and unmarked ballot papers, in order to check the vote's validity, during the vote count in a condition ensuring observation of vote count and from certain distance; to become familiar with the election commission's protocol on voting results and election (referendum) returns and with other documents;
- 42.2.8. to apply to the chairperson of the Precinct Election Commission regarding suggestions and comments about organization of voting, if he/she is not available, to a person who assumes the chairperson's powers;

- 42.2.9. Starting from the commencement of election commission's activity on the voting day and the ballot boxes are sealed and till the reception of protocols on voting results by election commissions, to make or obtain 1 verified copy free of charge and then photocopy and obtain other copies of documents of election commissions, as well as protocols on voting results and election (referendum) returns, documents and attached documents prepared by election commissions after the fee defined by the Central Election Commission is paid (the election commission should verify copies of the above mentioned documents at the request of an observer); to become familiar with the list of participated voters.
- 42.2.10. to observe during the recount of votes in the relevant election commissions.
- 42.2.11. to observe transfer of election documents to the Constituency Election Commission and the Central Election Commission.
- 42.3 The observer shall be prohibited:
- 42.3.1. to issue ballot papers and envelopes for ballot papers to voters;
  - 42.3.2. to ask voter on how he/she will or did vote;
  - 42.3.3. to sign a receipt of a ballot paper on behalf of a voter who requests it;
  - 42.3.4. to mark a ballot paper on behalf of a voter who requests it;
  - 42.3.5. to participate directly in the counting of ballot papers together with the commission members with decisive voting right;
  - 42.3.6. to obstruct the work of an election commission;
  - 42.3.7. to conduct election campaign among the voters;
  - 42.3.8. make actions or calls directed to supporting any candidate or political party or issue put on for referendum, or make actions or calls that can be understood as support of candidate or political party;
  - 42.3.9 to intervene in making decisions by the relevant election commissions;
  - 42.3.10 to respond to questions of voters (except for questions concerning his/her status).
- 42.4 registration of the observer who does not comply with the requirements specified in Article 42.3 of this Code can be cancelled by a relevant court upon application of the election commission that has registered him/her.
- 42.5 In case the observers submit their opinion on observation results to the Chairperson of the Central, Constituency or Precinct Election Commission, the opinion shall be enclosed to the protocol on either voting results or election outcomes.

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

- 43.1 Representatives of the mass media can cover meetings and become familiar with protocols on voting results and election (referendum) outcomes and with decisions of all elections commissions; as well as make or obtain free of charge one copy of the relevant election commission's decisions, protocol and documents attached to them, and can purchase the additional copies after the fee defined by the Central Election Commission is paid.
- 43.2 Upon request of the representatives of mass media, the copies of decisions of an election commission, protocols on voting results and election outcomes should be verified by the election commission.

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

- 44.1 International (foreign) observers (hereinafter - international observers) shall be registered with the Central Election Commission, when coming to the Republic of Azerbaijan in accordance with the rules defined by legislation and on the basis of a relevant invitation. Citizens of the Republic of Azerbaijan cannot obtain the status of an international observer.
- 44.2 The Milli Majlis, relevant executive authority bodies and the Central Election Commission can invite them after a decision on determination of elections has been officially published.



44.3 The non-government organizations, which have reputation in the field of protection of human and citizens' rights and freedom can also submit to deputies of the Milli Majlis, Central Election Commission or relevant executive authority their proposals on inviting the international observers.

44.4 The international observer shall submit the documents specified in Article 40.7 of this Code, for obtaining registration. The Central Election Commission shall issue the international observer with a specific verification card – badge, designed in the state language or one of foreign languages in accordance with the documents submitted by him/her. Only this card allows the international observer to function in accordance with Articles 40-42 of this Code during preparation and conduct of elections.

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

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

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

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

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

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

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

## **CHAPTER Eight. Voters (Citizens Who Have the Right to Participate in Referendum) Lists**

### **Article 45. Integrated Voters (Citizens Who Have the Right to Participate in Referendum) List.**

45.1 The Integrated Voters (Citizens Who Have the Right to Participate in Referendum) hereinafter – the voters list) List shall be kept by the Central Election Commission.

45.2 Information on updating of the voters list shall annually be provided to the Central Election Commission by Precinct Election Commissions through Constituency Election Commissions, in accordance with Article 46.12 of this Code.

45.3 The Integrated Voters List shall be kept on election precincts, election constituencies and entirely the Republic of Azerbaijan, and include the information specified in Article 46.9 of this Code.

45.4 Data from the voters lists approved by Precinct Election Commissions formed in the order specified in Article 35.8 of this Code shall not be included in the Integrated Voters List. Such data shall be presented by the Central Election Commission in the manner it defines, and be integrated in a temporary voters list. Temporary voters lists shall be enclosed to the Integrated Voters List.

**Article 46. Compilation of Voters Lists.**

46.1 The permanent voters list for a precinct shall be approved by the Precinct Election Commission in conformity with the format defined by the Central Election Commission until 30<sup>th</sup> of May of each year and be specified at least 35 days prior to the Election Day. After this period and until the Voting Day (including the Voting Day), the voter can be included in the voters list only upon the court decision (in this case, the court decision shall be attached to the voters list). Voting cards of the voters who vote with voting cards, shall be attached to the voters lists, in accordance with Article 101 of this Code. Any additions and amendments to voters list on the voting day cannot be made. Voters lists cannot be published in the press.

46.2 The document verifying inclusion of a voter in the voters list is the Voter's Card. Voter's name, surname, patronymic, date of birth, place of residence, name of the election constituency he/she is registered in and number and address of the election precinct shall be described in the Voter's Card. A sample of the Voter's Card shall be verified by the Central Election Commission and distributed (delivered) to voters by Precinct Election Commissions in the manner identified by the Central Election Commission. Upon request, the relevant election commission shall inform any citizen about his/her inclusion or not inclusion in the voters lists.

46.3 Temporary lists of voters registered in election precincts formed in accordance with Articles 35.4 and 35.6 of this Code and voters indicated in Article 45.4 of the Code shall be drafted separately, at the level of the relevant election commission.

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

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

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

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

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

46.9 If no election precincts are created in military units, the commander of the military unit and administration of investigation jails shall collect and specify information on voters in accordance with the rules defined by the Central Election Commission and then submit it to the relevant Precinct Election Commission at least 35 days prior to the election day, if no other rule is provided by this Code.

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

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

46.12 The first copy of the preliminary voters list prepared for the precinct shall be preserved by the Precinct Election Commission, and a relevant act be made on this. The second copy shall be transferred to the Constituency Election Commission not later than 5<sup>th</sup> of February of each year, but at least 25 days prior to the election day. Preliminary voters lists for the constituency shall be drafted in two copies not later than 5<sup>th</sup> of March of each year, signed by the chairperson and secretaries of the Constituency Election Commission and verified with the stamp of the election commission, and submitted to the Central Election Commission until 5<sup>th</sup> of April annually. If the Central Election Commission finds discrepancies in the voters lists, they shall be corrected and then be approved by Precinct and Constituency Election Commissions until 25<sup>th</sup> of May. The voters list for the Republic of Azerbaijan shall be drafted by the Central Election Commission by means of the State Automated Information System.

46.13 Voters lists for the election precincts created in conformity with Articles 35.5 and 35.6 of this Code shall be signed by the chairperson and secretaries of the Precinct Election Commission and verified by the stamp of the commission.

46.14 Precinct Election Commissions, after they specify voters lists, shall examine and consider the changes to be made on the voters lists at the requests of voters or changes necessary to be made in conformity with Article 45 of this Code. They shall also make investigation on the basis of relevant documents submitted by the officials, municipalities, state civilian registration offices and bodies which register citizens' addresses and place of residence.

46.15 The head of the executive body who provides information on voters, shall bear responsibility defined by the legislation for the accuracy, completeness and timely provision of the relevant information.

#### **Article 47. Rules for Citizens' Inclusion In and Exclusion from Voters List.**

47.1 All citizens who have active suffrage, shall be included in the voters lists.

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

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

47.4 The basis for inclusion of citizens of the Azerbaijan Republic residing outside the Republic of Azerbaijan and those who are on a long-term foreign business trip in the voters list shall be the fact that a person is residing outside of the Republic of Azerbaijan permanently or the fact that a voter is on a long-

term business trip as determined by the diplomatic representation or consular office of the Republic of Azerbaijan.

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

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

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

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

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

47.10 A voter can be included in the voters list for one precinct only. Shall the election commission reveal that a voter has been registered in more than one precinct, the commission has to investigate the matter and ensure that the voter's name remains in one list. If the voter is intentionally included in more than one voters list, the voter may be subject to administrative liability under the Code of Administrative Offences of the Republic of Azerbaijan.

47.11 After voters lists are approved, a voter shall be excluded from the voters list on the basis of official documents as well as on a voting card issued to the voter in conformity with Article 101 of this Code, and then be informed about it in writing. In such circumstances, date and reason for exclusion of voter from the voters list should be recorded in the voters list. This fact shall be verified by signatures of the Chairperson and Secretaries of the Precinct Election Commission. When issuing de-registration card for voting it shall be verified with the signature of the commission members who issues it.

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

48.1 The Precinct Election Commission shall submit the voters lists for public display and for additional verification by informing the voters at least 65 days prior to the election day and creates relevant conditions for that. The voters lists should be displayed on notice boards, outside of the voting room, in a convenient place for voters to see and to have access to it. In this case, numbers of the citizens' apartments and houses should be indicated.

48.2 A citizen of the Republic of Azerbaijan who has suffrage can advise that he/she is not included in the voters list, about mistakes and errors related to him/her or other persons he/she has found in the voters list. The Precinct Election Commission should check the submitted application and documents regarding the voter's information, correct the mistake or error, investigate the reasons for the mistake or error, or

should provide the voter with a written document containing the reason for rejection of voter's application within one day from the date of application, and on the election day – immediately, but before the voting is terminated.

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

**Article 49. Conditions for Participation of Political Parties (Block of Political Parties) in Elections (Referendum Campaign).**

49.1 Political party (block of political parties) which participate in elections (referendum campaign) should follow the following conditions, along with provisions of Article 2.6 of this Code:

- 49.1.1 to respect right of other political parties (blocks of political parties) to freely and independently express their views during election (referendum) campaign;
- 49.1.2 to respect rights of other political parties (block of political parties), voters and public organizations;
- 49.1.3 not to prevent other political parties (blocks of political parties) from establishing free communication with voters;
- 49.1.4 to provide the voters who intend to participate in political activities with guaranties for free conduct of those activities;

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

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

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

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

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

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

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

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

51.1 A block of political parties shall submit information about its full and abbreviated name to the Central Election Commission.

51.2 The name of the block of political parties shall be defined in the joint meeting of representatives of political parties, which joined that block. Names of political parties, which are not included in that block (regardless of whether they participate in the elections or not) or of other political parties that

participated in previous elections cannot be used. If a new registered block of political parties does not include a majority of political parties that joined the block during previous elections, a newly established block cannot be named by its previous name. Name or surname of a physical individual can be used by the block of political parties on the basis of that individual's written consent.

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

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

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

51.4 It shall not be allowed to change the names and emblems of a block of political parties during the election processes.

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

52.1 The authorized representatives, as well as the representatives responsible for financial issues shall be appointed correspondingly by decision of a joint meeting of political parties, the relevant political parties included in the block or representatives of political parties, or by decision of their congress, conference or meeting of a managing body.

52.2 The authorized representative of a political party and block of political parties shall perform his/her functions on the basis of a decision considered by Article 52.1 of this Code which shall contain his/her powers, name, surname, patronymic, date of birth, the serial and batch number of his/her ID or substitute document, address of residence, working place, occupation or official duty (service job) (if he/she does not have them – type of activity) and for the authorized representative on financial issues also samples of financial documents and samples for those documents.

52.3 The list of authorized representatives appointed by political parties and blocks of political parties shall be submitted to the Central Election Commission. Except for the authorized representatives of political parties and blocks of political parties on financial issues, the list of other authorized representatives shall be submitted to the Constituency Election Commission as well.

52.4 The list of authorized representatives and blocks of political representatives should contain the following information on each authorized representative:

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

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

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

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

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

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

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

53.1. A Candidate can be nominated through self-nomination, or by voters with active suffrage, provided that a notification about the matter is sent to the relevant election commission, on territory of which the signatures necessary for supporting the Candidate are collected and the Candidate is intended to be registered.

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

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

as well as the data on main working place or official duty (if not any – type of activity) of the nominated candidate:

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

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

53.5. The relevant election commission should inform the candidate and initiative group of voters in writing about receipt of submitted documents, in conformity with the requirements of Article 53. 4 of this Code.

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

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

- documents mentioned in Articles 53.2 and 53.3 of this Code are not formalized as required;  
or
- violation of rules for nomination of candidates defined by this Code.  
If the mistakes and errors can be eliminated through corrections made by the candidate in the relevant documentation, then the relevant election commission shall notify the candidate about it within the period set forth in Article 53.6 of this Code, and after such correction is made, approves the candidate's nomination.

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

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

54.2. A candidate nominated by a block of political parties shall be approved by each political party, which is included in the block. A decision on nominating a candidate by the blocks of political parties shall be made in the meeting (congress, conference, meeting of managing body) of representatives of political parties. Such authorized of political parties shall be determined during the congress (conference, meeting of managing body) of political parties.

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

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

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

54.5. Together with the names of candidates, the authorized representatives of the political party shall submit to the relevant election commission the following documents:

- 54.5.1. copy of certificate on registration of political party verified by a notary office;
- 54.5.2. copy of charter in effect of political party verified by notary office;
- 54.5.3. decision of congress (conference, meetings of the managing body) on nominating candidates and minutes of relevant meeting;
- 54.5.4. powers of attorney of authorized representatives of political parties, formalized by a notary office.

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



- 54.6.1. decisions of congresses (conferences, meetings of managing bodies) of political parties included in the block of political parties on nomination of candidates and minutes of relevant meeting;
- 54.6.2. decision, made at the meeting (congress, conference) of the representatives of political parties included in the block of political parties, on nomination of a candidate on behalf of block of political parties and minutes of relevant meeting;
- 54.6.3. powers of attorney of authorized representatives of block of political parties formalized by a notary office.

54.7. Authorized representatives of political parties and blocks of political parties shall submit the documents on candidates nominated to the relevant election commission. Names of candidates shall be submitted in a format defined by the Central Election Commission, type written or in another manner, which can be read by machine.

54.8. The authorized representative of a political party and block of political parties shall submit documents mentioned in Articles 54.1 – 54.7 of this Code together with the candidate's application which contains:

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

This application should also contain the candidate's:

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

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

54.9. The election commission shall examine the submitted document within a 5-day period, make a grounded decision on whether the candidate nominated for the relevant constituency is approved or not, and inform about it the authorized representative of the political parties and blocks of political parties. The relevant election commission cannot refuse the receipt of submitted documents.

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

- documents mentioned in Articles 54.1 – 54.7 are not formalized as required; or
- violation of rules set forth in the Code for nomination of candidates.

If the mistakes and errors can be eliminated through corrections made by the authorized representative of a political party or a block of political parties, then the relevant election commission shall notify the candidate about it within the period set forth in Article 54.9 of this Code, and after such correction is made, shall approve nomination of the candidate.

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

**Article 55. Ensuring Equal Status for Candidates During Their Nomination.**

55.1. All candidates shall have equal rights and duties.

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

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

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

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

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

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

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

56.2. Signatures of voters in support of candidates should be collected within the area they have been nominated.

56.3. Each signature sheet should contain the following information about the candidate:

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

- name (number) of the constituency he/she has been nominated for.

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

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

56.5. If a political party or a block of political parties that nominated a candidate from the relevant constituency collects signatures in support of the candidate, the signature sheet shall along with the information about the candidate contain the name of the political party or the block of political parties which has nominated this candidate; and if there is such an information in the candidate's application, then the name of the political party the candidate belongs to and the candidate's status in that political party can be indicated there.

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

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

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

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

57.4. A voter shall record the following information upon signing the signature sheet:

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

Information about the voters required to be recorded can be recorded on the signature sheets by a person who collects signatures. Information mentioned above shall be recorded in hand and their non-dissemination be ensured.

57.5. Signature sheets shall be prepared in accordance with Appendices # 1,2,3 to this Code.

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

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

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

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

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

The relevant authorized representative shall record his/her surname, name, patronymic and date of signing.

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

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

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

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

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

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

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

58.3. Information on amount and sources of income of the candidate for the period of the previous one-year should be submitted in a format defined by the Central Election Commission starting from the day of

determination of the Election Day. At the same time, a reference on the total annual income from the income source organizations shall be submitted. Information on property owned by the candidate shall be submitted in a form appropriate to Appendix # 5 of the Code. The Central Election Commission shall define the list of information on candidate's property and income to be published.

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

58.5. A bank document on transfer of voluntary registration deposit at the amount of 3% of the relevant election fund's threshold to the account of the election commission carrying out the registration can be presented to the relevant election commission when submitting the election documents for registration of a candidate. Cases of return of the registration deposit by the election commission shall be determined by Article 60.5 of this Code.

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

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

59.2. The election commission can apply to the relevant bodies with a purpose to check accuracy of information and facts submitted in accordance with this Code. Those bodies should inform the election commissions about the results of examination within the period defined by the election commission, but if there are less than 75 days remaining prior to the voting day the information should be provided within a one-day period. The relevant election commission can make a decision on creating working groups consisting of experts invited to check accuracy of signatures and relevant information. The working groups should be chaired by the member of the commission that forms the group. Independent experts, experts of the relevant bodies as well as specialists of bodies and organizations carrying out registration of population can be invited after the fee established by the Central Election Commission is paid. Their opinions shall be accepted, as a basis, which approves accuracy of the information in the signature sheets. The election commissions can use the voters lists and the citizens registration system to check accuracy of information in signature sheets.

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

59.4. Checking of signatures should be stopped, if number of appropriate signatures provides grounds for registration of the candidate, or if the number of the remaining signatures is not sufficient for registration of the candidate. Accuracy or incorrectness of voters' signatures should be approved due to results of investigation.

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

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

59.7. Along with provisions of Article 59.6 of this Code, the following signatures shall also be considered incorrect:

59.7.1 The signatures of voters who do not have the right to vote or noted incorrect information based on the opinion of invited specialists to the work of election commission according to Article 59.2 of this Code or based on the reference given by relevant executive authority;

59.7.2. Signatures of voters entered into signature sheets before the notification on nomination of the candidate is sent to relevant election commission;

59.7.3. Signatures considered invalid in accordance with violation of requirements of Article 57.1 of this Code;

59.7.4. Signatures put by one person on behalf of several persons, or by several persons on behalf of one person;

59.7.5. Signatures, which are not recorded in hand or recorded by pencil.

59.8. If dates of signatures have been changed in the signature sheets, these signatures shall be considered correct if the person who approves signature sheets certifies them also;

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

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

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

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

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

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

- Copy of the table on results of examination.

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

60.1. The relevant election commission should make a grounded decision on registration or non-registration of the candidate after receiving of signature sheets and other required documents for the registration of candidate within a 10 days period. If the registered candidate is nominated by a political party or block of political parties, the relevant election commission shall mention in the registration report, that the candidate is nominated by the relevant political party, block of political parties. The registration date and time shall be indicated in decision of registration or refusal of registration.

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

The following can be the reasons for the refusal:

- 60.2.1 Violation of the rules for collecting signatures determined by this Code;
- 60.2.2 Incorrect formalizing and lack of documents mentioned in Articles 57 and 58 of this Code.
- 60.2.3 If information submitted by the candidates, political party or blocks of political parties according to Articles 57 and 58 of this Code, is not correct;
- 60.2.4 If number of submitted valid (proper) signatures of voters presented in support of a candidate is less than required;
- 60.2.5 If the rules for the creation of election funds of candidate, political party, block of political parties and expenditure rule of relevant election fund have been violated (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed);
- 60.2.6 60.2.6. Violation of the requirements of Article 55 of this Code by the authorized representatives of political party, block of political parties as well as by candidate, political parties or block of political parties (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed – such violation does not impose any other liability).

60.3. When the cases indicated in Article 60.2 of this Code, are taken as a basis for adoption of a decision on refusal from registration, the decision should be proportional to the made mistake (shortcoming, violation).

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

60.5. If a candidate is not registered, the managing body of a political party (block of political parties) that nominated the candidate can apply to the relevant election commission within 3 days after receipt of a copy of the refusal on registration a candidate for registration, provided for non-return of the registration deposit. In such case, the relevant election commission registers the candidate within 2 days. In all other cases, the registration deposit shall be returned to the relevant candidate, the political party or block of political parties that nominated a candidate within 3 days after the election commissions makes decision on registration or refusal of registration. If the candidate is elected as President, deputy to the Milli Majlis, President or a municipal councilor, or collects at least 3% of votes the registration deposit shall be returned by the relevant election commission to the nominated person, within 3 days after the election outcomes are officially published.

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

60.7. A card of registration shall be issued to each registered candidate. Relevant election commissions inform mass media about registered candidates in a relevant constituency, within 48 hours after registration. The Election Commissions shall display the information about registered candidates on notice boards, indicated in the Article 98.3 of this Code, in the rooms of election commission at least 15 days prior to the Election Day. The information about canceling of registration of the candidate shall be displayed in the same manner.

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

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

Campaign groups on referendum shall be the organizations established by the citizens of the Azerbaijan Republic having active election rights with the reason of conducting a campaign for or against the issues to be discussed at a referendum.

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

62.1. The campaign groups on referendum taking part in a referendum campaign should follow the following conditions, along with provisions of Article 2.6 of this Code:

- 62.1.1. To respect the right of other referendum campaign groups to freely and independently express their views during the referendum campaign;
- 62.1.2. Not to prevent other referendum campaign groups from establishing independent communication with voters;
- 62.1.3 To respect legally approved results of referendum, to submit every single complaint regarding the referendum to authorized bodies and to follow the decision regarding this complaint of the same body.

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

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

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

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

- Surname, name, patronymic,
- Date of birth
- Address
- The serial and number, as well as the date of issue of the ID or substitute document
- Permanent work or service place
- Rank (if no rank – type of activity)

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



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

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

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

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

64.3. The appointment of the authorized representative of a campaign group on referendum shall be conducted by the way of giving Power of Attorney approved by a notary office to a relevant person. That Power of Attorney should be given on behalf of all initiators of campaign groups on referendum.

64.4. The authorized representative of a campaign group on referendum shall carry out his/her functions based on the Power of Attorney provided for in Article 64.3 of this Code, describing his/her authorities, name, surname, patronymic, date of birth, serial and number of ID, work place, duty or service job ((official duty) if no duty - type of activity). The authorized representative on finance shall carry out his functions on the basis of the Power of Attorney provided for in Article 64.3 of this Code, that also includes the samples of financial documents and stamps. The Power of Attorney shall be considered valid upon submission along with the identification document or a substitute document.

64.5 The lists of the authorized representatives, which are appointed by a campaign group on referendum, shall be submitted to the election commission that registered same group. The following information about the authorized representatives should be mentioned in the list of authorized representatives of a campaign group on referendum:

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

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

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

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

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

65.1. Signatures for creation of a referendum campaign group shall be collected and officialized in accordance with Article 57 of this Code. Signature sheets shall be prepared in conformity with Appendix 4 of this Code.

65.2. If the initiators establishing a campaign group on referendum intend to conduct a pre-referendum campaign in all territory of Azerbaijan Republic, they shall have to collect a minimum of 40 thousand voters signatures about the agreement to membership in campaign group on referendum from the territory of at least 60 election constituencies. In this case the number of the potential members of a campaign group on referendum cannot be less than 100 persons from one election constituency.

65.3. If the initiators establishing a campaign group on referendum intend to conduct a pre-referendum campaign in one part of the territory of Azerbaijan Republic, they shall have to collect a minimum of 100 voters signatures of the membership in the campaign group on referendum, in the territory of every single election constituency, which is provided to conduct pre-referendum campaign.

65.4. According to his will, the voter shall have a right to sign only once to the membership in a campaign group on referendum.

65.5 After the collection of signatures, the signature sheet shall be signed by the authorized representative of initiators of a campaign group on referendum and a person who collected the signatures. Before signing the signature sheet, the signature collector shall write down his name, surname, patronymic, home address, serial and batch number and issue date of ID or a substitute document.

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

66.1. If the signatures necessary for registration of a referendum campaign group have been collected in one or more than one constituency's territory in accordance with Article 65.3 of this Code, the documents mentioned in Article 66.2 of this Code shall be submitted to relevant Constituency Election Commission on the territory where the majority part of these signatures were collected; the initiators establishing the campaign groups on referendum, who collected voter signatures as mentioned in the article 65.2 of this Code, shall submit the documents to Central Election Commission, as mentioned Article 66.2 of this Code.

