Unofficial Translation

ELECTION CODE OF THE REPUBLIC OF AZERBAIJAN

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CENTRAL ELECTION COMMISSION
REPUBLIC OF AZERBAIJAN
BAKU – 2018

ELECTION CODE OF THE REPUBLIC OF AZERBAIJAN

The will of the people of Azerbaijan constitutes the basis of the state authority of the Republic of Azerbaijan. The will of the people of Azerbaijan is manifested through fair and regular elections based on general, equal and direct suffrage by means of a secret and personal ballot, as well through nationwide opinion polls/referendums based on general, equal and direct suffrage by means of a secret and personal ballot. The Azerbaijani State guarantees the free expression of the will of the people of The Republic of Azerbaijan through the protection of principles and norms of universal suffrage. This Code establishes the rules for the organization and conduct of elections of deputies to the parliament of The Republic of Azerbaijan (the Milli Majlis), presidential and municipal elections of the Republic of Azerbaijan and nationwide opinion polls/ referendums.

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 issues stipulated in the Constitution of the Republic of Azerbaijan;

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

1.1.3. Voter – a person, possessing suffrage rights;

1.1.4. Election (referendum) commission - collective bodies organizing and realizing elections (referendums), and formed in accordance with the 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(s) to any elective state body;

1.1.6. Citizen – citizens of the Republic of Azerbaijan with active suffrage rights, and the persons mentioned in Articles 12.2 and 12.3 of this Code;

1.1.7. Candidate – a person nominated, in accordance with this Code, for election to the Milli Majlis of the Republic of Azerbaijan, to the Presidency of the Republic of Azerbaijan, or membership of a municipality;

1.1.8. Suffrage – the right to be elected and to elect to the position of deputy to the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, and member of a municipality, as well as the right to participate in: the nomination of candidates, the pre-election (pre-referendum) campaign, the work of election (referendum) commissions, the observation of elections (referendum) (including determination of election (referendum) results), voting, and carrying out other election (referendum) related activities;

1.1.9. Voters' list – lists of citizens of the Republic of Azerbaijan holding suffrage rights and living in the territory of the relevant election (referendum) precinct of an election (referendum) constituency;

1.1.10. Signature sheets – lists of voters' signatures indicating support of one or another candidate during elections, or pertaining to membership in a referendum campaign group for the purpose of participating in the pre-referendum campaign;

1.1.11. Campaign materials – printed, audio-visual and other materials devoted to the pre-election (pre-referendum) campaign, envisioned to be published or distributed through other means during election (referendum) campaign;

1.1.12. Pre-referendum campaign – action of referendum campaign groups and citizens calling or intending to call on citizens with the

right to participate in a referendum to do so, and to support or not support the issues to be discussed in the referendum;

1.1.13. Pre-election campaign – action of citizens and political parties calling or intending to call upon voters to participate in the election, to vote (or not vote) for one or another candidate;

1.1.14. Nomination of candidates – an initiative concerning the determination of the persons to be elected to fill the post of deputy to the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, or member of a municipality, as well as supporting the initiative through a collection of signatures or any other methods in accordance with the provisions provided for in this Code;

1.1.15. Registered candidate - a person registered, in accordance with this Code, as able to be elected as a member of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, or member of a municipality;

1.1.16. Initiators of establishing a referendum campaign group – citizens of the Republic of Azerbaijan who initiate the establishment of a referendum campaign group and sign a notification on its establishment to submit to the relevant election commission;

1.1.17. Members of a referendum campaign group - citizens of the Republic of Azerbaijan that sign the necessary the signature sheets for registration of a referendum campaign group;

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

1.1.19. Observer – a person appointed by political parties, non-governmental organizations, referendum campaign groups or candidates, and registered in the relevant election (referendum) commission in accordance with regulations provided in this Code, to observe the course of elections (referendum);

1.1.20. International (foreign) observer – a person who has acquired the right to observe elections (referendum) and represents a foreign state or a foreign/international organization;

1.1.21. Persons having the right to participate in the implementation of election (referendum) activities – observers, international

(foreign) observers, agents, authorized representatives, and media representatives;

1.1.22. A bloc of political parties – a bloc comprising of two or more political parties which participate jointly in elections and have the same rights as political parties during elections;

1.1.23. Election (referendum) campaign – election (referendum) activities that are carried out within the period starting from the day of publication of the decision of an authorized Statebody to hold an election (referendum), to the publication of the election (referendum) results;

1.1.24. Election (referendum) complaint – an appeal concerning the cancellation of documents, decisions, or results of actions (or lack of actions), or the revision of such results, related to an election (referendum);

1.1.25. Identification document – a personal identification document or an official document including the citizen's photo, name, patronymic, surname, date of birth, and address. A list of such documents shall be approved by the Central Election Commission.

1.1.26. Subordination – the official relationship between a supervisor and a subordinate, including the managerial authority of the former over the latter, i.e. the right that the former has within his official authority to employ/dismiss the latter, give obligatory orders, instructions and directions to the latter, and reward or impose disciplinary punishments on the latter;

1.1.27. Publication – the official notifying of the population or announcing of the election-related (referendum-related) decisions of election commissions and other state bodies participating in the conduct of elections (referendums), through the posting of such decisions on notice boards and by dissemination through the press, TV and Radio broadcasting, and by other methods allowing for the general public's familiarization with the decisions.

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

1.1.29. Results of voting – results of the counting of votes in a precinct election commission during elections (referendums); results of the counting of votes in a constituency election commission during referendums and the Presidential elections;

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

1.1.31. Election (referendum) returns– the determining of the candidate elected as a Deputy to the Milli Majlis, the President of the Republic of Azerbaijan or a Municipal Councilor, or the defining of the issue that is (is not) adopted by referendum;

1.1.32. Overall returns of elections – summary of the returns of the elections to the Milli Majlis or for Municipal Elections, that reflect the names of the elected candidates and the number of votes cast for them

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

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

2.2. Participation of the citizens of the Republic of Azerbaijan in elections and referendums shall be free and voluntary. Nobody shall have the right to put pressure on a citizen of the Republic of Azerbaijan to participate or not to participate in elections and referendums, and nobody may impede him/her to express his/her will freely.

2.3. The diplomatic representations and consulates of the Republic of Azerbaijan should facilitate the implementation of the rights of citizens of the Republic of Azerbaijan residing outside the Republic of Azerbaijan, which are enshrined in Articles 3 and 56 of the Constitution of the Republic of Azerbaijan, with regard to the holding of elections and referendums.

2.4. Elections shall not be held on the same day as a referendum. Elections of Deputies of the Milli Majlis of the Republic of Azerbaijan

and Elections of the President of the Republic of Azerbaijan shall not be held on the same day. Elections of Deputies to the Milli Majlis of the Republic of Azerbaijan and Municipal Elections shall not be held on the same day. Elections of the President of the Republic of Azerbaijan and Municipal Elections shall not be held on the same day.

2.5. Preparation and holding of elections and referendums, vote counting, and the determining of voting results and returns of elections and referendums shall be carried out freely and publicly.

2.6. The persons participating in elections (referendums) shall follow the terms given below:

2.6.1. to respect freedom of the press;

2.6.2. to not obstruct the professional activities of representatives of the mass media; to not violate or interfere in election (referendum) campaign of candidates and parties (blocs of political parties);

2.6.3. to not obstruct the distribution of election campaign materials or referendum campaign materials;

2.6.4.to not destroy or spoil election campaign posters, referendum campaign posters, or other campaigning materials;

2.6.5. to not obstruct pre-election (pre-referendum) mass activities;

2.6.6.to cooperate with election (referendum) bodies and their officials in the conduct of free, peaceful and organized elections;

2.6.7. to not obstruct voters from free expression of their will;

2.6.8. to respect authorized persons and observers and to cooperate with them;

2.6.9. to follow and assist in maintaining of the secrecy of voting ;

2.6.10. to not influence voters to one's side through illegal activities;

2.6.11. to not interfere in the activities of election (referendum) commissions without reason; to not violate the process of voting and vote counting;

2.6.12. to respect legally approved results of elections (referendums), to present each complaint regarding the elections (referendums) to the authorized body, and to abide by the decision of that body regarding the relevant complaint;

2.6.13. to not make speeches that intimidate, slander or call to violence, or distribute materials with such content;

2.6.14. to not offer rewards to voters, or threaten them with punishment;

2.6.15. to not use administrative, municipal or other public resources outside the circumstances prescribed in this Code;

2.6.16. to not pressure, bribe or use other methods in contradiction with legislation to entice voters to vote or refrain from voting;

2.6.17. to not pressure, bribe or use other methods in contradiction with legislation to force voters to participate or avoid participation in referendum campaign groups, to nominate themselves or not nominate themselves, to withdraw or not withdraw their candidacy, or to take part or avoid participation in the pre-election (pre-referendum) campaign process,;

2.6.18. not to use the activities or assistance provided by any official as grounds for supporting or not supporting a candidate or an issue put to referendum;

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

Article 3. **Universal Suffrage**

Citizens of the Republic of Azerbaijan shall have the right to elect, be elected to and participate in referendums, regardless of their race, ethnicity, religion, language, gender, origin, property status, office position, beliefs, affiliation with political parties, trade unions or other public associations, or any other status.

Article 4. **Equal Suffrage**

4.1. Citizens shall enjoy equality in participation in elections and referendums.

4.2. Each citizen shall have a single vote for each poll.

4.3. Each vote cast by a citizen shall hold equal weight.

Article 5. **Direct Suffrage**

5.1. Citizens shall vote in person for a candidate during elections, and for or against issues addressed by a referendum.

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

Article 6. **Secrecy of Voting**

Voting during elections and referendums should be secret and should exclude any control over the expression of a voter's will.

Article **7. Obligation of Holding Elections and Referendums**

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

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

Article 7-1. **Cases precluding conduct of elections and referendums**

Elections and referendums shall not be conducted under martial law or during a state of emergency, if martial law or a state of emergency is announced in more than 25% of the territory of the Republic of Azerbaijan, or within 3 months after the cessation of the state of emergency.

Article 8. **Timeframe for Announcement of Elections (Referendums)**

8.1. Elections (referendum) shall be announced at least 60 days before voting day.

8.2. Voting day shall be considered a non-working day within the territory where election (referendum) is held. If the Voting Day is national mourning day or a holiday, which is not considered a working day (excluding the case implied by II part of Article 84 of the Constitution of the Republic of Azerbaijan), the voting shall be appointed to another day of the month the elections was to be conducted.

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

9.1. Taking into consideration Articles 35.4 – 35.6 of this Code, citizens shall exercise active suffrage in the election precinct in the territory where they have permanently resided for 6 out of the 12 months preceding the day elections are announced.

9.2. Citizens, who have left their places of permanent residence due to wars, armed conflict, public disorder or natural disasters, shall exercise active suffrage in the manner established by the Central Election Commission.

Article 10. **Voting During Elections and Referendums**

10.1. With the exception of municipal elections, citizens of the Republic of Azerbaijan shall vote for only one candidate when participating in elections.

10.2. While participating in a referendum, citizens of the Republic of Azerbaijan shall give only one answer to each question addressed by the referendum.

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

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

11.2. Citizens, political parties, and referendum campaign groups shall have the right, in the manner and by methods prescribed by the law, to call on voters to participate or not participate in elections (referendums), and to conduct pre-election (pre-referendum) campaigns in the form of appeals to vote for/against a candidate, registered candidate, political party or bloc of political parties, or for/against the issue addressed by the referendum.

11.3. In accordance with Articles 74-86 of this Code, the State shall define conditions for equal use of media outlets by registered candidates, political parties, blocs of political parties, and referendum campaign groups for pre-election (pre-referendum) campaigning.

Article 11-1**. Prevention of unlawful interference in the process of elections (referendum)**

11-1.1. Unlawful interference of legal entities, officials of state bodies or municipalities and other natural persons in the process of elections (referendum) is prohibited.

11-1.2. Obstructing the implementation of citizens' rights to participate in election (participation in the referendum), forcing a citizen to sign in support of a candidate or interfering with his/her voting, interfering in or influencing the work of election commissions, falsifying the voting documents (on participation in the referendum) or presenting false documents, deliberately calculating votes inaccurately, determining the voting results incorrectly or violating the secrecy of the vote, voting in place of other persons, or casting more than one ballot paper into the ballot box by one person and misuse of power with an aim to influence the results of election (referendum) shall cause in liability as stipulated in the Criminal Code of the Republic of Azerbaijan.

CHAPTER Two

ENSURING OF SUFFRAGE RESTRICTIONS

Article 12. **Provision of Election Right Restrictions**

12.1. Except for the cases stipulated in Article 56 of the Constitution of the Republic of Azerbaijan and in Article 14 of this Code, every citizen of the Republic of Azerbaijan, who has attained the age of 18 by or on the day of Parliamentary, Presidential or Municipal elections or the day of a referendum, shall enjoy active suffrage, i.e. have the right to vote in an election, to vote in a referendum, to observe elections (referendums), to participate in a pre-election (pre-referendum) campaign, and to participate in carrying out activities as provided for in this Code regarding election operations and preparation for a referendum.

12.2. Stateless persons meeting the requirement indicated in Article 12.1 of this Code and permanently residing in the Republic of Azerbaijan for no less than 5 years shall have the right to vote during Presidential, Parliamentary, and Municipal elections or referendums.

12.3. Citizens of foreign countries meeting the requirement indicated in Article 12.1 of this Code and residing within the territory of a relevant municipality for no less than 5 years, shall have the right to vote in municipal elections (provided the same rights to voting in municipal elections are recognized for foreigners in their native countries).

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

Article 13. **Possession of Passive Suffrage**

13.1. Except for the cases stipulated in Article 56 of the Constitution of the Republic of Azerbaijan and in this Code, every citizen possessing active suffrage shall also possess passive suffrage, i.e. citizens shall have the right to initiate a referendum campaign group and to be elected as a deputy to the Milli Majlis, the office of President or as a member of a municipality, given they meet the candidacy requirements of the Constitution of the Republic of Azerbaijan for these offices.

13.2. Restrictions on passive suffrage rights shall be established by Articles 56, 85, and 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 passive suffrage rights, i.e. they shall not have a right to be elected as a deputy to the Milli Majlis, as President or as member of a municipality:

13.3.1. persons sentenced by decision of a court to serving in institutions of confinement, whose sentence 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); and

13.3.4. citizens of the Republic of Azerbaijan who have liabilities before foreign countries (until such liabilities are terminated). Such liabilities could result from obligations regarding registration, taxation, not leaving the country for over a certain period of time, as well as other political or legal obligations resulting from permanent, steady and stable affiliation related to more than 5 years period of living abroad.

Article 14. **Incompatibility of Positions**

14.1. Cases of incompatibility of positions shall be established by Articles 56, 85 and 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 the right to be elected as a deputy to the Milli Majlis, as President or as a municipality member, due to the their occupation:

14.2.1. Military servants (while in military service);

14.2.2. Judges (while in office);

14.2.3. Civil servants (while in State service); and

14.2.4. Clergymen (while engaged in professional religious activity).

Article 15. **Prohibition of Foreigners, Stateless Persons and Foreign Legal Entities from Participating in Elections (Referendums)**

15.1. Outside the exceptions provided for in Article 12.2 of this Code, stateless persons shall not possess active or passive suffrage in the Republic of Azerbaijan.

15.2. Outside the exceptions provided for in Article 12.3 of this Code, foreigners shall not possess active or passive suffrage in the Republic of Azerbaijan.

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

15.4. Foreigners, stateless persons, and foreign legal entities shall not have the right to conduct a campaign for or against issues to be discussed by a referendum, to be members or initiators of referendum campaign groups, or to take part in referendum activity in any form. This shall not restrict the rights of foreigners and stateless persons to freedom of opinion and assembly.

15.5. Foreigners, stateless persons, and foreign legal entities that fail to observe these restrictions shall be subject to liability in accordance with the law.

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

16.1. Citizens, who are in airports, planes, trains, railway stations, or on expeditions on Voting Day, shall not participate in voting.

16.2. If, in accordance with Article 35.4 of this Code, no Precinct Election Commissions have been established in the ships navigating on Voting Day, the citizens on board such ships shall not participate in voting.

16.3. If, in accordance with Article 35.4 of this Code, no Precinct Election Commissions have been established on oil and gas production platforms (hereinafter the oil platforms) located in the Azerbaijani sector of the Caspian Sea on Voting Day, citizens on such platforms shall not participate in voting.

16.4. Citizens of the Republic of Azerbaijan who are in a foreign country where no Azerbaijani Diplomatic Representation or Consulate exist, or where no Precinct Election Commission has been established at the Azerbaijani Diplomatic Representation or Consulate according to Article 35.6 of this Code, shall not participate in voting.

16.5. No voting shall be held for municipal elections or elections of deputies to the Milli Majlis for the citizens of the Republic of Azerbaijan in a foreign country on Voting Day.

16.6. Municipal elections and elections of deputies to the Milli Majlis shall not be held on Election Day in the following: ships at sea, hospitals, sanatoriums, rest-homes, and oil platforms located in the Azerbaijani sector of the Caspian Sea.

SECTION TWO

General Provisions

CHAPTER Three

ELECTION AND REFERENDUM BODIES

Article 17. **Principles of Activities of Election (Referendum) Bodies**

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

17.2. Under the authority established by this Code, election (referendum) bodies/commissions shall ensure the preparation and holding of elections (referendum), determination of voting results and election (referendum) Returns, and the realization, protection, and observation of citizens' suffrage rights.

17.3. Under the authority established by this Code, the election (referendum) commissions shall not depend on state bodies, municipal institutions, political parties, non-governmental or other public organizations, or other legal entities and physical persons with regard to the preparation and holding elections (referendums). Such entities and their officials are not allowed to intervene in the activity of election (referendum) commissions. Persons intervening in or influencing the work of election (referendum) commissions shall bear administrative or criminal liability, in accordance with the Criminal Code or the Code of Administrative Offences of the Republic of Azerbaijan.

17.4. Decisions and acts adopted by election (referendum) commissions within their authority, as established by this Code, shall be binding on: state bodies and municipalities functioning within the

relevant territory, candidates, registered candidates, political parties, non-governmental organizations and other public organizations, referendum campaign groups, officials, and voters. Decisions of superior election commissions shall be binding on lower election commissions.

17.5. Election (referendum) commissions shall have the right, under the authority established by this Code, to use the State Computerized Information System, provided that information on voters is protected and not disseminated, for the purpose of informing voters on the preparation, holding and results of elections (referendums); to obtain, collect, complete, re-process, transmit and preserve the information used during preparation and holding of elections (referendums); and to provide information on the activity of election (referendum) commissions.

17.6. During the organization and holding of elections (referendums), election (referendum) commissions, their members and other officials must follow the following requirements when undertaking their activities:

17.6.1. must organize and hold elections (referendums), according to the law; laws should be implemented fully, equally, and impartially;

17.6.2. must treat every political party, referendum campaign group, candidate, voter and other participants of an election (referendum) campaign fairly and equally within the limits of law;

17.6.3. must be neutral and impartial toward candidates, political parties, referendum campaign groups, and voters;

17.6.4. must not allow for any actions directed to or that could be understood as supporting any particular candidate, political party, or referendum campaign group;

17.6.5. must not allow for conflict to arise between one's official and personal interests as an administrator of elections (referendums);

17.6.6. must not accept any presents or gifts from participants in the election (referendum) campaign;

17.6.7. must not execute any directions or instructions that are illegal and conflicting with their duties;

17.6.8. must not take part in any activities that conflict with their duties;

17.6.9. must not take part in any activity (including private activity) that could lead to a biased attitude towards any candidate, political party, or referendum campaign group;

17.6.10. must not declare one's position during any political disputes related to elections (referendums);

17.6.11. must not have any contact with a voter with respect to election issues of a political nature;

17.6.12. must not bear or distribute symbols of any political party or in any way express their attitude toward any political party;

17.6.13. must not comment on the decisions made, based on own conclusions, except during meetings of election commissions;

17.6.14. must make possible the access to information which may affect the adoption a each decision;

17.6.15. must create conditions for voters and persons with the right to participate in election (referendum) activities, to become acquainted with documents and information as established by law;

17.6.16 must create conditions for the collection, investigation, and regular, unambiguous, and clear publication of information;

17.6.17. must take all possible measures to ensure voters' participation in elections (referendum);

17.6.18. must take measures for correct understanding of an elections (referendum) campaign by voters;

17.6.19. must create all possible opportunities for participation in elections for disabled voters or voters with other physical handicaps, as well for those living in distant or impassible places who require special voting conditions.

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

18.1. The system of election (referendum) commissions in the Republic of Azerbaijan shall include the following commissions:

18.1.1. The 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. The Central Election Commission shall supervise the activity of election commissions.

18.3. Election commissions shall be 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 for the Organization of Activities of Election Commissions**

19.1. Election commissions shall function collectively.

19.2. The relevant election commission shall be assembled for its first meeting no later than 5 days after the appointment of its members with decisive voting rights.

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 first meeting of the election commission. The oldest member of the election commission shall chair its first meeting until the Chairperson of the commission is elected, and/or in any meeting where the Chairperson is absent. The Chairman of the election commission shall represent the political party of which the deputies are in majority in the Milli Majlis, and the Secretaries shall each respectively represent the political parties of which the deputies are in minority in the Milli Majlis and the independent deputies.

