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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT AMENDMENTS
TO THE ELECTION CODE
OF THE REPUBLIC OF AZERBAIJAN**

LAW OF THE REPUBLIC OF AZERBAIJAN
ON AMENDMENTS TO THE ELECTION CODE
OF THE REPUBLIC OF AZERBAIJAN

Hereby the Milli Majlis of the Republic of Azerbaijan decrees the following:

I. The following amendments and additions shall be made to the Election Code of the Republic of Azerbaijan (Legislative Collection of the Republic of Azerbaijan 2003, Issue 6, Article 274; Issue 12, Article 680; 2004, Issue 6, Article 416):

1. Articles of the following language should be made:

1.1.29. voting results – results of calculation of votes in a precinct election commission, during elections (referendum); results of calculation of votes in a constituency election commission, during referendum and Presidential elections;

1.1.30. elections' (referendum) results – results of elections to the Milli Majlis of the Republic of Azerbaijan and municipalities, as specified by the constituency election commission;

1.1.31. election (referendum) returns – determining a nominee that is elected as a Deputy to Milli Majlis, President of the Republic of Azerbaijan or a Councilor at elections, or defining the issue that is (not) adopted through referendum;

1.1.32. elections' general returns – generalization by the Central Election Commission of the Republic of Azerbaijan of returns of the elections to the Milli Majlis or Municipal Elections”.

2. The following should be added in Article 2.4: “Elections of Deputies of the Milli Majlis of the Republic of Azerbaijan and Elections of the President of the Republic of Azerbaijan cannot be held on the same day. Elections of Deputies of the Milli Majlis of the Republic of Azerbaijan and Municipal Elections cannot be held on the same day. Elections of the President of the Republic of Azerbaijan and Municipal Elections cannot be held on the same day.”

3. In Article 19.8., phrase “and on issues considered in that meeting” should be added after “of a meeting”; “and list of the issues considered at that meeting, draft decisions and other documents related thereto” be added after “information about meeting”; “and list of the issues considered at that meeting, draft decisions and other documents related thereto” be added after “information about time of the meeting”;

4. The word “apparatus” should be replaced by “secretariat”, in Article 19.17.

5. The following sentence should be added in Article 22.1: “(Restrictions provided for with regard to kinship in this Article, shall not apply to members of precinct election commissions established in the manner specified in Article 36.7 of this Code)”.

6. In the Article 22.10.1, after the word “meetings” to add the expression “issues to be discussed during this meeting, draft decisions regarding these issues and other documents.”

7. In the Article 22.11, to replace the words “overall results” with the words “returns (general returns)”

8. In the Article 28.6, after the word “outlet” to add “and internet site”
9. To add the following sentence to the Article 34.4: “Number of the permanent staff working for the secretariat of the Constituency Election Commission, their titles and salaries shall be determined by the Central Election Commission of the Republic of Azerbaijan.”
10. In the Articles 40.12 and 42.7, after the word “returns” to add the words “(general returns)”
11. To add Article 41.3: “The observation can start from the date the elections (referendum) are announced and can finish the day when returns (general returns) of elections (referendum) are officially published.”
12. In the Article 44.5, to replace the words “general results” with the words “(referendum’s) returns (general returns)”
13. To add the following sentences to the Article 46.1: “The voters list can be posted on relevant website of the Central Election Commission in conformity with the rules established by the Central Election Commission. In this case, the voters’ addresses must not be displayed.”
14. To add the following sentence to the Article 60.2.3: “(this provision can be applied to the political parties, blocs of political parties in case if the given information is inaccurate due to the fault/mistake of the candidate)”
15. To add the following sentence before the word “pre-election” in the Article 74.1: “Election Campaign is held in accordance with the Article 47 of the Constitution of the Republic of Azerbaijan”
16. To remove the following Articles 100.2.4; 100.2.6; 100.2.12 and 100.2.13.
To consider the Article 100.2.5 as 100.2.4; the Articles 100.2.7-100.2.11 as 100.2.5-100.2.9; the Articles 100.2.14-100.2.19 as 100.2.10-100.2.15.
17. After the word “signs” in the Article 104.6, and after the word “approves” in the Article 105.2, to add the following sentence: “The person who issues a ballot paper to a voter stamps the voter’s card with a special seal which indicates the voting date.”
18. To add the words “as a result of relevant investigation” after the words “all votes” in the 2nd and 4th sentences of the Article 106.2.; to replace the words “is counted” with the words “can be counted.”.
19. To add a sentence to Article 108.2 in the following edit: “The Central Election Commission of the Republic of Azerbaijan shall draw up protocols on general results of elections to the Milli Majlis and municipalities”.
20. To replace figure “5” with figure “2” in Article 109.1.
21. To replace words “2 days” with words “24 hours” in Article 109.3.
22. Articles 112.2 and 112.3. to be given in the following edit:

112.2. The persons indicated in Article 112.1 of this Code may submit their complaints to the superior election commissions.

112.3. If complaints of the persons indicated in Article 112.1 are initially not considered by a superior election commission, consequently they can file complaints on the decision or the action (inaction) of the constituency election commission to the relevant district court, and on the decision or the action (inaction) of the Central Election Commission to the Court of Appeal.

23. To add the following sentences to Article 112.4:

“In any case, an election commission must make a grounded decision on transfer of a complaint to the prosecuting body. The relevant prosecuting body must consider the complaint within 3 days”.

24. To replace figure “25%” with figure “1/3” in Article 139.1

25. To add the following words to Articles 139.2.1, 170.2.2., 204.1.1 and 240.2.1: “(under the condition that the number of registered voters in the election precincts exceeds $\frac{1}{4}$ of all voters registered in the constituency).”

26. To replace figure “5” with figure “3” in Article 194.

27. To replace figure “14” with figure “10” in Article 203.1. , to add the phrase “pursuant to Article 102 of the Constitution” **before** the word “for”.

II. This Law is effective from the date of signing.

Ilham Aliyev
President of the Republic of Azerbaijan

Baku, “ ___ ” _____ 2005

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