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

66.2.1. Signature sheets with the collected signatures;

66.2.2. Two copies of protocol compiled in the form determined by Central Election Commission about results of collection of voter signature;

66.2.3. The initial finance report of the initiators of establishing the campaign group on referendum (including information about the expenses spent for collection of voters signatures)

66.3. Upon accepting documents, election commissions shall verify each folder by affixing a stamp. Then election commissions shall check the conformity of the quantity of signature sheets with protocols on results of the collection of voters' signatures. Then, election commissions shall provide authorized representatives of initiators of establishing of a campaign group on referendum with written notification of acceptance of election documents and with an indication of the numbers of signature sheets and the numbers of signatures therein and time of acceptance. If relevant documents submitted by these persons

to the relevant election commission before expired time as mentioned in Article 66.2 of this Code, the acceptance of these cannot be refused and there will not be any restriction for the entrance of authorized representative of initiators of campaign group on referendum to the relevant building (room).

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

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

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

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

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

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

68.2.1. Violation of the rules on collecting signatures determined by this Code;

68.2.2. Incorrect formalizing and lack of documents mentioned in Articles 63, 65, 66.2 and 66.3 of this Code.

68.2.3. If number of submitted valid signatures of voters in support of the registration of campaign groups on referendum is less than required;

68.2.4. If the rule for the creation of finance funds of campaign group on referendum and expenditure rule of that fund have been violated (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed);

68.2.5. Violations on the requirements of the Article 55 of this Code by the authorized representatives of initiators of campaign group on referendum (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed – such violation does not impose any other liability).

68.3. When the cases indicated in Article 68.2 of this Code are taken as a basis for adoption of a decision on refusal from registration, the decision should be proportional to the made mistake (shortcoming, violation).

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

68.5. If there are signs of legal violation, which can be subject to criminal and administrative liability, the election commission shall transfer relevant document and materials to law enforcement bodies to investigate the case and institute proceedings against these persons being guilty in violation of this Code.

68.6. The card of registration shall be issued to each registered authorized representative of the campaign group on referendum. The Central Election Commission shall submit the information about registered campaign groups on referendum to mass media, within 48 hours after registration. The Constituency Election Commissions shall display the information about campaign groups on referendum

on notice boards, specified in Article 98.3 of this Code, in rooms of the election commission at least 15 days before the voting day.

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

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

69.1 All of the registered candidates and campaign groups on referendum shall have equal rights and responsibilities, provided their statuses taken into account.

69.2 Registered candidates, the authorized representatives of campaign groups on referendum working in state bodies or municipal organizations or in mass media on the legal basis of labor and civil contract shall be released from their employment during the participation in election (referendum) campaign (this rule shall not be applicable to the President of the Republic of Azerbaijan, deputies of the Milli Majlis and municipality members). The approved copy of the relevant order (statement) shall be submitted to the election commission who registered them, at the latest within 3 days from the day of registration. They shall be prohibited to abuse their authorities and service positions to gain benefit or privileges.

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

69.4 Cases of violation of the equality principles as a result of getting privileges by abusing the authorities and service position shall be determined by Article 55.2. of this Code.

69.5 The registered candidate, the initiators of establishing of campaign groups on referendum who occupy state positions, as well as the initiators of establishing of campaign groups on referendum, which hold municipal positions, shall have the right to conduct pre-election (pre-referendum) campaign, when they are released from the fulfillment of their duties. According to Article 81 of this Code the free usage of TV and radio programs by registered candidates and registered campaign groups on referendum shall not be regulated by these rules.

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

69.7 Observation of limitation specified in Articles 69.3-69.5 of this Code should not impede deputies of the Milli Majlis and municipal members to perform their authorities and duties before voters.

69.8 The following persons shall not be permitted to conduct charity activities:

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

The aforementioned persons and organizations shall be prohibited to apply to legal entities and individuals and voters for proposals to render material, financial or other services. The legal and physical

entities shall be prohibited to conduct charity activity in support and on behalf of the candidates, registered candidates, political party, block of political parties, members of campaign group on referendum, their authorized representatives and agents.

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

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

70.1. The management bodies of the state body (institution, organization) or municipal body (organization), where the candidate is studying, working, serving or commander of military unit where candidate is serving should release the candidate on the basis of unpaid vacation, for the period mentioned in their report, effective from the day of registration of candidate until the day of official announcement of results of elections. The relevant election commission should pay to candidates the average wage in amount of salary that is no more than 20 times of minimum salary determined by legislation, from the budget allocated for the preparation and conduction of election, during his release from employment, study or service. Money compensation shall be paid to registered candidates on the basis of statement which proves the unpaid leave from their working (studying) or servicing place for the period of release from employment.

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

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

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

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

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

**Article 71. Conditions for Participation of a Registered Candidate in Elections.**

71.1. A registered candidate participating in elections should obey the following conditions, along with those indicated in Article 2.6 of this Code:

- 71.1.1. To respect the rights of other registered candidates to independently and freely distribute their political ideas and opinions during the election campaign;
- 71.1.2. To respect the rights of other registered candidates, political parties, voters and social organizations;
- 71.1.3. not to prevent other registered candidates in communicating freely with voters

**Article 72. Agents.**

72.1. The registered candidate, political party or block of political parties, which have registered the candidate, campaign, group on referendum shall have the right to appoint an agent. The agents shall be registered by the relevant election commission, which have registered the candidate, campaign group on referendum. The agents shall be registered within 3 days from the day of receipt of written application of the candidate or application of political party, block of political parties, campaign group on referendum on appointing agents, as well as the written consent of citizens on being an agent. The following information about each agent should be mentioned in presentation or in requisition:

- Surname, name, patronymic,
- Date of birth,
- Work place,
- Occupation (type of activity)
- Home address
- Serial, number and issue date of ID or substitute document

The rules, defined in Articles 52 and 64 of this Code, shall be applicable to relevant applications of political parties, blocks of political parties and campaign groups on referendum.

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

72.3. The agent shall conduct campaign on election of a candidate or on referendum and other kind of activities in assisting for the election of a registered candidate. The agents shall have the observers rights.

72.4. The registered candidates, political parties, blocks of political parties, campaign group on referendum can at any time withdraw the persons they appointed as agents and appoint other persons instead of them by the way of informing relevant election commission. If there is such information, the election commission shall cancel the verification card of the withdrawn agent. Anytime with his/her own initiative, the agent can resign from his/her position and return his/her card to relevant election commission by informing registered candidate, as well as political party, block of political parties and a campaign group on referendum.

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

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

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

73.2. The registered candidate can withdraw his/her candidacy by submitting a written application to the relevant election commission at least 10 days prior to election day. Such kind of application cannot be withdrawn. The Constituency Election Commission shall make a decision on canceling of candidate's registration within 1 day on the basis of received application. The relevant election commission should get the fund back, given to him from the budget, if a registered candidate withdraws his/her candidacy without compelling reasons indicated in Article 73.3 of this Code, and the registration deposit shall not be returned in this case.

73.3 The compelling grounds for withdrawing candidacy of a registered candidate as well as the compelling grounds for withdrawing candidates of political party, block of political parties shall be understood as considering by court the registered candidate to be incapacitated as a result of a serious malady confirmed by the relevant medical examination body, specified in the Labor Code of the Republic of Azerbaijan, or the illness that affects his/her health or makes it impossible for him/her to participate in the election campaign:

73.4 The information on withdrawing of candidacy by the candidate him-/herself shall be posted on notice boards of the Central, Constituency and Precinct Election Commissions, stipulated in Article 98.3 of this Code.

### **CHAPTER Thirteen. Pre-election (Pre-referendum) Campaign**

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

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

74.1.1. Campaign groups on referendum;

74.1.2. The candidates registered for participation in the elections of deputies of the Milli Majlis;

74.1.3. The candidates registered for participation in the Presidential elections;

74.1.4. The political parties, blocks of political parties, which have candidates registered for participation in the elections of deputies of the Milli Majlis;

74.1.5. The candidates registered for participation in the municipality elections;

74.1.6. The political parties, blocks of political parties, which have candidates registered for participation in Presidential elections;

74.1.7. The political parties, blocks of political parties, which have candidates registered for participation in municipal elections;

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

74.2.1. Mass media,

74.2.2. Conducting of pre-election mass activities (gatherings and meetings with citizens, mass discussions and talks, etc.);

74.2.3. Distributing and production of printed, audiovisual and other campaign materials;

74.2.4. By other means not prohibited by law.

74.3. The pre-election campaign by mass media shall be conducted by open discussions, round tables, press conferences, interviews, speeches, political advertisings, TV and Radio programs, video-films and other ways not prohibited by the law. The registered candidate, political party, block of political parties and the referendum campaign group shall independently determine the forms and the ways of pre-election campaign.

74.4. Conducting of pre-election campaign and distributing of every kind of campaign materials shall be prohibited for:

74.4.1. subjects indicated in Article 90.2 of this Code (taking into account Articles 12.2 and 12.3 of this Code);

- 74.4.2. officials of state bodies (institutions, organizations) or municipal bodies and organizations, state and municipal employees, military persons abusing their positions and privileges while they are performing their duties
- 74.4.3. Election commissions, the members of an election commission with decisive voting right and other official persons of election commissions.
- 74.5 Control over observance of rules identified by the present Code for pre-election campaigning shall be carried out by a press group established under the Central Election Commission and comprising mostly journalists.

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

75.1. Conducting of all types of pre-election campaign on the Election Day and the day before the elections shall be prohibited.

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

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

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

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

- The organizations, which have conducted the public opinion survey,
- Date of conduct,
- Exact questions,
- The number of respondents.

76.2. The results of the public opinion survey and the forecast of election results shall not be allowed to be published in mass media 24 hours before the the Election Day.

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

77.1. If founders of TV, radio companies or periodicals are the state bodies and organizations, or funded from the state budget, those TV, radio companies and editorial offices of the periodicals shall create equal conditions for registered candidates, political parties and block of political parties to conduct their election campaign, and for referendum campaign groups having 20 thousand members and more to conduct their pre-referendum campaign for or against issues to be discussed at a referendum, using allocations from the government budget. Organizations mentioned above cannot campaign for or against the registered candidates, political parties and block of political parties, issues to be discussed at a referendum on their own initiative.

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



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

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

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

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

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

78.3. The relevant TV and radio companies and periodicals shall publish the information about the payment amount, along with the notification sent to the registered candidates, political parties, blocks of political parties campaign groups on referendum, the Central Election Commission and the Constituency Election Commission concerning the possibility of allocating airtime and place in periodicals, within at latest 50 days after the decision on determination of elections is published

78.4. Private TV and radio companies and periodicals can refuse to publish the materials of the pre-election campaign. The private TV and radio companies and periodicals cannot be forced to publish materials related to pre-election campaigns. If such materials are published, then the conditions for publishing should be equal for all candidates, political parties and referendum campaign groups (except for the periodicals provided for in Article 85.4 of this Code).

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

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

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

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

80.1. The candidates for Presidential elections or political parties, blocks of political parties with candidates registered in more than 60 single mandate election constituencies or more than a half of all municipalities, and the referendum campaign groups, which have 40,000 or more members, shall have the right to use free airtime on TV and radio companies for conducting free pre-election campaign according to the Article 77.2 of this Code.

80.2. Candidates registered for single-mandate constituencies and the campaign groups on referendum, which have 20,000 or more members, as well as political parties, blocks of political parties which candidates have been registered in more than 1/3 of all municipalities shall have the right to use free airtime on TV and radio companies for conducting free pre-election campaign according to the Article 77.3 of this Code.

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

80.4. A draw shall be conducted among the registered candidates, political parties, blocks of political parties with the reason of division of the free airtime allocated according to Article 80.7. of this Code, on the basis of a submitted application, within one week period after the commencement of the period set forth in Article 75 of this Code.

80.5. The total volume of the allocated free airtime by the TV and radio companies should not be less than 3 hours in a week for pre-election campaign according to Article 77.2 of this Code; According to Article 77.3 of this Code, the total volume of the allocated free airtime by the TV and radio companies should not be less than 1 hour and 30 minutes in a week for pre-election campaign. If the total airtime of those broadcasting companies is less than 2 hours during a day, the mentioned airtime should not be less than  $\frac{1}{4}$  part of total volume of programs. The allocated free airtime should be within the time when most of the viewers can watch it.

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

80.7. Date and time of airing of pre-election materials shall be determined by a draw conducted by the relevant election commission with participation of representatives of TV and radio companies. The information about the time and place of the draw shall be officially published. The persons mentioned in the Articles 40.2 and 40.4 of this Code have the right to participate in draw. The results of the draw shall be formalized by a protocol. The table of division of airtime defined by the draw should be published in the periodicals mentioned in the Articles 77.2 and 77.3 of this Code.

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

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

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

81.2. TV and Radio companies considered by Article 77.1 of this Code should keep airtime in reserve for conduct of paid election campaign. Candidates for membership of municipality and referendum campaigning groups members of which are more than 20,000 cannot use this airtime. The amount and terms of payment should be equal for all registered candidates, political parties, blocks of political parties, referendum campaigning groups and relevant information about this should be published at latest within 50 days after the decision on determination of election day is officially published. Total volume of airtime for paid purposes reserved by each TV and Radio companies cannot be less or twice more than the total volume of free airtime allocated in conformity with Article 80.5 of this Code.

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

81.4. Airtime mentioned in Article 81.2 of this Code should be presented by TV and Radio companies within the period mentioned in Article 80.4. of this Code. The time and date of election campaign products to be aired shall be determined by TV and Radio companies based on results of lottery conducted in the presence of authorized representatives of candidates, political parties, blocks of political parties and referendum campaigning groups who have submitted relevant notification. The lottery should be conducted within the period determined by Article 80.4 of this Code. Airtime shall be presented on the basis of a contract signed after the conduct of the lottery.

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

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

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

81.7.1. method of election campaign;

81.7.2. time and date of airtime;

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

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

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

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

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

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

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

82.2. It shall be prohibited to interrupt election campaign programs of a registered candidate, political party, block of political parties, referendum campaigning groups, transmitted by TV and Radio companies mentioned in Article 77.1 of this Code, with broadcasting programs of other TV or Radio programs.

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

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

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

83.1. In order to conduct unpaid pre-election campaign, candidates for Presidential elections, political parties, blocks of political parties with registered candidates in more than 60 single mandate election constituencies or in more than a half of all municipalities, and the campaign groups on referendum which have 40,000 or more members shall be entitled to relevant space for free advertising in periodicals mentioned in Article 77.2. of this Code, issued at least once a week.

83.2. In order to conduct unpaid pre-election campaign, candidates registered for single-mandate constituencies and the campaign groups on referendum, which have 20,000 or more members, as well as political parties, blocks of political parties which candidates have been registered in more than 1/3 of all municipalities shall be entitled to relevant space for free advertising in periodicals mentioned in Article 77.3. of this Code, issued at least once a week.

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

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

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

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

Periodicals shall allocate equal space/volume for registered candidates, political parties, blocks of political parties and campaign groups on referendum.

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

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

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

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

84.1. The periodicals mentioned in the Article 77.1 of this Code shall be obliged to allocate paid pages for pre-election campaign of the registered candidates, political parties, blocks of political parties and campaign groups on referendum. The basis, conditions and amount of payment for allocated space should be equal for all registered candidates, political parties, blocks of political parties and campaign groups on referendum and should be published by the periodicals not later than 50 days after a decision on determination of elections has been officially published. Total volume of space allocated on paid pages of the periodicals should not be less than total amount of free allocated space according to the Article 83.6. of this Code.

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

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

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

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

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

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

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

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

85.1. If a registered candidate, political party, block of political parties, referendum campaign group refuses to use the space allocated by the periodicals after the draw, they should inform the relevant periodical about this at least five days prior the date of publication. The periodical cannot use the vacant space for the pre-election campaigning purposes.

85.2. According to this Article no editing comment should be made unless the matter is agreed with the candidates, political party, block of political parties, campaign group on referendum, during publication of pre-election campaign materials.

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

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

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

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

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

86.2. Applications of the registered candidate, political party, block of political parties, and their agents with a request to allocate a venue for meetings with electors, shall be considered by the relevant executive authority in accordance with the legislation of the Republic of Azerbaijan.

86.3. Venues (building, room) which are suitable for holding meetings with electors and which are owned by state or municipalities shall be provided free of charge by the owners, at times agreed by registered candidates, political parties, blocks of political parties, authorized representatives of campaign groups on referendum, their agents and the election commission. If a venue (building, room) is allocated to one of the registered candidates, political party, block of political parties, campaign group on

referendum for conducting pre-election (pre-referendum) campaign, the owner cannot refuse to allocate the same venue (building, room) with the equal conditions to another candidate, political party, block of political parties, campaign group on referendum. Election commissions shall create equal conditions for the registered candidates, political parties, blocks of political parties, and campaign groups on referendum to conduct pre-election campaign using mass actions.

86.4. Registered candidates, political parties, blocks of political parties, and campaign groups on referendum shall have the right, regardless of the form of ownership, to lease, based on a contract, buildings and rooms owned by citizens and organizations, for holding meetings, discussions with voters and other pre-election mass activities.

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

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

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

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

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

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

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

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

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

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

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

87.7. In the cases not mentioned in Article 87.6. of this Code, the pre-election campaign materials can be displayed (hung, stuck, etc.) in the rooms, buildings and other places only with consent of the proprietors or owners of those places.

87.8. It shall be prohibited to display pre-election campaign materials on buildings, constructions and rooms which are considered to be historical or cultural monuments, included in the relevant state register, as well as in rooms used by election commissions, on the notice boards specified in Article 98.3 of this Code, in the voting rooms and their entrances.

87.9. The election commission, that obtains information about distribution of forged publications, audiovisual and other pre-election campaign materials or violation of rules defined by Articles 87.3., 87.4., 87.7., 87.8. of this Code, should take necessary measures, and apply to the to the law-enforcement bodies, other authorities in accordance with the Code of Administrative Offences or the Criminal Code of the Azerbaijan Republic, to stop such campaign activities which contradict the law and to remove the pre-election campaign materials distributed illegally.

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

88.1. Pre-election programs (pre-referendum calls) of the candidates, political parties, blocks of political parties and campaign groups on referendum registered in compliance with the Criminal Code, Code of Administrative Offences and Civil Code of the Azerbaijan Republic, meetings and pre – election campaign materials distributed by mass media and speeches should not contain incitements to capture the government by force, to change the constitutional system by force, to violate the territorial integrity of the country, to insult citizens honor and dignity.

88.2. When conducting a pre-election campaign in compliance with the Criminal Code of the Republic of Azerbaijan, it shall be prohibited to abuse the mass media for campaigns, which incite social, racial, national and religious hatred and hostility.

88.3. According to Article 30 of the Constitution of the Republic of Azerbaijan and the Civil Code of the Republic of Azerbaijan, it shall be prohibited to conduct a campaign, which violates intellectual property rights.

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

- 88.4.1. giving money, gifts and other valuable things (except for badges, stickers, posters and campaign materials with other nominal value) to voters, excepting purposes for performance of organizational works;
- 88.4.2. depending on results of voting, rewarding the voters who performed organizational works, or promising to reward them;
- 88.4.3. selling goods at a discount, providing goods (except for printed materials) free of charge;
- 88.4.4. providing free or discounted services;
- 88.4.5. influencing the voters during the pre-election campaign by promising them securities, as well as other goods, money and other services that contradict with the legislation.



88.5. Registered candidates, agents and authorized representatives of political parties, blocks of political parties as well as their founders, owners, and members of managing bodies, initiators of established campaign groups on referendum, or legal entities, persons and organizations, which are mentioned as authorized representatives of such groups and their commercial and other activities can be advertised (provided that the advertisement clearly displays the relationship to a candidate or political party) according to the rules mentioned in Articles 81 and 84 of this Code from the relevant election (referendum) funds. Such advertisement should be terminated 24 hours prior to the commencement of voting.

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

88.7. If a registered candidate or campaign group on referendum violates Articles 88.1-88.3. of the present Code, the relevant election commission should apply to the court with a request, and other state bodies can use this right as well. If the registered candidate, political party, block of political parties, or campaign group on referendum violates other rules defined by this Code for conduct of pre-election campaign, the relevant election commission shall warn through its decision the registered candidates, political party, block of political parties, or the campaign group on referendum or apply to the court to stop illegal campaign. The relevant decision of election commission shall be published on press.

88.8. If TV, radio companies and periodicals violate the rules for pre-election campaigning defined by this Code, the relevant election commission shall have the right to apply to the law enforcement bodies, the court and the relevant executive authorities, upon initiative of the subordinate press group consisting of journalists in the order defined by the Central Election Commission, with a request to stop illegal pre-election campaigning, and to take necessary measures about these companies and periodicals and their officials.

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

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

89.1. The expenditures made for preparation and conduct of elections (referendum) (hereafter referred to as –elections), and the activities of election commissions during their term of office shall be paid from the state budget. Expenses mentioned above shall be considered by the state budget in accordance with the budget division of the Republic of Azerbaijan.

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

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

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

89.5. Unused funds of the election commissions should be transferred to the account of the Central Election Commission at latest within 60 days after the Election Day to be used for purposes defined by this Code and should remain in this account.

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

90.1. In order to finance activities of candidates, registered candidates, political parties or blocks of political parties, which nominate candidates or have candidates registered, and referendum campaign groups, the election (referendum) funds (hereafter referred to as election funds) shall be created.

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

90.2.1 Foreign countries and foreign legal entities;

90.2.2 Foreign citizens;

90.2.3 Persons without citizenship;

90.2.4 Citizens who are under 18 years of age;

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

90.2.6 International organizations and international public movements;

90.2.7 State bodies, and municipalities;

90.2.8 State and municipal organizations and offices;

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

90.2.10 Military units;

90.2.11 Charitable organizations, religious associations, offices and organizations;

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

**For a citizen:**

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

**For a legal entity:**

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

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

- 90.3.1 To finance organizational-technical actions for collection of signatures, to support nomination of candidates and to get approval for becoming a member of a referendum campaign group, as well as to pay for relevant signature;
- 90.3.2 To pay expenses regarding pre-election campaign, as well as information and consulting services;
- 90.3.3 Expenses regarding other works during the pre-election campaign performed by legal entities and citizens;

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

90.5. The candidate that has not been registered with the relevant election commission, the political party or block of political parties which candidate has not been registered can pay back the unused amount of the election funds (providing that delivery expenses are excluded) to the donor citizens and legal entities, in the amount appropriate to proportional correlation of the transferred donations, until the final financial report is submitted. If the unregistered candidate, political party or block of political parties with an unregistered candidate does not use this right, then the unused money shall be transferred correspondingly to the state or municipal budget.

90.6. Unless the monetary funds allocated by relevant election commissions for the registered candidate, political party or block of political parties with a registered candidate are returned, and the political party or blocks of political parties reimburse TV and radio companies and editorial offices of periodicals for free airtime and space in periodicals, it shall be prohibited to return the unused amount of the election funds to the citizens and legal entities that donated money to their election funds. In such case, the political parties, blocks of political parties shall firstly return the funds of the election commission.

90.7. After the funds of the election commission are returned and TV and radio companies and editorial offices of periodicals are reimbursed for free airtime and space in periodicals, the registered candidate, the political party or block of political parties with a registered candidate can transfer the unused amount of the election funds to settlement accounts of the donor citizens and legal entities, in the manner provided for in Article 90.5 of this Code. If the registered candidate, the political party or block of political parties with an unregistered candidate does not use this right, then the unused monetary funds shall be transferred correspondingly to the state or municipal budget.

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

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

91.2. The relevant bank should open within 3 days a special election account for candidate, political party, block of political parties, and campaign group on referendum after they submit documents

established in accordance with the rule defined by this Code. All funds shall be transferred in manats to special election account.

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

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

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

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

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

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

92.1.2. In connection with reimbursement of the cost of activities performed (carried out) by

- A candidate, who withdrew his/her candidacy;
- Political parties, blocks of political parties that withdrew their registered candidate;
- A registered candidate whose registration was cancelled;
- A referendum campaign group registration of which was cancelled before the decision on cancellation of registration of the referendum campaign group or the candidate was made.

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

### **Article 93. Voluntary Donations to an Election Fund.**

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

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

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

- Whether legal entities have state, municipal or foreign share in their charter capital, or not;
- Its name;
- Date of registration, identification number of taxpayer;
- Bank account information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94.3.1. first initial financial report shall be submitted to the relevant election commission in accordance with the rule defined by this Code together with the required documents for registration; this report shall contain information for the period two days prior to the date indicated in the report;

94.3.2. second initial financial report shall be submitted to the relevant election commission at earliest 20 days and at least 10 days prior to the Election Day; this report shall contain information for the period of seven days prior to the date indicated therein;

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

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

#### **Article 95. Openness in Spending of Election Funds.**

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

95.2. The relevant bank shall inform the Central Election Commission about the funds entered to and spent from the election funds of candidates, registered candidates, political parties and blocks of political parties not less than once a week, and if there are 10 days remaining until the Election Day – not less than once in three banking days, in the manner determined by the Central Election Commission. The State Automated Information Systems can be used for these purposes and dissemination of such information shall not be allowed. Accordingly, Constituency Election Commissions or the Central Election Commission shall submit the information on collecting and expenditure of election funds to the mass media, regularly, not less than once every two weeks up to the Election Day. The relevant election commission shall inform registered candidates, political

parties and blocks of political parties, about their collection and expenditure of election funds, provided by the relevant bank, based on their official request.