19.4. Election commissions shall take decisions within their authority.

19.5. Meetings of an election commission shall be convened by the chairperson, as well as by demand of at least one third of the commission members with decisive voting rights.

19.6. Election commission members with decisive voting rights shall be obliged to participate in all meetings of the commission, except in cases of illness and/or for other valid reasons.

19.7. In order to replace an election commission member with decisive voting rights in the cases specified under Article 19.6 of this Code, substitute members nominated on the same conditions as the main members should be appointed (elected) to election commissions.

19.8. Members of election commissions shall be informed on the meeting of the election commission and on issues to be considered at that meeting by the Chairperson of the commission 5 to 3 days before the meeting is held. Information on the time of the election commission's meeting and a list of the issues to be considered at that meeting, as well as related draft decisions and other documents shall be given to members of the commission personally in writing or electronically. This information shall be delivered within 24 hours, if less than 5 days remain till Voting Day, or immediately in person on Voting Day.

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

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

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

19.12. Any issue related to elections shall be included in the agenda of the election commission's meeting, at the request of at least one third of an election commission's members written application addressed to the chairperson of the commission.

19.13. Minutes shall be taken for all election commission, and all documents entering the commission shall be registered.

19.14. An election commission's decisions and its meeting minutes shall be signed by the commission's chairperson and secretaries. If not signed by the above mentioned persons, then the decisions and minutes shall be signed by the commission members who voted for these documents. An election commission's meeting's minutes shall be distributed to the commission members for approval at least 24 hours prior to the meeting (and immediately on Election Day) and be approved by a decision at one of the next regular meetings of the commission (this issue should be included in the agenda of the election commission as the first item).

19.15. Election commission members not in favor with the decision taken by the commission may express their personal opinion in writing,

to be attached to the commission's minutes. The personal opinion should be submitted to a superior election commission within at latest 3 days by the chair of the commission, and information on the opinion should be given without delay on Voting Day or the day after.

19.16. An election commission may hire non-staff workers on the basis of labor and civil contracts, and at the expenses of the funds allocated from the budget for work related to the preparation and holding of elections (referendums).

19.17. The Chairman of the election commission (including the Deputy Chairman of the Central Election Commission) shall allocate duties among the secretaries and members of the commission. Decisions adopted by the commission chairman in this regard, may be canceled by the election commission. Due to his/her position, the Chairman of the election commission shall be considered to be the head of the election commission secretariat.

Article 20. **Allocation of Space for Election Commissions in the Mass Media**

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 no less than 15 minutes of free air time per week for explanation of election (referendum) legislation, rules, time-frame for implementation of important election activities, the dissemination of information on 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 no less than 10 minutes of free air time to Constituency Election Commissions for the same purpose.

20.2. Editorial offices of periodicals indicated in Article 77.1 of this Code that have at least one issue per week, should allocate a space of no less than one page of the weekly issue to the Central Election Commission for free, during the period of preparation and holding of elections.

20.3. Election commissions shall use the print-spaces allocated in periodicals to explain election (referendum) legislation and answer

voters' questions on referendum campaign groups, rules, the schedule of election activities, candidates, registered candidates, political parties, blocs of political parties, and the course of the election (referendum) campaign.

Article 21. **Representation in Election Commissions**

21.1. During elections, a registered candidate, political parties with a registered candidate, or blocs of political parties with a registered candidate during elections may appoint one citizen of the Republic of Azerbaijan with active suffrage as a representative with consultative voting rights to a relevant election commission. Referendum campaign groups may do the same during a referendum.

21.2. Election commission members with consultative voting rights, representing candidates nominated by a political party or bloc of political parties, shall be appointed by the respective political party or bloc of political parties.

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

21.4. If political parties or referendum campaign groups merge, all but one of the members with consultative voting rights affiliated with these parties or groups shall be recalled from the election commissions. If a political party or referendum campaign group does not adhere to this requirement, the relevant election commission shall exclude on its own consideration the member with consultative voting rights to be recalled from the commission.

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 blocs of political parties nominated a candidate, referendum campaign groups, observers, 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 the case such a person is appointed to an election commission, 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.

Restrictions regarding close kin in this Article (excepting immediate relatives), shall not apply to members of precinct election commissions established in territories where the number of voters is less than 100 by more than 50, as specified in Article 36.7 of this Code.

Term of office of commission members that was temporarily terminated due to kinship is restored after the official announcement of election results. Term of office of the election commission member appointed as a replacement is limited to the period during which the person who s/he is replacing cannot function.

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

22.3. A member of an election commission with decisive voting rights shall be dismissed from his/her position based on the decision of a relevant election commission within a month, or within three days if during preparation/holding of elections, in the following cases:

22.3.1 upon submission of a written application of resignation and the approval of this application by the chairperson of the election commission;

22.3.2 on the 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 an election commission member with decisive voting rights shall be immediately terminated in the following cases:

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

22.4.2. on being elected as members or officials of State bodies and municipalities (except for the members of election commissions specified in Article 36.3 of this Code);

22.4.3. on terminatiion of citizenship of the Republic of Azerbaijan, or becoming a citizen of another country;

22.4.4. on the coming into force of a guilty verdict by a court;

22.4.5. on the coming into force of a court decision recognizing the relevant election commission member as incapacitated or with limited capacity, or considering him/her as missing or dead;

22.4.6. on the approval by court decision of the relevant election commission's decision of the election commission members' non-fulfillment of his/her duties on regular basis or violation of the provisions of Article 17.6 of this Code; and

22.4.7. on confirmation of violation of election legislation requirements by a corresponding resolution of the court.

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

22.6. A new member shall be appointed in place of the member with decisive voting rights who has left the election commission in the cases mentioned in Articles 22.3 and 22.4 of this Code, by the

body that had appointed the previous member. A new member shall be appointed at the latest within 30 days after the day of resignation of the out-going member, and within 10 days if during preparation/holding of elections.

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

22.8. The members of election commissions with decisive voting rights, specified in Article 36.3 of this Code, occupying municipal positions, as well as working in organizations, departments and institutions funded by the State budget, cannot be appointed to another position or dismissed by an employer without their own consent during their involvement in the commission.

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

22.10. Members of election commissions with decisive and consultative voting rights:

22.10.1. shall be informed about meetings and issues to be discussed during such meetings, draft decisions regarding these issues and other documents of the relevant election commission in a timely manner;

22.10.2. may submit proposals on issues related to the powers of the relevant election commission, and make a speech and suggest voting on these issues in the meeting of an election commission;

22.10.3. may ask questions to and receive answers from other participants on agenda-related issues during the election commission meeting;

22.10.4. may be familiarized with any election document (including voter lists and ballots), election documents of lower election commissions, get copies of such documents (excluding voter

lists, signature sheets, ballots and voter cards), and be familiarized with documents reflecting information that is not considered by law as State, commercial, or any other type of secret;

22.10.5. may lodge a complaint on decisions or actions (lack of actions) of an election commission to a relevant superior election commission or court, in the manner defined in this Code;

22.11. Powers of election commission members with consultative voting rights shall terminate within 30 days of the official publication of returns (overall returns) of the elections (referendum). If the superior election commission receives a complaint on a decision or action (lack of action) of a lower election commission, or if rules of voting or vote counting were violated and court investigation is on-going, termination will occur only after the decision of the superior election commission or the court is made.

22.12. Election commission members with consultative voting rights, appointed to a relevant election commission in relation to the holding of a referendum, may participate in activities of the election commission related only to the referendum. Election commission members with consultative voting rights, appointed to relevant election commissions in relation to presidential elections, may participate in activities of the election commissions related only to presidential elections. Election commission members with consultative voting rights, appointed to relevant election commissions in relation to the election of deputies to the Milli Majlis of the Republic of Azerbaijan may, participate in activities of the election commissions related only to elections of deputies to the Milli Majlis of the Republic of Azerbaijan. Election commission members with consultative voting rights, appointed to election commission in relation to the holding of municipality elections, may participate in activities of the election commissions related only to municipality elections.

22.13. Authorities of an election commission member with consultative voting rights may be terminated or delegated to another person by decision of the person or political party or bloc of political parties that appointed the member.

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

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

23.2. If the right of citizens to participate in election and referendum are violated by a lower election commission and as a result of such actions the Central Election Commission (or a court) invalidates the results of voting in the relevant territory, the Central Election Commission may dissolve this lower election commission. Complaints on the decision of the Central Election Commission to dissolve the lower election commission may be appealed at the court. The complaint shall be accepted immediately for consideration and a relevant decision shall be made within no later than 3 days. Not later than a week after the decision of the court on this issue takes effect, a relevant lower election commission should be formed in the order established by this Code.

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

CHAPTER Four

CENTRAL ELECTION COMMISSION

Article 24. **Rules for 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 be nominated by and represent the political party of which the deputies constitute the majority in the Milli Majlis; six members of the Central Election Commission shall be nominated by and represent the non-partisan (independent) deputies; and six members shall be nominated

by and represent the political parties of which the deputies constitute the 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, who are not in state service. Nomination of 2 candidates shall be agreed upon by the interested parties: the political party constituting majority in the Milli Majlis shall agree on one nominee, and representatives of the political parties constituting minority in the Milli Majlis shall agree on the other nominee.

24.4. Members of the Central Election Commission must have obtained higher education.

Article 25. **Duties of the Central Election Commission**

25.1. The Central Election Commission shall ensure preparation and holding of presidential elections, elections of deputies to the Milli Majlis of the Republic of Azerbaijan, as well as referendums and municipal elections. In case elections may not be conducted due to military operations in a state of war, the Central Election Commission of the Republic of Azerbaijan shall apply to the Constitutional Court of the Republic of Azerbaijan pursuant to I part of Article 84 and V part of Article 101 of the Constitution of the Republic of Azerbaijan.

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

25.2.1. provide for the observation of people's right to suffrage during preparation and holding of elections (referendum), carry out the measures related to financing of elections (referendums), and ensure the equal and correct application of the relevant Articles of this Code.

25.2.2. consider within its authority the complaints related to violation of rules set forth in this Code, and make grounded decisions.

25.2.3. structure Constituency Election Commissions in accordance with its own formation principles.

25.2.4. supervise the activity of Constituency and Precinct Election Commissions;

25.2.5. establish standards for technical equipment necessary for the activity of election commissions, approve those standards and supervise their implementation and observation;

25.2.6. ensure the delivery of ballot papers (referendum ballots) (hereinafter the ballot papers), protocols, de-registration cards for voting and other election (referendum) related documents (hereinafter "election documents") to the Constituency Election Commissions;

25.2.7. ensure preparation and holding of elections (referendums), implement training programs related to the development of the election (referendum) system, increase the legal awareness of voters, instruct and provide professional development programs for election commission;

25.2.8. create conditions for pre-election campaign for candidates, registered candidates, political parties, blocs of political parties and conditions for pre-referendum campaigns for referendum campaign groups, within the territory of an election constituency; approve the unified regulations for distribution of air time among registered candidates, political parties, blocs of political parties and referendum campaign

groups, and specify the rules for publication of election and referendum results;

25.2.9. distribute funds allocated from the State budget for preparation and holding of elections (referendums), and supervise their spending for the specified purposes;

25.2.10. render legal, methodical, technical and organizational assistance to election commissions;

25.2.11. approve samples of ballot papers, voters' lists, de-registration cards for voting, voting protocols and other election documents, and ensure their preparation and protection;

25.2.12. approve the rules for maintenance of election materials and their storage in archives;

25.2.13. approve standards for providing election commissions with technology and supervise their observation; approve samples of seals of election commissions;

25.2.14. supervise funding of pre-election campaigns;

25.2.15. provide voters with information about the timeframe and rules to exercise voters' actions, and the course of elections (referendums);

25.2.16. supervise the provision of election commissions with premises, transportation and communication means, and solve other logistic issues related to the elections (referendum);

25.2.17. compile an integrated voters' list in conjunction with relevant executive authorities and municipal bodies;

25.2.18. get information from relevant executive authorities and municipal bodies on issues related to preparation and conduct of elections;

25.2.19. ensure use of the State Computerized Information System on a basis of same rules;

25.2.20. register observers and provide them with badges of an appropriate design;

25.2.21. define its own regime of routine work, pursuant to Articles 28.1 and 28.5 of this Code;

25.2.22. cancel illegal decisions of election commissions, present information to the relevant commission with regard to the chairmen and secretaries of the election commissions not appropriately fulfilling their responsibilities; and

25.2.23. implement accreditation of exit-poll organizations, determine rules for accreditation of these organizations.

25.2.24. carry out other responsibilities in accordance with this Code.

25.3. Within its authority, 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. Lower commissions shall post these regulations and methodical instructions on notice boards that ensure their easy readability, in the manner specified by the Central Election Commission.

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

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

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

26.1.1. supervise compliance of holding of referendum with this Code;

26.1.2. register referendum campaign groups in the cases stipulated by this Code;

26.1.3. publish comprehensive lists of registered referendum campaign groups;

26.1.4. ensure distribution of air time among referendum campaign groups for pre-referendum campaigning on the basis of same rules;

26.1.5. ensure supervision of spending of referendum funds by referendum campaign groups;

26.1.6. determine results of referendums and publish them in the press;

26.1.7. perform other duties 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 elections to the Milli Majlis of the Republic of Azerbaijan in compliance with this Code;

26.2.2. ensure observation of terms for pre-election activities, established by this Code, by all candidates, registered candidates, political parties, blocs of political parties, and referendum campaign groups;

26.2.3. ensure equal distribution of air (broadcasting) time allocated for pre-election campaigning among political parties, blocs of political parties and registered candidates on the basis of same rules;

26.2.4. ensure supervision of spending of monetary means entered into election funds of candidates (political parties);

26.2.5. publish the list of candidates registered in constituencies;

26.2.6. determine the elected deputies among candidates registered in the election constituencies and issue relevant verification cards for them;

26.2.7. officially publish the results of elections to the Milli Majlis of The Republic of Azerbaijan, including data on the protocols of Precinct Election Commissions;

26.2.8. prepare a list of the elected deputies and submit this list and other necessary documents to the Milli Majlis;

26.2.9. organize repeat elections and by-elections for remaining seats of deputies;

26.2.10. exercise other responsibilities in accordance with this Code.

26.3. The Central Election Commission shall perform the following duties during preparation and holding of Presidential Elections of the Republic of Azerbaijan:

26.3.1. supervise Presidential Elections of the Republic of Azerbaijan in compliance with this Code;

26.3.2. register presidential candidates, their agents, and authorized representatives;

26.3.3. issue cards in the established design for presidential candidates and their agents;

26.3.4. publish a general list of registered candidates;

26.3.5. ensure equal conditions for pre-election campaign to all candidates for Presidency;

26.3.6. ensure the observation of terms for pre-election activities conditions, established by this Code, by all candidates, registered candidates, political parties and blocs of political parties;

26.3.7. ensure the distribution of air (broadcasting) time among registered candidates on a basis of same rules;

26.3.8. ensure the supervision of the spending of election funds of presidential candidates;

26.3.9. determine the results of Presidential elections;

26.3.10. issue a card to the candidate elected as the President;

26.3.11. officially publish results of the Presidential elections;

26.3.12. administer repeat voting for Presidential elections

26.3.13. administer repeat 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 municipality elections in compliance with this Code;

26.4.2. publish the list of candidates registered in constituencies;

26.4.3. make a decision on the holding of repeat elections and by-elections on the basis of a proposal received from a Constituency Election Commission;

26.4.4. officially publish results of elections;

26.4.5. perform other duties in accordance with this Code.

Article 27. Guarantees for Central Election Commission Member

27.1. The Chairperson, Deputy Chairperson, Secretary and members of the Central Election Commission shall receive salaries from the state budget during his/her/their term of office with the commission. When a Chairperson, Deputy Chairperson, Secretary or member of the Central Election Commission retires, he/she shall get a pension equal to 80% of the respective salary of an active Chairperson, Deputy Chairperson, Secretary or member of the Central Election Commission.

27.2. A member of the Central Election Commission is not to be detained, arrested or subject to criminal liability or administrative penalties as may be determined in a court procedure, without the consent of the General Public Prosecutor of the Republic of Azerbaijan. A member of the Central Election Commission may be arrested only if he/she is caught in the process of committing a 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 on the issue.

27.3. The expenses of a member of the Central Election Commission for use of inter-city transport and all other kind of public transport (except taxi and arranged journeys) within the country during elections (referendums) shall be reimbursed from the funds allocated by the Central Election Commission upon submission of the relevant travel documents.

Article 28. **Structuring the Work of the Central Election Commission**

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

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

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

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

28.5. The Central Election Commission establishes its own 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 staffing of the Secretariat within the limits of funds allocated to the Central Election Commission from the State budget. The statute of the Central Election Commission, the structure of its Secretariat and the list of its staff members should be published after being approved.

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

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

CHAPTER Five

ELECTION (REFERENDUM) CONSTITUENCIES AND CONSTITUENCY ELECTION COMMISSIONS

Article 29. **Election (Referendum) Constituencies**

29.1. In order to hold elections, the Central Election Commission shall form 125 election (referendum) constituencies (hereinafter election constituencies) every 5 years, based on information on the number of voters permanently residing and registered in the relevant territorial units, provided by the municipalities in conjunction with the relevant executive bodies. Election constituencies shall, as a rule, be formed on the basis of the of average voter representation norm. The average voter representation norm is determined by dividing the total number of registered voters in the country by 125. Election constituencies shall be considered single-mandate constituencies during the elections of deputies of the Milli Majlis, and considered as election territories during the Presidential and Municipal Elections and referendums.

29.2. Voters residing outside the Republic of Azerbaijan shall be included in the voters' lists of election constituencies. Information on the number of voters permanently residing outside the Republic of Azerbaijan, or on long-term missions abroad and registered with the relevant diplomatic representations and consulates of The Republic of Azerbaijan, shall be submitted to the Central Election Commission by a relevant executive power body. Based on this information, the Central Election Commission shall approve a list of the relevant election constituencies for inclusion of the voters residing outside the country on the voter lists during referendums and Presidential elections. The number of voters in election constituencies where the voters residing outside the Republic of Azerbaijan are included on the lists should be less than the of average voter representation norm.

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

29.3.1. As a rule, the number of registered voters should be approximately equal among the election constituencies within the boundaries of the administrative-territorial units of the Republic of Azerbaijan, but no more than 10% higher/lower than the average representation norm in distant or impassible places and no more than 5% higher than the average representation norm elsewhere;

29.3.2. The formation of election constituencies in administrative-territorial units that do not share borders shall be prohibited.

29.3.3. Determining (or changing) the boundaries of election constituencies with the intended purpose of creating a majority of any group of voters shall not be allowed.

29.4. While observing of the requirements for formation of election constituencies indicated in Articles 29.2 and 29.3 of this Code, the necessity of non-intersection of the boundaries of municipalities should be taken into consideration. During municipal elections, when it is not possible to observe Article 29.1 of this Code regarding the number of voters residing in the territory of a municipality, the Central Election Commission shall settle the case by precisely defining the boundaries of each election constituency. If the remainder obtained through division of the amount of voters residing in the territory of the municipality (municipalities) into the average representation norm is more than the percentages indicated in Article 29.3.1 of this Code as a result of establishment of more than one constituencies in the territory of the relevant municipality or inclusion of more than one municipality in the same constituency, the Central Election Commission may not act upon Article 29.1 of this Code while creating the constituency. In this case, the Central Election Commission shall ground its decision by specifying the reasons why it was not possible to follow Article 29.1 of this Code in the decision on formation of the election constituency.

29.5. The Central Election Commission should approve the scheme of formation of election constituencies and their maps on the basis of information on 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 maps can be re-approved, taking into consideration the requirements provided for in Articles 29.3 and 46 of this Code.

29.6. The scheme of formation of election constituencies and their maps, 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 a commission shall be supervised by the Deputy Chairman of the Central Election Commission and he/she shall be considered the chairperson of the commission, due to his/her post. Meetings of the Commission on Determining the Boundaries of Election Constituencies shall be held no later than two months after the annual update of the Integrated Voters' List. The main object of such commission shall be ensuring the compliance of the election commissions with Articles 29.3 and 29.7 of this Code. Only 1/3 of the members of such commissions may be involved in civil service. If election constituencies are formed immediately before the holding elections (referendum), the scheme of formation of election constituencies and their maps should be approved at least 55 days before election (referendum) day and published at least 50 days before election (referendum) day.

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

29.7.1. the name and number of each election constituency;

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

29.7.3. the center of each election constituency;

29.7.4. the number of voters registered in each election constituency and, in the case more than one election constituency is formed in an administrative-territorial unit, the number of voters registered in each municipality included in an election constituency;

29.7.5. in accordance with Article 29.2 of this Code, the number of voters in the relevant election constituency residing outside the boundaries of the Republic of Azerbaijan, as well as an indication of the foreign countries of residence of such voters.

29.8. The State (Computerized) Information System can be used during the formation of election constituencies and determination of their scheme of formation.

29.9. A unified election constituency, formed for Presidential Elections of the Republic of Azerbaijan and for 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 directly before elections (referendum), they should be formed at least 50 days prior to Voting Day.

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

30.3. Three members of a Constituency Election Commission shall be nominated by the members of the Central Election Commission representing the political party of which the deputies constitute the majority in the Milli Majlis. Other three members of a Constituency Election Commission shall be nominated by the members of the Central Election Commission representing the political parties of which the deputies constitute the minority in the Milli Majlis, and other three members shall be nominated by the members of the Central Election Commission representing the non-partisan deputies of the Milli Majlis. Candidates for membership of the Constituency Election Commission may be presented by local branches of the relevant political parties to members of the Central Election Commission representing political parties. 2 of the candidates to the Constituency Election Commission nominated by members of the Central Election Commission representing the non-partisan deputies, may be agreed

to in the following way: 1 candidate with the members of the Central Election Commission representing the political party of which the deputies constitute the majority in the Milli Majlis, and another candidate with the members of the Central Election Commission representing the political parties of which the deputies constitute a minority in the Milli Majlis.

30.4. Members of election constituency shall receive an appropriate 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 in the territory of the election constituency;

31.1.2. consider, within its own authority, complaints related to the violation of rules set forth in this Code, and make grounded decisions;

31.1.3. create proper conditions for the pre-election activities of candidates, registered candidates, political parties, and blocs of political parties in the territory of the election constituency, as well as conditions for pre-referendum activities of referendum campaign groups;

31.1.4. designate the Precinct Election Commissions in the territory of election constituency and ensure the numbering of precinct commissions on the basis of a unified rule;

31.1.5. ensure delivery of ballot papers, protocols, de-registration cards for voting and other election documents to Precinct Election Commissions;

31.1.6. distribute funds allocated for preparation and holding of elections (referendums) among Precinct Election Commissions, and supervise the use of these funds for their specified purpose;

31.1.7. receive information from the relevant executive authority bodies and municipalities related to issues on preparation and holding of elections (referendums);

31.1.8. inform voters about the rules and terms of performance of election activities during the course of elections (referendums), and publish information on registered candidates and preliminary election (voting) results;

31.1.9. ensure the provision of Precinct Election Commissions with premises and means of transportation and communication, and supervise the fulfillment of relevant decisions regarding the logistical support of elections;

31.1.10. render organizational and technical assistance to Precinct Election Commissions on holding of voting in the election precincts in the territory of the election constituency;

31.1.11. co-ordinate the activities of Precinct Election Commissions;

31.1.12. ensure the storage of election (referendum) documents in accordance with rules approved by the Central Election Commission;

31.1.13. ensure the submission of documents related to preparation and holding of elections (referendums) to the Central Election Commission, including protocols on the results of voting (elections);

31.1.14. ensure the use of the State Computerized Information System in the territory of election constituency on the basis of a unified rule;

31.1.15. train the members of precincts election commissions.

31.1.16. cancel unlawful decisions of Precinct Election Commissions

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

While conducting referendums, elections of deputies to the Milli Majlis, or Presidential or Municipal elections, the Constituency Election Commission shall function in the following manner, in accordance with Article 31 of this Code:

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

32.1.1. register referendum campaign groups in the cases stipulated by this Code;

32.1.2. determine the results of vote counting in a referendum constituency;

32.1.3. ensure control on spending of election funds of referendum campaign groups in referendum constituencies;

32.1.4. perform other duties in accordance with this Code.

32.2. Constituency Election Commissions shall exercise the following authorities during the preparation and holding of elections of deputies of the Milli Majlis:

32.2.1. ensure receipt of information about candidates nominated under the corresponding single-mandate election constituency, and publish information about registered candidates;

32.2.2. register candidates under the single-mandate constituency, as well as their authorized representatives and agents, and issue cards for them in the manner established by the Central Election Commission;

32.2.3. ensure control over spending of election funds of candidates, registered candidates, political parties, and blocs of political parties within the territory of election constituencies;

32.2.4. ensure observation of conditions for pre-election activity, as specified by this Code, for all candidates, registered candidates, political parties, and blocs of political parties within the territory of election constituencies;

32.2.5. determine the Returns of elections in the 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 exercise the following authority with regard to the preparation and conduct of Presidential Elections:

32.3.1. provide equal conditions for pre-election campaign activities for presidential candidates within the election constituency;

32.3.2. ensure that the terms for pre-election activities established by this Code are observed by the candidates and registered candidates within the election constituency;

32.3.3. determine the 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 exercise the following duties during the preparation and conduct of elections to municipalities:

32.4.1. ensure the obtaining of information about candidates nominated for membership to a municipality within an election territory, and publish information on registered candidates;

32.4.2. register candidates for membership of a municipality and their authorized representatives and agents, and issue cards for them in the form established by the Central Election Commission;

32.4.3. supervise, within the constituency, for equal exercise of pre-election activities of candidates for municipality membership;

32.4.4. determine election results based on information from the 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 Activities of Constituency Election Commission Member**

33.1. During their term in office, the Chairman and Secretaries of a Constituency Election Commission shall be provided remuneration from the State budget. Members of the Constituency Election Commission shall receive compensation from the State budget for the period starting from the day of publication of the authorized state body's decision to hold elections (referendum) till the day of publication of the election (referendum) results, as well as during the annual development of voters' lists.

The salary of members elected to the Constituency Election Commission and serving in the establishments, enterprises, organizations or institutions funded by either the state or local budget, shall receive wages from their place of employment.

33.2. During the period of elections (referendum), members of a Constituency Election Commission shall not be detained or subjected to criminal liability or administrative measures as determined by a court decision, without consent of a relevant district prosecutor. The "district prosecutor" in this article shall be understood as the public prosecutor of the district covering the majority of the territory of the election constituency. A Constituency Election Commission member may be arrested only if he/she is caught in the act of a 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 on the matter.

33.3. A Constituency Election Commission member's public transportation expenses (excluding the use of taxis and arranged journeys) within the territory of the constituency during elections (referendums) shall be reimbursed, upon the presentation of the travel documents, from the funds allocated by the Constituency Election Commission.

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

34.1. The Constituency Election Commission shall build its work on regulations for the Constituency Election Commission approved by the Central Election Commission.

34.2. The Secretariat of the Constituency Election Commission shall build its work on the basis of regulations approved by the Central Election Commission.

34.3. Decisions of the Constituency Election Commission shall be adopted during the meeting of the Constituency Election Commission as follows:

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

34.4. Decisions of the Constituency Election Commission should be published within 24 hours and will enter into force upon being published.

34.5. The number of permanent staff working for the secretariat of the Constituency Election Commission, their position titles and their salaries shall be determined by the Central Election Commission of the Republic of Azerbaijan.

CHAPTER Six

ELECTION (REFERENDUM) PRECINCTS AND PRECINCT ELECTION COMMISSIONS

Article 35. **Establishment of Election (Referendum) Precincts**

35.1. Taking into account the number of registered voters within the territories of municipalities, election (referendum) precincts (hereafter referred to as election precincts) shall be formed every 5 years with the purpose of conducting voting and of counting votes. Separate election precincts may be formed before the expiration of the above-mentioned period, for the purpose of ensuring observation of the requirements of Article 35.3.1 of this Code.

35.2. Election precincts shall be created by the relevant Constituency Election Commissions, with the agreement of the relevant executive body and municipality, taking into account the necessity of creating the most favorable conditions for voters, as well as local and other circumstances. If election precincts are created directly before the elections (referendum), they should be established at least 50 days prior to Election Day. The boundaries of an election precinct shall be clearly indicated in the decision of the Constituency Election Commission to form the 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 election precincts:

35.3.1. the number of voters registered within the territory of each election precinct should be, at most, 1500 and, at least, 50;

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

35.4. Polling stations (precincts) may be created in conformity with the rules defined by the Central Election Commission and within the period defined by Article 35.2 of this Code in the following cases: On oil platforms located in the Azerbaijani sector of the Caspian Sea, ships at sea on Election Day (if more than 50 voters are on), and in facilities where voters are temporarily present (hospitals, sanatoriums and rest homes). But in exceptional cases specified by the Central Election Commission, polling stations may be created at least 5 days prior to Election Day. Such polling stations shall be included in the constituency created where they are situated or, in the case of ships, the territory where the ship is registered. Such voting stations may only be created during referendums and Presidential elections.

35.5. Military servants should vote in general polling stations. Rules on transporting citizens of the Republic of Azerbaijan who are in limited military service are determined by the Central Election Commission. It is allowed to create polling stations in the military units located outside of settlements only in the cases where the number of military servants is over 50 and more than an hour is required to transport the military servants to the general polling station by public transportation. In such circumstances, voting stations shall be created within the period defined by Article 35.2 of this Code. In exceptional cases, such polling stations shall be created by the commanders of the military units, in accordance with the decision of the relevant Constituency Election Commission, at least 5 days prior to Voting Day. Military servants from frontier troops, military servants located in areas of military conflict, and military servants serving under special regime, in the cases established by the Central Election Commission, shall vote in election precincts created within their military units. A decision about military persons serving under the special regime conditions shall be made by the Central Election Commission at least 5 days prior to the voting day. In the election precincts formed in accordance with this Article, conditions shall be created for access to the working rooms of the election commission and to the voting room, pursuant to the rules defined by this Code, for all members of the Precinct Election Commission and superior election commissions, registered candidates and their representatives, authorized representatives of political parties and blocs of political parties and observers.

35.6. Election precincts, which are established for the collection and counting of votes of voters outside the country on Voting Day, shall be created by the heads of diplomatic representations or consulates of the Republic of Azerbaijan at least 30 days prior to Voting Day, in the territories where such voters reside, provided the number of voters registered with the consulate is more than 50. Such polling stations may only be created during referendums and Presidential elections.

35.7. Information on the following should be published by the Constituency Election Commission at least 45 days prior to Voting Day: Precinct Election Commissions and polling Stations, a list indicating the number and borders of polling stations (if a polling station occupies a part of a settlement's territory), a list of settlements (if a polling station covers several settlements) and telephone numbers of the Precinct Election Commission. Information on election precincts established within the period indicated in Articles 35.4. and 35.5. of this Code should be published not later than 2 days after the day they are established.

35.8. Issues with publishing the information mentioned in Articles 35.7 and 109 of this Code in the election precincts established outside of the Republic of Azerbaijan are to be settled by the heads of the relevant diplomatic representations or consulates, taking into account the local circumstances.

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

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

36.2. 2 members of a Precinct Election Commission shall be nominated by the members of the Constituency Election Commission representing the political party of which the deputies of constitute the majority in the Milli Majlis. Another 2 members of a Precinct Election Commission shall be nominated by the members of the Constituency Election Commission representing the political parties of which the deputies constitute the minority in the Milli Majlis. A further 2 members shall be nominated by the members of the Constituency Election Commission representing the non-partisan deputies of the Milli Majlis.

Candidates for membership of the Precinct Election Commission may be presented to the Constituency Election Commission members representing political parties by local branches of the relevant political parties, or by voters (voters' initiative groups) to the Constituency Election Commission members representing non-partisan deputies of the Milli Majlis. Candidates should be citizens of the Republic of Azerbaijan, permanently residing within the territory of the relevant election constituency.

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

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

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

36.6. Each registered candidate, political party, bloc of political parties, and voters' initiative group shall have the right to appoint one observer to the Precinct Election Commission from the time the Precinct Election Commission commences its work 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, and they shall be given appropriate badges indicated in Article 40.7 of this Code".

36.7. Precinct Election Commissions may be formed by open vote at general meetings of voters in the cases provided for in Articles 35.4 and 35.5 of this Code, in election precincts where the number of voters is between 50 and 100, and in impassable places. In such cases, the composition of the Precinct Election Commission may 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 referendums, elections of deputies to the Milli Majlis, Presidential elections and elections to municipalities:

37.1.1. inform the public on the address of the Precinct Election Commission, its telephone number, working hours, and the date and place of voting;

37.1.2. approve and update the voters' list, display this list for voters' reference, distribute/delivers de-registration cards to voters, and examine applications on mistakes and errors in the voter list and make relevant changes;

37.1.3. ensure that the voting place, the ballot box and other materials are ready for the voting process;

37.1.4. provide voters with information on issues to be addressed by referendum, information on registered candidates, and the list of registered candidates, based on information provided by a superior election commission;

37.1.5. oversee 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 at the election precinct on Voting Day;

37.1.8. determine election results for the election precinct, and count votes and deliver the protocols on election results to the Constituency Election Commission;

37.1.9. examine complaints concerning the violation of the requirements of this Code and make grounded decisions within its authority;

37.1.10. ensure the preservation and submission of documents on the preparation and conduct of elections in accordance with the rules approved by the Central Election Commission;

37.1.11. perform other duties in keeping with this Code.

Article 38. **Guarantees for Precinct Election Commission Member**

38.1. The Chairman, Secretaries and Members of a Precinct Election Commission shall be paid from the State budget, for the period starting from the day of publication of the authorized state body's decision to hold elections (referendum) till the day of publication of the election (referendum) results, as well as during the annual development of

voters' lists. Members elected to the Precinct Election Commission and serving in the establishments, enterprises, organizations or institutions funded by either the state or local budget, shall receive wages from their permanent place of employment.

38.2. A member of a Precinct Election Commission may not be detained or subject to criminal liability or administrative measures as determined by a court, within the period of 30 days prior to Voting Day, without consent of a relevant district prosecutor. A member of a Precinct Election Commission may be arrested only if he/she is caught in the act of a 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 on the matter.

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

39.1. The Precinct Election Commission shall build its work on the basis of regulations for Precinct Election Commissions approved by the Central Election Commission.

39.2. The Secretariat of the Precinct Election Commission shall build its work on the charter approved by the Central Election Commission.

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

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

39.4. Decisions of the Precinct Election Commission are to be published within 12-hours at the latest.

CHAPTER Seven

TRANSPARENCY DURING PREPARATION AND CONDUCT OF ELECTIONS (REFERENDUM)

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

40.1. The activity of election commissions must be transparent for voters.

40.2. Members of election commissions, candidates registered within the relevant constituency and their authorized representatives/agents, agents of referendum campaign groups, and agents of political parties and blocs of political parties shall have the right to:

• observe vote counting and meetings of election commissions;

• familiarize themselves with, and observe the processing of, the ballot papers, voters' lists, de-registration cards for voting, and protocols on results and Returns of the voting in the Precinct and Constituency Election Commissions;

• obtain copies of the decisions of the Constituency and Precinct Election Commissions and other election documents (except for voter lists, de-registration cards for voting, election ballot papers and signature sheets);

• 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 additional permission of the election commissions or be registered as observers in order to attend the meetings of the relevant election commissions or become familiarized with the above-mentioned documents. The relevant election commissions shall ensure free access to such persons of the locations where election documents are being processed or votes are being counted.

40.4. Citizens of the Republic of Azerbaijan possessing active suffrage rights and the foreigners mentioned in Article 44 of this Code may act as observers.

40.5. The observer may carry out observation based on his/her own initiative or the initiative of a registered candidate, political party, bloc of political parties, referendum campaign group or a non-governmental organization working in the field of elections.

40.6. Applications for carrying out observation within the entire territory of the Republic of Azerbaijan may be submitted to the Central Election Commission from the day elections are announced and up to 10 days prior to elections. Applications shall indicate the observer's surname, forename, patronymic, place of residence, and ID card series and number. If necessary, applications shall also indicate the name of the candidate whose interests are being represented, the name of the referendum campaign group or the names and legal addresses of the non-governmental organization, political party or bloc of political parties. Two photos shall be attached to the application. Decisions on each application should be made within 3 days from the date of submission. Applications for observation may 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, a complaint regarding this decision may be appealed at the court. In the case the observation is allowed, the observer shall be provided with a badge prepared corresponding to the rules established by the Central Election Commission.

40.7. Applications for carry out observation within the territory of an election constituency may be presented to the relevant Constituency Election Commission from the day elections are announced and up to 5 days prior to elections. Applications shall indicate the observer's surname, forename, patronymic, place of residence, ID card series and number and, if necessary, the name of the referendum campaign group or names and legal addresses of the non-governmental organization, political party or bloc of political parties. Two photos shall be attached to the application. Decisions on each application should be made within 2 days from the date of submission. Applications for 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, a complaint regarding this decision may be filed with the Central Election Commission. In the case observation is allowed, the Constituency Election Commission shall provide the observer with a badge prepared

corresponding to the rules established by the Central Election Commission.

40.8. Representatives of the mass media shall have the right to participate in election commissions' meetings and in the course of work regarding elections documents and vote counting.

40.9. In accordance with the rules articulated in Article 20.1 of this Code, the relevant election commission shall provide information on the time of processing of election documents and meetings of the election commission to: the superior election commissions, each registered candidate and his/her authorized representative, agents of political parties and blocs of political parties which have registered candidates, agents of referendum campaign groups and observers entitled to be present at commission meetings.

40.10. Representatives of the interested parties shall have the right to be present at the meetings at which elections commissions are investigating the officially submitted complaints.

40.11. In accordance with this Code, the election commissions shall inform the citizens on:

• the biography of each candidate registered in accordance with this Code;

• the results of registration;

• the list of candidates;

• other information received by the election commission about candidates; and

• 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, international observers and representatives of the mass media, may observe the implementation of election activities, the determining of voting results and election (referendum) returns, the completion of protocols of voting results and election (referendum) returns (overall returns) and the counting and recounting 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 this right, shall have the right to observe meetings of the election commission up to 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 drawing of lots, with a condition that each of the subjects provided for in Article 40.5 of this Code shall have one observer with such a right (separately for each election commission), and that the number of such observers for each commission shall not exceed 10. No specific permission shall be required to observe a meeting of an election commission on Voting Day.

40.14. Unimpeded access 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 for all election commission members, persons mentioned in Article 40.2 of this Code and observers.

40.15. On Voting Day, every authorized person in the polling station, including members of the Precinct Election Commission, persons specified in Article 40.2 of this Code and mass media representatives, should have a badge of a specific form determined by the Central Election Commission to allow for establishing their status, which displays their surname, forename, patronymic, position and picture.

40.16. An observer should have a badge, indicating his/her surname, forename, patronymic, address, election commission (commissions) he/she is assigned to, the name of the registered candidate he/she represents, and the political party, bloc of political parties, referendum campaign group, or 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 an observer's visit is not required.

40.17. A list of persons present at the polling station during Voting Day and observing the election activities shall be maintained by the secretary of the Precinct Election Commission.

Article 41. **Principles of Observation**

41.1. The conduct of observation should be based on the following principles:

41.1.1. the election process should not be influenced in the interest of a candidate or political party;

41.1.2. all circumstances and facts related to the activities to be observed should be taken into consideration;

41.1.3. observation should be open;

41.1.4. results of the observation should be based on facts; and

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

41.3. The observation may start from the date the elections (referendum) are announced and shall finish on the day when all disputes regarding elections (referendum) are heard by the relevant courts, and returns (overall returns) of elections (referendum) are officially published.

Article 42. **Observers Rights and Responsibilities**

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

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

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 they choose on election day;

42.2.3. to observe the issuance (delivery) of ballot papers to voters;

42.2.4. to observe voting outside of polling stations;

42.2.5. to observe the counting of voters, of ballot papers and of cancelled ballot papers;

42.2.6. to demand inclusion of the observation results in the protocol of the election commission;

42.2.7. to watch, in circumstances ensuring observation and from a certain distance, the counting of votes, marked and unmarked ballot papers, in order to check the vote's validity, and to become familiar with the election commission's protocol on voting results and election (referendum) returns (overall returns) and other documents;

42.2.8. to address suggestions and comments on the organization of voting to the chairperson of the Precinct Election Commission or, in the chairperson's absence, the person who assumes the chairperson's powers;

42.2.9. to become familiar with the voters' list, and to photocopy or obtain, free of charge, 1 copy of an election commission's documents, protocols on voting results and election (referendum) returns and/or documents and attachments prepared by the election commissions. These documents will be made available to observers for the period starting from the moment an election commission commences its activity on Voting Day up to when the ballot boxes are locked and the protocols on voting results are received by election commissions. Additional copies of such documents may be made for a fee defined by the Central Election Commission (the election commission should verify copies of the above mentioned documents at the request of an observer).

42.2.10. to observe the recount of votes in the relevant election commissions.

42.2.11. to observe the 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 to voters;;

42.3.2. from asking voters on how they voted or will vote;

42.3.3. from signing a receipt of a ballot paper on behalf of a voter heart the voter's request;

42.3.4. from marking a ballot paper on behalf of a voter heart the voter's request;

42.3.5. from participating directly in the counting of ballot papers with the commission members with decisive voting rights;

42.3.6. from conducting actions obstructing the work of an election commission;

42.3.7. from carrying out election campaigning directed at voters;

42.3.8. from making actions or calls directed to supporting any of the candidates, political parties or issues of a referendum, or making actions or calls that could be understood as support of a particular candidate or political party;

42.3.9 from intervening in decision making of the relevant election commissions;

42.3.10 from responding to voters' questions (except for questions concerning the observer's status).

42.4. the registration of an observer not complying with the requirements specified in Article 42.3 of this Code may be cancelled by a relevant court upon application of the election commission that registered the observer.

42.5. In the case observers submit their opinion on observation results to the Chairperson of the Central, Constituency or Precinct Election Commission, the opinion shall be attached to the protocol on either voting results or election returns.