95.3. The periodicals considered by the Articles 77.2., 77.3 and 77.4. of this Code shall be obliged to publish information on the receipt and expenditure of funds given to them by the relevant election commissions.

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

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

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

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

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

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

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

96.3. Members of the Central Election Commission shall be paid salary in the amount defined by the relevant executive power body. The right to an average monthly salary from the permanent place of residence of an election commission member with a decisive voting right, indicated in Articles 33.1 and

38.1 of this Code, during the preparation and holding of elections, as well as during compilation of voters lists should be preserved and he/she be paid additional compensation by the relevant election commission in accordance with rules and amount defined by the Central Election Commission.

96.4. The rules for the transfer of money allocated by the Central Election Commission for other election commissions, reporting, registration, opening and closing of bank accounts shall be defined and agreed by the Central Election Commission and the National Bank at least 90 days prior to the voting day. Election commissions shall conduct financial records of expenditure of funds allocated from the state budget.

96.5. The Central Election Commission together with the National Bank, shall define and agree on samples of financial reports of election commissions on receipt and expenditure of funds allocated for the preparation and conduct of elections, document on receipt and expenditure of election funds of candidates, registered candidates, political parties, blocks of political parties at least 110 days prior to the voting day.

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

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

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

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

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

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

97.2. The supervisory and audit service shall include the following:

97.2.1. head of the supervisory and audit service;

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

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



97.4. The Central Election Commission shall approve the statute of the supervisory and audit service, at least 110 days prior to the Election Day. Organizational, legal and logistical support to the supervisory and audit service shall be provided by the relevant election commissions.

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

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

### **SECTION THREE. Holding of Elections (Referendum)**

#### **CHAPTER Fifteen. Organization of Voting**

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

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

98.2. Ballot boxes, voting compartments, table, stationery and other specific equipment necessary for secret voting shall be placed (assembled) in the voting room. The ballot boxes, voting compartments and other specific equipment shall be located in such way that will not hamper actions of the voters while voting.

98.3. Notice boards for displaying information about candidates, rules for completing ballot papers shall be located in the voting room in the order determined by the Central Election Commission. Notice board mentioned above should be placed so that voters can read the materials on it easily. Samples of the ballot paper cannot contain names of registered candidates (political parties and blocks of political parties). Referendum ballot papers cannot be marked. Information on criminal and administration legislations, which impose liability for violation of voters' rights to elect, should be displayed on the notice board. If a registered candidate has a sentence, which is not served or cancelled, the information should contain name and number of the relevant article of the Criminal Code that was imposed on the candidate. If a candidate has done an action, which imposes criminal liability by the Criminal Code in the other country he/she resides and is sentenced by a court decision, which entered into force, the name of the relevant law of the foreign country should be recorded as well.

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

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

#### **Article 99. Election Ballot Papers.**

99.1. Rules for preparation, text and format of election ballot papers (hereinafter – ballot paper), their number and requirements for preparation shall be approved by the Central Election Commission at least 35 days prior to the voting day.

99.2. Surnames of candidates in the ballot paper shall appear in the alphabetical order.

99.3. Each ballot paper should be numbered one-by-one and in sequence, in accordance with the rule established by the Central Election Commission and should contain instructions on how to complete it. The Number of the ballot shall be indicated on its cut-off corner.

99.4. Ballot papers shall be published by decision of the Central Election Commission in printing houses at least 10 days prior to the voting date and under observation of members of the Central Election Commission. The number of prepared ballot papers can exceed the number of voters registered in the relevant election constituencies by at most 3%

99.5. The printing house shall ensure sorting out of defected ballot papers from the usable ones and submit the ballot papers to the authorized representative of the Central Election Commission according to the act containing indication of their quantity, date and time of issuance and numbers. Having submitted ballot papers in accordance with the order, employees of the printing house destroy defective and extra ballot papers and draws up an act about this signed by all participants. The members of the Central Election Commission and persons indicated in Articles 40.2. and 40.4. can oversee the execution of those actions. The Central Election Commission should give information to registered candidates and authorized representatives of political parties, blocks of political parties or referendum campaign groups about place and time of distribution of ballot papers.

99.6. After receipt of ballot papers from the printing house, at least 5 days prior to the voting day, the Central Election Commission, in the presence of the chairman and secretaries of Constituency Election Commission, shall draw up an act containing information about the number of ballot papers, date and time of their issuance, and hand out the ballot papers to the chairman. The Constituency Election Commission shall submit the ballot papers to Precinct Election Commissions in accordance with established procedure at least 3 days prior to the voting day. The number of ballot papers given to Precinct Election Commissions cannot be less than 90% or 0,5% more than the number of voters included on the list of an election precinct up to the day of submission of the ballot papers. Ballot papers shall be counted by the Precinct Election Commission and the number of obtained ballot papers be verified by decision of the Precinct Election Commission. If the number of ballots to be issued does not coincide with that of issued ballots, then the Constituency Election Commission shall immediately be informed about the matter. The top right corner of the ballot papers shall be verified by the seal of Precinct Election Commission.

99.7. Chairpersons of election commissions that submit, receive and protect ballot papers shall bear responsibility for submission and storage of the ballot papers.

99.8. In exceptional cases and if technical facilities are available, in ships navigating on the voting day and in election precincts organized outside the Azerbaijan Republic, Precinct Election Commissions shall be allowed to produce election documents, including ballot papers, pursuant to Articles 35.4 and 35.6 of this Code. Decision on production of election documents with indication of appropriate circulation shall be made by a relevant Precinct Election Commission on agreement with the Central Election Commission.

99.9. After the end of voting time on the voting day all unused ballot papers in the Constituency Election Commission shall be cancelled and the Constituency Election Commission shall draw an act about this fact. Persons indicated in Articles 40.2. and 40.4 can participate at cancellation of the ballot papers. Cancelled ballot papers shall be stored in the secretariat of the commission together with other documents.

99.10. If some candidates are withdrawn or their registration is cancelled after the ballot papers are produced, then following the decision of the Central Election Commission the Constituency or Precinct Election Commissions shall place on the notice board of the Precinct Election Commission the information about such candidates or political parties, blocks of political parties from the ballot papers, and the information on adding or amending the information regarding the registered candidate, political party or block of political parties in the printed ballot paper.

#### **Article 100. Voting Protocols of Election Commissions.**

100.1. Taking into consideration the Special Part of this Code, the regulations for the preparation of voting protocols of election commissions (hereinafter – the protocols), as well as their text and layout, quantity and preparation requirements shall be approved by the Central Election Commission at least 45 days before the Election Day.

100.2. The following information shall be included in each protocol:

- 102.2.1 total number of voters in the voters list;
- 102.2.2 number of voters who obtained de-registration cards for voting;
- 102.2.3 quantity of ballots provided by the Constituency Election Commission to the Precinct Election Commission (by the Central Election Commission to the Constituency Election Commission);
- 102.2.4 quantity of envelopes for ballot papers, issued to voters on the voting day;
- 102.2.5 number of voters who received envelopes for ballot papers;
- 102.2.6 quantity of ballot papers issued to voters on the voting day;
- 102.2.7 number of voters who received ballot papers
- 102.2.8 quantity of ballot papers and envelopes for ballot papers issued to voters voting outside the voting station;
- 102.2.9 number of voters voted with de-registration cards for voting;
- 102.2.10 quantity of unused ballot papers;
- 102.2.11 quantity of cancelled ballots;
- 102.2.12 quantity of envelopes for ballot papers in immovable ballot boxes (excluding the envelopes of indeterminate form);
- 102.2.13 quantity of envelopes for ballot papers in mobile ballot boxes (excluding the envelopes of indeterminate form);
- 102.2.14 quantity of ballots in envelopes in mobile ballot boxes (excluding ballots of indeterminate form);
- 102.2.15 quantity of ballots in envelopes in immovable ballot boxes (excluding the ballots of indeterminate form);
- 102.2.16 quantity of valid votes;
- 102.2.17 quantity of invalidated votes (including ballots which have uncertainty in various lines, and unmarked ones);
- 102.2.18 quantity of spoiled ballots;
- 102.2.19 date and time of completion of the protocol.

100.3. The protocols shall be produced in the form of a booklet, which consists of 3 carbonized copies (each copy of different color).

100.4. Corresponding to rules identified by the Central Election Commission, each protocol shall be enumerated in succession, and their serial numbers shall be indicated appropriate to number of election constituencies (except for protocols of the Central Election Commission).

100.5. Protocols shall be published in the State language.

100.6. According to a decision of the Central Election Commission, the protocols shall be published in printing institutions under the observation of representatives of the Central Election Commission, at least 30 days prior to the Election Day.

100.7. The printing institution shall ensure sorting out of defected protocols from the usable ones, and hand the protocols over to an authorized representative of the Central Election Commission on the basis of an act, that indicates their quantity, date and time of issue. After the protocols are handed over corresponding to the order, staff of the printing institution shall eliminate the spoilt printed protocols and compile an act about the matter, approved by signatures of all participants. Fulfillment of these procedures can be observed by members of the Central Election Commission and persons indicated in Articles 40.2. and 40.4. of this Code. The Central Election Commission shall inform the registered candidates and authorized representatives of political parties, blocks of political parties and referendum campaign groups on place and date of issuance of the protocols.

100.8. After receiving the protocols from the printing institution, the Central Election Commission shall at least 20 days prior to the election day draft an act in presence of chairperson and secretaries of a relevant Constituency Election Commission, which indicates the quantity of the protocols, their serial and batch numbers and date and time of issue, and provide the protocols to the Chairperson of the Constituency Election Commission, taking into account quantity of election precincts. The Constituency Election Commission shall allocate the protocols to the election precincts in the mentioned order, at least 4 days prior to the election day.

100.9. Chairpersons of election commissions, that issue, accept and secure the ballot papers, shall be responsible for issuance and keeping of the protocols.

100.10. According to Articles 35.4 and 35.6 of this Code, the Precinct Election Commissions shall be allowed to produce the protocols in the exceptional cases and if technical facilities are available, in ships navigating on the voting day and in election precincts organized outside the Azerbaijan Republic.

100.11. Copies of the election protocols shall be produced at the same time with the election protocols, and provided to election commissions. Every single commission shall be provided with 30 copies of the protocol. No serial and batch numbers shall be printed on copies of the protocols, but be indicated in writing corresponding to the relevant protocol, when filling in the copy of the protocol. Copies of protocols and other documents of election commissions submitted to the persons mentioned in Articles 40.2. and 40.4 of this Code shall be verified by the chairperson or secretary of an election commission upon their request. In this case, the person shall write the words "Matches with the original" on the copy of the document to be verified, sign it (indicating the serial and batch numbers), approve by the commission's stamp and indicate the date of approval. The persons specified by Articles 40.2 and 40.4 of this Code can obtain one verified copy of the protocol without any payment, and an additional copy by paying the fee determined by the Central Election Commission, taking into account Article 42.2.9. of this Code.

100.12. Protocols shall be completed by the members of the election commission with decisive voting right, and be signed by at least two thirds of the total members of the election commission with decisive voting right. Any member of the voting commission with decisive voting right who disagree with the whole protocol or its various parts shall enclose his/her special opinion to the protocol, and relevant notes shall be made in the protocol in this regard. The persons specified by articles 40.2 and

40.4 of this Code can observe the procedures of completion of protocols. It is prohibited to complete the protocol by pencil or to make any corrections on it.

**Article 101. De-registration Card for Voting.**

101.1. Requirements on form, rule of their preparation of de-registration card for voting (hereinafter – voting card), form and preparation of issuance register shall be approved by the Central Election Commission at least 60 days prior to the voting day. The voting cards shall be produced in accordance with rules established in Articles 99.2. and 99.5. of this Code. Voting cards shall be issued by superior election commissions to the lower election commissions in accordance with rules set forth in Article 99.6. of this Code. Chairpersons of relevant election commissions shall be responsible for issuance and storage of the voting cards.

101.2. A voter included on the voters list and not having the possibility to vote in the election precinct on the voting day, can get a voting card in the relevant Constituency Election Commission (45-25 days prior to the voting day) or in the relevant Precinct Election Commission (24-3 days prior to the voting day), and can vote on the basis of the voting card in the election precinct of the territory where he is on the voting day.

101.3. The voting card shall be issued to a voter on his or her application by the relevant election commission or to his representative on the basis of power of attorney certified by a notary. Reasons for receiving the voting card by the voter should be indicated in the application. Within two days after the application is submitted, the Precinct Election Commission shall apply to the Constituency Election Commission and clarify whether the voter has obtained the voting card before or not. Issue of more than one voter card to one voter is prohibited.

101.4. The Constituency Election Commission shall draw up the voting cards register. Surname, name, patronymic, date of birth, residential address of the voters received the voting card should be indicated in the register. 25 days prior to the voting day, the Constituency Election Commission shall send approved extracts from the register together with the voters list to the Precinct Election Commissions. Precinct election commission can make corresponding notes in the voters list based on the extracts.

101.5. A voter or his/her representative shall sign in the register (Constituency Election Commission) or in the voters list (Precinct Election Commission) indicating serial and batch number of identification or substitute document on receipt of the voting card. In this case the cut-off corner of the voting card shall be attached to either the register or the voting list. On this ground the voter shall not be taken into consideration when calculation of the number of registered voters and not be included in the relevant protocol.

101.6. The Precinct Election Commission shall provide the Constituency Election Commission with information on the provided voting cards immediately after the card is issued. The Constituency Election Commission shall once in 2 days present such information to the Central Election Commission.

101.7. The voting card should be verified by the seal of the election commission issuing the card, the signature of a member of the relevant constituency or Precinct Election Commission should be on it.

101.8. Upon being presented by the voter for obtaining a ballot paper, the voting card should be attached to the voters list.

101.9. The voter shall indicate his/her residential address in the de-registration card when receiving a ballot paper on the voting day, and sign it.

101.10. The unused voting cards shall be cut in two before the commencement of voting on the voting day and the relevant act on this shall be drawn up by constituency or Precinct Election Commission. Based on this act, the number of voters who received voting cards and those who voted with voting cards shall be indicated in the protocol of the Precinct Election Commission.

#### **Article 102. Envelope for Ballot Paper.**

102.1. Envelopes for ballot papers (hereinafter – the envelope) shall be produced corresponding to quantity of and at the same time with ballot papers, and be allocated to relevant election commission together with the ballot papers.

102.2. The format of envelopes, which is appropriate to the parameters of ballot boxes, shall be presented by the Central Election Commission upon approving format of ballot papers.

102.3 If the ballot box is equipped with a scanner with the purpose of providing information to the State Automated Information System, a ballot paper shall not be put into an envelope.

#### **Article 103. Ballot Boxes.**

103.1. Parameters of ballot boxes (for ballot boxes, and separately for mobile ballot boxes) shall be approved by the Central Election Commission.

103.2 Ballot boxes should be transparent. The level of transparency of the boxes should allow to determine whether they are full or not.

103.3 The slit for placing ballots into ballot box should not allow to place more than one envelope with ballot at the same.

103.4 Ballot boxes shall be sealed on the voting day by the Precinct Election Commissions chairpersons in the manner established by the Central Election Commission. Seals should be plastic and have own number each.

#### **Article 104. Rules for Voting.**

104.1. Voting shall be held from 08:00 till 19:00 on the voting day. The Precinct Election Commission should inform the voters of the place and time of voting at least 25 days prior to the voting day via mass media or using notice boards.

104.2. Shall the total number of voters in the settlement be less than 50, and more than 1 hour be needed to reach the nearest election commissions from those settlements, the Constituency Election Commission can use public transport means to deliver the mentioned voters to the election precincts where they are registered. Such transportation expenses shall be paid from funds allocated by the Central Election Commission to the Constituency Election Commission.

104.3. If all voters being in the voters list took part in the voting, Precinct Election Commissions of election precincts organized in accordance with Articles 35.4 and 35.6 of this can give information about early completion of the voting.

104.4. If a voter ascertain that he/she will not be able to go to the polling station on the voting day because of health state or other good reasons, he/she should directly or via some other person inform the Precinct Election Commission either orally or in writing at least 24 hours prior to the voting day about his/her intention to vote outside the voting room. If the intention is declared orally, it shall be officialized by a relevant application during the voting. Constituency Election Commissions can issue permission to ships navigating under the State Flag of the Azerbaijan Republic and almost impassable distant places to hold the voting at most 10 days prior to the voting day.

104.5. At 07:50 on the Voting Day the Chairperson shall declare the election precinct open, show to the members of the election commission, to the voters being present, and to observers the empty ballot boxes and seal them; at 08:00 s/he shall announce the voting commenced.

104.6. A ballot paper shall be provided to a voter upon presenting the voters card with his/her identification or substitute document. After the voter receives the ballot paper, serial and batch number of his/her identification or substitute document shall be recorded in the voters list. Serial and batch number of their identification or substitute document shall be entered in the voters list by a member of the Precinct Election Commission. The voter shall check correctness of the records and sign upon receiving the ballot paper. If the voter has no opportunity to receive a ballot paper independently, he/she can use the help of other persons, except members of Precinct Election Commission and observers. The person who helps the voter should put down his/her surname and initials and sign the column "signature of voters on receipt of ballot paper" in the voters list.

104.7. One of the Precinct Election Commission members shall stand at the entrance of the election precinct and check the voters cards, identification cards or other identification documents of the citizens entering the precinct.

104.8. On issuance of ballot paper a member of Precinct Election Commission shall sign the numbered left corner of the ballot paper, cut it along the cut-off line and keep it.

104.9. Every voter shall vote in person and alone. To vote in place of other persons shall be prohibited. Ballot paper shall be marked in a room or booth where nobody is authorized to enter and equipped with special technical means for the secret vote. A disabled voter, who is not able to mark the ballot paper without assistance, can invite any other person to the voting booth or room, except members of Precinct Election Commission and observers. The surname and initials of this person shall be indicated together with the voter's signature on receipt of the ballot paper in the voters list.

104.10. A voter shall place the marked ballot paper in an envelope stamped by the seal of Precinct Election Commission and drop it to the box considered for voting.

104.11. Ballot boxes should be placed in the area where members of the Precinct Election Commission and observers can easily observe it.

104.12. The Chairperson of Precinct Election Commission shall oversee the order in the voting place. His directions are obligatory for persons in the voting room. If the chairperson of the Precinct Election Commission is out, his powers shall be assumed by the secretary of the Precinct Election Commission or any member of the commission charged for this purpose.

104.13. A member of Precinct Election Commission who attempts to influence a voter to express his will or violates the secrecy of the vote shall be dismissed from his position by compiling a relevant act, and the person mentioned in Article 40.2. and 40.4 of this Code shall immediately removed from the voting room. The Precinct Election Commission shall take a decision on the case. If the influenced voter has not voted yet, he/she shall not be allowed to vote, his/her ballot being withdrawn and invalidated.

104.14. No other person should be in election precinct, except voters participating in the voting, members of the Precinct Election Commission, and person mentioned in Article 40.2. and 40.4 of this Code. State bodies' officials shall not be allowed to participate in the voting except the cases when they participate in the voting as voters. An official of the law enforcement authority can be present in voting station if they preserve the law and order there, if the chairperson of the Precinct Election Commission invites them, and they should leave the voting station immediately after they finish to perform their duties. Voting shall be stopped, if an official from the law enforcement authorities is in the voting room during the voting process. Shall the order be impossible to be restored for 6 hours during the voting

process, the voting station shall be closed upon decision of the Constituency Election Commission. Voting in such election precincts shall be considered invalid.

104.15. If a voter informs that he/she has made an error in marking his/her ballot paper, he/she can ask for a new ballot paper instead of the spoiled one from the commission member who issued the original ballot paper. In this case the Precinct Election Commission member shall cancel the spoiled ballot paper by cutting it in the center, put it in a separate envelope, give him/her a new ballot paper and make the necessary note to the right of the voters surname on the voters list. A separate document shall be immediately prepared recording this.

#### **Article 105. Voting Outside the Voting Room.**

105.1. The Precinct Election Commission should create possibilities to all voters, including those who cannot come to the voting room because of the state of health. A mobile box for this purpose should be available in election precinct.

105.2. The number of voters' requests for voting outside the voting room shall be verified by the Constituency Election Commission, at least 2 days before the voting day. The intention of a voter to vote outside the voting room should be confirmed again by his written application to be sent to the Precinct Election Commission, in the presence of not less than 2 members of the Precinct Election Commissions, which represent various political parties and non-partisans and observers. If a voter did not make a written request for a mobile ballot box, he/she should make an application in the presence of Precinct Election Commission members. In such case, serial and batch numbers of the identification card or other substitute document of the voter shall be indicated in the application. The voter shall record the receipt of his/her ballot paper in the request and verify this with his/her signature.

105.3. The mobile ballot box shall be used only on the voting day. Members of Precinct Election Commission who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests (applications) (3 ballot papers shall be added to this number). The number of used and returned ballot papers from voters requesting a mobile ballot box should be recorded in a separate document. At the same time, the voters voting using the mobile ballot box shall be marked on the voters list by a member of the Precinct Election Commission. After the mobile ballot box is returned by the Precinct Election Commission members to the voting station, it shall not be opened until vote counting commences, and its slit shall be closed and sealed.

105.4. The mobile ballot box voting should be organized so that there are no violations of the voter's right to vote or the requirements for a secret ballot and not influencing the voter's choice.

#### **Article 106. Vote Counting in Voting Station.**

106.1. When voting hours end, the Precinct Election Commission chairperson shall announce loudly that: "only the voters who have already received ballot papers and those in the voting compartments can vote." In this case, voting only of the voters standing in the voting room prior to the announcement shall be ensured. Before opening the ballot box, Precincts Election Commission members count and cancel unused ballot papers in the presence of observers in the voting station. The number of unused ballot papers shall be announced and recorded in the final protocol of voting results. The number of signatures of voters who have received ballot papers and envelopes shall be recorded in the final protocol on results of voting. At the same time, the number of voters voting with a de-registration card and those voting outside the voting room using mobile boxes, shall be recorded in the final protocol. Then the Precinct Election Commission chairperson shall examine the stamps and seals of the ballot boxes, show these to the Precinct Election Commission members and observers, and open the ballot boxes.



106.2. Ballot boxes are opened one by one: first the mobile ballot box, then the ballot box. Envelopes in the mobile ballot box shall be counted first. Their number should not exceed the number of requests. When counting ballots from the mobile ballot box, if the number of envelopes with ballot papers is more than the number of requests, then all votes in the mobile ballot box shall be considered to be invalid by decision of the Precinct Election Commission. An act on this, which includes a list of the surnames of the commission members that accompanied the mobile ballot box, shall be attached to the final protocol. When counting votes from the immovable ballot box, if the total number of envelopes with ballot papers is more than the number the voted voters, then all the ballots within the immovable ballot box shall be considered invalid by decision of the Precinct Election Commission. Number of voters who have voted with a voting card shall be added to the number of voters who appear on the voters list of the precinct.

106.3. When opening the envelopes and counting the votes, the votes shall be considered invalid in the following cases:

106.3.1 if ballot paper within the envelope is of an indeterminate form;

106.3.2 if there are several ballot papers within the envelope;

106.3.3 if there is no ballot paper within the envelope;

106.3.4 if there is an unmarked ballot paper within the envelope;

106.3.5 if in accordance with Articles 10 and 236.3 of this Code, the voter's will cannot be determined from the ballot paper placed in envelope;

106.3.6 if a ballot paper is found not to be placed in an envelope;

106.3.7 if an unstamped envelope is found.

106.4 If there are doubts about the validity of a vote, the Precinct Election Commission shall vote to determine if the vote is considered valid. If a decision is made to consider the vote invalid, the reasons for the decision shall be recorded on the reverse side of the ballot paper. Such record should be approved by the signatures of chairperson and secretary of the Precinct Election Commission. Invalid votes shall be packed separately.

106.5. Counting of votes by the Precinct Election Commission chairperson, with the participation of Precinct Election Commission members, shall continue without a break until the count is finished. During this period, every used ballot shall be stamped. All Precinct Election Commission members and observers shall be advised of the results of voting.

106.6. The final protocols on voting results shall be completed in presence of the persons specified in Articles 40.2. and 40.4. of this Code.