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

43.1. Representatives of the mass media may cover meetings of all election commissions, familiarize themselves with election commissions' protocols on voting results and election (referendum) returns, and photocopy or obtain, free of charge, one copy of the relevant election commission's decisions, protocols and attached documents. Additional copies of such documents may be purchased for a fee set by the Central Election Commission.

43.2. Upon request of the representatives of mass media, the copies of decisions of an election commission, protocols on voting results and election returns should be approved by the election commission

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

44.1. International (foreign) observers (hereinafter - international observers) coming to the Republic of Azerbaijan, in accordance with the rules defined by legislation on pertinent invitation, shall be registered with the Central Election Commission. Citizens of the Republic of Azerbaijan shall not obtain the status of international observer.

44.2. Invitations may be sent by the Milli Majlis, appropriate executive authority bodies or the Central Election Commission, after a decision on holding elections has been officially published.

44.3. Influential non-governmental organizations, working in the field of protection of human and citizens' rights and freedoms, may

also submit their proposals on inviting international observers to deputies of the Milli Majlis, Central Election Commission or relevant executive authority.

44.4. In order to be registered, international observers should submit the documents specified in Article 40.7 of this Code. The Central Election Commission shall provide a specific identity card, or badge, in the state language or one of the foreign languages in accordance with the documents submitted by him/her. Only the possession of this card allows the international observer to function in accordance with Articles 40-42 of this Code during the preparation and conduct of elections.

44.5. The term of authority of the international observers shall commence on the day of their registration by the Central Election Commission, and expire on the day of the official publication of the returns (overall returns) of the elections (referendum).

44.6. International observers shall function independently and freely; their activity shall be financed by the organization they are assigned by or at their own expense.

44.7. International observers shall be under the protection of the State while within the territory of the Republic of Azerbaijan. Election commissions, state government bodies and municipalities shall be obliged to render the necessary assistance to them.

44.8. After Election Day, international observers may address the mass media and conduct press conferences addressing election legislation, the preparation and conduct of elections.

44.9. International observers shall have the right to meet with voters, candidates, registered candidates, members of election commissions, authorized representatives of political parties, blocs of political parties, referendum campaign groups, agents of registered candidates, political parties, blocs of political parties, and referendum campaign groups.

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

44.11. The Central Election Commission may cancel the registration of an international observer in the case he/she violates laws or international legal norms.

CHAPTER Eight

VOTERS (CITIZENS WHO HAVE THE RIGHT TO PARTICIPATE IN REFERENDUM) LISTS

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

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

45.2. In accordance with Article 46.12 of this Code, information for updating of the Voters' List shall be provided annually by Precinct Election Commissions to the Central Election Commission through the Constituency Election Commissions.

45.3. The Integrated Voter List shall be maintained for election precincts, election constituencies and for the Republic of Azerbaijan, and include the information specified in Article 46.10 of this Code.

45.4. Data from the Voters' Lists approved by Precinct Election Commissions, formed in the manner specified in Article 35.8 of this Code, shall not be included in the Integrated Voter List. Such data shall be presented by the Central Election Commission in the manner it determines, and integrated in a temporary Voters' List. These temporary Voters' Lists shall be added 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 each year by 30th of May, in accordance with the format defined by the Central Election Commission and be updated at least 25 days prior to Election Day. After this period and until Voting Day (including Voting Day), voters may be included in the Voters' List only by the Precinct Election Commission in accordance with the rule determined by the Central Election Commission. In accordance with Article 101 of this Code, the

voting cards of voters who vote with voting cards, shall be attached to the Voters' List. No additions and amendments to Voters' Lists shall be made on Voting Day. Voters' Lists shall not be published in the press. The Voters' List shall be posted on the relevant website of the Central Election Commission (Constituency Election Commission), in conformity with the rules established by the Central Election Commission.

46.2. The document verifiying the inclusion of a voter in the Voters' List is the Voter's Card. The following shall be indicated on the Voter's Card: the voter's forename, surname, patronymic, date of birth, place of residence, name of the election constituency he/she is registered in, and the telephone number and address of the election precinct. A sample of the Voter's Card shall be approved by the Central Election Commission and distributed (delivered) to voters by Precinct Election Commissions in the manner determined by the Central Election Commisson. An election commission shall provide a citizen with information on his/her inclusion or exclusion in the Voters' List, upon the citizen's request.

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

46.4. Permanent voters' lists shall include information provided by heads of the relevant executive authorities and municipalities or commanders of military units, on voters possessing active suffrage rights. Temporary Voters' Lists shall include information provided by heads of consulates or diplomatic representatives, as well as by heads of the facilities where voters are temporarily located, on voters possessing active suffrage rights.

46.5 Voters' lists of the precincts established in distant or impassible places shall be specified by the Precinct Election Commissions on the basis of information on voters provided by heads of the relevant executive authorities and municipality at least 25 days prior to Election Day or, in exceptional circumstances, 2 days after the Precinct Election Commission is formed.

46.6. For the precincts established within the territory of military units, investigative facilities and penitentiary establishments, the list of voters (military servants of military unit, family members of military servants residing within the territory of the military unit, accused persons detained in investigative facilities, inmates in penitentiary establishments and other voters) shall be updated by the Precinct Election Commissions at least 20 days prior to the Election Day, on the basis of information provided by the commanders of military units, investigative facilities and penitentiary establishments .

46.7. Voters' Lists for the precincts where voters are temporarily located (hospitals, sanatoriums, rest homes) and for ships sailing on election day, shall be approved at least 5 days prior to Election Day by the relevant Precinct Election Commission on the basis of information provided by heads of the facilities where the voters are temporarily located or by 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 at least 25 days prior to Election Day by the relevant Precinct Election Commission, on the basis of information provided by heads of the diplomatic representations and consular offices of the Republic of Azerbaijan.

46.9. If no election precinct is created in a military unit, the commander of the military unit, administration of investigative detainees and administration of relevant penitentiary establishment shall collect and specify information on voters in accordance with the rules defined by the Central Election Commission, if no other rule is provided by this Code, and then submit this information to the relevant Precinct Election Commission at least 35 days prior to the Election Day.

46.10. 2 copies of Voter's Lists shall be prepared. Information on voters is to be placed in the Voters' Lists in alphabetical order or another order according to settlements, streets, houses, or apartments. The Voters' Lists shall contain the voter's forename, surname, patronymic, year of birth (the day and month of birth for those who are 18 years old), permanent address (number of the street, building, apartment, or house, or address of the hospital, sanatorium, rest home or other place of temporary residence), and the number of the election precinct.

46.11. The State Computerized Information System may be used for the compilation of voters' list. The voters' lists shall be prepared in a typewritten format. Only in exceptional circumstances defined by the Central Election Commission may the Voters' Lists be written by hand.

46.12. The first copy of the preliminary Voters' List prepared for the precinct shall remain with the Precinct Election Commission and the relevant act is made. The second copy shall be submitted to the Constituency Election Commission no later than the 5th day of February of each year, but at least 25 days prior to Election Day. Each year, the preliminary Voters' Lists for the constituency shall be drafted in two copies no later than the 5th day of March, signed by the chairperson and secretaries of the Constituency Election Commission, certified by the stamp of the election commission, and submitted to the Central Election Commission by the 5th day of April. If the Central Election Commission finds discrepancies in the Voters' Lists, they shall be corrected and \ approved by the Precinct and Constituency Election Commissions by the 25th of May. The Voter's List for the Republic of Azerbaijan shall be drafted by the Central Election Commission using the State Computerized Information System.

46.13. Voter's 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 certified by the stamp of the commission.

46.14. After updating the Voters' Lists, Precinct Election Commissions shall examine and consider changes made or to be made to the Voter Lists at the request of voters, as well as changes to be made in light of Article 45 of this Code. They shall also examine the changes made or to be made based on documents submitted by officials, municipalities, state civilian registration offices and bodies which register citizens' addresses and places of residence.

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

Article 47. **Rule for Inclusion in and Exclusion from the Voters' List**

47.1. All citizens who have active suffrage rights shall be included in the Voters' Lists.

47.2. A voter may be included in the Voter's List under the relevant precinct on the basis of the voter's permanent place of residence (i.e. the place a voter has resided for at least 6 out of 12 months prior to the announcement of elections) as determined by the body responsible for recording citizens' place of residence or place of stay.

47.3. Military servants residing outside of the military unit shall be included in the Voters' List, on a general basis, by their place of residence. Military servants, family members of military servants, and other voters residing within the territory of the military unit shall be included in the Voters' List, on the basis of their permanent residence or other place where they mostly reside as defined by the body responsible for registering the place of residence or place of stay of citizens of Azerbaijan, or confirmed by the order of the commander of a military unit on inclusion in the list of military staff of persons employed or conscripted for the military service.

47.4. The basis for including citizens of the Republic of Azerbaijan residing outside of the Republic of Azerbaijan and those who are on a long-term foreign missions or business trips in the Voters' List, shall be the fact a person is permanently residing outside of the Republic of Azerbaijan, or the fact a voter is on a long-term business trip (as determined by the diplomatic representations or consular offices of the Republic of Azerbaijan).

47.5. Voters who are in hospitals, sanatoriums, or rest homes shall be included in the Voter's Lists of the election precincts created there on the basis of an identification card or other substitute document. If no polling station is created in such 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 such institutions. The information provided by such institutions shall fully describe all the data contained in the voter's identification card or substitute document.

47.5-1. Citizens arrested during the investigation and those detained by administrative order are included in separate voters' list by the Precinct Election Commissions. Such information is submitted to the Precinct Election Commission at least 2 days prior to the voting day by relevant court that made decision on citizen's arrest, or relevant executive authority body that made decision on citizen's detainment by administrative order. That information must contain full data of identification document or its substitute.

47.6. Persons with no valid court indictment and subject to imprisonment shall be included in voters' lists upon information provided to the Precinct Election Commissions by the administration of investigative facilities. Such information shall include all the data contained in the person's identification card or substitute document.

47.7. Citizens of the Republic of Azerbaijan not able to move may be included in voters' lists according to information provided by their relatives or other persons with whom they have relations. In such case, the identification card or a substitute document of the disabled citizen must be presented.

47.8. Upon appearing in the polling station, citizens of the Republic of Azerbaijan with active suffrage who are in foreign countries, shall be included in the Voters' List on the basis of their international passport or substitute document.

47.9. After the voters' lists are submitted for public display, voters residing within the territory of an electoral precinct and not included in the Voters' List for any reason, shall be added to the Voters' List by the Precinct Election Commission on the basis of their identification card or other substitute document, if necessary, the document confirming that the voter lives in the territory of the precinct most of the time.

47.10. A voter may be included in the Voters' List of only one precinct. Should the election commission discover that a voter has been registered in more than one precinct, it will have to investigate the matter and ensure that the voter's name remains on only one list. If the voter is intentionally included in more than one voters' list, he/she 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 may be excluded from the Voters' List on the basis of official documents as well as on the basis of the voting card issued to the voter in conformity with Article 101 of this Code. The voter shall be informed about being excluded from the list in writing. In such circumstances, the date and reason for exclusion of the voter from the Voters' List is to be indicated on the Voters' List. This fact shall be certified by signatures of the Chairperson and Secretaries of the Precinct Election Commission. The de-registration card for voting shall be certified by the signatures of the commission members issuing it.

Article 48. **Public Display of Voter Lists**

48.1. The Precinct Election Commission shall submit the voters' lists for public display and for additional verification/updating by informing the voters at least 35 days prior to Election Day, and create the necessary conditions for such display and verification. The voters' lists are to be displayed on notice boards, outside of the voting room, in a convenient place for voters to see and to have access to them.

48.2. A citizen of the Republic of Azerbaijan possessing active suffrage rights may report on his/her non-inclusion in the list, as well as o mistakes and errors that he/she discovers in the list about him-/herself or others. The Precinct Election Commission should check the submitted application and documents regarding the voter's information, correct the mistake, investigate the reasons for the mistake, and/or provide the voter with a written document containing the reason for rejection of voter's application, within one day of the date of application (or immediately, before voting ends, on Election Day).

CHAPTER Nine

BASIS FOR PARTICIPATION OF POLITICAL PARTIES AND BLOCS OF POLITICAL PARTIES IN ELECTIONS (REFERENDUM)

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

49.1. Along with provisions of Article 2.6 of this Code, a political party (bloc of political parties) which participate in elections (referendum campaign) should meet the following requirements:
49.1.1. respect the right of another political party (bloc of political parties) to freely and independently express their political ideas and views during an election (referendum) campaign;
49.1.2. respect the rights of other political parties (blocs of political parties), voters, and public organizations;
49.1.3. not prevent other political parties (blocs of political parties) from establishing free communication with voters;
49.1.4. provide guarantees of free conduct for voters intending to participate in political activities;

Article 50. **Bloc of Political Parties**

50.1. A bloc of political parties may be formed by a minimum of two political parties. If a political party is a member of a bloc, it may not function as an independent political party or join another bloc during the course of elections. A decision to join a bloc of political parties shall be made in accordance with the charter of each political party joining the bloc of political parties. After a relevant decision is adopted, authorized representatives of the political parties shall sign a joint decision on the establishment of the bloc.

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

50.2.1. copies of the charters of the political parties included in the bloc, certified by a notary;

50.2.2. decisions of the political parties on joining the bloc; and

50.2.3. a joint decision on the establishment of a bloc signed by the authorized representatives of the political parties and certified by the stamp of those parties.

50.3. A bloc of political parties is to be registered, at the latest, within 5 days of the submission of the required documents to the Central Election Commission.

50.4. The bloc of political parties may be refused registration if the documents mentioned in Article 50.2 of this Code are not officially registered, incomplete, or do not meet the requirements of this Code.

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

Article 51. **The Name and Emblem of a Bloc of Political Parties**

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

51.2. The name of the bloc of political parties shall be defined in the joint meeting of representatives of the political parties constituting the bloc. Names of the political parties that are not included in the bloc (regardless of whether they participate in the elections or not) or of political parties that participated in previous elections, cannot be used to name the bloc. If a newly registered bloc of political parties does not include a majority of the political parties that originally established the bloc during previous elections, the newly established bloc may not be named by its previous name. The name or surname of a physical person or an individual may be used by the bloc of political parties on the basis of that individual's written consent.

51.3. A bloc of political parties may also submit its emblem to the Central Election Commission. A bloc of political parties may submit any emblem other than the registered emblem of any political party included in the bloc or the emblems used by other political parties and blocs of political parties for previous or current elections (taking into consideration Article 51.2 of this Code). Symbols of the bloc of political parties should not:

• violate intellectual property rights or trademark rights;

• insult state symbols of the Republic of Azerbaijan or other countries, or religious symbols;

• violate common, accepted moral norms.

The bloc of political parties should agree with the Central Election Commission on the usage of the bloc's name (which may contain more than 5 words) and emblem in the election documents.

51.4. A bloc of political parties shall not be allowed to change its name or emblem during the election process.

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

52.1. Authorized representatives, as well as representatives responsible for financial issues, shall be appointed by the decision of a joint meeting of a political party, of political parties in a bloc, or representatives of political parties, or by the decision of the congress, conference, or meeting of a managing body of a party or bloc of political parties.

52.2. The authorized representative of a political party or bloc of political parties shall perform his/her functions on the basis of the decision mentioned in Article 52.1 of this Code. This decision shall outline the representative's powers, and include the representative's forename, surname, patronymic, date of birth, ID or substitute document's serial and batch number, address of residence, workplace, occupation or official duty (type of activity if not working). of the decision regarding an authorized representative on financial issues should also contain samples of financial documents and samples of stamps for those documents.

52.3. The list of authorized representatives appointed by political parties and blocs of political parties shall be submitted to the Central Election Commission. A list of authorized representatives of political parties and blocs of political parties, excluding the authorized representatives on financial issues, shall be submitted to the Constituency Election Commission.

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

• name, surname, patronymic, and birth date;

• serial and batch number and date of issue of identification document or substitute document;

• address of residence;

• main workplace and position (type of activity if not working); and

• telephone number.

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

52.5. The authorized body of a political party or bloc of political parties may take a decision to terminate the powers of a representative, providing written notification to said representative. A copy of the decision on such termination of powers should be submitted to the Central Election Commission and Constituency Election Commissions.

52.6. Authorized representatives of political parties or blocs of political parties, who are also involved in governmental or municipality work, may not use their occupation or position during the elections processes.

52.7. The term of office of the authorized representatives of political parties or blocs of political parties shall commence from the day they are appointed and end when the candidacy status is terminated for all candidates, including those in the list put forward by political parties and blocs of political parties and no later than the day of official publishing of the general election results..

CHAPTER Ten

NOMINATION AND REGISTRATION OF CANDIDATES DURING ELECTIONS

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

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

53.2. The candidate or the voters' initiative group that nominates a candidate shall notify the relevant election commission on their initiative in writing. The notification should contain the following information on each initiator and candidate:

- forename, surname, patronymic, birth date;
- address of residence;
- serial and batch number of identification or substitute document; and
- main workplace or official position (type of activity if not working).

53.3. An application containing the written statement of a candidate to terminate activities incompatible with a post in elective government or with municipal bodies should be submitted with the notification mentioned in Article 53.2 of this Code. This application shall contain information on the candidate (surname, forename, patronymic, birth date, address of residence, education, main workplace, and official position or type of activity if not working). If candidates have a pending sentence, which has not been served or cancelled, the name and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan under which they were sentenced should be recorded in their application. If a candidate has committed a criminal offense abroad, which imposes a criminal liability, and has been sentenced by a court decision that has entered into force, and if the same action imposes liability under the Criminal Code of the Republic of Azerbaijan, the application should

contain the title of the relevant law of the foreign country. Information on whether a candidate has foreign citizenship or obligations in foreign countries should be included alongside information on the candidate's citizenship of the Republic of Azerbaijan.

53.4. A candidate may include information on his/her party affiliation in the application using a certified document that proves this affiliation. In such circumstances, a candidate should come to an agreement with the relevant election commission on naming his/her political party with a name containing no more than 5 words. If the political party indicated in the application has already excluded the candidate from membership and sent appropriate notification to the relevant election commission on the matter, then the title of the political party may not be used by the candidate.

53.5. In keeping with the requirements of Article 53.4 of this Code, the relevant election commission should inform candidates and voters' initiative groups on the receipt of submitted documents in writing.

53.6. The relevant election commission shall examine the submitted documents within a 5-day period and submit a decision, certifying the nomination from the relevant constituencies, also signature sheets to collect voters' signatures to the candidate or his/her authorized representative, The relevant election commission may not refuse to accept the submitted documents. The candidate or his/her authorized representative who has received signature sheets shall sign at the bottom corner of each signature sheet.

53.7. The only bases for refusal of approving the nomination of a candidate may be:

• if documents mentioned in Articles 53.2 and 53.3 of this Code are not formalized as required;

• if rules for nomination of candidates defined by this Code are violated.

If mistakes/errors in the relevant documentation can be eliminated through corrections made by the candidate, then the relevant election commission shall notify the candidate within the period set forth in Article 53.6 of this Code, and approve the candidate's nomination after such corrections have been made.

Article 54. **Nomination of Candidates by Political Parties and Blocs of Political Parties**

54.1. A political party shall make a decision on nominating a candidate in conformity with the charter of the political party. Such a decision should be made by voting collectively.

54.2. A candidate nominated by a bloc of political parties shall be approved by each political party included in the bloc. A decision of a bloc of political parties to nominate a candidate shall be made at the meeting (congress, conference, meeting of the board) of the representatives of the political parties. Such authorized representatives of political parties shall be determined during the congress (conference, meeting of the board) of political parties.

54.3. The decision of a political party or bloc of political parties to nominate a candidate shall be formalized by the minutes. The minutes shall contain the following:

54.3.1. the number of registered participants taking part in the meeting (congress, conference, meeting of the board);

54.3.2. the number of participants required for adoption of a decision mentioned in the agreement on the creation of a bloc of political parties;

54.3.3. the decision on nomination of candidates and results of voting on this decision; and

54.3.4. the date of adoption of the decision.

54.4. A political party or bloc of political parties may nominate persons who are not members of the party or of the parties included in the bloc.

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

54.5.1. a copy of the certificate of registration of the political party, certified by a notary;

54.5.2. a copy of the charter in effect of political the party, certified by notary;

54.5.3. the decision of the congress, conference, or meeting of the board, to nominate candidates and the minutes of the relevant meeting;

54.5.4. the powers of attorney of the authorized representatives of the political parties, certified in an order established by the Civil Code of the Republic of Azerbaijan.

54.6. The authorized representatives of a bloc of political parties shall submit the following documents along with the names of candidates:

54.6.1. the decisions to nominate candidates of the congresses, conferences, or meetings of the board of the political parties included in the bloc, and the minutes of the relevant meeting;

54.6.2. the decision to nominate a candidate on behalf of the bloc of political parties, made at the meeting, congress, or conference of the representatives of the political parties included in the bloc of political parties, and the minutes of the relevant meeting;

54.6.3. the powers of attorney of the authorized representatives of the bloc of political parties, certified by a notary.

54.7. The authorized representatives of political parties shall submit the documents on candidates nominated in the relevant election constituency to the relevant election commission. The names of the candidates shall be submitted in the format determined by the Central Election Commission, and should be type written or prepared in another format allowing for it to be recognized by a machine.