106.7 First copy of the protocol together with complaints (applications) about violations of this law received by the Precinct Election Commission and decisions made by the Precinct Election Commission with respect to these complaints and applications, an act on receipt of ballot papers by the Precinct Election Commission, an act on canceling the unused ballot papers (indicating the number of such ballots), an act on issuing voting cards and on canceling unused voting cards (recording their number), an act the number of torn off left corners of the ballot papers, an act on the number of spoiled ballot papers mentioned in the Article 104.15 of this Code, along with packaged and stamped envelopes, the act provided for in Article 105.3 of this code, the ballots and the voters list for the precinct (together with voting cards attached) shall immediately, but not later than 24 hours, be sent to the Constituency Election Commission, accompanied by the chairman the Precinct Election Commission and two members representing different political parties. All documents mentioned above should be signed by the chairperson and secretaries of the Precinct Election Commission. Verified copies of complaints (applications), decisions of Precinct Election Commissions and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

106.8. The second copy of the protocol, the torn off left corners of those ballot papers, the torn off pieces of spoiled ballot papers with the list of persons mentioned in Article 40.2 and 40.4 of this Code

who observed voting and vote count shall be kept by the secretary of the Precinct Election Commission until the commission has finished its activities.

106.9. The Precinct Election Commission established outside of the Republic of Azerbaijan shall send the first copy of the protocol on voting results together with the attached documents to the Constituency Election Commission determined by the Central Election Commission within 3 days starting from the election day.

106.10. The Constituency or Precinct Election Commission shall consider voting ineffective, if the legal violations occurred during conduct of elections (referendum) or in course of identifying voting results do not allow to identify the will of voters; or if there is a court decision.

106.11. After being compiled, the 3<sup>rd</sup> copy of protocol of the Precinct Election Commission shall be posted on the notice board, and kept there for 5 days.

#### **Article 107. Completion of Protocol of a Constituency Election Commission.**

107.1. The documents provided for in Article 106.7 of this Code shall be submitted to the Chairman of the Constituency Election Commission. Instructed by the Chairman of the Constituency Election Commission, a member (members) of the Commission shall check compliance of the submitted documents with requirements of Article 106.7 of this Code, as well as presence of inconsistencies in voting results. Voting results shall then be entered in the final list of voting results (election outcomes) for the Constituency. A receipt signed and stamped by the Chairman of the Constituency Election Commission, confirming acceptance of documents of the Precinct Election Commission, shall be given to the Chairman of the Precinct Election Commission.

107.2. The protocol of Constituency Election Commissions shall be completed within 2 days following the voting day, on the basis of the integrated information from protocols of Precinct Election Commissions. Integration of the mentioned information shall be carried out uninterruptedly.

107.3. Along with the items listed in Article 100.2 of this Code, the number of Precinct Election Commissions and quantity of protocols submitted by those commissions, as well as the number of protocols taken as a basis for completion of protocol of the Constituency Election Commission, number of election precincts where voting failed and number of voters participated in voting in the constituency, shall also be indicated in protocol of the Constituency Election Commission.

107.4. The first copy of the protocol of the Constituency Election Commission together with complaints (applications) about violations of this law on the voting day, received by the Constituency Election Commission and decisions made by the Constituency Election Commission with respect to these complaints and applications, an act on receipt of envelopes and ballot papers by the Constituency Election Commission, an act on canceling the unused envelopes and ballot papers (recording the number of such cards), an act on issuing voting cards and on canceling unused voting cards (recording their number) shall immediately, but not later than 2 days from the Voting Day be sent to the Central Election Commission, accompanied by the Constituency Election Commission Chairman and representatives of various political parties. The mentioned acts shall be signed by the chairperson and secretaries of the Constituency Election Commission. Verified copies of complaints (applications), decisions of Constituency Election Commission and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

107.5. The 2<sup>nd</sup> copy of the protocol, along with packaged and stamped ballots, the torn off left corners of those ballot papers, as well as with list of persons mentioned in Article 40.2 and 40.4 of this Code who observed voting and vote count shall be kept by the secretary of the Precinct Election Commission until the commission has finished its activities.

107.6. Shall the Constituency Election Commission reveal mistakes, inadmissible corrections and inconsistencies in the protocol (including other documents attached thereto) of a Precinct Election

Commission, the Constituency Election Commission can adopt a decision on the recount of votes in the relevant election precinct. In this case, the recount of votes shall be undertaken by the members of the Constituency Election Commission with decisive voting right. The relevant Precinct Election Commission and the persons indicated in Articles 40.2. and 40.4 of this Code shall in advance be advised of the recount of votes. A protocol shall be compiled on recount of votes and the words “recount of votes” be recorded on it.

107.7. The 3<sup>rd</sup> copy of protocol of the Constituency Election Commission and copies of protocols of relevant Precinct Election Commissions shall be posted on the notice board, and kept there for 10 days.

#### **Article 108. Completion of Protocols of the Central Election Commission.**

108.1. Provisions of Article 107.1 of this Code shall be implemented when submitting the election documents of the Constituency Election Commission to the Central Election Commission.

108.2. The relevant protocol of the Central Election Commission shall be completed on basis of the integrated information from protocols of Constituency Election Commissions. Integration of the mentioned information shall be carried out uninterruptedly. Central Election Commission shall not compile protocols with regard to outcomes of Municipal Elections or Elections to the Milli Majlis.

108.3. Complaints (applications) about violations of this law on the voting day, received by the Central Election Commission and decisions made by the Central Election Commission with respect to these complaints and applications, an act on receipt of envelopes and ballot papers by the Central Election Commission, an act on canceling the unused envelopes and ballot papers (recording their number), an act on issuing voting cards and on canceling unused voting cards (recording their number) shall be attached to the first copy of the relevant protocol of the Central Election Commission. The mentioned acts shall be signed by the chairperson and secretaries of the Central Election Commission. Verified copies of complaints (applications), decisions of the Central Election Commission and acts mentioned above shall be attached to the 2<sup>nd</sup> copy of the protocol.

108.4. Shall the Central Election Commission within at latest 4 days effective the voting day reveal mistakes, inadmissible corrections and inconsistencies in protocols (including other documents attached thereto) submitted by the Constituency Election Commissions, the Central Election Commission can adopt a decision on the recount of votes in the relevant election constituency. In this case, the recount of votes shall be undertaken in presence of the members of the Central Election Commission with decisive voting right. The persons indicated in Articles 40.2. and 40.4 of this Code shall in advance be advised of the recount of votes. A protocol shall be compiled on the recount of votes and the words “recount of votes” be recorded on it.

108.5. The 3<sup>rd</sup> copy of protocol of the Central Election Commission and copies of protocols of Constituency Election Commissions shall be posted on the notice board, and kept there for 15 days.

#### **Article 109. Publication of Results of Elections and Voting.**

109.1. Preliminary results of the elections (referendum) shall be published by the Central Election Commission as a schedule providing unified voting results of constituency election commissions, within 5 days starting from the voting day, and such information can be placed on the website of the Central Election Commission.

109.2. The Central Election Commission shall within 45 days publish in the mass media means specified in Article 77.2 of this Code, the whole information from protocols of the Constituency Election Commissions, and such information can be placed on the website of the Central Election Commission.

109.3. Preliminary results of elections (referendum) for a constituency should be published in form of a schedule that integrates voting results for election precincts within at latest 2 days starting from the voting day.

109.4. The information from protocol on voting results of the Precinct Election Commission shall at latest 5 days after the voting day, and the information on election outcomes (voting results) from protocol of the Constituency Election Commission – at latest 10 days after the Election Day, be officially published in the mass media bodies specified correspondingly in Articles 77.3 and 77.4 of this Code.

109.5. The Central Election Commission should publish in its official publication the whole information from protocols of Constituency and Precinct Election Commissions, within 6 months after the Election Day.

#### **Article 110. Use of State Automated Information Systems during the Elections (Referendum).**

110.1. The State Automated Information Systems can be used completely or some of its technical facilities for obtaining, transferring or redeveloping information in time while conduct of elections (referendum) (hereafter referred to as elections) including voter registration, compilation of voters lists, determination of voting results and election returns. Requirements regarding the state automated systems and rules for use of it shall be determined by the Central Election Commission.

110.2. The relevant election commission shall create a specific group comprised of members of the election commission with decisive and consultative voting right with the purposes of controlling the use of State Automated Information Systems or some of its technical facilities. This group shall:

- check if the complex of automated facilities is ready for operation; if information from protocols of election commissions entered the systems and information added to the protocol is accurate;
- control if instructions of the Central Election Commission on use of the State Automated Information Systems and its other documents are observed and
- control if documents about actions considered for usage of information systems are completed in accordance with time limits and plans of the relevant election commission.

The controlling group can involve specialists on automated information systems in its activities.

110.3. All members of the election commission, observers and representatives of mass media shall have the right to become familiar with any information received by and extracted from the State Automated Information Systems (taking into account provisions of Article 32.3 of the Constitution of the Republic of Azerbaijan).

110.4 Election commission members with decisive and consultative voting rights who have been included in the controlling group shall have equal rights. They can:

- become familiar with any information transferred to the election commission through technical communication channels;
- demand explanation about technical documentation of The State Automated Information System or about all actions of the technical personnel of information systems;
- compare information prepared by technical facilities or in handwriting.

If any actions of the personnel of the State Automated Information System contradict the law, the controlling group shall inform the chairperson of the election commission about this and proposes motions on correction of those irregularities or on dismissal of the persons who committed those irregularities. Results of investigations held by the controlling group should be recorded in the current documents of relevant election commissions.

110.5 The state automated systems shall be used for observing the voting process and its results by the relevant election commissions based on information transferred by subordinate election commissions to the superior election commission, from the time voting commences including until protocols on election returns and voting results are signed. It shall be prohibited to transfer any information except for the signals confirmed by the superior election commissions on receipt of information from subordinate election commissions.

110.6 Information on voting process and results of voting obtained from the State Automated Information System shall be considered a preliminary information, which does not have legal importance.

110.7 Protocols of the election commission preserved by the secretary of the election commission shall be attached text of information entered into the State Automated Information System, which will be printed out through the computer. Accuracy of information in a printed out paper shall be verified by signature of a person who is responsible for information and by members of the controlling group.

110.8 Information on voter turnout, initial and final results of voting, returns of elections that are entered the State Automated Information System should be included in the information-communication lines of common use for getting prompt information by persons intending to have the information, in conformity with the rules defined by the Central Election Commission.

110.9 According to Article 32.3 of the Constitution of the Republic of Azerbaijan, the State shall ensure dissemination of information entered in the State Automated Information System.

#### **Article 111. Security of Election Documents.**

111.1. Documents of Precinct and Constituency Election Commissions regarding conduct of elections (referendum) shall be kept in a secured place.

111.2. Ballot papers and voting cards shall be kept in the Constituency Election Commissions for at least 6 months starting from the day of official publication of election outcomes. Protocols of voting results of election commissions shall be kept by the Central Election Commission for at least 1 year from the date official publication of a decision on determination of the next elections. Financial reports of election commissions, as well as final financial documents of the registered candidates, political parties and blocks of political parties, referendum campaign groups shall be kept by the Central Election Commission for at least 1 year from the date of official publication of a decision on determination of the next elections (referendum). Voters lists shall be kept by the Central Election Commission for a period of 5 years.

111.3. The following shall be considered to be the official documents:

- ballot papers;
- voting cards;
- voters lists;
- protocols of election commissions on results of voting and documents attached;
- financial reports of election commissions;
- final financial reports of registered candidates, political parties and blocks of political parties, referendum campaigning groups.

The chairperson of the relevant election commission shall be responsible for security and storage of election documents until these documents are transferred to the superior election commission or to the State Archive.

**CHAPTER Sixteen. Complaints on and Accountability for Violation of Citizens' Rights to Elect****Article 112. Filing Complaints on Actions (Lack of Actions) and Decisions that Violate Citizens' Rights to Elect.**

112.1. Voters, candidates, registered candidates, political parties, blocks of political parties, referendum campaigning groups, agents of registered candidates, political parties, blocks of political parties, referendum campaigning groups, observers as well as election commissions can file complaints about decision and actions (lack of actions) which violate citizens' right to elect within 3 days after the date the very decision is published or made or the date actions (lack of actions) occurred, or the interested person is informed about it.

112.2. The persons specified in Article 112.1 of this Code can file their complaints relevant election commission. If the decision and action (lack of actions) indicated in Article 112.1 of this Code can cause criminal liability, then complaints shall be filed with relevant court bodies or prosecutor's office.

112.3. If the complaint is not satisfied by the election commission which made that decision or actionj (lack of actions) at first, one can appeal to the superior election commission. If the Central Election Commission does not satisfy the complaint finally, persons mentioned in Article 112.1 of this Code shall have the right to appeal to the Court of Appeal. In order to prevent conflict of jurisdictions, the relevant election commission shall clarify whether the complaint about the case is filed with the court or prosecutor's office, or not. If criminal proceedings are instituted against the complaint, or if the complaint is considered by the court, then the court shall investigate the matter of the complaint in accordance with criteria specified in Article 112.2 of this Code, and if there is ground - reject the complaint. Other grounds shall not be considered acceptable for rejection of the complaint. Complaints about decisions and actions of the Central Election Commission shall be filed with the Court of Appeal.

112.4. If the infringement described in the complaint can be considered criminal actions according to the Criminal Code of the Azerbaijan Republic, the relevant election commission can apply to relevant public prosecutor's bodies along with making decisions regarding elimination of shortcomings or infringements indicated in the complaint.

112.5. The court can cancel decisions (including decisions on results of voting, election returns) of the relevant election commissions in the circumstances considered by this Code and other laws.

112.6. If the court cancels the decision of the election commission, the same election commission should make a new decision regarding the same issue, or superior election commission should make a relevant decision based on the decision of the court. Non-implementation of the court resolution shall impose criminal liability in accordance with the Criminal Code of the Republic of Azerbaijan.

112.7. Examination of the complaint about the decision on voting results and election returns or investigation of the facts regarding violation of this Code shall not be considered as violation of immunity of candidates considered to be elected in conformity with this Code. A candidate considered to be elected cannot refuse to testify as a witness during administrative, civil or criminal investigations regarding the complaints about violation of citizens' right to elect while he/she was being elected (except for cases provided for in the Civil-Procedure Code and the Criminal-Procedure Code of the Azerbaijan Republic).

112.8. The election commission shall have the right to receive citizens' and officials' information and to require necessary documents and materials while considering the following:

- issues on cancellation of registration of registered candidate, referendum campaigning groups;
- issues on refusal of registration of candidate, referendum campaigning groups;
- appeals on invalidation of election of a registered candidate.

112.9. The superior election commission shall have the right to cancel decision of the subordinate election commission or to make a decision regarding the complaint or to instruct to reexamine the very issue.

112.10. A decision on complaints received by the election commission during the election processes shall be made within 3 days, or immediately, if complaints are received on the election day or the day after the election day, and be delivered to the plaintiff.

112.11. The courts should consider the complaints concerning decisions of the election commissions within 3 days (if no less timeline is identified by this Code). A complaint on the court decision can be filed with the superior court instance within 3 days.

### **Article 113. Cancellation of Registration of Registered Candidates, Referendum Campaigning Groups and Refusal of Registration of Candidates.**

113.1. If a candidate, registered candidate, political party, block of political parties, referendum campaigning group violates provisions of this Code, the relevant election commission shall warn the candidate, registered candidate, political party, block of political parties, referendum campaigning group, providing the voters are informed through the mass media. The election commission shall have the right to make a decision about the following issues irrespective of whether or not a complaint considering Article 112.2. of this Code was made about them:

- refusal of registration of a candidate, referendum campaigning group;
- filing a complaint with a court on cancellation of registration of registered candidate, referendum campaigning groups;
- invalidation of election of a candidate;
- cancellation of decision on voting results and election returns.

113.2. The election commission can adopt a decision on refusal from registering a candidate and a referendum campaign group, and on a request to the court in regard of canceling the registration of the registered candidate and a referendum campaign group, under the following circumstances:

- 113.2.1. if information submitted by a candidate, political party, block of political parties, referendum campaigning group in conformity with this Code is not accurate and if their invalidity is of importance (except for cases indicated in Article 60.3. of this Code);
- 113.2.2. if a candidate, referendum campaigning groups are found to conduct election campaign before they are registered or before the period considered by Article 75 of this Code, and if the warning made before is not considered (this provision cannot serve as a ground for restricting the freedom of expression and thought, provided for in the Constitution of the Republic of Azerbaijan) ;
- 113.2.3. the fact of winning over the voter to its side i.e. actions prohibited by Article 88.4. of this Code committed by a candidate, political party, block of political parties, referendum campaigning group or their authorized representatives, or agents are found;
- 113.2.4. participation of legal entities, state and municipal bodies, structures and organizations in collection of signatures, regardless their form of property; if the fact of forcing the voters sign while collecting the signatures is found out; reward of voters for their signatures;
- 113.2.5. if a candidate nominated for a relevant constituency uses other funds for financing his/her election campaign which exceed more than 5% of the highest limit of expenses from election fund defined by this Code, and if the warning made before is not considered;
- 113.2.6. if a political party, block of political parties, referendum campaigning group uses other funds for financing their election (referendum) campaign which exceed more than 5% of the highest limit of expenses from election funds defined by this Code and if the warning made before is not considered;

- 113.2.7. if a candidate, political party, block of political parties, referendum campaigning group, as well as political parties included in the block of political parties, authorized representative, members or agents of political parties, blocks of political parties, referendum campaigning groups:
- are proprietors, founders, owners of relevant organizations or they participate in managing boards;
  - conduct charitable activities during the election (referendum) campaign;
  - render financial and material assistance to physical or legal entities; or renders services to voters;
  - assist to render such assistance to physical and legal entities or make a proposal related thereto, or physical and legal entities agree with rendering assistance on their behalf, and if the notification made about it before is not considered ;
- 113.2.8. if a candidate, political party, block of political parties and referendum campaigning groups do not submit their initial financial report, and if the advance notification about it is not taken into account;
- 113.2.9. if a candidate, authorized representatives of a political party, block of political parties and campaign groups use their occupation or service position during election campaigning, and if the advance notification about it is not taken into account;
- 113.2.10. if a candidate, political party, block of political parties, as well as their agents produce and distribute pre-election publications and audiovisual election materials, violating provisions of Articles 88.2 and 88.4 of this Code;
- 113.2.11. if a registered candidate, political party, block of political parties, agent of the registered candidate, authorized representative or agent of a political party or block of political parties campaign within the territory where military unit is located, in military organizations or military offices;
- 113.2.12. if a registered candidate who is on government or municipal service does not stop implementation of functions of service while he/she participates in elections, and if the advance notification about it is not taken into account;
- 113.2.13. if a registered candidate, political party or block of political parties with registered candidates use illegal donations transferred to their funds, and if the advance notification about it is not taken into account;

113.3. The court can cancel registration of a candidate one day prior to the voting day, if only the circumstances considered by Articles 113.2.3., 113.2.4., 113.2.7., 113.2.9., 113.2.11. of this Code are revealed after the candidate is registered.

113.4. If registration of a candidate is canceled within a period less than 10 days prior to the Election Day, information on it shall be posted on notice boards of the election commissions.

#### **Article 114. Cancellation of Decisions of Election Commissions on Voting Results and Election (Referendum) Returns.**

114.1. If violations mentioned in Article 88.4 of this Code, which do not provide opportunities for proper identification of the election results, made by a registered candidate, political party, block of political parties or referendum campaigning group are found out after preliminary voting results are published officially, the Central Election Commission can prior to official publication of the election outcomes appeal to the Court of Appeal about considering the election of a candidate or outcomes of referendum to be invalid.

114.2. If the court, defining existence of violations mentioned in Article 113.2.3. of this Code, considers that determination of voters' intention is not possible due to those irregularities, then the court can cancel decision of the relevant election commission on election (referendum) results. In such circumstances the elected candidate is considered to have lost his/her authority.



114.3. The relevant court can cancel the decision of the election commission on voting results and election (referendum) results for a single-mandate or nationwide constituencies if:

- rules for compilation of voters list, for formation of election commissions, for voting, for count of votes or for determination of election (referendum) results are violated;
- other violations defined by this Code occur;
- it is impossible to determine voters' intention due to these actions (lack of actions).

114.4. The relevant court or the Central Election Commission can cancel decisions of the Precinct or Constituency Election Commissions on voting results or election results in the circumstances considered by this Code.

114.5. If the facts about irregularities regarding assistance to elect not elected candidates are found out, they cannot be basis for cancellation of the decision on election results.

#### **Article 115. Liability for Violation of Citizens' Rights to Vote.**

115.1. The following persons can be subject to criminal, civil and administrative liabilities in conformity with the Criminal Code, Civil Code and the Code of Administrative Offences of the Azerbaijan Republic:

- 115.1.1. who have obstructed the voters' rights to elect and to be elected by use of force, deceit, intimidation;
- 115.1.2. who have abused their occupation or service position as privileges for being elected;
- 115.1.3. who have forced citizens to sign in support of a candidate, who have obstructed collection of signatures in support of a candidate, or who have participated in falsifying those signatures;
- 115.1.4. who have won over the voters to their side, i.e. who have committed actions prohibited by Article 88.6. of this Code;
- 115.1.5. who have not formalized information about registered candidates in time or who have done so inaccurately;
- 115.1.6. who have intentionally disseminated misinformation about candidates or who have impugned the honor and dignity of the candidate (this provision cannot serve as a ground for restricting the freedom of expression and thought, provided for in the Constitution of the Republic of Azerbaijan);
- 115.1.7. who have violated rights of commission members, observers, agents, authorized representatives of candidates, political parties, blocks of political parties, referendum campaigning groups, representatives of mass media, including those who have violated rights to obtain copies of election documents and information and other rights regarding verification of election documents;
- 115.1.8. who have violated rules for election campaigning, including those who have conducted election campaign a day prior to election day or on voting day;
- 115.1.9. who have produced and distributed commercial or other advertisements which violates the regulations stipulated by this Code, or those who have rendered charitable assistance;
- 115.1.10. who have violated rules for financing election campaign defined by this Code;
- 115.1.11. who have hidden remaining ballot papers or those who have produced additional issues of ballot papers which were not registered by the election commission and of voting cards;
- 115.1.12. who have obstructed the election commission's work or those who have illegally interfered with performance of functions of commission members;
- 115.1.13. who have obstructed voting in the precincts;
- 115.1.14. who have violated the secrecy of voting;
- 115.1.15. who have forced voters to vote against voters' choice;

- 115.1.16. who have falsified election documents, produced and presented fake documents (including ballot stuffing), miscounted votes or those who have not submitted or published election results intentionally;
- 115.1.17. who have violated citizens' rights to become familiar with voters lists;
- 115.1.18. who have issued ballot papers to citizens with a purpose to create conditions for them to vote for others, who have issued ready-marked ballot papers or those who have created conditions to receive more than one ballot paper;
- 115.1.19. who have not submitted or published report on expenditure of funds allocated for preparation and conduct of elections or financial report of candidates, registered candidates, political parties, blocks of political parties and referendum campaigning groups;
- 115.1.20. employers who have not provided employees with leave with in respect of participation in elections, in circumstances considered by this Code;
- 115.1.21. state officials who have not investigated information about violation of this Code provided by the election commissions.

#### **Article 116. Application of Penalties by Election Commissions.**

The Precinct and Constituency Election Commissions and the Central Election Commission shall have the right to prepare a protocol of administrative offences and apply penalties in accordance with the Code of Administrative Offences of the Republic of Azerbaijan for the violations made by a candidate, registered candidate, as well as their authorized representatives and agents and those of a political party, block of political parties or of a campaign group on referendum, in the circumstances considered by this Code.

### **SPECIAL PART**

#### **SECTION FOUR. Referendum**

##### **CHAPTER Seventeen. General Provisions on Referendum**

#### **Article 117. Issues Solved through Referendum.**

Issues to be put on for referendum shall be determined by Articles 3.1, 3.2, 11.3 and 152 of the Constitution of the Republic of Azerbaijan.

#### **Article 118. Issues that cannot be Solved through Referendum.**

Issues, which cannot be put on for referendum, shall be determined by Articles 3.3 and 155 of the Constitution of the Republic of Azerbaijan.

#### **Article 119. Resolution of the Constitutional Court of the Republic of Azerbaijan on Conduct of Referendum on Amending the Constitution of the Republic of Azerbaijan.**

In accordance with Article 153 of the Constitution of the Republic of Azerbaijan, if amendments to the text of the Constitution of the Republic of Azerbaijan are suggested by the Milli Majlis of the Republic of Azerbaijan or President of the Republic of Azerbaijan, an advance resolution of the Constitutional Court of the Republic of Azerbaijan shall be obtained regarding the proposed changes. The rules for obtaining a resolution of the Constitutional Court of the Republic of Azerbaijan shall be regulated by the law of the Republic of Azerbaijan "On Constitutional Court."

**Article 120. Obligation on Conduct of Referendum.**

The decision of legislative and executive bodies of the Republic of Azerbaijan on any issue cannot exempt the conduct of a referendum on the same issue.