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

• commitment to terminate the activities 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, forename, patronymic, date of birth;

• address of residence;

• educational background;

• main workplace or official position (type of activity if not working); and

• party affiliation (with the candidate's consent).

If candidates have a pending sentence, which has not been served or cancelled, then the title and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan under which they were sentenced should be recorded in their application. If a candidate has committed an offense which imposes a criminal liability abroad, and if the same action provides for liability established by the Criminal Code of the Republic of Azerbaijan, and the candidate has been sentenced by a court decision which has entered into force, the application should contain title of the relevant law of the foreign country under which the candidate was sentenced. Information on whether a candidate has foreign citizenship or obligations in foreign countries should be included in the application, alongside information on the candidate's citizenship of the Republic of Azerbaijan.

54.9. The election commission shall examine the submitted documents within a 5-day period, make a grounded decision on whether the candidate nominated for the relevant constituency is approved or not, and inform the authorized representative of the political party or blocs of political parties on the issue. The relevant election commission may not refuse to accept the submitted documents. If the election commission adopts a decision on the approval of the candidacy, the commission shall submit that decision and signature sheets to collect voters' signatures to the authorized representative of the political party, political party bloc. The authorized representative who has received signature sheets shall sign at the bottom corner of each signature sheet.

54.10. The only bases for refusal from approval of the nominee may be:

• if the documents mentioned in Articles 54.1 – 54.7 are not certified as required; or

• if the rules set forth in this Code for the nomination of candidates are violated.

If the mistakes/errors can be eliminated through corrections made by the authorized representative of the political party or a bloc of political parties, then the relevant election commission shall notify the candidate on this issue within the period set forth in Article 54.9 of this Code. After such corrections are made, the relevant election commission shall approve nomination of the candidate.

54.11. The Central Election Commission and Constituency Election Commissions should create conditions to make information about relevant nominated candidates available

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

55.1. All candidates shall have equal rights and responsibilities.

55.2. The following actions shall be considered by this Code as an abuse of one's position or occupation to gain an advantage:

55.2.1. to engage state or municipal officials who are subordinate employees, during their business hours, in activity supporting one's nomination as a candidate;

55.2.2. to use buildings where state bodies or municipalities are located, for activities supporting one's nomination as a candidate, or to be elected if all other candidates or registered candidates could not use such buildings with the same conditions;

55.2.3. to use, for the purpose of collecting signatures and election campaigning, the communication, information, or telephone services provided for the activities of state bodies, state organizations or municipalities;

55.2.4. to use state or municipal transportation free of charge or under privileged conditions, for activities supporting one's nomination or election (this does not apply to persons who use transportation in conformity with 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 their business trips;

55.2.6. to use mass media mentioned in Article 77.1 of this Code for collecting signatures or election campaigning under privileged conditions.

55.3. The following may not implement charitable activities during the election campaigning process:

- candidates;
- political parties or blocs of political parties which have nominated a candidate and their authorized representatives, 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.

The persons and organizations mentioned above shall be prohibited from rendering financial and material assistance to other physical and legal entities, and from offering to render financial and material assistance or services to voters or organizations. Individuals and legal entities are prohibited from undertaking charitable activities on behalf of and with the purpose of supporting: political parties or blocs of political parties, the authorized representatives of these parties or blocs, and candidates.

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

56.1. The collection of voters' signatures in support of self-nominated candidates or candidates nominated by voters' initiative groups, shall start from the day the decision provided for in Article 53.6 of this Code is adopted. The collection of voters' signatures in support of candidates nominated by political parties or blocs 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 territory of the election constituency they have been nominated for.

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

• surname, forename, patronymic, date of birth;

• main workplace or official position (type of activity if not working);

• address of the residence; and

• name and number of the constituency he/she has been nominated for.

If a candidate has a pending sentence, which is not served or cancelled, the title and number of the relevant Article of the Criminal Code of the Republic of Azerbaijan under which the candidate has been sentenced should be recorded in the signature sheet. If a candidate has committed an action abroad that imposes a criminal liability, and if the same action imposes a liability under the Criminal Code of the

Republic of Azerbaijan and is sentenced by a court decision that has entered into force, the signature sheet should contain name of the relevant law of the foreign country under which the candidate has been sentenced.

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

56.5. If a political party or a bloc of political parties that nominated a candidate from the relevant constituency collects signatures in support of the candidate, the signature sheet shall contain the name of the political party or bloc of political parties which has nominated the candidate with the information on the candidate. If such information is included in the candidate's application, then the name of the political party to which the candidate belongs and the candidate's status in that political party may be indicated with this information.

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

57.1. The state bodies, municipalities and legal entities, regardless of their type of property shall be prohibited from participating in collection of signatures. It shall be prohibited to make voters sign signature sheets, to prevent them from signing, or paying any kind of reward during the 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 to register candidates and registered candidates.

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

57.3. Signatures in support of candidates may be collected in educational institutions, residential areas, and other venues where election campaigning is not prohibited by law.

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

- forename, surname, patronymic, date of birth;
- address of residence;
- ID or substitute document serial and batch number and date of issue; and
- date of signature.

This information may be recorded on the signature sheet by the person collecting signatures. This information shall be recorded by hand and its confidentiality ensured.

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

57.6. Voters' signatures in support of a candidate may be collected on the front and reverse side of signature sheets. The reverse side of the signature sheets shall be considered as a continuation of the front, and certifying signatures put on the reverse side.

57.7. After the collection of signatures is completed, signature sheets shall be signed by the person collecting signatures and by the candidate. Before signing the signature sheet, the person collecting signatures shall enter the following personal information:

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

57.8. If the candidate is nominated by a political party or bloc of political parties, the signature sheet shall be signed by the person collecting signatures and by an authorized representative of a political party, or bloc of political parties, after signature collection has been completed. Before signing the signature sheet, the person collecting signatures shall record the following personal information:

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

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

57.9. After a political party, bloc of political parties or voters' initiative group of voters, which nominated a candidate, informs the relevant election commission on nomination of the candidate in writing, they may collectively gather the necessary number of signatures supporting the candidate. In such cases, the integration of signatures supporting the candidate, collected by different persons shall be allowed.

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

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

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

58.1. To register nominated candidates, the authorized representatives of the candidates, political parties or a bloc of political parties shall submit the following documents to the relevant Constituency Election Commission at the most 50 days and at least by 18.00, 30 days prior to the Voting Day.

58.1.1. signature sheets of voters' signatures supporting the candidate;

58.1.2. 2 copies of the protocols on the results signature collection prepared in the form set by the Central Election Commission;

58.1.3. notification on changes made to the candidate's information, submitted according to Articles 53.3 and 54.8 of this Code;

58.1.4. information on the amount and sources of the candidate's income;

58.1.5. information on the property owned by the candidate;

58.1.6. the candidate's initial financial report (including information on funds spent in organizing the collection of signatures).

58.2. Should mistakes be discovered in the documents indicated in Articles 58.1.2.-58.1.6 of this Code, the relevant election commission should inform the candidate on the matter within 48 hours and propose the correction of the mistakes.

58.3. Information on the amount and sources of the candidate's income, for the period of one-year preceding the day elections are announced, should be submitted in a format defined by the Central Election Commission. Information on the total annual income received from the organizations providing the income shall be submitted at the same time. Information on property owned by the candidate shall be submitted in the form found in Appendix # 5 of this Code. The Central Election Commission shall determine the list of information on candidate's property and income to be published.

58.4. Upon receipt of election documents, election commissions shall approve each folder containing signature sheets with their stamp, check that the number of submitted signature sheets matches the number recorded in the protocol on results of signature collection, and provide the candidate and authorized representatives of the political party or bloc of political parties with a written notice of receipt of the election documents that indicates the date and time of receipt, the number of signature sheets received, and the number of signatures therein. The receipt of documents may not be refused if the above-mentioned persons submit the relevant documents to the relevant election commission before the time mentioned in Articles 58.1 and 58.2. The authorized representatives of a candidate, political party and bloc of political parties may not be restricted from entering a relevant building (room).

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

59.1. The relevant election commission shall check the accuracy of the information included in the documents mentioned by this Code and the signature sheets of each candidate, as well whether the information on nomination of candidates is in compliance with the requirements of

this Code. The relevant election commission shall check the accuracy of personal and other information on the candidates, submitted in accordance by this Code by the candidates themselves, political parties, a bloc of political parties and voters.

59.2. An election commission may apply to the relevant bodies to check the accuracy of information and facts submitted in accordance with this Code. Those bodies should inform the election commissions on the results of their investigation within the period defined by the election commission. If there are less than 40 days remaining before Voting Day, the information should be provided within the period of one-day. The relevant election commission may decide to create working groups of experts invited to check the accuracy of signatures and relevant information. The working groups should be chaired by the member of the commission establishing the group. Independent experts, specialists from the relevant bodies, and specialists of bodies and organizations carrying out registration of population may be involved in such an investigation and receive a fee set by the Central Election Commission. Their opinions shall be accepted as the basis for approving or rejecting the accuracy of the information in the signature sheets. The election commissions may use the voters' lists and the civil registry to check the accuracy of information in the signature sheets.

59.3. Candidates and their authorized representatives, and authorized representatives of political parties or blocs of political parties, may be present at checking of signature sheets at the relevant election commission. The relevant election commission should inform the above-mentioned persons about examination of documents in advance. The election commission may not object to or obstruct the participation of the above-mentioned persons sent by a candidate, political party and bloc of political parties in these events. Excluding the case implied by Article 59.4 of the Code, all signatures in the signature sheets should be examined.

59.4. The checking of signatures should be stopped when the number of verified signatures provides sufficient ground for registering the candidate, or when the number of the remaining signatures is insufficient for registering the candidate. The accuracy/inaccuracy of voters' signatures should be approved by the results of the investigation.

59.5. Signatures crossed out in the signature sheets before submission to the relevant election commission shall not be checked or taken into consideration, provided the persons collecting signatures made pertinent notes on the sheets regarding the cross outs.

59.6. If one person's signature appears multiple times during the checking the signature sheets, only one of that person's signatures shall be considered valid and the others shall be considered incorrect.

59.7. Along with the 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 who provided incorrect information, as determined by the opinion of the specialists mentioned in Article 59.2 of this Code or by a statement given by the relevant executive authority;

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

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

59.7.4. Signatures made by one person on behalf of several people, or by several people on behalf of one person; and

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

59.8. If dates of signatures have been corrected on the signature sheets, these signatures shall be considered correct provided the person approving the signature sheets also approves such corrections.

59.9. None of the signatures in the signature sheets shall be considered valid if the sheets are not certified with the handwritten signature of the person collecting the signatures, or if the signature of the authorized representative of a candidate, political party, or bloc of political parties is not correct.

59.10. With the exception of the cases mentioned in Articles 59.7-59.9 of this code, if a written row in a signature sheet does not fulfill the requirements of this Code, only the signature in this particular row shall be considered invalid.

59.11. Under Articles 59.6. - 59.10 of this Code, if a signature is not determined to be invalid during the investigation into the accuracy

of signatures and the calculating of their quantity, then changes and notes/comments made in an acceptable manner on the signature list should not be a reason for considering the signature invalid.

59.12. In accordance with Articles 59.6 - 59.10 of this Code, a candidate shall not be registered if the number of valid signatures after removal of invalid signatures is less than the number of signatures required for registration.

59.13. The head of the working group and a member of the relevant election commission with decisive voting rights shall prepare a protocol on the results of the checking of the signature sheets of each candidate, sign it, and submit to the Election Commission for a decision. The protocol shall indicate the number of checked signatures and the number of invalid signatures. The protocol shall be attached to the relevant decision of Election Commission. A copy of the protocol shall be given to the candidate and authorized representative of political party or bloc of political parties at least 24 hours prior to the election commission meeting on registration of a candidate. In the case the number of signatures is below the required number A candidate, a political party, or bloc of political parties shall have the right to get the following documents if, during the examination of signatures, the number of the signatures is less than the required quantity:

- a copy of the protocol approved by the head of the working group;
- the reasons for considering signatures invalid, including the number of a relevant folder and number of the line in the relevant signature sheet; and
- A copy of the table on the results of the 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 within 7 days of receiving the signature sheets and other required documents for registration of the candidate. If the registered candidate is nominated by a political party or bloc of political parties, the relevant election commission shall mention, in the decision on registration, that the candidate is nominated by the relevant political party, bloc of political

parties. The registration date and time shall be indicated in the decision or refusal of registration.

60.2. Within 1 day after the acceptance of a decision on a candidate's registration, the relevant election commission must submit a copy of the decision to the candidate and authorized representatives of political parties or bloc of political parties that nominated the candidate. In the case of refusal of registration an explanation must be provided.

The following may be reasons for refusal of registration:

60.2.1. violation of requirements of Article 57.1 of this Code during the collecting of signatures;

60.2.2. incorrect formalizing or absence of documents mentioned in Articles 57 and 58 of this Code;

60.2.3. information submitted by the candidates, political parties or blocs of political parties, in accordance with Articles 57 and 58 of this Code, is not correct (this provision may be applied to the candidates nominated by political parties or blocs of political parties in the case the candidate provides inaccurate information);

60.2.4. the number of submitted valid voters' signatures presented in support of a candidate is less than required;

60.2.5. the rules for the creation of election funds for a candidate, political party, bloc of political parties and rules for expenditure of such funds have been violated (such grounds may be applied only if a warning has been made before with regard to such violation and a penalty has been imposed); or

60.2.6. violation of the requirements of Article 55 of this Code by the authorized representatives of a political party or bloc of political parties, as well as by a candidate, political parties or bloc of political parties (such grounds may be applied only if a warning has been issued or a penalty has been imposed beforehand regarding such violation– if 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 the basis for refusing registration, the decision should be proportional to the mistake (shortcoming, violation) made.

60.4. If the reasons provided for in Articles 60.2.2 and 60.2.4 of this Code apply, and if the mistakes and errors can be eliminated from the relevant documents through corrections by the authorized

representative of a candidate, political party or bloc of political parties, then the relevant election commission shall notify the relevant authorized representative within 24 hours, and register the candidate after the relevant correction(s) is (are) made.

60.5. *(Removed)*

60.6. If legal violations subject to criminal and administrative liabilities have been discovered in a candidate's actions, the election commission shall transfer the relevant documents and materials to law enforcement bodies for investigation of the case, and institute proceedings against the persons guilty of violating this Code.

60.7. A registration card shall be issued to each registered candidate. Relevant election commissions shall inform the mass media about registered candidates in a relevant constituency within 24 hours of registration. The Election Commissions shall display the information on registered candidates on notice boards, as indicated in the Article 98.3 of this Code, in the rooms of election commissions at least 15 days prior to Election Day. The information on de-registration of a candidate shall be displayed in the same manner.

CHAPTER Eleven

ESTABLISHMENT AND REGISTRATION OF REFERENDUM CAMPAIGN GROUPS

Article 61. **Definition of a Referendum Campaign Group**

Referendum campaign groups shall be the organizations established by the citizens of the Republic of Azerbaijan who possess active suffrage rights, with the purpose of conducting a campaign for or against the issues to be addressed through a referendum.

Article 62. **Terms of Activity of Referendum Campaign Groups**

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

62.1.1. To respect the right of another referendum campaign group to freely and independently express their views during the referendum campaign;

62.1.2. To not prevent other referendum campaign group from establishing independent communication with voters; and

62.1.3 To respect the legally approved results of a referendum, to submit every single complaint regarding the referendum to the authorized bodies, and to respect the decision regarding such complaints.

Article 63. **Initiators of Referendum Campaign Groups**

63.1. The initiators establishing a referendum campaign group, numbering no less than two thousand (2000) people, shall submit a written notification to the Central Election Commission.

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

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

- Surname, forename, patronymic;
- Date of birth;
- Address;
- Serial/batch number and date of issue of ID or substitute document;
- Permanent workplace;
- Job position (type of activity if not working).

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

63.4. Written confirmation of receipt will be provided to the initiators by the relevant election commission within 5 days of receipt of the notice.

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

64.1. The initiators of a referendum campaign group may appoint an authorized representative (or representatives) in order to organize the collection of the required signatures and to conduct other actions on behalf of the initiators of a referendum the campaign group, as provided for in this Code. The number of authorized representatives of referendum campaign groups to be registered with the Central Election Commission should not exceed 25 persons, while the number of those registered with the Constituency Election Commission should not be more than 5.

64.2. After a campaign group is registered, the campaign group may take a decision to retain the powers of the authorized representative of the referendum campaign group mentioned in Article 64.1 of this Code.

64.3. The appointment of the authorized representative of a referendum campaign group shall be conducted by the way of giving power of attorney, certified by a notary, to a relevant person. The power of attorney should be given on behalf of all initiators of the referendum campaign group.

64.4. The authorized representative of a referendum campaign group shall carry out his/her functions under the authority of the power of attorney which should describe his/her authorities, forename, surname, patronymic, date of birth, serial and number of ID, workplace, and position or official duty (type of activity if not working). The authorized representative on financial issues shall carry out his/her functions on the basis of the power of attorney provided for in Article 64.3 of this Code, which will include samples of financial documents and stamps. The power of attorney shall be considered valid upon submission with the identification document or a substitute document.

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

• Forename, surname, patronymic;
• Date of birth;
• Serial and batch number and issue date of ID or a substitute document;
• Home address;
• Place of work and position (type of activity if not working); and
• Telephone number.

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

64.6. It shall be possible to terminate to the authorities of a representative by informing him/her of the decision of a referendum campaign group in writing. The copy of this decision should be sent to the election commission which registered the group and the relevant Constituency Election Commission. The members of a referendum campaign group shall adopt this decision with a majority of members' votes and sign it. In such a case, the referendum campaign group may appoint another authorized representative.

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

Article 65. **The Order for Collection of Voters' Signatures for Establishing a Referendum Campaign Group**

65.1. Signatures for creating a referendum campaign group shall be collected and made official 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 referendum campaign group intend to conduct a pre-referendum campaign in the entire territory of The Republic of Azerbaijan, they shall have to collect a minimum of 40 thousand signatures on consent to membership in the referendum campaign group in the territory of at least 60 election constituencies. In this case, the number of the potential members of a referendum

campaign group from one election constituency may not be less than 100 persons.

65.3. If the initiators establishing a referendum campaign group intend to conduct a pre-referendum campaign in one part of the territory of the Republic of Azerbaijan, they shall have to collect a minimum of 100 signatures of people agreeing to become members of the referendum campaign group in the territory of every single election constituency, where the pre-referendum campaigning will take place.

65.4. A voter shall have a right to sign by his/her own will for membership in a referendum campaign group only once.

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

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

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

66.2. The authorized representative of a referendum campaign group shall have to submit the following documents to the relevant election commission 35 days prior to Election Day by 18:00 for the registration of the referendum campaign group:

66.2.1. Signature sheets with the collected signatures of voters;

66.2.2. Two copies of the protocol compiled in the form determined

by the Central Election Commission on the results of signature collection;

66.2.3. The initial financial report of the initiators of establishing the referendum campaign group (including information on the expenses spent for voters' signature collection).

66.3. Upon accepting documents, election commissions shall certify each folder by affixing a stamp, check that the number of the submitted signature sheets conforms to the protocols on results of the collection of signatures, and provide authorized representatives of a referendum campaign group with written notification of acceptance of election documents. This notification will indicate the number of signature sheets and the number of signatures, as well as the time of acceptance. If relevant documents are submitted by the above-mentioned persons to the relevant election commission before the time mentioned in Article 66.2 of this Code has expired, the acceptance of these documents shall not be refused and there shall not be any restriction on the authorized representative of a referendum campaign group from entering the relevant building or room.

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

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

The examination of required voter signatures for registration of a referendum campaign group shall be carried out according to the order prescribed by Article 59 of this Code.

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

68.1. The relevant election commission shall make a decision to register or refuse to register a referendum campaign group within 7 days of receiving the signature sheets and other documents required for registration of the group. The decision on registration shall indicate the date and time of its adoption.

68.2. The relevant election commission shall submit a copy of the decision on registration of a referendum campaign group to the authorized representatives of the group within 1 day of the adoption of the decision.

If registration is refused, an explanation must accompany the decision. The following may be grounds for refusal of registration:

68.2.1. violation of the rules on collecting signatures, as determined by this Code;

68.2.2. incorrect formalizing or absence of documents mentioned in Articles 63, 65, 66.2, and 66.3 of this Code.

68.2.3. the number of submitted, valid voters' signatures supporting the registration of the referendum campaign groups is less than the required number;

68.2.4. violation of the rules for the creation and expenditure of the financial fund of the referendum campaign group (such grounds may be applied only if a warning was made in the past regarding such violations and a penalty has been imposed);

68.2.5. violations of the requirements of Article 55 of this Code by the authorized representatives of a referendum campaign group (such grounds may be applied only if a warning was made or a penalty was imposed beforehand regarding such a violation– if such violation does not impose any other liability).

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

68.4. If the reasons provided for in Articles 68.2.2 and 68.2.4 of this Code apply, and the mistakes/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 on the issue within 2 days, and register the referendum campaign group after the relevant corrections are made.