**Article 121. Cases of Exemption from Conduct of Referendum.**

121.1 A referendum cannot be conducted:

- if martial law or a state of emergency is declared in the territory or in more than 25% of the territory of Republic of Azerbaijan;
- during martial law and state of emergency; and
- three months after cancellation of martial law and a state of emergency.

121.2 A repeat referendum on the same issue can be conducted only 1 year after publication of the act adopted in preliminary referendum.

**CHAPTER Eighteen. Determination of a Referendum**

**Article 122. Adoption of Decision on the Conduct of Referendum.**

122.1 A decision on the conduct of a referendum shall be adopted by the Milli Majlis and the President of the Republic of Azerbaijan according to Article 95.I.18 and 109.18 of the Constitution of the Republic of Azerbaijan.

122.2 At least 300.000 citizens of the Republic of Azerbaijan with active suffrage can apply to the President of the Republic of Azerbaijan or to the Milli Majlis of the Republic of Azerbaijan with a proposal concerning adoption of a decision on conduct of a referendum

**Article 123. Requirements on Decision to Conduct Referendum.**

123.1 The following should be mentioned in the decision on conduct of the referendum:

- 123.1.1 date of conduct of the referendum;
- 123.1.2 name of act put for referendum;
- 123.1.3 brief summary of the act put on for the referendum;
- 123.1.4 rule of financing the referendum.

123.2 The draft act put on for referendum shall be attached to the decision for conduct of referendum.

123.3 The draft act put on for referendum cannot be amended after the conduct of referendum is announced.

**Article 124. Familiarization with the Issues Put for Referendum.**

124.1 The draft act put on for referendum should be published in mass media together with the decision on the determination of referendum. This shall create necessary conditions for more voters to become familiar with the text of the referendum act.

124.2 A voter shall have the right to obtain the draft referendum act at least 30 days prior to the voting day, from a relevant Precinct Election Commission. The Central Election Commission shall be responsible for ensuring publication and distribution of the draft referendum act.

**CHAPTER Nineteen. Preparation for Conduct of Referendum****Article 125. Registration of Referendum Campaign Groups.**

Registration of referendum campaign groups shall be carried out according to the rule provided for in Chapter 11 of this Code.

**Article 126. Appointing a Representative of Referendum Campaign Groups to an Election Commission.**

A member of the Central or Constituency Election Commission with consultative voting right can be appointed only by the campaign groups registered with this commission.

**Article 127. Special Requirements for Conduct of Pre-referendum Campaign by Mass Media.**

127.1 The participation of referendum campaign groups in the pre-referendum campaign shall be regulated by Chapter 13 of this Code.

127.2 One third of the total volume of free airtime of TV and radio companies shall be allocated to referendum campaign groups with more than 20,000 members for holding joint discussions, round tables and other campaigning activities.

127.3 Airtime for the conduct of the joint campaign activities on channels of each TV and radio companies mentioned in Articles 72.2 and 77.3 of this Code shall be allocated and calculated for the referendum campaign groups stipulated in those articles. The registered referendum campaign groups should equally use this free airtime. In this case, the volume of airtime to be used by each referendum campaign group is determined separately.

127.4 The norm for using paid airtime allocated by TV and radio companies specified in Article 77.1 of this Code shall be determined by dividing its total volume by the total number of the referendum campaign groups mentioned in Articles 77.2 and 77.3 of this Code.

127.5 The space which is determined by dividing the total volume of space allocated by the periodicals mentioned in Article 77.1 of this Code into the total number of referendum campaign groups mentioned in Articles 77.2 and 77.3 of this Code can be used by the latter through making relevant payment.

127.6 Refusal of the registered referendum campaign groups from participating in the activities mentioned in Article 127.2 of this Code shall not cause an increase in volume of free airtime allocated according to Article 80.6 of this Code.

**Article 128. Referendum Funds of Referendum Campaign Groups .**

128.1 The rules for creation and usage of referendum funds of the referendum campaign groups shall be regulated by Chapter 14 of this Code.

128.2 The referendum funds of referendum campaign groups can be formed by the following financial means:

- 128.2.1 special funds of members of the referendum campaign groups which cannot be more than 2000 times the minimum salary which is in force on the day of official publication of the decision on the determination of the referendum;
- 128.2.2 equal funds allocated to a referendum campaign group registered by the election commission at least 25 days prior to voting day, on an equal basis with other referendum campaign groups, in the order determined by Article 69.9 of this Code;

128.2.3 voluntary donations, not more than 100 times the minimum salary from citizens and not more than 2000 times the minimum salary from legal entities which is in force on the day of official publication of decision on the determination of the referendum.

128.3 The maximum limit for referendum funds of registered campaign groups on referendum mentioned in Article 77.4 of this Code cannot exceed 5000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum; the maximum limit for the referendum funds of registered campaign groups on referendum mentioned in Article 77.3 of this Code cannot exceed 50000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum; the maximum limit the referendum funds of registered campaign groups on referendum mentioned in Article 77.2 of this Code cannot exceed 100000 times the minimum salary which is in force on the day of official publication of decision on the determination of the referendum.

#### **Article 129. Special Accounts on Referendum.**

129.1 Campaign groups on referendum should open a special referendum account to form their financial funds within 5 days after submitting notification document on commencement of the collection of signatures according to Article 63 of this Code.

129.2 After receiving a certified copy of a notification from the Central Election Commission (Constituency Election Commission), but at least 5 days prior to introducing the referendum campaign group to the Central Election Commission (Constituency Election Commission) for registration, the referendum campaign groups should open a special referendum account on the basis of documents submitted for registration of the authorized representatives on financial issues in order to form a referendum fund.

129.3 Campaign groups on referendum themselves shall be directly liable for violation of financing rules defined by this Code during the financing of their pre-referendum campaign.

#### **Article 130. Transparency in Using of Referendum Funds.**

130.1 It shall be obligatory to publish the following information in accordance with Article 95.3 of this Code (for the referendum campaign groups specified in Articles 77.2 and 77.3 of this Code):

- 130.1.1 about the financial report for spending that fund, if the amount of financial fund on referendum is more than 2000 times the minimum salary which is in force on the day of official publication of decision on determination of the referendum;
- 130.1.2 about the legal entities who made voluntarily donations to the referendum financial fund amount of which is more than 1000 times the minimum salary that is in force on the day of official publication of the decision on the determination of the referendum;
- 130.1.3 about the number of citizens who made donation to referendum financial fund amount of which is more than 50 times the minimum salary that is in force on the day of official publication of the decision on the determination of the referendum;
- 130.1.4 about funds that are returned to donors and the grounds for returning the funds;
- 130.1.5 about the total amount of funds received for a referendum fund and about the total amount that was spent from the referendum fund.

130.2 Should the number of members of a referendum campaign group be less than 20000, the information stipulated in Article 130.1 of this Code is published in the manner determined by the Central Election Commission.

#### **Article 131. Order of Returning the Funds Received by Referendum Campaign Groups.**

131.1 With the consent of the relevant election commission, referendum campaign groups shall return the unused financial means of the election fund to the citizens and legal entities who donated to

them, on the proportional basis, until campaign groups on referendum submits a final financial report. If the referendum campaign groups do not use these rights, Article 132 of this Code shall be implemented.

131.2 Referendum campaign groups which are not registered in the relevant election commission shall be obliged to return unused election funds (provided that the delivery expenses are excluded), in accordance with the proportion of the received donations, to the citizens and legal entities that donated them, until a final financial report is submitted.

#### **Article 132. Unused Funds in Special Accounts of Election Funds of Referendum Campaign Groups.**

60 days after voting day, a relevant bank should transfer the money left unused in special accounts of election funds of campaign groups on referendum to the account of the Central Election Commission according to the written instruction of the relevant election commission.

### **CHAPTER Twenty. Conduct of Referendum and Determination Referendum Results**

#### **Article 133. Referendum Voting Room.**

133.1 The referendum voting room shall be organized in accordance with the requirements of Article 98 of this Code.

133.2 The Precinct Election Commission shall place samples of referendum ballot papers, and draft referendum act on notice boards inside the voting room or right in front of it.

#### **Article 134. Referendum Ballot Paper.**

134.1 Referendum ballot paper shall be prepared in accordance with the rule mentioned in Article 99 of this Code.

134.2 The expression of every issue put to referendum and versions of voters response (vote) – “for” and “against” (words “yes” and “no,” “I agree” and “I disagree” can be as well) shall be written on ballot paper.

134.3 The Central Election Commission shall solve the issue on attaching the draft of the referendum act to the ballot paper. If this draft provides that normative legal acts, which are in force, be repealed or amended, such normative legal act (its relevant part) can be attached to the ballot paper based on the decision of Central Election Commission.

#### **Article 135. Voting Procedure during Referendum.**

135.1 Voting during a referendum shall be conducted in accordance with the Articles 104 and 105 of this Code.

135.2 A voter shall mark an empty square to the right of the answer on referendum ballot papers by choosing one of the responses “for” or “against” (“yes” or “no,” “I agree” or “I disagree”) proposed on the referendum.

135.3 If both squares are either marked or unmarked, the vote shall be considered invalid.

#### **Article 136. Vote Counting in Referendum Stations.**

136.1 Vote counting in referendum stations shall be conducted in accordance with the Article 106 of this Code, and a protocol be compiled.

136.2 The following shall be included in the protocol in addition to the provisions of Article 100.2 of this Code:

136.2.1 number of voters who have voted for the issue put to referendum;

136.2.2 number of voters who have voted against the issue put to referendum.

**Article 137. Vote Counting during Referendum in Constituency Election Commission.**

137.1 The count of votes in Constituency Election Commissions shall be conducted in accordance with Article 107 of this Code.

137.2 The protocol of the Constituency Election Commission shall contain in addition to provisions of Articles 107.2 and 136 of this Code, the number of election precincts where voting results have been invalidated.

**Article 138. Completion of Referendum.**

138.1 The Central Election Commission shall announce the official outcomes of a referendum not later than 25 days after the referendum.

138.2 The Central Election Commission shall indicate, in addition to provisions of Article 108 of this Code, the number of election precincts where voting results have been invalidated, the legal infringements taken place during voting or determining voting results, the number of referendum constituencies not allowing to define the voters' will; and separately determine the number of voters voted "for" and voters voted "against" each issue put to the vote.

138.3 An issue to be discussed in a referendum shall be considered to be accepted if more than half of voters participated in the voting have voted for it.

138.4 A referendum shall be concluded at the meeting of the Central Election Commission, and the results be announced in the form of an official notification on referendum outcomes.

**Article 139. Failure of Referendum and Invalidation of Referendum Outcomes by the Central Election Commission.**

139.1 A referendum on issues specified in Articles 3.2 and 153 of the Constitution of the Republic of Azerbaijan shall be considered to be failed, if less than 25% of voters from the integrated voters list participate in the referendum.

139.2 The Central Election Commission shall invalidate the outcomes of a referendum in the following cases:

139.2.1 if voting results are considered invalid in more than 2/5<sup>th</sup> of the referendum precincts;

139.2.2 on the basis of a court's decision.

**Article 140. Publication of a Decision on the Outcomes of a Referendum.**

A decision made by means of referendum and official notification about the outcomes of the referendum together with the text of an act adopted by referendum, shall be published by the Central Election Commission within at latest 20 days after the voting day.

**CHAPTER Twenty One. Acts Accepted by Referendum**

**Article 141. Entry into Force of Acts Accepted by Means of Referendum.**

Any act adopted by means of a referendum shall come into force from the day of its publication.

**Article 142. Legal Force of Decisions Made by Means of a Referendum.**

Any act adopted by means of a referendum shall be final; it shall have a compulsory legal force in the whole territory of the Republic of Azerbaijan and can be cancelled or changed only by means of a referendum.

**SECTION FIVE. Elections to the Milli Majlis****CHAPTER Twenty Two. General Provisions on Elections of Deputies to the Milli Majlis****Article 143. Basis of Elections to the Milli Majlis.**

125 deputies shall be elected to the Milli Majlis from single-mandate constituencies (one deputy from one constituency).

**Article 144. Right of Citizens of the Republic of Azerbaijan to be Elected to the Milli Majlis.**

The citizens of the Republic of Azerbaijan indicated in Article 85 of the Constitution of the Republic of Azerbaijan can be elected as a deputy of the Milli Majlis of the Republic of Azerbaijan.

**Article 145. Determination of Elections to the Milli Majlis.**

145.1 According to the Articles 84.2 and 109.1 of the Constitution of the Republic of Azerbaijan, a date of elections of deputies of a new convocation shall be determined by the President of the Republic of Azerbaijan.

145.2 The term of office of the newly elected Milli Majlis shall commence from the first day of its meeting.

145.3 The Milli Majlis shall be considered as elected effective the date it is formed with authorized members as a result of elections.

145.4 A decision on the determination of elections shall be published officially by the mass media at the latest 2 days after such a decision is made.

**CHAPTER Twenty Three. Nomination of Candidates During Elections to the Milli Majlis****Article 146. Nomination of Candidates to Single-Mandate Constituencies.**

146.1 Political parties, blocks of political parties, citizens of the Republic of Azerbaijan having suffrage and permanently residing in a constituency can nominate candidates to a single-mandate constituency pursuant to Article 53 and 54 of this Code.

146.2 Candidates for repeat elections to a single-mandate constituency shall be nominated after official publication of determination of the elections.

146.3 Candidates for by-elections on a single-mandate constituency shall be nominated after the period indicated in Article 145.4 of this Code.

146.4 A candidate nominated by voters can agree on his nomination only for one single-mandate constituency.

146.5 If the formation of a Constituency Election Commission has not come to the end before the nomination of candidates, notification on nomination of the candidate, applications of the relevant



candidates about their consent and other documents shall be sent to the Central Election Commission. The Central Election Commission shall submit the documents to the Constituency Election Commission after its complete formation and election of its chairperson.

**Article 147. Collection of Voters Signatures in Support of Candidates Nominated for a Single-Mandate Constituency During the Elections to the Milli Majlis.**

147.1. At least 450 signatures of voters should be collected in support of a candidate within the territory of the constituency the candidate has been nominated for.

147.2. Each voter can sign in support of more than one candidate.

147.3. Voters signatures shall be collected in the procedure mentioned in Articles 56 and 57 of this Code.

**CHAPTER Twenty Four. Candidates Registered for Deputy during the Elections to the Milli Majlis**

**Article 148. Registration of a Candidate During the Elections to the Milli Majlis.**

148.1 Candidates shall be registered in accordance with the rules mentioned in Article 60 of this Code.

148.2 No candidate shall be registered in more than one single-mandate constituency.

148.3 If rules mentioned in Article 148.2 of this Code are violated, previous registration of the candidate shall be considered valid, but a decision on registration made relatively later be canceled by the decision of relevant election commission (if a former registered candidate does not apply for canceling his/her previous registration).

148.4 The activity of the registered candidates shall be regulated by Articles 69 - 71 of this Code.

148.5 A list of registered candidates in the constituency shall be published by the Central Election Commission at least 55 days prior to the voting day, in periodicals specified in 77.2 of this Code.

148.6 Political parties and blocks of political parties, which have nominated or registered candidates in more than 60 single-mandate constituencies, can appoint a member with consultative voting right to each election commission. A candidate registered in a single-mandate election constituency can appoint a member with consultative voting right to the relevant election constituency or each of the Precinct Election Commissions within territory of the election constituency.

**Article 149. Postponement of Elections to the Milli Majlis.**

149.1 If none of the candidates or only one candidate has been registered on a single-mandate constituency, during the period mentioned in Article 58.1 of this Code, elections in the relevant constituency shall be postponed for two months, in accordance with the rules mentioned in the Article 145 of this Code, with the purpose to nominate additional candidates and to conduct subsequent election activities.

149.2 If none of the registered candidates or only one registered candidate remains in an election constituency, till the Voting Day, elections in the single-mandate constituency shall be postponed for not more than 3 months, in accordance with the rules mentioned in the Article 145 of this Code, with the purpose to nominate additional candidates and to conduct subsequent election activities.

**Article 150. Reimbursement of Transport Expenses of a Registered Candidate During the Elections to the Milli Majlis.**

150.1 According to Article 70.2 of this Code, the cost of travel using of city, suburb and inter-city transport (except for taxi and ordered journeys) in common use by a candidate registered in a single-mandate constituency within the relevant election constituency, shall be reimbursed upon presenting relevant receipts.

150.2 In cities having several election constituencies, transport expenses within the city of a candidate registered in one of these constituencies shall be reimbursed upon presenting relevant receipts.

150.3 If a registered candidate resides outside of his/her single-mandate constituency, his/her expenses for 4 journeys by motor or railway transport or 2 two-way journeys by plane to the constituency shall be reimbursed upon provision of relevant receipts.

150.4 Travel expenses of a candidate registered in a single-mandate constituency shall be reimbursed by the relevant Constituency Election Commission at the expense of funds allocated for preparation and holding of elections.

150.5 This type of reimbursement shall be carried out at the expense of allocations to the Central Election Commission.

**Article 151. Immunity of a Registered Candidate During Elections to the Milli Majlis.**

A registered candidate can be subject to liability only with consent of the General Prosecutor of the Republic of Azerbaijan, in the manner established in Article 70.4 of this Code.

**Article 152. Number of Agents of Registered Candidates During Elections to the Milli Majlis.**

152.1 Each candidate registered in a single-mandate constituency shall have the right to appoint up to 10 agents. The relevant Constituency Election Commission shall register the above-mentioned persons.

152.2 The status of agents shall be determined by Article 72 of this Code.

**Article 153. Refusal of a Candidate from the Status of Candidate.**

153.1 Refusal of candidates from their status during elections to the Milli Majlis shall be regulated by Article 73 of this Code

153.2 Persons who have performed actions mentioned in Articles 73.1-73.2 of this Code shall have the right to re-nominate their candidacy for any single-mandate constituency, in accordance with rules and period considered by this Code.

**Article 154. Refusal of a Political Party, Block of Political Parties from Participation in Elections to the Milli Majlis.**

154.1. A political party according to its Charter, and a block of political parties according to a decision of the authorized representatives of its parties, shall be entitled upon written application to withdraw a candidate and registered candidate nominated in a single-mandate constituency any time within at least a 10 day period prior to the voting day.

154.2. A political party included in the block of political parties can apply to the Central Election Commission and refuse to participate in the elections as a member of a relevant block of political

parties at least 10 days prior to the voting day, based on the decision of the authorized body of political party.

154.3. A political party, which has refused to participate in the election as a member of a relevant block of political parties can participate in the elections as an independent political party or can join another block of political parties in conformity with the rules established in this Code.

154.4. If all political parties (except one) constituting a block of political parties refuse to participate in the elections after the candidate nominated by the block of political parties is registered, the remaining political party can participate in the elections as a block of political parties, keeping its name and emblem. This cannot serve as a ground for refusal or cancellation of registration of candidates.

154.5. If a block of political parties refuses to participate in the elections, it shall not mean that political parties included in that block cannot participate either; in this case, re-nomination of a candidate and carrying out of other necessary election activities shall be required in accordance with this Code.

## **CHAPTER Twenty Five. Preparation to Elections to the Milli Majlis**

### **Article 155. Special Requirements for Conduct of Pre-election Campaign in Mass Media During Elections to the Milli Majlis.**

155.1. Participation of candidates, political parties, blocks of political parties in pre-election campaign shall be regulated by Chapter 13 of this Code.

155.2. 1/3<sup>rd</sup> of total free airtime on TV and radio should be allocated for registered candidates, political parties and blocks of political parties, which have registered candidates in more than 60 single-mandate constituencies, to conduct discussions, round tables and other election campaigning actions.

155.3. Airtime envisaged for joint election campaign activities of the registered candidates, political parties and blocks of political parties on TV and radio companies specified in Articles 77.2 and 77.3 of this Code shall be allocated and calculated, and performed separately. The registered candidates, political parties and blocks of political parties should use such free airtime on equal basis. In this case, volume of free airtime for each candidate, political parties and block of political parties is determined separately.

155.4. The norm of paid use of airtime allocated by TV and radio companies specified in Article 77.1. of this Code shall be determined by dividing the total volume of the airtime by the total number of candidates, political parties and blocks of political parties, which have registered candidates in more than 60 single-mandate constituencies.

155.5. The volume of free space allocated by the periodicals specified in Article 77.1. of this Code shall be determined through dividing it by the total number of candidates, political parties and block of political parties, which have registered candidates in more than 60 single-mandate constituencies. In this case, the volume of free space shall be allocated separately for the candidates and separately for the political parties, blocks of political parties. They can use the space on the basis of relevant payment.

155.6. Refusal of registered candidates, political parties and blocks of political parties, which have registered candidates in more than 60 single-mandate constituencies from participation in actions mentioned in Article 155.2 of this Code shall not cause increase of free airtime allocated in accordance with Article 80.6.

**Article 156. Election Funds of Candidates, Registered Candidates, Political Parties, Blocks of Political Parties During Elections to the Milli Majlis.**

156.1. The maximum limit of a candidate's election fund assets should not exceed 15 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the elections.

156.2. Election funds of candidates, and registered candidates nominated for a single-mandate constituency can be organized from the following monetary means:

156.2.1. the special funds of candidates and registered candidates — the amount of the special funds cannot be more than 2 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the elections;

156.2.2. funds of candidates, political parties, which have nominated a registered candidate, political parties, which are included in the block of political parties--the amount of the funds cannot be more than 5 thousand times the minimum salary which is in force on the day of official publication of the decision on determination of the elections;

156.2.3. funds allocated by a Constituency Election Commission for a registered candidate in the amount equal to those for other candidates registered for a single-mandate constituency, except for the cases defined by Article 164.8 of this Code.

156.2.4. voluntary donations from citizens amounting not more than 100 times the minimum salary and legal entities amounting not more than 2000 times the minimum salary which is in force on the day of official publication of the decision on determination of the elections;

156.3. Political parties and blocks of political parties, which have nominated or registered candidates in more than 60 single-mandate constituencies, can create a unified election fund.

156.4. Election funds of political parties and blocks of political parties can be formed only from the following monetary means:

156.4.1. special funds of political parties and blocks of political parties not exceeding 50 thousand times the minimum salary which is in force on the day of official publication of the decision on determination of the elections (such funds of blocks of political parties are formed from the funds of political parties which are included in that block);

156.4.2. funds allocated for political parties and block of political parties by the Central Election Commission, except the cases considered by Article 164.8 of this Code;

156.4.3. voluntary donations of citizens and legal entities. The limit of voluntary donations cannot be more than 150 times the minimum salary for citizens and 5,000 times the minimum salary for legal entities, which is in force on the day of publication of the decision on determination of the elections.

156.4. The maximum limit of the election fund assets of a political party and block of political parties shall be determined by multiplying the amount stipulated in Article 156.1 of this Code by the number of nominated or registered candidates. At the same time, the amount expended for each candidate should not exceed the amount provided for in Article 156.1 of this Code. Observance of this condition should be indicated in financial statements of political parties and blocks of political parties.

**Article 157. Special Election Accounts During Elections to the Milli Majlis.**

157.1 Candidates should open a special election account to form their election fund, within 5 days after they submit to the Constituency Election Commission a notification on being nominated in a single-mandate constituency

157.2. Political parties and blocks of political parties which intend to open a single election fund for the candidates shall open a special election account to form the single election fund, within 5 days after they submit to the Central Election Commission the list of the candidates nominated in more than 60 single-mandate constituencies.

157.3. A candidate, political party, blocks of political parties shall open a special election account on the basis of the verified copy of the notification of the Constituency Election Commission on nomination of a candidate on a single-mandate constituency, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, block of political parties can assign its authorized representative to open the special election fund. The candidate, registered candidate, political party, block of political parties can allow another person to use the funds from its election account, through informing the Central Election Commission in writing.

157.4. If the constituency of a candidate or registered candidate changes, he/she can return the balance remained in the special election account by distributing it proportionally among the persons and legal entities who contributed voluntary donations. Shall this right be not used, the bank within 3 days transfers the funds to the account of the Central Election Commission, based on written instructions of the relevant election commission. Then, the candidate or registered candidate should submit a final financial report to the Central Election Commission and should submit a copy of the financial report to the Constituency Election Commission. Opening a special election account in a new constituency shall be regulated in conformity with the rules defined by this Code.

#### **Article 158. Cancellation of the Unified Election Fund.**

If the number of candidates registered in single-mandate constituencies of a political party, block of political parties which created an unified election fund is 60 or less than 60, the special election account of the political party, block of political parties shall be closed, and concurrently a special election account be opened for each candidate and assets of the unified election fund proportionally divided among the election funds of the candidates.

#### **Article 159. Transparency in Use of Election Funds During Elections to the Milli Majlis.**

159.1 The following information about the candidate registered or nominated on a single-mandate constituency should be necessarily published in mass media in conformity with the rules mentioned in Article 77.3 of this Code:

159.1.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections, for political parties and blocks of political parties and 500 times - for a candidate and registered candidate;

159.1.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections, for political party and block of political parties and 250 times – for a candidate or registered candidate (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);

159.1.3 on the number of citizens who contributed donations more than 50 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections;

159.1.4 on the funds returned to the contributors and the grounds of return;

159.1.5 on the total amount received by election fund and total amount of its expenditure.