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

68.6. A registration card shall be issued to each registered authorized representative of a referendum campaign group. The Central Election Commission shall submit information on registered referendum campaign groups to the mass media within 24 hours of registration. The Constituency Election Commissions shall display the information on referendum campaign groups on notice boards in rooms of the election commission, as specified in Article 98.3 of this Code, at least 15 days before Voting Day.

CHAPTER Twelve

STATUS OF REGISTERED CANDIDATES AND REFERENDUM CAMPAIGN GROUPS

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

69.1. All of the registered candidates and referendum campaign groups shall have equal rights and responsibilities, taking their status into account.

69.2. Registered candidates and authorized representatives of referendum campaign groups who work in state bodies, municipalities, or the mass media under a labor or civil contract, shall be released from their employment during their participation in election (referendum) campaigning (this rule shall not apply to the President of the Republic of Azerbaijan, deputies of the Milli Majlis, or municipality members). The approved copy of the relevant order shall be submitted to the election commission registering the above-mentioned candidates and authorized

representatives within 3 days, at the latest, from the day of registration. Such candidates or authorized representatives shall not abuse their authority or positions to gain benefits or privileges.

69.3. Registered candidates working in state positions, initiators of referendum campaign groups, and registered candidates or initiators of referendum campaign groups who are municipal officials, shall not abuse their positions of authority to gain privileges.

69.4. Cases of violation of this equality principle, resulting from obtaining privileges or abusing one's authority or position, shall be determined by Article 55.2 of this Code.

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

69.6. Registered candidates and initiators of referendum campaign groups, or the agents or authorized representatives of registered candidates, political parties, blocs of political parties, or referendum campaign groups, who are officials, journalists, or production personnel for TV and mass media, shall be prohibited from participating in coverage of the elections (referendum) by the mass media.

69.7. Observation of the limitations specified in Articles 69.3-69.5 of this Code should not impede deputies of the Milli Majlis and municipal members from performing their responsibilities and duties to voters.

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

• Registered candidates, political parties, and blocs of political parties;

• The relevant agents and authorized representatives of political parties, blocs of political parties and referendum campaign groups;

• The agents of registered candidates;

• The initiators of referendum campaign groups;

• The above-mentioned persons and groups' organizations, founders, owners, members or employees;

• Other physical or legal entities acting on the basis of instructions from the above-mentioned persons or groups.

The above-mentioned persons and organizations shall be prohibited from applying to legal entities and individuals and voters with proposals to render financial or other services. Such legal and physical entities shall be prohibited from conducting charitable activity in support or on behalf of the candidates, registered candidates, political party, bloc of political parties, members of a referendum campaign group, or their authorized representatives and agents.

69.9 *Removed*

Article 70. **Guarantees for Activity of a Registered Candidate**

70.1. The administration of the state/municipal body, institution, or organization where the candidate is studying, or working, or the commander of the military unit in which the candidate is serving, should release the candidate, on the basis of unpaid vacation, for the period mentioned in their submitted leave request application the day the candidate is registered until the day of the official announcement of election results. During the period the candidates is released from employment, study, or service, the relevant election commission should pay him/her the amount of his/her average wage, but not more than 20 times the minimum wage determined by legislation. This wage should be paid from the budget allocated for the preparation and conduction of elections. Monetary compensation shall be provided to registered candidates for the period of their release from work, on the basis of a statement proving they have been given unpaid leave from their study/workplace.

70.2. Transport expenses determined by this Code shall be paid to registered candidates from the day of registration until the day election results are officially announced. Expenses for taxis and arranged journeys services shall not be reimbursed. Expenditures for traveling to suburbs and other cities shall be reimbursed on the basis of submitted roundtrip tickets, while urban transport costs shall be reimbursed on the basis of roundtrip tickets used during the applicable period of time.

70.3. During the period of time mentioned in Article 70.1 of this Code, a registered candidate may not be dismissed from his/her job, service, educational institution by a state/municipal body, institution,

or organization or high-ranking officials of such bodies; may also not be transferred to another job (to study or to serve) in another place without his/her agreement; may not be sent on a business trip; and may not be conscripted to military service or periodical military trainings. The period in which a registered candidate participates in elections, starting from the day of registration, shall be included in his/her length of employment.

70.4. During the period mentioned in Article 70.1 of this Code, once a candidate has been registered, he/she may not be convicted of a crime, detained, or be subject to administrative penalties as determined by a court procedure, without the permission of the relevant prosecutor. The registered candidate may be arrested only if he/she is caught in the act of crime. Should the relevant prosecutor or court give such permission or make such decision, they must immediately inform the election commission where the candidate has been registered.

70.5. The registered candidate, political party, or authorized representative of bloc of political parties may obtain a list of Precinct Election Commissions, addresses of polling stations, and information on the borders, addresses, and phone numbers of electoral precincts from the relevant Constituency Election Commission.

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

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

71.1. Along with the conditions indicated in Article 2.6 of this Code, a registered candidate participating in elections should abide by the following conditions:

71.1.1. respect the rights of other registered candidates to independently and freely disseminate their political ideas and opinions during the election campaign;

71.1.2. respect the rights of other registered candidates, political parties, voters and social organizations;

71.1.3. not prevent other registered candidates from communicating freely with voters.

Article 72. **Agents (proxies)**

72.1. The registered candidate or referendum campaign group, or the political party or bloc of political parties that has registered a candidate, shall have the right to appoint an agent. The agents shall be registered by the relevant election commission that registered the candidate or referendum campaign group. Agents shall be registered within 3 days of receipt of (i) a written application of the candidate, political party, bloc of political parties, or referendum campaign group to appoint an agent, and (ii) written consent of the citizen nominated to be an agent. The following information on each agent should be included in application and letter of consent:

- Surname, forename, patronymic;
- Date of birth;
- Work place;
- Occupation (type of activity if not working).;
- Home address; and
- 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 the relevant applications of political parties, blocs of political parties and referendum campaign groups.

72.2. Agents shall receive a verification badge from relevant election commission.

72.3. The agent shall conduct the campaign for election of a candidate or for a referendum and other activities to assist in election of a registered candidate. The agents shall have observer rights.

72.4. The registered candidate, political party, bloc of political parties, or referendum campaign group may at any time withdraw the persons appointed as agents and appoint other persons in their stead by informing the relevant election commission. If such notification is made, the election commission shall cancel the verification card of the withdrawn agent.

An agent may resign from his/her position and return his/her card to the relevant election commission at anytime on his/her own initiative. In such a case, the agent must inform the registered candidate, political party, bloc of political parties or referendum campaign group on his/her decision.

72.5. The authorities of an agent shall commence from the day of registration by the relevant election commission, and expire no later than the day election (referendum) results are officially published, or the day when a final court decision is made in the case of investigation of complaints on violation of this Code (excepting the cases mentioned in Article 72.4 of this Code). The authorities of an agent shall also end when the status of candidates and referendum campaign groups represented by those agents is lost.

Article 73. **Referendum Campaign Group's Relinquishing of its Status**

73.1. Authorized representatives for establishing a campaign group on referendum can withdraw the notification of establishment of a campaign group on referendum at any time. A relevant petition on this issue must be signed by the authorized representatives for establishing a campaign group on referendum. Such a petition shall not be withdrawn.

73.2. Authorized representatives of a registered campaign group on referendum can submit an application to the relevant election commission, at any time, to deregister the campaign group on referendum. Such an application must be signed by all authorized representatives of the campaign group on referendum. Upon the receipt of such an application, the relevant election commission must make a decision on deregistration of a campaign group on referendum within a one day period.

Article 73-1. **Candidate's Relinquishing of Candidacy**

73-1.1. A nominated candidate may withdraw his/her application of consent to be a candidate any time, by sending written notice to the relevant election commission. Such written notice may not be withdrawn.

73-1.2. The registered candidate may withdraw his/her candidacy by submitting a written application to the relevant election commission at

least 10 days prior to Election Day. Such an application may not be withdrawn. The relevant election commission shall make a decision on de-registration of the candidate within 1 day on the basis of the received application.

73-1.3. The compelling grounds for withdrawing candidacy of a registered candidate and for withdrawing candidates of political parties or a bloc of political parties, shall a court decision declaring the registered candidate incapacitated as a result of a serious illness, confirmed by the relevant medical examination body and specified in the Labor Code of the Republic of Azerbaijan, or an illness that affects his/her health or makes it impossible for him/her to participate in the election campaign.

73-1.4. Information on a candidate's renouncing of shall be posted on notice boards of the Central, Constituency, and Precinct Election Commissions, as stipulated in Article 98.3 of this Code.

CHAPTER Thirteen

PRE-ELECTION (PRE-REFERENDUM) CAMPAIGN

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

74.1. Pre-election campaigning shall be held in accordance with Article 47 of the Constitution of the Republic of Azerbaijan. The following shall have the right to conduct pre-election and pre-referendum campaigns (hereinafter pre-election campaign):

74.1.1. Referendum campaign groups;

74.1.2. Candidates registered for participation in the elections of deputies to the Milli Majlis;

74.1.3. Candidates registered for participation in Presidential elections;

74.1.4. Political parties or blocs of political parties, which have candidates registered for participation in the elections of deputies to the Milli Majlis;

74.1.5. Candidates registered for participation in the municipal elections;

74.1.6. Political parties or blocs of political parties, which have candidates registered for participation in Presidential elections;

74.1.7. Political parties or blocs of political parties, which have candidates registered for participation in municipal elections.

74.2. The pre-election campaign may be conducted by the following means:

74.2.1. Mass media;

74.2.2. Mass activities (gatherings and meetings with citizens, mass discussions and talks, etc.);

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

74.2.4. Other means not prohibited by law.

74.3. The pre-election campaign by mass media shall be conducted in the form of open discussions, round tables, press conferences, interviews, speeches, political advertisements, TV and Radio programs, video-films and other means not prohibited by law. The registered candidate, political party, or bloc of political parties and the referendum campaign group shall independently determine the forms and the ways of pre-election campaigning they will use.

74.4. Conduct of pre-election campaigning and distribution 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 who while performing or abusing their status as employees of government bodies, agencies or organizations or persons who hold high posts at the municipal agencies or organizations, civil and municipal servants, and military personnel;

74.4.3. Election commissions, the members of an election commission with decisive voting rights, and other election commission officials;

74.5. A press group established under the Central Election Commission, comprised mostly of journalists, shall ensure the observance of the rules on pre-election campaigning identified by this Code.

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

75.1. Any form of pre-election campaigning on Election Day and the preceding day shall be prohibited.

75.2. The pre-election campaign shall commence 23 days prior to Election Day and finish 24 hours prior to Election Day.

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

Article 76. **Public Opinion Survey**

76.1. The mass media should indicate the following information, when publishing the results of public opinion surveys related to elections:

- The organizations that conducted the public opinion survey;
- The date the survey was carried out;
- The questions asked (clearly stated); and
- The number of respondents.

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

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

77.1. Public Television and radio companies and periodicals that are founded by state bodies and organizations, or funded by the state budget, shall create equal conditions for registered candidates, political parties and blocs of political parties to conduct their election campaign, and for referendum campaign groups with 20 thousand members or more to conduct their pre-referendum campaign for/ against issues to be discussed through a referendum, using funds allocated from the government budget. The TV and radio companies and periodicals mentioned above may not campaign for or against the registered candidates, political parties and bloc of political parties, or issues to be discussed through a referendum on their own initiative. No election campaign is conducted by the TV and Radio companies that belong to the state.

77.2. The TV and radio companies and periodicals mentioned in Article 77.1. of this Code, which air programming or are distributed in half of the territory of the Republic of Azerbaijan or more, shall be

obliged to create conditions for pre-election campaigning for registered candidates for Presidential elections, for political parties or blocs of political parties with registered candidates in more than 60 single mandate election constituencies or in more than a half of all municipalities, and for referendum campaign groups with 40,000 or more members. The Central Election Commission shall publish the list of TV and radio companies ad periodicals mentioned above, on the basis of a document submitted by the relevant executive authority body no later than 20 days after the official publishing of the decision to hold elections.

77.3. TV and radio companies that air in less than half of the territory of the Republic of Azerbaijan, 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 are distributed in less than half of the territory of The Republic of Azerbaijan, may create conditions for election campaigning within the territory of the relevant administrative unit for candidates registered in a single mandate constituency, referendum campaign groups that have 20,000 or more members, and political parties or blocs of political parties whose candidates have been registered in more than 1/3 of all municipalities. The list of TV and 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 body within 30 days of the official publishing of the decision to hold elections.

77.4. TV and radio companies or periodicals not considered by Article 77.1 of this Code, that are founded by municipal institutions, shall have to create equal conditions for referendum campaign with 2,000 or more members, and registered candidates in the relevant municipality who are covered by the relevant constituency to conduct their election campaign. They shall have to create equal conditions for the registered candidate, political parties or blocs of political parties, and referendum campaign groups who are campaigning in the territory of the relevant municipality. If such TV and radio companies and periodicals do not at all participate in campaign activities, they may refuse to publish any materials or to allocate airtime.

Article 78. **Common Terms of Pre-election Campaigning Using Mass Media on a Paid Basis**

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

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

78.3. Within at least 30 days of the official publishing of the decision to hold elections, the relevant TV and radio companies and periodicals shall publish information on the rate of charge and the notification on the possibilities for allocating airtime and print-space sent to the registered candidates, political parties, blocs of political parties, referendum campaign groups, the Central Election Commission, and the Constituency Election Commission.

78.4. Private TV and radio companies and periodicals may refuse to publish pre-election campaign material. Private TV and radio companies and periodicals may not be forced to publish pre-election campaign materials. If such materials are published, then the conditions for publishing should be equal for all candidates, political parties, and referendum campaign groups (this does not apply to the periodicals provided for in Article 85.4 of this Code).

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

79.1. The TV and radio companies and periodicals allocating free or paid airtime or print-space for registered candidates, political parties, and referendum campaign groups, should register the cost and volume of the allocated print-space and airtime in the form determined by the Central Election Commission. Records on the cost and volume of print-space and airtime allocated should be provided to the election commission which carries out registration of the above-mentioned

candidates or groups, at least 5 days prior to Election Day, and at most 5 days after Election Day.

79.2. The registered candidates, political parties, blocs of political parties, and referendum campaign groups are obliged to submit the documents approving consent of payment for paid airtime and print-space upon the inquiry of the relevant election commission.

Article 80. **Rules for Allocating Free Airtime on TV and Radio for Pre-election Campaigning**

80.1. The following shall have the right to free airtime of TV and radio companies for election campaigning, in accordance with Article 77.2 of this Code:

- Presidential candidates;
- Political parties or blocs of political parties with candidates registered in more than 60 single-mandate election constituencies, or in more than half of all municipalities; and
- Referendum campaign groups with 40,000 or more members.

80.2. The following shall have the tight to free TV and radio airtime companies for pre-election campaigning, in accordance with Article 77.3 of this Code:

- Candidates registered in single-mandate constituencies;
- Referendum campaign groups with 20,000 or more members; and
- Political parties or blocs of political parties with candidates registered in more than 1/3 of all municipalities.

80.3. Candidates for membership of a municipality and referendum campaign groups with 2,000 or more members, shall have the right to free airtime for election campaigning from TV and radio companies, in accordance with Article 77.4 of this Code.

80.4. Within a week after the commencement of the period set forth in Article 75 of this Code, a lottery shall be held to divide the free airtime allocated according to Article 80.7 of this Code, on the basis of applications submitted by registered candidates, political parties, and blocs of political parties.

80.5. The total volume of free airtime for election campaigning allocated by the TV and radio companies referenced in Article 77.2

of this Code should be no less than 3 hours a week for pre-election campaigning. The total volume of the free airtime for election campaigning allocated by the TV and radio companies referred to in Article 77.3 of this Code, should be no less than 1 hour and 30 minutes a. If the total airtime of those broadcasting companies is less than 2 hours during a day, the mentioned airtime should not be less than ¼ of the total programming time. The allocated free airtime should be within the time when most viewers can watch it.

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

80.7. The date and time of airing pre-election materials shall be determined by a lottery conducted by the relevant election commission in the presence of representatives of the relevant TV and radio companies. The information on 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 the draw. The results of the lottery shall be formalized by a protocol. The table of division of airtime determined by the lottery should be published in the periodicals mentioned in the Articles 77.2 and 77.3 of this Code.

80.8. Expenses of TV and Radio companies from allocating free airtime to candidates, political parties, blocs of political parties, and referendum campaign groups, shall be reimbursed from the state budget.

Article 81. **Conditions for Allocation of Paid Airtime for Conducting Election Campaigns on TV and Radio**

81.1. Election campaigning on TV and Radio stations not considered by Articles 77.1 and 77.4 of this Code shall begin in accordance with a contract signed with the relevant TV and Radio companies.

81.2. TV and Radio companies considered by Article 77.1 of this Code should keep extra airtime in reserve for paid election campaigning. Candidates for membership of a municipality and referendum campaign groups with 20,000 members or more, may not use such airtime. The amount and terms of payment should be equal

for all registered candidates, political parties, blocs of political parties, and referendum campaign groups, and relevant information about such airtime should be published at the latest within 30 days of the official publication of the decision determining the Election Day. The total volume of airtime reserved for paid campaigning by each TV and Radio company may not be less than or twice 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, bloc of political parties, or referendum campaign groups shall be defined by dividing the total amount of reserved airtime by the 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 materials to be aired shall be determined by the TV and Radio companies, on the basis of the results of a lottery conducted in the presence of the authorized representatives of candidates, political parties, blocs of political parties, and referendum campaign groups who received 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 lottery.

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

81.6. Allocation of and charging for airtime of TV and Radio companies not considered by Articles 77.1 and 77.4 of this Code, for registered candidates, political parties, blocs of political parties, and referendum campaign groups, shall be performed conducted on an equal basis and under equal conditions. TV and Radio companies that do not observe these requirements and the requirements of Article 78.2 of this Code may not allocate airtime for election campaigning for registered candidates, political parties, blocs of political parties, or referendum campaign groups.

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

81.7.1. the method of pre-election campaigning;

81.7.2. airtime date and time;

81.7.3. length of the airtime to be provided, and the terms and amount of payment; and

81.7.4. an act on the use of airtime, indicating the list of programs, name of the program and its broadcasting time, to be drawn up after the conclusion of an agreement indicating the form and conditions of participation of a leading journalist.

81.8. A registered candidate, political party, bloc of political parties, or referendum campaign group should submit the payment order for transfer of the full amount of money for airtime to the relevant bank at least 48 hours prior to the broadcasting day. The relevant bank should transfer money immediately receiving the payment order. The bank transfer should not take more than two banking days.

81.9. Payment for airtime should be made from the election fund of a registered candidate, political party, or bloc of political parties and from the pre-election financial fund (hereafter referred to as election fund) of referendum campaign groups.

81.10. If registered candidates, political party, bloc of political parties, or referendum campaign group violate the conditions set by this Code when using paid airtime, the relevant TV and Radio companies may appeal to the court for termination of the contract on allocation of airtime. TV and Radio companies shall not have the right to use the resulting vacant time for election campaign purposes after termination of the contract.

81.11. Paid air time for election campaigning on TV and radio shall be allocated in conformity with the legislation on advertisement.

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

82.1. Paid air time for election campaigning on TV and radio shall be allocated in conformity with the legislation on advertisement.

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

82.3. Information on election campaigning activities of registered candidates, political parties, blocs of political parties and referendum campaign groups should be announced, as a rule, at the beginning of the telecast which is broadcasted without any comments. The registered candidates, political parties, blocs of political parties, and referendum campaign groups shall not pay for airtime spent on such information. In such cases, none of the registered candidates, political parties, blocs of political parties, or referendum campaign groups should be given preference when reporting election campaigning.

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

Article 83. **Terms for Pre-election Campaigning through Periodicals on a Free Basis**

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

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

83.3. In order to conduct unpaid pre-election campaigning, candidates for municipal elections and referendum campaign groups with 2,000 or more members shall be entitled to relevant space for free advertising in

periodicals issued at least once a week, mentioned in Article 77.4 of this Code.

83.4. Within a week of the beginning of the period set forth in Article 75 of this Code, a lottery shall be conducted, in the manner determined by the Central Election Commission, among registered candidates, political parties, blocs of political parties, or referendum campaign groups, on the basis of their applications for the use of free publication space.

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

83.6. The total weekly amount of free space allocated by editorial offices of each periodical indicated in Article 77.1 of this Code to the registered candidates, political parties, blocs of political parties, and referendum campaign groups, shall constitute at least 10% of the general volume of print-space for the period indicated in Article 75 of this Code. The editorial office of the publication shall announce the general volume of free publication space provided for pre-referendum campaigning at least 30 days after the publication of the decision setting the Election Day. Periodicals shall allocate an equal amount of print-space for registered candidates, political parties, blocs of political parties and referendum campaign groups.

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

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

83.9. Periodicals' expenses for allocation of free print-space for registered candidates, political parties, blocs of political parties and referendum campaign groups, shall be reimbursed from the state budget.