159.2 The following information about the unified election fund of the political party and block of political parties should obligatorily be published in mass media in conformity with the rules mentioned in Article 77.2 of this Code:

- 159.2.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on the determination of the elections;
- 159.2.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);
- 159.2.3 on the number of citizens who contributed donations more than 50 times the minimum salary which is in force on the day of publication of the decision on the determination of the elections;
- 159.2.4 on funds returned to the contributors and the grounds for return;
- 159.2.5 on the total amount received by the election fund and total amount of its expenditures.

**Article 160. Order of Return of Funds Received by Candidates, Registered Candidates, Political Parties and Blocks of Political Parties During the Elections to the Milli Majlis.**

The rules for return of funds received by candidates, registered candidates, political parties and block of political parties during the elections to the Milli Majlis shall be identified by Articles 90.5-90.7 of this Code.

**Article 161. Obligation of Return of Used Amount of Budget Funds Received by Candidates, Registered Candidates, Political Parties and Blocks of Political Parties During the Elections to the Milli Majlis.**

A registered candidate who participated in the voting in a single-mandate constituency and collected at least 3% of the votes of the total number of voters in that constituency; or a registered candidate who is considered to be elected as well as registered candidate who withdrew his/her candidacy due to the compelling circumstances mentioned in Article 73.3 of this Code; a political party, block of political parties' candidates which have been registered with more than 60 single-mandate constituencies shall be obliged to return within 30 days after the voting day the unexpended part of the assets allocated by a relevant election commission to their election fund, to the same election commission. After this period ends, the relevant bank shall, without any disputes, transfer the amount indicated the letter of the election commission to its bank account.

**Article 162. Payment of Cost of Free Airtime and Free Space in Periodicals Allocated to Registered Candidates, Political Parties, Blocks of Political Parties During Elections to the Milli Majlis.**

162.1 A candidate, political party, block of political parties not considered by Article 161 of this Code should pay the full cost of free airtime and free space to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code. This amount should be paid from the election fund by the candidate, political parties, blocks of political parties before the date the final financial report is submitted. The Central Election Commission shall transfer the following to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code within 3 days after general results of elections are officially published:

- the list of candidates, political parties, blocks of political parties considered by paragraph 1 of this Article, as well as a list of political parties included in the block of political parties mentioned above;
- their addresses;
- verified copies of extracts from joint decisions of block of political parties on payment of used free airtime and space allocated by periodicals.

162.2 TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code shall send relevant information on the cost of free airtime and free space, their legal addresses and bank

account to the candidates, political parties, blocks of political parties and political parties included in the blocks of political parties not considered by Article 161 of this Code, within 10 days after the date the general results of elections are officially published.

162.3 The cost of free airtime and space considered by Articles 80.5, 83.6 and 155.2 of this Code shall be determined in a manner considered by Articles 80.6 and 83.7 of this Code by multiplying the total volume of free airtime and space provided to the candidates, political parties, blocks of political parties by TV and Radio companies and periodicals by the cost of airtime and space allocated for publishing information determined by TV and Radio companies and periodicals.

162.4 When political parties and blocks of political parties with candidates registered in more than 60 single-mandate constituencies use free airtime to conduct joint election campaign activities considered by Article 155.2 of this Code, the amount of funds returned by each political party and block of political parties shall be determined by TV and Radio companies by dividing it proportionally by the total number of participants of joint campaign activity.

162.5 If a candidate, political party or block of political parties refuses to use free airtime in conformity with the rules and period defined by the Article 81.5 of this Code, the cost of presented free airtime shall not be paid.

162.6 TV and Radio companies and periodicals considered by Articles 77.2 and 77.3 of this Code shall inform the Central Election Commission within a 12 month period effective from voting day about the candidates, political parties considered by Article 161 of this Code which did not completely pay the cost of free airtime and space in a periodical. The Constituency Election Commission shall inform the Central Election Commission within a 12-month period effective from voting day about citizens, political parties not considered by Article 161 of this Code and those who have debt obligations to the election commission.

**Article 163. Money Remaining in Special Accounts of Election Funds of Candidates, Registered Candidates, Political Parties, Blocks of Political Parties during Elections to the Milli Majlis.**

The relevant bank, according to written instructions of the relevant election commission, should transfer money remained in special accounts of election funds of candidates, registered candidates, political parties and block of political parties to the the account of the Central Election commission 60 days after the voting day.

**Article 164. Return of Money Received by Candidates, Registered Candidates, Political Parties and Blocks of Political Parties to Their Own Accounts During Elections to the Milli Majlis.**

164.1 If there is no money in the election fund or it is short of money a registered candidate, a political party or block of political parties shall return budget money, as well as cost of free airtime and space in periodicals allocated for political parties and blocks of political parties from their own funds.

164.2 If a block of political parties is responsible for returning budget money allocated for payment of free airtime presented and space allocated in a periodical, the money to be returned shall be proportionally distributed among the political parties included in that block before voting day, with a condition, unless otherwise is provided for in the joint decision on creation of the block of political parties and submitted to the Central Election Commission.

164.3 If a registered candidate who is not considered by Article 161 of this Code undertakes to submit a final financial report and to return the funds in conformity with this Code, he/she can return funds to the relevant Constituency Election Commission within 12 months effective from voting day.

164.4 If a political party, block of political parties which is not considered by Article 161 of this Code and which has not fulfilled the requirements of Article 162.1 of this Code, before it submits its final

financial report, undertakes obligations to TV and Radio companies and periodicals to pay the relevant funds, it can be given time to pay budget money, for used free airtime and free space in periodicals within a 12 month period effective from voting day.

164.5 If obligations considered by Articles 164.3 and 164.4 of this Code are not fulfilled and if the period mentioned in obligations on returning the funds expires, that money shall be returned by the court. If a registered candidate who is not considered by Article 161 of this Code and who has not fulfilled the requirements of Articles 164.3 and 164.4 of this Code does not undertake obligations mentioned in Articles 164.3 and 164.4 of this Code before political parties or block of political parties shall submit their final financial report, the money shall be returned by the court before the period for submission of the final financial report expires.

164.6 If a candidate or registered candidate loses his/her status, the obligations charged to the candidate, registered candidates by Article 164 of this Code shall be imposed on a person who was considered as candidate or registered candidate. Shall the candidate or registered candidate be nominated by a political party, blocks of political parties, the obligations charged by Article 164 of this Code to the political parties and block of political parties will be imposed on the political parties including those which entered the block of political parties, after elections finish.

164.7 The Central Election Commission shall provide the Constituency Election Commission with a list of citizens who have obligations to the election commissions within 5 days after Constituency Election Commissions are formed and after a decision on determination of main, repeat or by-elections is officially published.

164.8 A person, who has debts for budget funds to the election commission during the main, repeat and by-elections and on the date of official publication of decision on determination of the elections, shall not have the right to get funds from the state budget, regardless of what constituency he/she has been nominated for.

## **CHAPTER Twenty Six. Conduct of Elections to the Milli Majlis**

### **Article 165. Voting Room During Elections to the Milli Majlis.**

165.1 A voting room during the elections to the Milli Majlis shall be organized in conformity with the rules of Article 98 of this Code.

165.2 The Precinct Election Commission shall place a notice board in the voting room or right in front of it, which contains the following:

- samples of ballot papers;
- information on political parties, blocks of political parties and candidates of which have been registered;
- following information about all candidates registered from the relevant constituency: surname, name, patronymic, date of birth, education, main working (service) place and occupation (if a candidate does not have it – type of activity), address of residence and their nominators.

165.3 Information on candidates, political parties and blocks of political parties shall appear in the manner and consecutive order as defined in the ballot paper.

### **Article 166. Ballot Papers During Elections to the Milli Majlis.**

166.1 Ballot papers for elections to the Milli Majlis shall be prepared in conformity with the rules mentioned in Article 99 of this Code.



166.2 A ballot paper for a single-mandate constituency should contain the following information about the registered candidates in alphabetical order:

- surname, name, patronymic, date of birth;
- main employment or service place (if they do not have it – type of activity);
- who has nominated them.

166.3 The ballot paper should contain short name and emblem of the political party a candidate of which is registered in conformity with Article 54 of this Code. Emblems of political parties included in the ballot paper should be of the same color.

166.4 The ballot paper can contain party affiliation of the candidate registered in conformity with Article 53 of this Code, with his/her consent.

166.5 A blank square shall be placed to the right hand side of surname of each registered candidate.

#### **Article 167. Voting Rules During Elections to the Milli Majlis.**

167.1 Voting rules during the elections to the Milli Majlis shall be conducted in conformity with Articles 104 and 105 of this Code.

167.2 When voting for the single-mandate constituency, a voter shall mark the square located to the right hand side of the surname of the candidate he/she wants to vote for.

167.3 The vote shall be considered invalid, when more than one square is marked.

#### **Article 168. Count of Votes in Election Precincts During the Elections to the Milli Majlis.**

168.1 The count of votes in the election precincts during the elections to the Milli Majlis shall be conducted in conformity with Article 106 of this Code.

168.2 Each protocol shall contain, along with provisions of Article 100.2 of this Code, the following information about results of voting:

- 168.2.1 surnames, names, patronymics of candidates who appear in the ballot box; if they are identical – additional information about the candidates;
- 168.2.2 number of votes cast for each candidate.

#### **Article 169. Determination of Election Outcomes for Single-Mandate Constituencies During Elections to the Milli Majlis.**

169.1 The count of votes in a Constituency Election Commission shall be conducted in conformity with Article 107 of this Code.

169.2 The Constituency Election Commission shall determine the election outcomes for single-mandate constituency within at latest 2 days after the voting day.

169.3 A candidate who records the most votes of the voters who have participated in the elections shall be considered to be elected from the single-mandate constituency.

169.4 The protocol of the Constituency Election Commission shall contain, along with provisions of Articles 100.2 and 168 of this Code, surname, name and patronymic of the candidate elected as a deputy, and number of election precincts where the elections are considered invalid.

**Article 170. Failure or Invalidation of Elections on Single-Mandate Constituencies.**

170.1 The Constituency Election Commission shall consider elections on single-mandate constituency failed, if number of votes cast for the registered candidates are equal.

170.2 The Constituency Election Commission or the Central Election Commission shall consider the elections on the single-mandate constituency to be invalid, in the following circumstances:

170.2.1 if violations occurred in the election constituency during the conduct of voting or during the determination of the voting results, that make it impossible to determine the voters' will

170.2.2 if the number of election precincts where voting results are considered invalid during the elections on a single-mandate constituency exceeds two fifths of all precincts of the same election constituency;

170.2.3 on the basis of a court decision.

**CHAPTER Twenty Seven. Outcomes of Elections to the Milli Majlis****Article 171. Checking and Approval of Outcomes of Elections to the Milli Majlis.**

171.1 In accordance with Article 86 of the Constitution of the Republic of Azerbaijan, the outcomes of elections shall be checked and approved by the Constitutional Court of the Republic of Azerbaijan.

171.2 At latest 20 days after the Election Day, the Central Election Commission shall check protocols (along with documents attached thereto according to this Code) of Constituency Election Commissions and submit to the Constitutional Court within 48 hours.

171.3 After the Constitutional Court receives the aforementioned documents, it shall involve relevant specialists and check within a 10-day period if the documents meet the requirements of this Code. The Constitutional Court can, upon its own decision prolong this period, if so required for the checking process.

171.4 If the protocols of the Constituency Election Commissions meet the requirements of this Code, then the Constitutional Court shall approve the results of elections. Such resolution of the Constitutional Court shall be final.

171.5 If the results of elections are not completely approved, the Constitutional Court shall adopt a decision about it and new elections be assigned in accordance with Article 145 of this Code.

**Article 172. Repeat Elections to the Milli Majlis.**

The Central Election Commission shall conduct repeat elections in accordance with this Code, if the elections are considered invalid in the relevant constituency, based on Article 170.2 of this Code, or outcomes of elections are not approved according to Article 171.4 of this Code.

**Article 173. Registration of Deputies Elected to the Milli Majlis.**

173.1 The Constituency Election Commission shall immediately inform the candidate elected as a deputy after signing the protocol on results of elections. Within at most 60 days, the candidates elected as deputies should submit to the Central Election Commission a copy of the order on resignation from a position incompatible with his/her deputy status and indicated in Article 85.2 of the Constitution (copies of documents which confirm that he/she will submit an application on resignation within 3 days) or an application which contains the candidate's obligations on termination of his/her functions.

173.2 If a candidate elected from a single-mandate constituency does not perform the requirements specified in Article 173.1 of this Code, then the Central Election Commission shall apply to a relevant

court on cancellation of outcomes of elections in the relevant constituency and carry out repeat elections. If a candidate does not perform the requirements mentioned in Article 173.1 of this Code, without compelling reasons indicated in Article 73.3 of this Code, and if due to these reasons repeated elections are carried out, then the candidate should pay all state funds, allocated by the relevant election commission with regard to repeat elections.

173.3 After the results of elections are published and after a deputy has resigned from his/her position, which is incompatible with the status of deputy, or after his/her functions are terminated, the Central Election Commission shall register him/her as a deputy and issues him/her a deputy card.

#### **Article 174. Publication of Election Outcomes and Voting Results of Elections to the Milli Majlis.**

Rules for publication of election outcomes and voting results of elections to the Milli Majlis shall be regulated by Article 109 of this Code.

#### **CHAPTER Twenty Eight. Deprivation of Deputies of the Milli Majlis from their Mandates and Conduct of by-Elections to the Milli Majlis**

##### **Article 175. Adoption of Decision on Deprivation of Deputies of the Milli Majlis from their Mandates.**

175.1 In case of grounds specified in Article 89.1.1 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the Constitutional Court.

175.2 In case of grounds specified in Article 89.1.3 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the relevant court.

175.3 In case of grounds specified in Articles 89.1.2, 89.1.4 and 89.1.5 of the Constitution of the Republic of Azerbaijan, the decision on deprivation of a deputy from his/her mandate shall be adopted by the Central Election Commission. The decision of the Central Election Commission can be appealed in the relevant court.

##### **Article 176. Conduct of By Elections in a Constituency During Elections to the Milli Majlis.**

176.1 In case of grounds defined in Articles 89.1.2 and 89.1.5 of the Constitution of the Republic of Azerbaijan, the Central Election Commission shall issues a decree on deprivation of the deputy elected from a single-mandate constituency from his/her mandate according to Article 175.3 of this Code, not later than 2 days after the relevant application is received.

176.2 If the Central Election Commission receives an application concerning the circumstances specified in Article 89.1.4 of the Constitution of the Republic of Azerbaijan, the Central Election Commission shall consider the facts indicated in the application within at most 2 months, make a decision, and can create a group of specialists with this regard.

176.3 In cases, as mentioned in Articles 89.1.2, 89.1.4 and 89.1.5 of the Constitution of the Republic of Azerbaijan, the deputy shall be considered deprived of his/her mandate, effective the date the Central Election Commission makes the relevant decision; in circumstances indicated in Articles 89.1.1 and 89.1.3, if there is a relevant court decision (verdict), the deputy shall be considered deprived from his/her mandate from the date the relevant decree (verdict) enters into force.

176.4 By-elections shall be determined on the relevant single mandate constituency in the manner specified in Article 145 of this Code, within a month after a mandate has become vacant.

176.5 A deputy cannot act as a candidate, when additional elections are conducted for vacant deputy mandates.

176.6 During by-elections in a single-mandate constituency nomination of candidates, their registration and other electoral actions in a single-mandate constituency shall be carried out in accordance with the rules established by this Code.

## **SECTION SIX. Election of the President of the Republic of Azerbaijan**

### **CHAPTER Twenty Nine. General Provisions on the Election of the President of the Republic of Azerbaijan**

#### **Article 177. Basis of the Election of the President of the Republic of Azerbaijan.**

The basis of the election of the President of the Republic of Azerbaijan (hereafter referred to as Presidential Elections) shall be determined by Articles 100-102 of the Constitution of the Republic of Azerbaijan (hereafter referred to as Constitution).

#### **Article 178. Determination of the Presidential Elections.**

178.1 The Wednesday of the third week of October of the last year of the President's term of office determined by the Constitution shall be considered to be the Election Day.

178.2 The day of conduct of elections shall be determined by a decision of the Central Election Commission.

178.3 The decision of the Central Election Commission on announcing of the day of conduct of elections should be published at the latest within 2 days.

#### **Article 179. Conduct of Early Presidential Elections.**

179.1 Early Presidential Elections shall be conducted, if the term of office of the President finishes before the period provided for in the Constitution in the circumstances considered by Article 104 of the Constitution. Shall this case take place after determination of the next regular Presidential Elections, the next regular elections are stopped and the early Presidential Elections are determined.

179.2 Effective from the date the relevant decision of the Constitutional Court or of the Milli Majlis of the Republic of Azerbaijan is made, according to Articles 104 and 107 of the Constitution, the elections shall be determined on a Wednesday, within a week by the Central Election Commission and be conducted within a 3 month period.

### **CHAPTER Thirty. Candidates for Presidency. Preparation of Conduct of Presidential Elections**

#### **Article 180. Nomination of a Candidate for Presidency.**

180.1 Political parties, blocks of political parties and citizens having suffrage can nominate candidates for Presidency in conformity with Articles 53 and 54 of this Code.

180.2 Each citizen or citizens having suffrage can create an initiative group consisting of at least 100 persons for nominating candidates for Presidency.

180.3 Candidates for Presidency shall be nominated after the decision on the determination of the elections has been officially published.

180.4 After an initiative group, political party, block of political parties which have nominated a candidate for Presidency submits to the Central Election Commission the candidate's application on his/her consent to be a candidate for Presidency, this application should indicate that the candidate meets requirements of Article 100 of the Constitution.

**Article 181. Collection of Signatures in Support of a Candidate for Presidency.**

181.1 A political party, block of political parties or initiative groups of citizens should collect not less than 45 thousand signatures in support of a candidate they have nominated for Presidency. At least 50 signatures should be collected from the territory of each constituency and the total number of constituencies from which signatures are collected is not less than 60.

181.2 Each voter can sign in support of only one candidate.

181.3 Signatures of voters shall be collected in conformity with the rules established by Articles 56 and 57 of this Code.

**Article 182. Registration of a Candidate for Presidency.**

182.1 Candidates for Presidency shall be registered by the Central Election Commission in conformity with the rules established by Article 60 of this Code.

182.2 Activities of registered candidates shall be regulated by Articles 69 - 71 of this Code.

182.3 The list of the registered candidates should be published by the Central Election Commission at least 55 days prior to the voting day, in the periodicals stipulated in Article 77.2 of this Code.

182.4 Each registered candidate to presidency can assign a member with consultative voting right to each of the election commissions.

**Article 183. Postponement of the Presidential Elections.**

183.1 If no candidates for Presidency have been registered or only one candidate has been registered during the period mentioned by Article 58.1 of this Code, elections shall be postponed for 2 months in conformity with the rules established by Article 178 of this Code for the purposes of nomination of additional candidates and subsequent election activities, and in this case the President in office shall continue implementation of own responsibilities.

183.2 If no registered candidates for Presidency remain or only one registered candidate remains on the Voting Day, the elections shall be postponed for at latest 3 months period for nomination of candidates and further election actions in conformity with rules mentioned in Article 178 of this Code, and in this case the functioning President shall continue implementation of own responsibilities.

**Article 184. Reimbursement of Transport Expenses of a Candidate for Presidency.**

184.1 In accordance with Article 70.2, a candidate for Presidency shall have the right to use all kinds of public transport (except taxis and ordered services) at the expense of state within the territory of the Republic of Azerbaijan effective from the date he/she has been registered and until the date results of elections are officially published.

184.2 The mentioned transport expenses for traveling within the country shall be reimbursed from the funds allocated by the Central Election Commission for preparation and conduct of elections, and on the basis of the presented documents on traveling. In such case the candidate shall be reimbursed for 8 two-way journeys by train, and 4 two-way journeys by airplane.

**Article 185. Immunity and Security of a Candidate for Presidency.**

185.1 Security of a registered candidate for Presidency shall be ensured in the order defined by the Central Election Commission.

185.2 A registered candidate for Presidency can be subject to liability only with permission of the General Prosecutor of the Republic of Azerbaijan, in the manner specified in Article 70.4 of this Code.

**Article 186. Number of Agents of a Candidate for Presidency.**

186.1 A candidate for Presidency can have up to 50 agents. Persons mentioned above shall be registered by the Central Election Commission.

186.2 The status of agents shall be determined by Article 72 of this Code.

**Article 187. Refusal of a Candidate for Presidency from the Candidacy Status.**

Refusal of the candidates for Presidency from the candidacy status shall be regulated by Article 73 of this Code.

**Article 188. Refusal of Political Party, Block of Political Parties to Participate in Presidential Elections.**

188.1 Refusal of a political party, block of political parties participating in the Presidential Elections cannot be basis for refusal of candidacy status of the candidates for Presidency or of cancellation of registration of the candidates for Presidency.

188.2 A political party, which is included in the block of political parties, can refuse to participate in the elections as a member of this block of political parties, due to the decision of authorized body of the relevant political party by submitting an application to the Central Election Commission any time at least 10 days prior to election day.

188.3 A political party, which refuses to participate in elections as a member of a block of political parties, can act as an independent political party or can join other block of political parties in conformity with the rules established by this Code.

188.4 If all political parties (except one) included in the block of political parties refuse to participate in the elections after the candidate for Presidency nominated by the abovementioned block of political parties has been registered by the Central Election Commission, the remaining political party can participate in the elections as a block of political parties keeping name and symbols of the block of political parties. This shall not serve as a ground for refusal of registration of candidates for Presidency or cancellation of registration.

188.5 The refusal of a block of political parties to participate in elections shall not deprive political parties included in the block of rights to participate in elections. In such cases it shall be required to re-nominate a candidate for Presidency and to implement other necessary election actions in conformity with this Code.

**CHAPTER Thirty One. Preparation to Presidential Elections****Article 189. Specific Requirements for the Conduct of the Election Campaign through Mass Media During Presidential Elections.**

189.1 Participation of registered candidates for Presidency, political parties, blocks of political parties in pre-election campaign shall be regulated by Chapter Thirteen of this Code.

189.2 One third of total volume of free airtime allocated by TV and Radio companies shall be envisaged for the registered candidates for Presidency to conduct debates, round tables, other campaigning activities.

189.3 Airtime for conduct of joint campaign activities on channels of TV and Radio organizations mentioned in Article 77.2 of this Code shall be allocated for registered candidates for Presidency, calculated separately and implemented. Registered candidates for Presidency should use such airtime on the equal bases. In such circumstances, volume of free airtime used by each candidate for Presidency shall be determined separately.

189.4 The norm of usage of paid airtime allocated by the TV and radio companies specified in Article 77.1 of this Code shall be determined by dividing its total volume by the total number of candidates for Presidency.

189.5 The volume of space allocated on paid-basis in periodicals specified in Article 84.1 of this Code shall be determined through dividing it by the total number of the candidates. The latter can use this space after making relevant payments.

189.6 Refusal of registered candidates for Presidency to participate in activities mentioned in Article 189.2 of this Code shall not be the reason to increase free airtime allocated in conformity with Article 80.6 of this Code.

#### **Article 190. Special Election Accounts during Presidential Elections.**

190.1 A candidate for Presidency or his/her authorized representative should open a special election account for formation of election fund after he/she submits notification or a relevant decision on his/her nomination as a candidate by political party or block of political parties to the Central Election Commission, but at least 5 days prior to the day of submission of notification for registration of candidates to the Central Election Commission.

190.2 A registered candidate for Presidency shall open a special election account on the basis of a document on his/her nomination received from the Central Election Commission, and documents mentioned in Articles 53 and 54 of this Code.

190.3 A candidate for Presidency can assign his/her authorized representative to open a special election account for him/her.

190.4 A candidate for Presidency, a registered candidate for Presidency can authorize another person to use his/her funds available in the special election account, informing the Central Election Commission about this in writing, and in this case this person shall bear responsibility for the legal violations..

#### **Article 191. Election Funds of Candidates for Presidency.**

191.1 The maximum limit of the election fund of a candidate for Presidency cannot be more than 200 thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published.

191.2 Election funds of candidates for Presidency shall be formed only from the following monetary means:

191.2.1 special funds (these special funds for candidates for Presidency nominated by political parties or block of political parties shall be formed from the funds contributed by political parties or political parties which have created block of political parties) of candidates for Presidency, with a condition it cannot be more than 25 thousand times the

minimum salary which is in force for the date the decision on determination of the election day is officially published;

191.2.2 a fund allocated by the Central Election Commission, except for circumstances considered by Article 197.6 of this Code;

191.2.3 voluntary donations of citizens and legal entities. For citizens the limit of voluntary donations for cannot be more than 1500 times the minimum salary which is in force for the date the decision on determination of the election day is officially published, for legal entities – more than 10 thousand times.