Article 84. **The Terms for Paid Pre-Election Campaign in Periodicals**

84.1. The periodicals mentioned in the Article 77.1 of this Code shall be obliged to allocate paid space for pre-election campaigning of registered candidates, political parties, blocs of political parties, and referendum campaign groups. The basis, conditions, and cost of allocated space should be equal for all registered candidates, political parties, blocs of political parties, and referendum campaign groups, and should be published by the periodicals not later than 30 days after a decision to hold elections has been officially published. The total amount of paid space allocated by the periodicals should not be less than total amount of free space allocated according to Article 83.6 of this Code.

84.2. For a certain price, every registered candidate, political party, bloc of political parties, and referendum campaign group may buy a space equal to the amount determined by dividing the total amount of space allocated by the total number of appropriately registered candidates and referendum campaign groups.

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

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

84.5. After the draw, registered candidates, political parties, blocs of political parties and referendum campaign groups shall pay the cost of

the allocated space in periodicals based on the contract with editorial offices of those periodicals. A registered candidate, political party, bloc of political parties, or referendum campaign group should submit a payment order on full payment of the cost for allocated space to the relevant bank at least two days prior to the publication day. If these rules are violated, such a space may not be allocated by periodicals. The relevant bank should transfer money immediately after the receipt of a payment order, but not later than the next banking day. In such cases, the bank transfer may not take more than 2 banking days.

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

84.7. Periodicals should provide the space indicated in 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 a registered candidate, political party, bloc of political parties, or referendum campaign group shall be determined by the lottery conducted by the periodicals, on the basis of written requests of their authorized representatives and with participation of interested persons. The lottery shall be conducted on the day when the period defined by the Article 75 of this Code begins. 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 lottery. An official protocol shall be made on the results of the lottery.

Article 85. **Requirements for Pre-Election Campaigning Through Periodicals**

85.1. If a registered candidate, political party, bloc of political parties, or referendum campaign group refuses to use the space allocated by the periodicals after the lottery, they should inform the relevant periodical of their decision at least five days prior the date of publication. The periodical may not use the vacant space for pre-election campaigning purposes.

85.2. According to this Article, no edits or comments should be made in the publication of pre-election campaigning materials, unless

the matter is agreed with the candidates, political party, bloc of political parties, or referendum campaign groups.

85.3. Periodicals that are founded by municipalities or legislative, executive, or judiciary bodies, and officially publish their founders' official materials, information, and normative or other acts, may not publish pre-election campaign and other materials.

85.4. Rules on equal allocation of space and Articles 78.1 and 78.3 of this Code shall not be applied to periodicals that have been founded by registered candidates, political parties, blocs of political parties or political parties which are members of a bloc of political parties.

85.5. Pre-election campaign materials of a candidate, registered candidate, political party, bloc of political parties, or referendum campaign group published by a periodical should contain information on which registered candidate, political party, bloc of political parties, or referendum campaign group's election funds the publication expenses are paid from. When pre-election campaign materials are published free of charge, materials should reflect to which candidate, political party, bloc of political parties, or referendum campaign group the publication belongs.

Article 86. **Terms of Election Campaigning through Mass Actions**

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

86.2. Applications of the registered candidate, political party, bloc of political parties, or their agents requesting the allocation of a venue for meetings with voters, shall be considered by the relevant executive authority in accordance with the laws of the Republic of Azerbaijan.

86.3. Venues (buildings, rooms) which are suitable for holding meetings with voters and which are owned by the state or municipalities shall be provided free of charge by their owners, at the times agreed to by registered candidates, political parties, blocs of political parties, authorized representatives of referendum campaign groups, or their

agents, and the election commission. If a venue (building, room) is allocated to one of the registered candidates, political party, bloc of political parties, or referendum campaign group for conducting pre-election (pre-referendum) campaigning, the owner may not refuse to allocate the same venue (building, room) with the same conditions to another candidate, political party, bloc of political parties, or referendum campaign group. Election commissions shall create equal conditions for the registered candidates, political parties, blocs of political parties, and referendum campaign groups to conduct pre-election campaigning using mass actions.

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

86.5. Buildings and equipment considered cultural facilities in accordance with the relevant State register may not be used for pre-election campaigning purposes.

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 parties, blocs of political parties, and referendum campaign groups, and their authorized representatives and agents, may conduct meetings with voters who are in military service within the territory of military unit, when such meetings are arranged by the commanders of those military units in cooperation with the Constituency Election Commission, only if all registered candidates, political parties with registered candidates, blocs of political parties, and referendum campaign groups for this constituency are invited or informed of this meeting at least three days in advance. The persons mentioned above, political parties, blocs of political parties, and referendum campaign groups should be provided with equal conditions for conducting such meetings, and opportunities shall be ensured for observers to observe such meetings.

86.7. According to legislation, the 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. Registered candidates, political parties with registered candidates, blocs of political parties, and referendum campaign groups 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 the decision to hold elections (referendum), the advertising organizations founded (co-founded) by state bodies, municipalities, or organizations of state bodies/municipalities, should create equal conditions for the publishing of pre-election campaign materials by the candidates, political parties, blocs of political parties, and referendum campaign groups registered in the relevant, from funds allocated from state bodies and municipalities.

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

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

87.4. A registered candidate, political party, bloc of political parties, or referendum campaign group should submit detailed information to the election commission on printed pre-election campaign materials (or their copies), and the addresses of organizations that ordered and produced such materials.

87.5. It shall be prohibited to distribute pre-election campaign materials that violate the requirements of 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 should allocate locations for posting of pre-election campaign materials on boards within the territory of each voting station, with a request from the Constituency Election Commission. These places should be accessible for voters and information displayed there should be easily readable. Registered candidates, authorized representatives of a political party, bloc of

political parties or referendum campaign group shall have the right to obtain a list of locations allocated for displaying pre-election campaign materials from the Constituency Election Commission.

87.7. Except for rooms, display of pre-election materials against the requirements of the Civil Code of the Republic of Azerbaijan on buildings, other places shall be prohibited.

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

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

Article 88. **Preventing the Cases of Abuse During Pre-Election Campaigning**

88.1. In compliance with the Criminal Code, the Code of Administrative Offences, and the Civil Code of the Republic of Azerbaijan, pre–election programs (pre-referendum calls) of candidates, political parties, blocs of political parties, and referendum campaign groups, meetings and pre-election campaign speeches and materials distributed through the mass media should not contain incitements to overthrow the government by force, change the constitutional system by force, violate the territorial integrity of the country, or insult citizens' honor and dignity. This prohibition should be implemented in accordance with Article 47 of the Constitution of the Republic of Azerbaijan.

88.2. In compliance with the Criminal Code of the Republic of Azerbaijan, during a pre-election campaign it shall be prohibited to abuse the mass media for campaigns which incite social, racial, national or 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 that violates intellectual property rights.

88.4. Candidates, registered candidates, political parties, blocs of political parties, referendum campaign groups, their agents, and other persons and organizations who participate directly in a pre-election campaign shall be prohibited from :

88.4.1. giving money, gifts and other valuable items (excepting badges, stickers, posters and campaign materials with other nominal value) to voters, except for purposes of performing of administrative duties;

88.4.2. rewarding voters who perform administrative duties, or promising voters a reward, on the basis of election results;

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

88.4.4. providing free or discounted services;

88.4.5. influencing voters during the pre-election campaign by promising them securities, money and other goods and services based on grounds that contradict legislation.

88.5. Commercial and other activities of the following entities may be advertised on the grounds mentioned in Articles 81 and 84 of this code, provided that the advertisement clearly displays the relationship to a political party or candidate:

• Registered candidates;

• Agents, authorized representatives, founders, proprietors, owners, and members of managing boards of political parties or blocs of political parties;

• Initiators of referendum campaign groups, or legal entities, persons and organizations, mentioned as authorized representatives of such groups.

Such advertisements may only be made at the expense of the relevant election (referendum) funds, and should be stopped 24 hours prior to the commencement of voting.

88.6. If programs of 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 end of the pre-election campaign, to defend his/her dignity and honor or refute misinformation about him/her during the pre-election campaign, such TV and radio companies and periodicals should prevent the distribution and broadcast of false information which injures 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 before the end of the pre-election campaign, such TV and radio companies and periodicals, and their officials may be subject to liability established by legislation.

88.7. If a registered candidate or referendum campaign group violates Articles 88.1-88.3 of the present Code, the relevant election commission should appeal to law-enforcement bodies or the court; other state bodies may use this right as well. If a registered candidate, political party, bloc of political parties, or referendum campaign group violates other rules for conducting a pre-election campaign defined by this Code, the relevant election commission shall take relevant measures for bringing those guilty to administrative responsibility. The decision of the election commission shall be published in the press.

88.8. If TV and 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 law enforcement bodies, the court, and the relevant executive authorities, on the initiative of the subordinate press group consisting of journalists in the order defined by the Central Election Commission, with a request to stop the illegal pre-election campaigning and to take the necessary measures regarding the companies, periodicals, and/or their officials.

CHAPTER Fourteen

FINANCING ELECTIONS (REFERENDUM)

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

89.1. Expenditures made in the 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. Such expenses 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 hold 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 35 days prior to Voting Day, and the Constituency Election Commissions shall distribute the received funds among Precinct Election Commissions at least 10 days prior to Voting Day. In case of elections where funds have not been transferred in time or transferred incompletely, election commissions shall distribute and transfer funds upon their receipt.

89.4. The chairpersons of election commissions shall give orders on how the above-mentioned allocated funds for preparation and conduct of elections are to be used, and shall be responsible for ensuring that financial statements conform to the decisions of the election commission, and that financial statements on expenses are submitted according to the rules and period defined by this Code.

89.5. Upon completion of elections, unused state funds of the election commissions should be transferred, at the latest within 60 days of Election Day, to the account of the Central Election Commission. These funds should remain in this account, to be used for purposes as defined by this Code.

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

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

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

90.2.1. Foreign countries and foreign legal entities;

90.2.2. Foreign citizens;

90.2.3. Stateless persons;

90.2.4. Citizens under the age of 18;

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

90.2.6. International organizations and international social movements;

90.2.7. State bodies and municipalities;

90.2.8. State and municipal organizations and offices;

90.2.9. Legal entities, of which more than 30% of the charter capital belongs to the state or a municipality on the day of the official publication of the decision to hold elections;

90.2.10. Military units;

90.2.11. Charitable organizations, religious associations, institutions and organizations; and

90.2.12. Anonymous donors who do not provide any information or misinform on one of the following items:

For a citizen:

• Forename, surname, patronymic;

• Batch and serial number and date of issue, of identification document or substitute document;

• Address;
• Date of birth.
For a legal entity:
• Identification number of taxpayer;
• Name;
• Date of registration;
• Bank account;
• Amount of shares owned by state or municipalities in their charter capital and amount of foreign shares in their charter.

90.3. A candidate, registered candidate, political party, bloc of political parties, and referendum campaign group shall have the right to issue orders on how to use the election fund they created. Election funds should be spent for their intended purposes. They can be used only for the following purposes:

90.3.1. To finance organizational-technical actions for the collection of signatures in support of the nomination of candidates or approval of referendum campaign group members, as well as to pay the relevant persons for collecting voters' signatures;

90.3.2. To pay pre-election campaigning expenses and information and consulting services; and

90.3.3. To pay for other expenses for work performed directly by legal entities and citizens during the pre-election campaign.

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

90.5. An unregistered candidate, or political party or bloc of political parties with an unregistered candidate, may pay back the unused amount of the election funds (providing delivery expenses are

excluded) to donor citizens and legal entities, in the amount appropriate and proportional to the transferred donations, up to the submission of the final financial report. If the unregistered candidate, or political party or bloc 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 *Removed*

90.7. The registered candidate, or political party or bloc of political parties with a registered candidate, may 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 bloc 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, determined by the Central Election Commission. This account should be opened at least 24 hours prior to the collection of voters' signatures necessary for the registration of a candidate, and a referendum campaign group. Candidates, political parties, blocs of political parties and referendum campaign groups may open only one special account.

91.2. The relevant bank should open a special election account for a candidate, political party, bloc of political parties, or referendum campaign group within 3 days of the submission of documents established in accordance with the rule defined by this Code. All funds shall be transferred in manats to the special election account.

91.3. All financial transactions of registered candidates, political parties with registered candidates, blocs of political parties, and referendum campaign groups shall be stopped within 3 days after Voting Day.

91.4. On the instruction of the relevant election commission, the relevant bank shall stop financial transactions to pay expenses from the special election accounts of candidates, registered candidates, political parties, blocs of political parties and referendum campaign groups in the following cases:

• If the necessary documents for registration defined in accordance with the rules in this Code were not submitted to the relevant election commission, or the person refused to be registered;

• If a candidate withdraws his/her application of consent or candidacy;

• If a political party, bloc of political parties withdraws its candidate;

• If initiators of a referendum campaign group apply to the relevant election commission to withdraw their membership from this group, or if the number of initiators of establishing of a referendum campaign group is less than the number defined in the Article 63 of this Code; or

• if a decision was made on de-registration.

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

92.1. The Central Election Commission may prolong the period of financial operations based on the application of a candidate, registered candidate, political party, bloc of political parties, or a referendum campaign group in the following cases:

92.1.1. for covering expenses of activities implemented before refusal of registration a candidate, a political party with registered candidate, a bloc of political parties, or a referendum campaign group; if a candidate withdraws his/her application on consent to candidacy, or candidacy is withdrawn by a political party or bloc of political parties; if initiators of a referendum campaign group apply to the relevant election commission to renounce membership of the group and if the resulting number of initiators the referendum campaign group is less than the number identified in Article 63 of this Code; and 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 registered candidate, who withdrew his/her candidacy;

• Political parties, blocs of political parties that withdrew their registered candidate;

• A deregistered candidate or referendum campaign group before the decision was made to deregister the referendum campaign group or the candidate.

92.1.3. other cases, which require covering a registered candidate, political party, bloc of political parties, and referendum campaign group's expenses for actions up to Election Day.

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

93.1. Voluntary donations to the election fund of a candidate, registered candidate, political party, bloc of political parties, or referendum campaign group 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 on the citizen:

• Surname, forename, patronymic;

• Date of birth;

• Address; and

• Batch and serial number of identification document or substitute document.

93.2. Voluntary donations of legal entities received by bank transfer to the election fund of a candidate, political party, bloc of political parties or referendum campaign group shall have the following information recorded:

• Whether legal entities have state, municipal or foreign shares in their charter capital;

• Name of the legal entity;

• Date of registration and tax ID; and

• 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 no later than next banking day after receipt of the relevant payment document. In such cases, the overall duration of the bank transfer may not be more than 2 days.

93.4. A candidate, registered candidate, political party, bloc of political parties, or referendum campaign group shall have the right to return any donations to any donor except for anonymous donors.

93.5. If donations are transferred to the election funds of candidates, registered candidates, political parties, blocs of political parties, or referendum campaign groups by citizens or legal entities who do not have right to do so, or if the donation amount exceeds the limit mentioned in this Code, the candidate, registered candidate, political party, bloc of political parties, or referendum campaign groups should return the entire amount, or the part of it which exceeds the limit, to the donator within 10 days of receipt, deducting the transfer expenses and indicating the reasons for return.

93.6. A candidate, registered candidate, political party, bloc of political parties, or referendum campaign group shall not be responsible for accepting/receiving donations that have been transferred as a result of the inaccurate entering of information mentioned in Articles 93.1 and 93.2 of this Code, only if they did not receive information on the inaccuracy of the documents in time.

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

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

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

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

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

93.10. A citizen may personally render free, voluntary assistance to a candidate, registered candidate, political party, bloc of political parties, or referendum campaign group, in election campaigning, without involving a third person.

Article 94. **Report on Election Funds**

94.1. At least 55 days prior to Election Day, the Central Election Commission, in agreement with the Financial Markets Supervision Chamber, shall define the record keeping of the opening and use of special bank accounts, rules for reporting, and the rules for collection and expenditure of election funds of candidates, registered candidates, political parties, blocs of political parties, and referendum campaign groups.

94.2. Candidates, registered candidates, political parties, blocs of political parties, and referendum campaign groups are obliged to register the collection and expenditure of their election funds.

94.3. Candidates, registered candidates, political parties or blocs of political parties shall submit their financial report to the relevant election commission in the following order:

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

94.3.2. a second financial report shall be submitted to the relevant election commission between 10 to 20 days prior to Election Day. This report shall contain information for the period of seven days prior to the date indicated therein;

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

94.4. If a candidate or registered candidate loses his/her status, he/she shall have the duty to report on their finances. The duties for financial reporting of political parties, blocs of political parties and

referendum campaign groups shall be carried out by their authorized representatives for financial issues. If there is no such authorized representative, financial reporting may be carried out by other persons who are included in the staff of, participated in the election campaign of, and are authorized to represent the political parities or blocs of political parties, or referendum campaign group.

Article 95. **Transparency in Using of Election Funds**

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

95.2. The relevant bank shall inform the Central Election Commission on funds entered into and spent from the election funds of candidates, registered candidates, political parties and blocs of political parties, in the manner determined by the Central Election Commission, no less than once a week, and no less than once every three banking days if there are only 10 days remaining until Election Day. The State Computerized Information System may be used for such 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 on a regular basis, not less than once every two weeks up to the Election Day. Upon official inquiry, the relevant election commission shall provide registered candidates, political parties and blocs of political parties, with the data received from the relevant bank on the collection and expenditure on the parties' or candidates' own election funds.

95.3. The periodicals considered by 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; the presence or absence of state, municipal or foreign shares in a legal entities' charter capital;

the name of the legal entity; and the date of registration of the legal entity to the relevant election commissions within five days after the list of legal entities which have made donations to candidates, political parties and blocs of political parties is received from the relevant election commissions. This information shall be submitted in the format defined by the Central Election Commission. The State Automated Information System may be used for these purposes, but dissemination of such information shall not be allowed.

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

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

Article 96. Financial Provision of Activity of Election Commissions

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

96.2. The following types of activities of an election commission shall be financed from the state budget, including remaining funds from previous elections:

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

96.2.2. payment of expenses and compensations to candidates registered for an election constituency (constituencies), in accordance with the rules and amounts determined in Article 70 of this Code;

96.2.3. payment of salaries to members of election commissions with decisive voting rights, employees of offices of election commissions or temporary employees working in election commissions under a civil contract;

96.2.4. producing stamps, implementing printing activities, acquiring and installing of technical equipment;

96.2.5. transportation expenses, including transport expenses in remote and difficult to access districts;

96.2.6. transportation and protection of election documents;

96.2.7. implementation of proposed programs in the field of election systems development, voters education, and election organizers' education; and

96.2.8. reimbursement of business trips and other expenses in connection with the elections; and other expenses related to the powers and functions of election commissions.

96.3. Members of the Central Election Commission shall be paid a salary in the amount defined by the relevant executive power body. During the preparation and holding of elections, as well as during the compilation of voter lists, members of an election commission with a decisive voting right maintain the right to obtain an average monthly salary from their permanent place of work, according to Articles 33.1 and 38.1 of this Code, and shall be provided additional compensation by the relevant election commission in accordance with the order 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 by the Central Election Commission through agreement with the Financial Markets Supervision Chamber at least 50 days prior to Voting Day. Election commissions shall conduct financial records of expenditure of funds allocated from the state budget.

96.5. At least 55 days prior to Voting Day, the Central Election Commission, together with the Financial Markets Supervision Chamber, shall define and agree on samples of financial reports for election commissions, on the receipt and expenditure of funds allocated for the preparation and conduct of elections, and on documents of

receipt and expenditure of election funds of candidates, registered candidates, political parties, and blocs of political parties.

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

96.7. Within 10 days of Voting Day, the Constituency Election Commission shall submit its financial report on the receipt and expenditure of funds allocated from the state budget to the Central Election Commission.

96.8. Within 10 days of the official publication of the final election results, the Constituency Election Commission shall submit information on the receipt and expenditure of election funds of candidates and registered candidates to the Central Election Commission.

96.9. Within three months of the official publication of election results, the Central Election Commission shall provide the President of the Republic of Azerbaijan, the Milli Majlis and the mass media with information on use of the budget and election funds by candidates and registered candidates, and the expenditure of election funds of political parties, blocs of political parties, and referendum campaign groups. The information mentioned above should be published by the official press of the Central Election Commission within a month of the date of submission of this information to the President of the Republic of Azerbaijan and 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 correct 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, and experts involved from the government, Financial Markets Supervision Chamber and other organizations and institutions. Upon the request of the relevant election commissions, and starting from the date of official publication of the decision on holding of elections, the bodies mentioned above should send relevant specialists to the Central Election Commission and to the Constituency Election Commission for the elections period.

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 maintained at 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 50 days prior to 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 the receipt of funding to the election funds of candidates, registered candidates, political parties and blocs of political parties, and referendum campaign groups; the 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 blocs 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 blocs of political parties, referendum campaign groups, and election commissions;

97.5.3. obtain necessary information on issues concerning this service and the financial provision of elections from the executive authorities, municipalities, organizations and citizens. Requests of the supervisory and audit service should be answered within 10 days, or immediately if 5 days prior to or on Voting Day;

97.5.4. prepare documents on financial violations that occurred in the finance of elections;

97.5.5. raise an issue before the relevant election commission on implementation of accountability measures for the violations that occurred in the finance of elections by physical and legal entities, candidates, registered candidates, political parties and blocs of political parties, or referendum campaign groups;

97.5.6. involve experts for conducting investigations and preparing expert considerations.