#### **Article 192. Transparency in Usage of Election Funds During Presidential Elections.**

192.1 The following information should be necessarily published in the mass media provided for by Article 77.2 of this Code:

192.1.1 about the financial report on expenditure of funds if the election fund of a registered candidate for Presidency is more then 2 thousand times the minimum salary, which is in force for the date the decision on determination of the Election Day, is officially published, for the candidate for Presidency – 500 times;

192.1.2 about the legal entities who contributed donations, the amount of which is more than one thousand times the minimum salary which is in force for the date the decision on determination of the election day is officially published for the registered candidate for Presidency, for the candidate for Presidency – 250 times (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);

192.1.3 about the number of citizens who contributed donations to the election fund which is more than 50 times the minimum salary in force for the date the decision on determination of the election day is officially published;

192.1.4 about the funds returned to the contributors and about the grounds for return;

192.1.5 about the total amount of money received by the election fund and the total amount of its expenditure.

#### **Article 193. Order of Return of Money Received by Candidates for Presidency, Registered Candidates for Presidency During Presidential Elections.**

The order of return of the money received by candidates for the presidency, registered candidates for Presidency during the presidential elections shall be regulated by Articles 90.5-90.7 of this Code.

#### **Article 194. Obligation to Return the Used Amount of Budget Funds Received by Candidates for Presidency and Registered Candidates for the Presidency During Presidential Elections.**

A registered candidate for Presidency who participated in elections and received at least 5% of total number of voters or who is considered to be elected, as well as a registered candidate for Presidency who withdrew candidacy due to compelling reasons specified in article 73.3 of this Code shall be obliged to return the unexpended part of the election fund transferred by the Central Election Commission to this election commission within 30 days after the election day. When this period finishes a relevant bank should without any dispute transfer the money mentioned in the letter of the Central Election Commission, to the account of the latter.

#### **Article 195. Payment by the Registered Candidates for the Presidency of Cost of Free Airtime and Free Space Allocated in Periodicals During Presidential Elections.**

195.1 A candidate for Presidency not considered by Article 194 of this Code should pay the full amount of the cost of free airtime and space to the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code. Within 3 days after the results of the Presidential Elections is officially published, the Central Election Commission shall send the following to the TV and Radio companies and offices of the periodicals mentioned in Articles 77.2 and 77.3 of this Code:

- names of candidates;



- their addresses;
- verified copies of notifications on payment for free airtime and space used in periodicals.

195.2 Within 10 days after the results of the Presidential Elections are officially published, the TV and Radio companies and periodicals mentioned in Articles 77.2 and 77.3 of this Code shall send the relevant information on the cost of used airtime and cost and volume of space in periodicals, their legal address and bank details to the candidates for Presidency considered by Article 194.1 of this Code.

195.3 Cost of free airtime and space in the periodical considered by Articles 80.5, 83.6 and 189.2 of this Code shall be determined in conformity with rules established by Articles 80.6 and 83.7 of this Code by multiplying the total volume of airtime and space in periodicals allocated for the candidates for Presidency, by cost of airtime determined by TV and Radio companies and the cost of space in the periodical.

195.4 If candidates for Presidency use free airtime for joint election campaign activities mentioned in Article 189.2 of this Code, the amount of money returned by each candidate shall be determined by TV and Radio companies proportionally for total number of participants of each joint election campaign activity.

195.5 If candidates for Presidency refuse to use the free airtime in the manner and within the period established by Articles 81.5 of this Code, the cost of free airtime presented shall not be paid.

195.6 TV and Radio companies and periodicals considered by Articles 77.2 and 77.3 of this Code shall inform the Central Election Commission about candidates for Presidency not considered by Article 194 of this Code who have not completely paid the cost of free airtime and space in periodicals, within 12 months effective from election day.

#### **Article 196. Money Remaining in Special Accounts of Election Funds of Candidates for Presidency and Registered Candidates for Presidency.**

The relevant bank, on the basis of written instructions of the Central Election Commission, should transfer money remaining in special accounts of election funds of candidates for Presidency, registered candidates for Presidency, to its account 60 days after the Election Day.

#### **Article 197. Return of Money Received by Citizens Nominated as a Candidate for Presidency at Their Own Expenses.**

197.1 If there is no money in the election fund or it is short of money, the return of budget money by a registered candidate, as well as the cost of free airtime and space in periodicals allocated, shall be implemented from the personal funds of citizens nominated as candidate for Presidency.

197.2 If a registered candidate for Presidency not considered by Article 194 of this Code, undertakes obligations to return relevant funds in addition to submitting the final financial report according to this Code, he/she can return the funds to be returned to the state budget to the account of the relevant Central Election Commission within a 12 month period effective from voting day.

197.3 If the obligations established by Article 197.2 of this Code are not performed and if the period mentioned by the obligations for returning money expires, funds shall be returned by court. If a registered candidate for Presidency not considered by Article 194 of this Code and who does not perform requirements mentioned in Article 197.2 of this Code nor undertakes obligations mentioned in the same Article before the final financial report is submitted, funds shall be returned by court before the period for submission of the final financial report expires.

197.4 If a candidate for Presidency or registered candidate for the Presidency loses his/her candidacy status, the obligations imposed on the candidates and registered candidates by Article 197 of this Code shall be imposed on the citizen who is considered to be a candidate or registered candidate.

197.5 A list of citizens not considered by Article 194 of this Code and who have debt obligation to the Central Election Commission shall be published.

197.6 If a citizen not considered in Article 194 of this Code and nominated as a candidate for Presidency, has debts regarding the budget to the Central Election Commission during the previous elections when the date of the decision on determination of the election day was officially published, this candidate shall not have the right to receive funds from the state budget during the Presidential Elections.

## **CHAPTER Thirty Two. Conduct of Presidential Elections**

### **Article 198. Voting Room During Presidential Elections.**

198.1 The voting room during the Presidential Elections shall be organized in accordance with requirements of Article 98 of this Code.

198.2 The Precinct Election Commission shall place a notice board in the voting room or right in front of the room for displaying sample ballot papers and information about registered candidates for the Presidency: surname, name, patronymic, date of birth, education, main employment (or service) place, position (if a candidate does not have it – type of activity), address of residence, and who has nominated the candidacy.

198.3 Information on candidates for Presidency shall appear on the notice board in the manner and consecutive order as defined by the ballot paper.

### **Article 199. Ballot Papers for Presidential Elections.**

199.1 Ballot papers for the Presidential Elections shall be prepared in conformity with the rules mentioned in Article 99 of this Code.

199.2 The ballot paper for the Presidential Elections shall contain the following about the candidates for the Presidency in alphabetical order: surname, name, patronymic, date of birth, address of residence, main employment (or service) place (if a candidate does not have it – type of activity), and who has nominated the registered candidate for the Presidency.

199.3 The ballot paper should contain the short name of a political party that a registered candidate for Presidency is a member of, in conformity with Article 54 of this Code.

199.4 The ballot paper can contain party affiliation of a candidate for Presidency if he/she so desires, in conformity with Article 53 of this Code.

199.5 A blank square shall be located to the right hand side of the surname of a candidate for Presidency.

### **Article 200. Rules for Voting during Presidential Elections.**

200.1 Voting during the Presidential Elections shall be conducted in conformity with Articles 104 and 105 of this Code.

200.2 A voter shall mark a blank square to the right hand side of the surname of a candidate for the Presidency

200.3 The ballot paper shall be considered invalid, if either more than one or no square is marked.

**Article 201. Count of Votes in the Voting Station During Presidential Elections.**

201.1 The count of votes in an election precinct during the Presidential elections shall be conducted in conformity with Article 106 of this Code, and a protocol be compiled.

201.2 Each protocol shall contain, in addition to provisions of Article 100.2 of this Code, the following information about results of voting:

201.2.1 surnames, names, patronymics of candidates for the Presidency, if this information is identical, other information about the candidates;

201.2.2 number of votes cast for each candidate for the Presidency;

**Article 202. Count of Votes for the Constituency During Presidential Elections.**

202.1 The count of votes in an election constituency during the Presidential elections shall be conducted in conformity with Article 107 of this Code.

202.2 The protocol of the Constituency Election Commission shall include in addition to those indicated in Articles 100.2 and 201 of this Code, the number of precincts where the voting results have been invalidated.

**CHAPTER Thirty Three. Results of Presidential Elections**

**Article 203. Determination of Results of Presidential Elections.**

203.1 Not later than 14 days starting from the Election Day the Central Election Commission shall finalize the Presidential Elections and submit the results to the Constitutional Court of the Republic of Azerbaijan for approval. Resolution of the Constitutional Court on this matter shall be final.

203.2 A general schedule displaying the data from Constituency Election Commissions shall be attached to the protocol of the Central Election Commission.

203.3 Based on protocols on voting results received from Constituency Election Commissions, the Central Election Commission shall, in addition to provisions of Article 108 of this Code, define the number of election constituencies where legal violations have taken place during conduct of elections or determination of voting results or that did not allow to identify the voters' will; the number of election precincts where voting results were invalidated and the number of votes cast for each candidate for Presidency.

203.4 In accordance with Article 101.2 of the Constitution, a candidate for Presidency of the Republic of Azerbaijan shall be considered elected if more than half of the voters, who participated in the voting, voted for him/her.

203.5 A protocol on results of the Presidential elections shall be published within 24 hours upon its signing.

**Article 204. Invalidation of Results of Presidential Elections.**

204.1 The Central Election Commission shall consider invalid the results of the Presidential elections in the following cases:

204.1.1 if the voting results are considered invalid in more than 2/5 of election precincts;

204.1.2 on the basis of a court decision.

**Article 205. Repeat Voting During Presidential elections.**

205.1 If more than two persons are included in the ballot paper as candidates for presidency and no one was elected, the Central Election Commission shall determine repeat voting for the two of the candidates that gain the majority of the votes during the elections.

205.2 In accordance with Article 101.3 of the Constitution of, the repeat voting shall be held on the second Sunday after the voting in general elections.

205.3 Information about the conduct of repeat voting shall be published in mass media not later than 2 days after the Central Election Commission makes the relevant decision.

205.4 Pursuant to Article 101.4. of the Constitution, the candidate who gained the majority of votes of voters that participated in the repeat voting shall be considered elected as the President of the Republic of Azerbaijan.

**Article 206. Repeat Presidential Elections.**

If outcomes of the Presidential elections are considered invalid by the Constitutional Court and the President of the Republic of Azerbaijan is not elected, a repeat Presidential election shall be determined by a decision of the Central Election Commission.

**Article 207. Realization of Election Actions during Early (?) Presidential Elections.**

In case of early Presidential elections, the Central Election Commission shall define periods of implementation of election actions which are necessary for the period specified in Article 105.1 of the Constitution of the Republic of Azerbaijan, and publish it in a table form along with the decree on conduct of the early Presidential elections. With this purpose, the periods identified in this Code can be decreased at most 2 times.

**Article 208. Publication of Outcomes and Voting Results of Presidential Elections.**

Rules for publication of outcomes and voting results of the presidential elections shall be regulated by Article 109 of this Code.

**Article 209. Commencement of the President's Power.**

209.1 In accordance with Article 103 of the Constitution, the person elected as the President shall take an oath within 3 days starting from the day of official announcement of information on outcomes of the Presidential Elections by the Constitutional Court.

209.2 From the day of taking the oath, the President of the Republic of Azerbaijan shall receive monthly salary at the rate of 3000 times the established minimum salary.

209.3 The functioning President of the Republic of Azerbaijan shall implement his power until the commencement of the powers of the newly elected President of the Republic of Azerbaijan.

**SECTION SEVEN. Municipal Elections****CHAPTER Thirty Four. General Provisions on Municipal Elections****Article 210. Basis of Municipal Elections.**

210.1 Members to municipalities, which implement local self-governance in the Republic of Azerbaijan, shall be elected by relative majority on multi-mandate constituencies.

- 210.2 The municipal members shall be elected on the basis of election areas as follows:
- 210.2.1 in the areas with population less than 500 people– 5 municipal members
  - 210.2.2 in the areas having population from 500 to 999 people –7 municipal members
  - 210.2.3 in the areas having population from 1000 to 4,999 people – 9 municipal members
  - 210.2.4 in the areas having population from 5000 to 9,999 people – 11 municipal members
  - 210.2.5 in the areas having population from 10000 to 19,999 people – 13 municipal members
  - 210.2.6 in the areas having population from 20000 to 49,999 people – 15 municipal members
  - 210.2.7 in the areas having population from 50000 to 99,999 people – 17 municipal members
  - 210.2.8 in the areas having population from 100000 to 299,999 people – 19 municipal members

**Article 211. Term of Office Municipalities.**

- 211.1 The term of office of municipalities shall be 5 years.
- 211.2 The term of office of municipalities shall commence from the voting day, and end on the day of first meeting of newly elected municipalities.
- 211.3 The powers of members of municipality shall be in force only during the term of office of municipality.

**Article 212. Right to be Elected as a Member of Municipalities.**

On Election Day citizens of the Republic of Azerbaijan who are 21 years (including the Election Day as well) or more than 21 years old and who live permanently in the relevant election constituency can be elected as a member to municipalities.

**Article 213. Determination of Municipal Elections.**

- 213.1 Municipal election shall be appointed by the Central Election Commission, in accordance with Articles 211.1 and 211.2 of this Code.
- 213.2 The decision on determination of municipal elections should be officially published in mass media at the latest within 2 days after the decision had been made.

**CHAPTER Thirty Five. Rules for Nominating Candidates for a Member of Municipality**

**Article 214. Nomination of Candidates for a Member of Municipalities.**

- 214.1 Political parties, blocks of political parties and citizens of the Republic of Azerbaijan who live permanently in the same election constituency and have the right to vote, can nominate candidates for a member of municipality in the election constituency in accordance with the Articles 53 and 54 of this Code.
- 214.2 Candidates for a member of a municipality in repeat elections to municipalities shall be nominated after the decision on determination of these elections is officially published.
- 214.3 Candidates for a member of a municipality in by elections to municipalities shall be nominated after the period mentioned in Article 213.2 of this Code.
- 214.4 The nominee can consent to nomination to one municipality only.
- 214.5 The candidate nominated for municipal membership can be nominated and registered on one municipality only.

214.6 Notification on nominating, application of consent of relevant candidates and other documents shall be sent to the Central Election Commission if formation of a Constituency Election Commission is not completed until nomination of candidates for member of municipality. The Central Election Commission shall submit the abovementioned documents to the Constituency Election Commission after it is formed and its chairperson has been elected.

**Article 215. Rules for Collecting Voters Signatures in Support of a Candidate for Member of Municipality.**

215.1 Each nominated citizen should collect voters signatures as follows, to be registered as a candidate for member of a municipality in the relevant election constituency:

215.1.1 area having population of more than 99,999 people – 150 signatures;

215.1.2 area having population more than 49,999 people– 100 signatures;

215.1.3 area having population more than 19,999 people – 75 signatures;

215.1.4 area having population more than 9,999 people – 50 signatures;

215.1.5 area having population more than 4,999 people – 30 signatures;

215.1.6 area having population less than 4,999 people – 15 signatures.

215.2 Voters shall have the right to sign in support of several candidates.

215.3 Voters signatures shall be collected in accordance with the rule mentioned in Articles 56 and 57 of this Code.

**CHAPTER Thirty Six. Registered Candidates to Municipality Membership**

**Article 216. Registration of a Candidate for Membership of Municipality.**

216.1 Candidates for membership of municipality shall be registered according to the rules mentioned in Article 60 of this Code.

216.2 It shall be not allowed for one person to get registered for a member of more than one municipality.

216.3 If the rules mentioned in Article 214.5 of this Code have been violated, the candidate's previous registration shall be considered to be valid, and the decision on registration that had been made relatively late is cancelled with the decision of relevant Constituency Election Commission.

216.4 The activities of registered candidates for member of municipality shall be regulated by Articles 69-71 of this Code.

216.5 A list of registered candidates for municipalities shall be published by the relevant election commission at least 55 days prior to the voting day, in the periodicals specified in Articles 77.3 and 77.4 of this Code.

**Article 217. Postponement of Municipal Elections.**

217.1 If no candidates or candidates number of which is less than the number municipal members specified in Article 210 have been registered for a municipality, during the period mentioned in Article 58.1 of this Code, elections in the relevant municipality shall be postponed by the Central Election Commission for a two month period, with a purpose to nominate additional candidates and to conduct following election activities.

217.2 If none of the registered candidates or only one candidate registered for one place for municipal membership remains for a municipality till the voting day, elections to the municipality

shall be postponed by the Central Election Commission for 2 months, with a purpose to nominate candidates and to conduct further election activities.

**Article 218. Reimbursement of Transport Expenses of Registered Candidates for Membership of a Municipality.**

218.1. In accordance with Article 70.2 of this Code, a candidate for municipal membership shall have the right to use all kinds of public transport within the relevant constituencies (except taxis and ordered transport services) free of charge effective from the date of registration until the date of the official publication of election returns.

218.2. Such payments shall be made from the funds allocated for the Constituency Election Commission, and on the basis of the presented documents on traveling.

**Article 219. Immunity of a Registered Candidate to Municipal Membership.**

The registered candidate for membership of municipality can be subject to liability only with consent of the relevant district prosecutor, in the manner established in Article 70.4 of this Code.

**Article 220. Number of Agents of Registered Candidates for Member of Municipality.**

220.1 A candidate for membership of a municipality shall have the right to appoint up to 3 agents. These persons shall be registered by Constituency Election Commission.

220.2 The status of agents shall be determined by Article 72 of this Code.

**Article 221. Refusal of Candidates for Membership of a Municipality from Status of Candidacy.**

221.1 Refusal of candidates for membership of a municipality from candidacy status shall be regulated by Article 73 of this Code.

221.2 A person who committed actions considered by Articles 73.1-73.3 of this Code shall have the right to re-nominate him/herself for any other municipality within the rules and period established by this Code.

**Article 222. Refusal of a Political Party, Block of Political Parties from Participation in Municipal Elections.**

222.1 A political party, based on its charter, and a block of political parties, based on the decision made by authorized representatives of political parties that are members of the block, shall have the right to withdraw a candidate for a member of municipality nominated for election constituency or registered candidate for a member of municipality at any time by submitting written application to the relevant Constituency Election Commission at least 10 days prior to the Election Day.

222.2 By submitting a written application to the Constituency Election Commission at least 10 days prior to the Election Day, a political party or block of political parties which have nominated a candidate for a member of municipality can refuse to participate in the elections, based on a decision of the body that nominated candidates. In this case, the political party or block of political parties can withdraw its candidates for membership of a municipality.

222.3 A political party, which is included in the block of political parties, can refuse to participate in the elections as a member of this block based on the decision of the authorized body of the political party at any time by submitting a written application to the Constituency Election Commission at least 3 days prior to the Election Day.

222.4 A political party, which refused to participate in elections as a member of the block can function as an independent party or join another block of political parties in conformity with the rules established by this Code.

222.5 If all political parties (except one) included in the block of political parties refuse to participate in the elections after candidates for membership of a municipality nominated by abovementioned block of political parties have been registered by the Constituency Election Commission, the remaining political party can participate in elections as a block of political parties keeping name and symbols of the block of political parties. This cannot serve as ground for refusal in the registration of candidates for member of municipality or cancellation of registration.

222.6 The refusal of a block of political parties to participate in the elections shall not deprive political parties included in the block of rights to participate in elections. In such cases it is required to re-nominate a candidate for membership of a municipality and to implement other necessary election activities in conformity with this Code.

### **Article 223. Appointing of Representatives to Election Commissions during Municipal Elections.**

The political parties or blocks of political parties which during municipal elections nominate candidates in more than half of all municipalities in the Republic of Azerbaijan, can appoint one member with consultative voting right to the Central Election Commission. The political parties or blocks of political parties which during municipal elections nominate candidates in more than half of all municipalities in one constituency, can appoint one member with consultative voting right to the relevant Constituency Election Commission.

## **CHAPTER Thirty Seven. Preparation for Municipality Elections**

### **Article 224. Special Requirements for Candidates of Political Parties, Blocks of Political Parties to Municipal Membership for Conducting Pre-election Campaign.**

224.1 Participation of candidates for membership of a municipality in the pre-election campaign shall be regulated by Chapter 13 of this Code.

224.2 1/3 of total free airtime allocated by TV and radio companies should correspondingly be provided to the political parties and block of political parties, which have registered candidates in more than 1/3 or in more than half of municipalities, to conduct discussions, round tables and other campaigning actions, taking into consideration provisions of Articles 77.2 and 77.3 of this Code.

224.3 Airtime for joint election campaign activities on TV and radio mentioned in Articles 77.2 and 77.3 of this Code shall be allocated and calculated for political parties and block of political parties, and performed separately. The political parties and block of political parties should use such free airtime on equal basis. In this case, the volume of free airtime for each candidate, political parties and block of political parties is defined separately.

224.4 The norm of paid use of the airtime allocated by TV and radio companies specified in the Article 71.1 of this Code shall be determined by dividing the total volume of free space by total number of candidates for membership of a municipality specified in Article 77.4 of this Code.

224.5 Candidates for membership of a municipality can use the space that is allocated in the periodicals mentioned in Article 71.1. of this Code and shall be determined by dividing the total number of candidates for membership of a municipality in compliance with Article 77.4. of this Code, on the basis of payment.



224.6 Refusal of the registered candidates, political parties and block of political parties, which have registered candidates in more than one third or half of municipalities from participation in actions mentioned in Article 224.2 of this Code shall not cause increase of free airtime allocated in accordance with Article 80.6.

**Article 225. Election funds of Political Parties, Blocks of Political Parties and Candidates to Municipal Membership.**

225.1 Election funds of candidates for member of a municipality can be formed through the following monetary means:

225.1.1 The amount of special funds of candidates for membership of a municipality

- not more than 2000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day – for candidates for membership of a municipality mentioned in Article 215.1.1
- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- not more than 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 150 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.1.2 election funds of political parties or blocks of political parties with nominated candidates for membership of a municipality amounting to:

- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- not more than 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- not more than 750 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 100 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.1.3 funds allocated by a Constituency Election Commission on equal basis to candidates for membership of a municipality at latest within 3 days after the registration of candidates is over, except for the cases defined by Article 233.8 of this Code;

225.1.4 voluntary donations from citizens not more than 100 times the minimum salary, which is in force on the day of official publication of the decision on determination of the Election Day.

225.1.5 voluntary donations of legal entities that are:

- not more than 2000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- not more than 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- not more than 750 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- not more than 500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- not more than 250 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- not more than 150 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.;

225.2. Maximum limit of the funds of candidates for membership of a municipality cannot exceed:

- 10000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.1.;
- 7500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.2.;
- 5000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.3.;
- 2500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.4.;
- 1500 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.5.;
- 1000 times the minimum salary, which is in force on the day of official publication of the decision on determination of the election day - for candidates for membership of a municipality mentioned in Article 215.1.6.

225.3 Municipalities can allocate funds of equal amounts, to election funds of candidates nominated within their territory.

225.4 Political parties and blocks of political parties, which have nominated or registered candidates on more than one third of municipalities, can create a unified election fund.

225.5 Election funds of political parties and blocks of political parties can be organized from the following monetary means:

- 225.5.1 the special funds of political parties and block of political parties — the amount of the special funds cannot be more than 50 thousand times the minimum salary, which is in force on the day of official publication of the decision on determination of the

- elections (these special funds of the block of political parties can be formed from funds provided by the political parties that constitute the block);
- 225.5.2 funds allocated for political parties and block of political parties by the Central Election Commission, except the cases considered by this Code;
- 225.5.3 voluntary donations of citizens and legal entities. Limit of voluntary donations cannot be more than 150 times the minimum salary for citizens and 5,000 times the minimum salary for legal entities, which is in force on the day of publication of the decision on determination of the elections.

225.6 The maximum limit of the election fund assets of a political party or block of political parties shall be determined through multiplying the amount stipulated in Article 225.3 of this Code by the number of nominated or registered candidates. In any case, the maximum limit of the election fund assets of a political party or block of political parties cannot exceed 100,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections. At the same time, the amount expended for each candidate should not exceed the amount provided for in Article 225.3 of this Code. Observance of this condition should be indicated in financial statements of political parties or blocks of political parties.

#### **Article 226. Special Accounts of Political Parties, Blocks of Political Parties and Candidates to Municipal Membership.**

226.1 Candidates for membership of municipality should open special accounts for creating their election fund within 5 days after they submit to the Constituency Election Commission a notification on commencing of collection of signatures.

226.2 The political parties, which intend to open a single election fund for the candidates shall open a special election account to form the unified election fund, within 5 days after they submit to the Central Election Commission the list of the candidates nominated in more than 1/3 of municipalities.

226.3 A candidate, political party, block of political parties shall open a special election account on the basis of the verified copy of the notification of the Constituency Election Commission on nomination of a candidate, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, block of political parties can assign its authorized representative to open the special election fund. The candidate, registered candidate, political party, block of political parties can entitle another person to use the funds from its election account, through informing the Constituency Election Commission (the Central Election Commission) in writing.

226.4 If the municipality, where the candidate or registered candidate is nominated, changes, he/she should return the balance remaining in the special election account by distributing it proportionally among the persons and legal entities that contributed voluntary donations. After doing this, the candidate or the registered candidate should submit a final financial report to the Constituency Election Commission. Opening a new special election account shall be regulated in conformity with the rules defined by this Code.

#### **Article 227. Cancellation of the Single Election Fund.**

If the number of candidates registered in municipalities, of a political party or block of political parties which created an unified election fund, covers half or less than half of the municipalities, the special election account of the political party, block of political parties shall be closed, and concurrently a special election account be opened for each candidate and assets of the unified election fund proportionally divided among the election funds of the candidates.

**Article 228. Transparency in Usage of Money from Election Funds of Political Parties, Block of Political Parties and Candidates to Municipal Membership.**

228.1 The following information on the election fund of the candidate to municipal membership should necessarily be published by the mass media means mentioned in Article 77.4 of this Code:

- 228.1.1 on the financial report about usage of election fund of a candidate for a membership of a municipality if its amount is more than thousand times the minimum salary which is in force on the date decision on determination of election day is officially published;
- 228.1.2 on the legal entities who contributed donation, which is more than 500 times the minimum salary which is in force on the date the decision on determination of the election day is officially published, to the election fund of a candidate for membership of a municipality (in this case, possibility of transfer of funds through several installments of donations should be taken into account);
- 228.1.3 on the number of citizens who contributed donations, which are more than 50 times the minimum salary, which is in force on the date the decision on determination of the election day, is officially published, to the election fund of a candidate for membership of a municipality;
- 228.1.4 on the funds returned to the contributors and on the grounds for return;
- 228.1.5 the total amount of money received by the election fund of a candidate for membership of a municipality and the total amount expended;

228.2 The following information about the political party or block of political parties should necessarily be published in mass media in conformity with the rules mentioned in Article 77.2 or 77.3 of this Code:

- 228.2.1 on the financial statement of expenditure of funds, if the election funds exceed 2,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections;
- 228.2.2 on the legal entities who contributed donations to the election funds which exceed 1,000 times the minimum salary, which is in force on the day of publication of the decision on determination of the elections (in this case, possibility of transfer of funds through several installments of donations should be taken into account);
- 228.2.3 on the number of citizens who contributed donations more than 50 times the minimum salary which is in force on the day of publication of the decision on determination of the elections;
- 228.2.4 on the funds returned to the contributors and the grounds for return;
- 228.2.5 on the total amount received by the election fund and the total amount of its expenditures.

**Article 229. Order of Return of Funds Received by Candidates to Municipal Membership, Political Parties, Blocks of Political Parties.**

Order of return of funds received by candidates to municipal membership, political parties, blocks of political parties shall be regulated by Articles 90.5-90.7 of this Code.

**Article 230. Obligations on Return of Budget Funds Received by Candidates to Municipal Membership, Political Parties, Blocks of Political Parties and Registered Candidates for Member of Municipality.**

A candidate for membership of a municipality who participated in voting and received at least 3% of votes of total number of voters or who is considered to be elected, as well as a registered candidate for membership of a municipality, political party or block of political parties which have registered candidates in more than half of municipalities who withdrew candidacy due to compelling circumstances shall be obliged to return unexpended part of funds transferred to their election funds by the Constituency Election Commission to this Constituency Election Commission within 15 days after the election day. After the funds are transferred, the funds of the municipalities shall be returned within 15 days, in the

mentioned manner. After this period expires, the relevant bank should without any dispute transfer the amount mentioned in Central Election Commission's letter or that of the relevant municipality to their account.

**Article 231. Payment of Cost of Free Airtime and Free Space in Periodicals by Candidates to Municipal Membership, Political Parties and Blocks of Political Parties.**

231.1 The candidate, political party or block of political parties not mentioned in Article 230 of this Code, should completely pay the costs of free airtime and space allocated by TV and radio companies and periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code. The given cost should be paid by the candidate, political party or blocks of political parties from election funds until the day a final financial report is submitted. The Central Election Commission shall send the following to the TV and Radio companies and offices of periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code within 3 days after the general results of elections are officially published:

- the list of candidates, political parties or blocks of political parties, as well as a list of political parties included in the block of political parties mentioned above;
- their addresses;
- verified copies of extracts from joint decisions of blocks of political parties on payment of used free airtime and space allocated by periodicals.

231.2 TV and radio companies and periodicals mentioned in Articles 77.2, 77.3 and 77.4 of this Code shall inform the candidates, political parties, blocks of political parties not considered in Article 230 of this Code about the cost of used free airtime, volume and cost of used free space in periodicals, about their legal address and bank information within 10 days after final election results are officially published.

231.3 The cost of free airtime and free space in periodicals mentioned in Articles 80.5, 83.6 and 224.2 of this Code, shall be determined by multiplying the total volume of airtime and space in periodicals allocated for the candidate, political party or block of political parties in accordance with the rules defined in Articles 80.6 and 83.7 of this Code to cost of airtime and space on periodical and for publication of information determined by TV and radio companies and periodicals.

231.4 When political parties and block of political parties use free airtime to conduct joint campaign activities considered by Article 224.2 of this Code, the amount of funds returned by each political party and block of political parties shall be determined by TV and Radio companies by dividing it proportionally by the total number of participants of each joint TV program.

231.5 If a candidate, political party or block of political parties refuses to use free airtime in conformity with the rules and period defined by the Article 81.5 of this Code, the cost of presented free airtime shall not be paid.

231.6 TV and Radio companies and periodicals considered by Articles 77.2, 77.3 and 77.4 of this Code shall inform the Central Election Commission about the candidate or political parties considered by Article 230 of this Code, which did not completely pay cost of free airtime and space in a periodical, within 12 months period effective from the voting day. The Constituency Election Commissions shall inform the Central Election Commission about citizens or political parties not considered by Article 230 of this Code and those who have debt obligations to the election commission, within 12 months period effective from the Election Day.

**Article 232. Money Remaining in Special Accounts of Election Funds of Candidates to Municipal Membership, Political Parties, Blocks of Political Parties.**

The relevant bank should transfer money remaining in the special account of election funds of candidates for membership of a municipality 30 days after voting day in accordance with the written instruction of the Constituency Election Commission to the budget of a relevant municipality.

**Article 233. Return of Money by Candidates to Municipal Membership, Political Parties, Blocks of Political Parties, at their Own Expenses.**

233.1 if there is no money or a shortage of money in the election fund, the state budget and municipal money shall be returned by the registered candidate, political party, block of political parties, and the cost of allocated free airtime and space in periodicals be reimbursed by political parties and blocks of political parties at their own expenses.

233.2 If a block of political parties is responsible for returning budget money allocated for payment of free airtime presented and space allocated in a periodical, the money to be returned shall be proportionally distributed among the political parties included in that block before voting day, with a condition, unless otherwise is established in the joint decision on creation of the block of political parties and submitted to the Central Election Commission.

233.3 If a registered candidate who is not considered by Article 230 of this Code undertakes to submit a final financial report and to return the funds in conformity with this Code, he/she can return funds of the state and municipal budget to be returned, correspondingly to the account of the Constituency Election Commission or municipal account, within 6 months effective from voting day.

233.4 Before the submission of the final financial report, the political parties, blocks of political parties, not considered by Article 230 of this Code and who do not fulfill requirements of Article 230 of this Code but undertake obligations before the Central Election Commissions, TV and Radio companies and periodicals to pay relevant amount of monetary funds to them, can be provided with a prolongation for the period of 6 months starting from the voting day to pay for the amounts of state and municipal budgets as well as cost for used free airtime and space in periodicals.

233.5 If the obligations considered by Articles 233.3 and 233.4 of this Code are not fulfilled and if the period mentioned in the obligations on returning the funds expires, that money shall be returned by the court. If a registered candidate, political party or block of political parties not considered by Article 230 of this Code and who has not fulfilled the requirements of Articles 233.3 and 233.4 of this Code does not undertake the obligations mentioned in Articles 233.3 and 233.4 of this Code unless the final financial report is submitted, money shall be returned in the court prior to expiration of the period for submission of final financial report.

233.6 If a candidate or registered candidate loses his/her status, the obligations charged the candidate or registered candidates by this Article shall be imposed on a person who was considered as a candidate or registered candidate. Should the candidate, registered candidate be nominated by a political party or block of political parties, the obligations charged by this Article to the political parties and block of political parties will be imposed on the political parties including those which entered the block of political parties, after elections finish.

233.7 The Central Election Commission shall provide the Constituency Election Commission with information about citizens who are considered by Article 230 of this Code and who have obligations to the election commissions or municipalities, within 5 days after Constituency Election Commissions are formed and after a decision on determination of elections, repeat or by- elections is officially published.

233.8 The citizen considered by Article 230 of this Code, who has debts to the election commission regarding the budget for the date of official publication of decision of determination of the voting day, shall not have the right to receive funds from the state or municipal budget during the elections, repeat and by-elections, regardless of what constituency he/she has been nominated for.

## **CHAPTER Thirty Eight. Conduct of Municipality Elections and Determination of the Election Results**

### **Article 234. Voting Room During Municipal Elections.**

234.1 The voting room during municipal elections shall be organized in accordance with requirements of Article 98 of this Code.

234.2 The Precinct Election Commission shall post the following on a notice board in the voting room or in front of it:

- sample of a ballot paper;
- information on political parties, blocks of political parties and candidates of which have been registered;
- following information about all candidates registered from the relevant constituency: surname, name, date of birth, education, main working (service) place and occupation (if a candidate does not have it – type of activity), address of residence, their nominators.

234.3 Information on candidates, political parties and blocks of political parties shall appear in the manner and consecutive order as defined in the ballot paper.

### **Article 235. Ballot Papers During Municipal Elections.**

235.1 Ballot papers for conduct of municipal elections shall be prepared in accordance with the rule established by Article 99 of this Code.

235.2 Separate ballot papers shall be prepared for each municipality election.

235.3 It shall be indicated in the heading of the ballot paper what municipal election it is intended to be used for.

A ballot paper for municipality elections should contain the following information on the candidates for member of a municipality:

- surname, name, patronymic, pseudonym;
- date of birth;
- address;
- main working or serving place (if he/she does not have them - type of activity);
- who has nominated the candidate

235.4 The ballot paper should contain the short name of the party of a candidate for membership of a municipality who has been registered in accordance with the Article 54 of this Code.

235.5 Party affiliation of a candidate for membership of a municipality, registered in accordance with the Article 53 of this Code, can be indicated by his/her will.

235.6 An empty square shall be placed at the right hand side of the candidate's surname, in the ballot paper.

### **Article 236. Rule of Voting During Municipal Elections.**

236.1 Voting during municipality elections shall be conducted in accordance with Articles 104 and 105 of this Code.

- 236.1.2 The voter shall mark the square opposite to the surnames of candidates they want to vote for and the number of such marks should be equal or less than the number of the relevant municipality's members.

236.1.3 if the number of marked squares is more than the number of municipal members, the vote shall be considered invalid.

236.1.4 if none of the squares is marked, the vote shall be considered invalid.

#### **Article 237. Counting of Votes in the Election Precinct During Municipal Elections.**

237.1 The counting of the votes in the election precinct shall be conducted in accordance with Article 106 of this Code.

237.2 Each protocol shall contain, along with provisions of Article 100.2 of this Code, the following information about results of voting:

237.2.1 surnames, names, patronymics of candidates who appear in the ballot box; if they are identical – additional information about the candidates;

237.2.2 number of votes cast for each candidate.

#### **Article 238. Determination of Voting Results by the Constituency Election Commission.**

238.1 The count of votes in a constituency election commission shall be conducted in conformity with Article 107 of this Code.

238.2 The Constituency Election Commission shall determine election returns for multi-mandate constituency within at latest 2 days after voting day.

238.3 The candidates who participate in the elections and collect the majority of votes shall be considered as elected to a relevant municipality, as appropriate to number of municipal members.

238.4 The protocol of the Constituency Election Commission shall contain the surname, name and patronymic of the candidate elected as a member to municipality.

#### **Article 239. Checking and Approval of Outcomes of Municipal Elections.**

The Central Election Commission shall check the protocols of the Constituency Election Commissions (along with the documents attached pursuant to this Code), and in accordance with Article 108 of this Code, compile a protocol on general outcomes of the elections, within 20 days effective the voting day.

#### **Article 240. Invalidation of Elections to Municipalities.**

240.1 The Constituency Election Commission shall consider the municipal elections failed, if the number of votes cast for the registered candidates is equal.

240.2. The Constituency Election Commission or the Central Election Commission shall consider the elections in a municipality to be invalid, in the following circumstances:

240.2.1 if the number of election precincts where voting results are considered invalid during the elections on a municipality exceeds 2/5 of all precincts within the same municipality;

240.2.2 on the basis of a court's decision.

#### **Article 241. Announcement of Results of Municipal Elections.**

The Central Election Commission shall announce the results of municipal elections in the Republic of Azerbaijan at latest within 30 days after starting from Election Day. This decision of the Central election Commission shall be final.



**Article 242. Card for Being Elected as a Municipal Member.**

According to the sample determined by Central Election Commission, a card for being elected as a municipal member shall be provided by the Constituency Election Commission within 5 days after the elections results have been announced.

**Article 243. Repeat Elections.**

Repeat elections shall be conducted by the decision of Central Election Commission, if municipal elections either fail or are considered to be invalid, according to Article 240 of this Code.

**Article 244. By- Elections.**

If the required number of members of a municipality has not been elected, or their terms of office have been terminated before their normal expiry date and as a result of the above there is less than 2/3 of the members in a municipality, by-elections shall be held with the decision of the Central Election Commission.

**Article 245. Filling of Vacancies of Municipal Members.**

Following receipt of the application from a Constituency Election Commission that a member of a municipality has died during his/her term of office, or has had his/her term of office terminated, the Central Election Commission shall determine new election.

**Article 246. Publication of Outcomes and Voting Results of Municipal Elections.**

Rules for publication of outcomes and voting results of municipal elections shall be regulated by Article 109 of this Code.

**Law of the Azerbaijan Republic  
on Approval and Entry into Force  
of the Election Code of the Azerbaijan Republic**

The Milli Majlis of the Azerbaijan Republic decrees the following:

1. The Election Code of the Azerbaijan Republic shall be approved.
2. It shall be determined, that Articles 24, 30.3, 36.1 and 36.2 are to enter into force on the day of the first meeting of the Milli Majlis of the Azerbaijan Republic, to be re-elected in 2005.
3. The following composition shall be determined for organization of the Central Election Commission of the Azerbaijan Republic, until the period stipulated in Article 2 of the present Law:
  - 3.1. The Central Election Commission of the Azerbaijan Republic (hereinafter the Central Election Commission) shall consist of 15 members. Members of the Central Election Commission shall be elected by the Milli Majlis. Duties, responsibilities and working procedures of the Central Election Commission composed in such order, shall be regulated by the Election Code of the Azerbaijan Republic.
  - 3.2. 6 members of the Central Election Commission shall represent the political party deputies of which, elected from multi-mandate (nationwide) election constituency, are in majority in the Milli Majlis, and which nominates them; 3 members shall represent the political parties, deputies of which, elected from multi-mandate (nationwide) election constituency, are in minority in the Milli Majlis, and which nominate them; 3 members shall represent the deputies elected from single-mandate election constituencies, which represent the political parties that failed to gain seats in the Milli Majlis at the result of the elections on multi-mandate (nationwide) election constituencies, or the deputies which are elected independently and nominate them (hereinafter the deputies elected from single-mandate constituencies); and 3 members shall represent 4 political parties which have participated in elections on multi-mandate (nationwide) election constituencies and nominate them, and which have not gained seats in the Milli Majlis and collected the majority votes in the elections on multi-mandate (nationwide) election constituencies.
  - 3.3. Each of the above groups shall present an ex-judge or a representative from a public organization, who is specialized in democracy and human rights fields, to be elected as a member to the Central Election Commission. At least half of the candidates to the Central Election Commission membership, nominated by each of the above groups, should be lawyers.
  - 3.4. The Chairperson and Deputy Chairperson of the Central Election Commission shall represent the political party, deputies of which, elected from multi-mandate (nationwide) election constituency, are in majority in the Milli Majlis. One of the Secretaries of the Central Election Commission shall represent the political parties, deputies of which, elected from multi-mandate (nationwide) election constituency, are in minority in the Milli Majlis, and the deputies elected from single-mandate election constituencies; and another Secretary shall

represent 4 political parties which have participated in elections on multi-mandate (nationwide) election constituencies and which have not gained seats in the Milli Majlis, and collected the majority votes.

3.5. A meeting of the Central Election Commission shall be considered authorized, when at least 10 members of the Commission are present.

3.6. Decisions of the Central Election Commission shall be adopted in the following order:  
if 10 members of the Central Election Commission are present– by a majority of at least 7 of its members;  
if 11 or 12 members are present– by a majority of at least 8 of its members;  
if 13 members are present - by a majority of at least 9 of its members;  
if 14 or 15 members are present - by a majority of at least 10 of its members.

4. The following composition shall be determined for organization of Constituency Election Commissions, until the period stipulated in Article 2 of the present Law:

4.1. A Constituency Election Commission shall consist of 9 members and be formed by the Central Election Commission.

4.2. 3 members of the Constituency Election Commission shall be nominated by the Central Election Commission members who represent the political party deputies of which, elected from multi-mandate (nationwide) election constituency, are in majority in the Milli Majlis; 2 members shall be nominated by the Central Election Commission members who represent the political parties deputies of which, elected from multi-mandate (nationwide) election constituency, are in minority in the Milli Majlis; 2 members shall be nominated by the Central Election Commission members who represent the deputies elected from single-mandate election constituencies; and the other 2 members shall be nominated by the Central Election Commission members who represent 4 political parties which have not gained seats in the Milli Majlis and collected the majority votes in the elections on multi-mandate (nationwide) election constituencies.

4.3. A meeting of a Constituency Election Commission shall be considered authorized, when at least 6 members of the Commission are present.

4.4. Decisions of a Constituency Election Commission shall be adopted in the following order:  
if 6 members of the Constituency Election Commission are present– by a majority of at least 4 of its members;  
if 7 or 8 members are present - by a majority of at least 5 of its members;  
if 9 members are present - by a majority of at least 6 of its members.

5. The following composition shall be determined for organization of Precinct Election Commissions, until the period stipulated in Article 2 of the present Law:

5.1. A Precinct Election Commission shall consist of 6 members and be formed by the Constituency Election Commission.

5.2. 3 members of the Precinct Election Commission shall be nominated by the Constituency Election Commission members who represent the political party deputies of which, elected from multi-mandate (nationwide) election constituency, are in majority in the Milli Majlis; 1 member shall be nominated by the Constituency Election Commission members who represent the political parties deputies of which, elected from multi-mandate (nationwide) election constituency, are in minority in the Milli Majlis; 1 member shall be nominated by the Constituency Election Commission members who represent the deputies elected from single-mandate election constituencies; and the other 1 member shall be nominated by the Constituency Election Commission members who represent 4 political parties which have not gained seats in the Milli Majlis and collected the majority votes in the elections on multi-mandate (nationwide) election constituencies.

5.3. A meeting of a Precinct Election Commission shall be considered authorized, when at least 4 members of the Commission are present.

5.4. Decisions of a Precinct Election Commission shall be adopted in the following order:  
if 4 or 5 members of the Precinct Election Commission are present– by a majority of at least 3 of its members;  
if 6 members are present - by a majority of at least 4 of its members.

6. Shall Constituency and Precinct Election Commissions not be completely formed for the periods specified correspondingly in Articles 30.1 and 36.4 of the Election Code of the Azerbaijan Republic, meetings of such commissions are considered authorized if more than half of the appointed commission members are present, and decisions are adopted by simple majority of votes of the appointed members.

7. If the number of members participating in a meeting of an election commission is less than specified in Article 19.9 of the Election Code of the Azerbaijan Republic, the meeting shall be postponed, and the next meeting be summoned for discussion of the significant issue (during the period of less than 6 days prior to the Election Day and within at least 3 hours before the elections). If at the next regular meeting the number of members is again less than two thirds, then the third meeting shall be summoned (during the period of less than 6 days prior to the Election Day and within at least 3 hours before the elections). Shall the number of members participating at the third meeting be again less than two thirds, then the number of members necessary for the meeting to be considered authorized is decreased from two thirds to half.

8. If during discussion at the election commission, the decisions, deadlines for adoption of which are specified in the Election Code of the Azerbaijan Republic, are not adopted 3 times by voting in accordance with Articles 3.6, 4.4 and 5.3 of this Law, and if discrepancies arisen herein are not resolved, then the majority of votes necessary for adoption of the decision shall be replaced with simple majority of votes.

9. If no municipalities are established in an inhabited area, then the responsibilities provided for in Article 29.7.4 of the Election Code of the Azerbaijan Republic shall be carried out by the local executive authorities.

10. The Law of the Azerbaijan Republic “On Elections to the Milli Majlis of the Azerbaijan Republic” (July 5, 2000, #900-IQ), the Law of the Azerbaijan Republic “On Election of the President of the Azerbaijan Republic” (June 9, 1998, #503-IQ), the Law of the Azerbaijan Republic “On Rules of Elections to Municipalities” (July 2, 1999, #699-IQ), the Law of the Azerbaijan Republic “On the Central Election Commission of the Azerbaijan Republic” (May 15, 1998, #496-IQ), and the Law of the Azerbaijan Republic “On Referendum” (December 30, 1997, #425-IQ) shall be considered invalid.

***HEYDAR ALIYEV***  
***President of the Azerbaijan Republic***

***Baku, May 27, 2003***

## **Decree of the President of the Azerbaijan Republic on Implementation of the Election Code of the Azerbaijan Republic**

In respect of entry into force of the Election Code of the Azerbaijan Republic, I herewith **decree** the following, in order to ensure implementation of the Code:

1. The Cabinet of Ministers of the Azerbaijan Republic shall be assigned to do the following within one month:

- submit its proposals on bringing of the valid legislative acts into compliance with the Election Code of the Azerbaijan Republic to the President of the Azerbaijan Republic;
- ensure bringing of the legal (normative) acts of the Cabinet of Ministers and relevant central executive power bodies into compliance with the Election Code of the Azerbaijan Republic, and report about it to the President;
- resolve within own authorities, other issues proceeding from the Election Code of the Azerbaijan Republic.

2. The Ministry of Justice and the General Prosecutor's Office of the Azerbaijan Republic shall within 5 days submit to the President of the Azerbaijan Republic their proposals on making relevant amendments: i) to the procedural legislation, in connection with implementation of Articles 46, 112, 113 and 114 of the Election Code of the Azerbaijan Republic; ii) to the Criminal Code, Civil Code and the Code of Administrative Offences of the Azerbaijan Republic, in connection with Article 115 of the Election Code of the Azerbaijan Republic; iii) to the Code of Administrative Offences of the Azerbaijan Republic, in connection with implementation of Article 116 of the Election Code of the Azerbaijan Republic.

3. The following shall be determined:

- Responsibilities of the "relevant executive power body" specified in Article 96.3 of the Election Code of the Azerbaijan Republic, are executed by the President of the Azerbaijan Republic;
- Responsibilities of the "relevant executive power bodies" specified in Articles 44.2 and 44.3 of the Code, are executed by the President of the Azerbaijan Republic and the Ministry of Foreign Affairs of the Azerbaijan Republic, within their own authorities;
- Responsibilities of the "relevant executive power body" specified in Article 29.2 of the Code, are executed by the Ministry of Foreign Affairs of the Azerbaijan Republic;
- Responsibilities of the "relevant executive power body" specified in Article 59.7.1 of the Code, are executed by local structures of the Ministry of Internal Affairs of the Azerbaijan Republic;

- Responsibilities of the “relevant executive power body” specified in Article 89.2 of the Code, are executed by the Ministry of Finance of the Azerbaijan Republic;
  - Responsibilities of the “relevant executive power body” specified in Articles 77.2 and 77.3 of the Code, are executed by the National Television and Radio Council and the Azerbaijan Press Council;
  - Responsibilities of the “relevant executive power bodies” specified in Article 88.8 of the Code, are executed by the National Television and Radio Council;
  - Responsibilities of the “relevant executive power bodies” specified in Articles 35.2, 46.4, 46.5, 46.15, 87.6 and 98.1 of the Code, are executed by the local executive power bodies;
4. The present Decree shall become valid from the day of its publication.

***Heydar ALIYEV***  
***President of the Azerbaijan Republic***

***Baku, June 3, 2003***