SECTION THREE

Conduct of Elections (Referendum)

CHAPTER Fifteen

ORGANIZATI OF VOTING

Article 98. **Polling station**

98.1. A polling station shall be allocated to the Precinct Election Commission by the relevant executive body or municipality free of charge.

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

98.3. Notice boards for displaying information about candidates and rules for completing ballot papers shall be located in the polling station in the order determined by the Central Election Commission. The notice board mentioned above should be placed so that voters can read the materials on it easily. Samples of the ballot paper may not contain names of registered candidates, political parties, or blocs of political parties. Referendum ballot papers may not be marked. Information on criminal and administration legislations, which impose liability for violation of voters' rights, should be displayed on the notice board. If a registered candidate has a pending sentence which has not been served or cancelled, the information should contain the name and number of the relevant article of the Criminal Code that was imposed on the

candidate. If a candidate has committed an action, which imposes criminal liability under the Criminal Code in another country where he/she resides, and the candidate is sentenced by a court decision that has entered into force, the name of the relevant law of the foreign country should be recorded as well.

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

98.5. The polling station should be set up in such a way that Precinct Election Commission members and observers may easily observe the place where ballot papers are issued, the voting compartments, and other places relevant to voting.

Article 99. **Ballot Papers**

99.1. At least 35 days prior to Voting Day, the Central Election Commission shall approve the rules and requirements for preparation of ballot papers, the text and format of election ballot papers (hereinafter – ballot paper), and the number to be produced.

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

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 on the basis of the decision of the Central Election Commission, under observation of its representatives in printing houses, at least 10 days prior to Voting Date. The number of prepared ballot papers may exceed the number of voters registered in the relevant election constituency by at most 3%.

99.5. The printing house shall ensure sorting of defective ballot papers from usable ones, and deliver the ballot papers to the authorized representative of the Central Election Commission in accordance to an act indicating the quantity of ballots, the date and time of issuance, and the ballots' numbers. Having submitted ballot papers in accordance

with the order, employees of the printing house shall destroy defective and extra ballot papers and prepare an act on thereon, signed by all participants. The members of the Central Election Commission and persons indicated in Articles 40.2 and 40.4 of this Code may oversee the execution of those actions. The Central Election Commission should give information to registered candidates and authorized representatives of political parties, blocs of political parties, and referendum campaign groups about the place and time of issuance of ballot papers.

99.6. After receipt of ballot papers from the printing house and at least 5 days prior to 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 on the number of ballot papers and the date and time of their issuance, and hand the ballot papers to the chairman. The Constituency Election Commission shall submit the ballot papers to Precinct Election Commissions in accordance with the established procedure, at least 3 days prior to Voting Day. The number of ballot papers given to Precinct Election Commissions may not be less than 90% or more than 0.5% of the number of voters included on the list of an election precinct on the day of submission of the ballot papers. Ballot papers shall be counted by the Precinct Election Commission and the number of received ballot papers shall be certified by a decision of the Precinct Election Commission. If the number of ballots to be issued does not coincide with of the number of issued ballots, then the Constituency Election Commission shall immediately be informed o the matter. The top right corner of the ballot papers shall be verified by the seal of a 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, pursuant to Articles 35.4 and 35.6 of this Code, Precinct Election Commissions shall be allowed to produce election documents, including ballot papers, if technical facilities are available, in the ships sailing on Voting Day and in election precincts organized outside the Republic of Azerbaijan. A decision on the

production of election documents, with an indication of the appropriate circulation, shall be made by a relevant Precinct Election Commission in agreement with the Central Election Commission.

99.9. After the end of voting time on Voting Day, all unused ballot papers in the Constituency Election Commission shall be cancelled and the Constituency Election Commission shall prepare an act on this fact. Persons indicated in Articles 40.2 and 40.4 may participate in the cancellation of the ballot papers. The secretary of the commission shall store the cancelled ballot papers together with other documents.

99.10. If some candidates are withdrawn or their registration is cancelled after the ballot papers are produced, then, pursuant to a decision of the Central Election Commission, the Constituency or Precinct Election Commissions shall place information on such candidates, political parties, or blocs of political parties, as well as information on the adding or amending of information regarding registered candidates, political parties or blocs of political parties in the printed ballot paper, on the notice board of the Precinct Election Commission.

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 requirements for preparation, shall be approved by the Central Election Commission at least 45 days before Election Day.

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

100.2.1. the total number of voters in the voter list;

100.2.2. the number of voters who obtained de-registration cards for voting;

100.2.3. the number of ballots submitted by the Constituency Election Commission to the Precinct Election Commission and by the Central Election Commission to the Constituency Election Commission;

100.2.4. *(Removed)*

100.2.5. the number of voters who received ballot papers;

100.2.6. the number of ballot papers issued to voters voting outside the polling station;

100.2.7. the number of voters who voted with de-registration cards for voting;

100.2.8. the number of unused ballot papers;

100.2.9. the number of cancelled ballot papers;

100.2.10. *(Removed)*

100.2.11. *(Removed)*

100.2.12. the number of ballot papers inside mobile ballot boxes (excluding ballots of indeterminate form);

100.2.13. the number of ballot papers in immovable ballot boxes (excluding the ballots of indeterminate form);

100.2.14. the number of valid votes;

100.2.15. the number of invalid votes (recording in separate rows ballots in indeterminate form and unmarked ballots);

100.2.16. the number of spoilt ballot papers; and

100.2.17. the 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 the 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 houses, under the observation of representatives of the Central Election Commission, at least 30 days prior to Election Day.

100.7. The printing house shall ensure the sorting out of defective protocols from usable ones, and hand the protocols to an authorized representative of the Central Election Commission on the basis of an act that indicates their quantity and date and time of issue. After the protocols are handed over in accordance with the order, staff of the printing institution shall eliminate the spoiled printed protocols and prepare an act on the matter, approved by the signatures of all

participants. These procedures may 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, blocs of political parties, and referendum campaign groups on the place and date of issuance of the protocols.

100.8. After receiving the voting protocols from the printing house, and at least 20 days prior to Election Day, the Central Election Commission shall draft an act in the presence of the chairperson and secretaries of a relevant Constituency Election Commission, which indicates the quantity of the protocols, their serial and batch numbers, and the date and time of issue, and provide the protocols to the Chairperson of the Constituency Election Commission, taking into account the number 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 the issuance and keeping of the protocols.

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

100.11. Copies of the election protocols shall be produced at the same time as 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 shall be indicated in writing when filling in the corresponding 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 certified by the chairperson or secretary of an election commission upon their request. In this case, the person shall write the words “Matches the original” on the copy of the document to be certified, sign it (indicating the serial and batch numbers), approve it with the commission’s

stamp, and indicate the date of approval. The persons specified by Articles 40.2 and 40.4 of this Code may obtain one certified copy of the protocol without free of charge, 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 members of the election commission with decisive voting rights, and be signed by at least two thirds of the election commission members with decisive voting rights. Any member of the election commission with decisive voting rights who disagrees with the whole protocol or various parts thereof, 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 may 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. Voters can be issued de-registration cards for single mandate constituency during Referendum and Presidential Elections. The Central Election Commission shall approve the form of the de-registration cards for voting (hereinafter – voting card), rules for their preparation, number to be produced, and the record keeping log for issuing deregistration cards at least 45 days prior to Voting Day. The voting cards shall be produced in accordance with the rules established in Articles 99.2 and 99.5 of this Code. Voting cards shall be issued by superior election commissions to lower election commissions in accordance with the rules set forth in Article 99.6 of this Code. Chairpersons of relevant election commissions shall be responsible for issuing and storing the voting cards.

101.2. A voter included on the voter list but not able to vote in the election precinct on Voting Day, may obtain a voting card in the relevant Constituency Election Commission 45 to 25 days prior to Voting Day, or in the relevant Precinct Election Commission 24 to 3 days prior to Voting Day, and may vote on the basis of the voting card in the election precinct of the territory where he is present on Voting Day. This regulation shall be applied within the territory of the

relevant election constituency during the elections to the Milli Majlis, within the entire territory of the republic during Presidential elections and referendum, within the territory of relevant municipality during the elections to the municipalities.

101.3. The voting card shall be issued to a voter on his/her application, by the relevant election commission or his representative on the basis of a 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 of submission of the application, the Precinct Election Commission shall apply to the Constituency Election Commission and clarify whether the voter has obtained the voting card before or not. Issuance of more than one voting card to one voter is prohibited.

101.4. The Constituency Election Commission shall compile the voting cards register. The surname, forename, patronymic, date of birth, and residential address of the voters receiving voting cards should be indicated in the register. 25 days prior to Voting Day, the Constituency Election Commission shall send approved extracts from the register with the Voter's List to the Precinct Election Commissions. The Precinct Election Commission may make corresponding notes in the Voters' List based on the extracts.

101.5. On receipt of the voting card, a voter or his/her representative shall sign the register at the Constituency Election Commission, or on the Voter's List at the Precinct Election Commission, indicating the serial and batch number of the voter's identification or substitute document. 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 calculating of the number of registered voters and shall not be included in the relevant protocol.

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

101.7. The voting card should be verified by the seal of the election commission issuing the card, and 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 voter list.

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

101.10. The unused voting cards shall be cut in two before the commencement of voting on Voting Day and a relevant act on this shall be prepared by the 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. **Marking voters' thumbs with invisible ink**

102.1. The Precinct Election Commission implements marking a voter's thumb using harmless, invisible liquid while issuing a ballot paper on the voting day.

102.2. The left thumb of the voter shall be marked by spraying.

102.3. An Ultraviolet lamp is used to determine if the voter's thumb was previously marked.

Article 103. **Ballot Boxes**

103.1. Parameters of ballot boxes (separately for ballot boxes and 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 for determining whether they are full or not.

103.3. The slit for placing ballots into ballot box should not allow to place more than one ballot at the same time.

103.4. Ballot boxes shall be locked on Voting Day by the Precinct Election Commissions' chairpersons in the manner established by the Central Election Commission. Locks should be plastic and should each have their own number.

Article 104. **Rules for Voting**

104.1. Voting shall be held from 08:00 till 19:00 on Voting Day. The Precinct Election Commission should inform the voters of the place and time of voting at least 25 days prior to Voting Day via the mass media or using notice boards.

104.2. Should the total number of voters in a settlement be less than 50, and more than 1 hour be required to reach the nearest election commission from such a settlement, the Constituency Election Commission may use public transport to deliver the such voters to the election precinct 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 on the Voter List take part in voting, Precinct Election Commissions of election precincts organized in accordance with Articles 35.4 and 35.6 of this Code may provide information on early completion of voting.

104.4. If a voter ascertains that he/she will not be able to go to the polling station on Voting Day because of his/her state of health or other valid reasons, he/she should inform the Precinct Election Commission directly or via other persons either orally or in writing, at least 24 hours prior to Voting Day on his/her intention to vote outside the voting room. If the intention is declared orally, it shall be made official by a relevant application during the voting period. Constituency Election Commissions may issue permission to ships sailing under the State Flag of The Republic of Azerbaijan, and to remote and almost impassable distant places to hold the voting at the most 10 days prior to Voting Day.

104.5. At 07:50 on Voting Day, the Chairperson shall declare the election precinct open, and show the members of the election commission, voters, and observers who are present the empty ballot boxes and then lock them. At 08:00, he/she shall announce the commencement of voting.

104.6. One of the Precinct Election Commission members stays at the entrance of the election precinct and he/she checks citizens' IDs or other identification documents, as well as part of the nail and skin of

the voter's left thumb to see if it was previously marked with the liquid indicated in Article 102, and gives permission for entrance. If such a marking is found, the voter shall not be issued a ballot paper. Another member of the Precinct Election Commission checks the availability of the voter's name on the voters' list and issues a ballot paper for that voter. The voter shall be informed that s/he cannot be issued a ballot paper if s/he refuses to have his/her thumb marked. If the voter does not agree, s/he shall be asked to leave the election precinct. A note "refused to be marked" is recorded on the voters' list. If the voter agrees, his/her left thumb shall be marked.

104.7. A ballot paper shall be provided to a voter upon presentation of his/her identification or substitute document. After the voter receives the ballot paper, the serial and batch number of his/her identification or substitute document shall be recorded in the Voter List. The serial and batch number of the identification or substitute document shall be entered in the voter 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 is not able to receive a ballot paper independently, he/she may 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 in the column "signature of voters on receipt of ballot paper" in the Voter List.

104.8. On issuance of a ballot paper, a member of the 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 papers shall be marked in a room or booth where nobody is authorized to enter and equipped with special technical to ensure the secrecy of the vote. A disabled voter who is not able to mark the ballot paper without assistance may invite any other person into the voting booth or room, except members of Precinct Election Commissions or observers. The surname and initials of this person shall be indicated with the voter's signature on receipt of the ballot paper in the Voter's List.

104.10. A voter shall place the marked ballot paper and drop it into the ballot-box.

104.11. Ballot boxes should be placed in the area where members of the Precinct Election Commission and observers may easily observe them.

104.12. The Chairperson of Precinct Election Commission shall oversee the maintenance of order in the polling station. 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 with this duty.

104.13. A member of the Precinct Election Commission who attempts to influence a voter or violates the secrecy of ballot shall be dismissed from his/her position by compiling a relevant act, and the person mentioned in Article 40.2. and 40.4 of this Code shall be 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 shall be withdrawn and invalidated.

104.14. Aside from voters participating in the elections, members of the Precinct Election Commission, and persons mentioned in Article 40.2. and 40.4 of this Code, no other person should be present in an election precinct. State officials shall not be allowed to participate in voting except in the cases when they participate as voters. An official from the law enforcement authority may be present at a polling station if there to preserve the law and order upon invitation of the chairperson of the Precinct Election Commission, and he/she must leave the polling station immediately upon completion of duties. Voting shall be stopped, if an official from the law enforcement authority is in the voting room during the voting process. Shall order be impossible to be restored for 6 hours during the voting process, the polling 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 may ask the commission member who issued the original ballot paper for a new ballot paper in place of the

spoiled one. 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 a new ballot paper to the voter and make the necessary note to the right of the voters surname on the Voters' List. A separate act shall be prepared immediately recording this occurrence.

Article 105. **Voting Outside Polling station**

105.1. The Precinct Election Commission should create possibilities for all voters, including those who cannot come to the voting room because of the state of their health, to participate in voting. A mobile ballot box for this purpose should be available in the election precinct.

105.2. The number of voters' requests for voting outside the voting room shall be approved by the Constituency Election Commission at least 12 hours before Voting Day. The intention of a voter to vote outside the voting room should be confirmed again by a written application submitted to the Precinct Election Commission, in the presence of no less than 2 members of the Precinct Election Commission who 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 write an application in the presence of Precinct Election Commission members. The voter shall record the receipt of his/her ballot paper in the application and verify this with his/her signature. In such cases, the serial and batch numbers of the identification card or substitute document of the voter shall be indicated in the application. Information on the voter on the Voter's List should be indicated in the application.

105.3. The mobile ballot box shall be used only on Voting Day. Members of the Precinct Election Commission who accompany the mobile ballot box should take the number of ballot papers equal to the number of requests/applications, plus 3 additional ballot papers. The number of used and returned ballot papers from voters requesting a mobile ballot box should be recorded in a separate act. Voters using the mobile ballot box shall be marked on the Voter's List by a member of the Precinct Election Commission. The member of the Precinct Election Commission shall separately keep record of the cases of voting outside of the voting precinct. After the mobile ballot box is

returned by the Precinct Election Commission members to the polling station, its slit shall be closed and it shall not be opened until vote counting commences.

105.4. Voting by mobile ballot box should be organized so that there are no violations of the voter's right to vote or of the rules for secret voting and not influencing the voter's choice.

Article 106. **Vote Counting in Polling station**

106.1. When voting ends, the Precinct Election Commission chairperson shall announce loudly that: "only the voters who have already received ballot papers and those in the polling station may vote." In this case, voting of only the voters in line in the polling station prior to the announcement shall be ensured. Before opening the ballot box, Precinct Election Commission members shall count and cancel unused ballot papers in the presence of observers in the polling 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 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 locks (also stamp on the slot of the mobile ballot box) of the ballot boxes, show them to the Precinct Election Commission members and observers, and open the ballot boxes.

106.2. Ballot boxes shall be opened one by one: first the mobile ballot box, then the immovable ballot box. Ballot papers 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 total number of ballot papers is more than the number of requests (total number of voters who were issued ballot papers), then all votes in the mobile ballot box shall be considered 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. The number of voters

who have voted with a voting card shall be added to the number of voters who appear on the Voter List of the precinct.

106.3 *(Removed)*

106.4 If there are doubts on 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 a record should be approved by the signatures of the 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 participation of Precinct Election Commission members, shall continue without break until the count is finished. During this period, every used ballot shall be stamped. All Precinct Election Commission members and observers shall be informed of the results of voting.

106.6. The final protocols on voting results shall be completed in the presence of the persons specified in Articles 40.2 and 40.4 of this Code.

106.7. The First copy of the protocol, together with the following documents shall be sent immediately, but not later than 24 hours after Voting Day, to the Constituency Election Commission, accompanied by the chairman of the Precinct Election Commission, two members representing different political parties and observers: 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 cancelling the unused ballot papers, indicating the number of such ballots, an act on issuing voting cards and on cancelling unused voting cards, recording their number; an act on 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 the act provided for in Article 105.3 of this Code, the ballots and the voter list for the precinct, together with voting cards attached. 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 2nd copy of the protocol.

106.8. The second copy of the protocol, the torn off left corners of 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 the 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 Commissions 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 of Election Day.

106.10. The Constituency or Precinct Election Commission shall consider voting ineffective if legal violations that occurred during the conduct of elections (referendum), or the course of determining election results, do not allow for identifying the voters' will; or if there is a court decision.

106.11 After being compiled, the 3rd copy of the 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 (or members) of the Commission shall check for the compliance of the submitted documents with requirements of Article 106.7 of this Code, as well as for the presence of inconsistencies in voting results. Voting results shall then be entered in the final list of voting results for the Constituency. A receipt, signed and stamped by the Chairman of the Constituency Election Commission, confirming the acceptance of documents of the Precinct Election Commission, shall be given to the Chairman of the Precinct Election Commission.

107.2. Protocols of Constituency Election Commissions shall be completed within 2 days following Voting Day, on the basis of the integrated information from protocols of Precinct Election Commissions. Integration of the above-mentioned information shall be carried out without interruption.

107.3. Along with the items listed in Article 100.2 of this Code, the number of Precinct Election Commissions and of protocols submitted by those commissions, as well as the number of protocols taken as a basis for completion of the Constituency Election Commission protocol, the number of election precincts where voting failed, and the number of voters who participated in voting in the constituency, shall also be indicated in the protocol of the Constituency Election Commission.

107.4. The first copy of the protocol of the Constituency Election Commission together with the following documents shall be sent immediately, but no later than 2 days after Voting Day, to the Central Election Commission, accompanied by the chairperson of the Constituency Election Commission, and representatives of various political parties: complaints (applications) about violations of this law received by the Constituency Election Commission and decisions made by the Constituency Election Commission with respect to these complaints and applications, an act on receipt of ballot papers by the Constituency Election Commission, an act on canceling the unused ballot papers, recording the number of such cards; an act on issuing voting cards and on canceling unused voting cards, recording their number. 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 2nd copy of the protocol.

107.5. The 2nd copy of the protocol, along with packaged and stamped ballots, the cut-off left corners of those ballot papers, and a list of persons mentioned in Article 40.2 and 40.4 of this Code who observed the voting and vote count, shall be kept by the secretary of the Precinct Election Commission until the commission finishes its activities.

107.6. Should the Constituency Election Commission discover mistakes or inadmissible corrections and inconsistencies in the protocol (including other documents attached thereto) of a Precinct Election Commission, the Constituency Election Commission may adopt a decision on the recount of votes in the relevant election precinct. In this case, the recount of votes shall be undertaken by the members of the Constituency Election Commission with decisive voting rights. The relevant Precinct Election Commission and the persons indicated in Articles 40.2 and 40.4 of this Code shall be notified in on the recount of votes. A protocol shall be compiled on recount of votes and the words "recount of votes" shall be recorded on it.

107.7. The 3rd 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 the basis of the integrated information from protocols of Constituency Election Commissions. Integration of this information shall be carried out without interruption. The Central Election Commission shall not compile protocols regarding returns of Municipal Elections or Elections to the Milli Majlis. The Central Election Commission of the Republic of Azerbaijan shall prepare protocols on general returns of elections

To the Milli Majlis of the Republic of Azerbaijan and to municipalities.

108.3. The following shall be attached to the first copy of the relevant protocol of the Central Election Commission: Complaints (applications) about violations of this law, received by the Central Election Commission, and decisions made by the Central Election

Commission with respect to these complaints; an act on the receipt of ballot papers by the Central Election Commission; an act on canceling of the unused ballot papers, recording their number; and an act on issuing voting cards and on canceling unused voting cards, recording their number. The above-mentioned acts shall be signed by the chairperson and secretaries of the Central Election Commission. Certified copies of complaints (applications), decisions of the Central Election Commission, and the acts mentioned above shall be attached to the 2nd copy of the protocol.

108.4. Should the Central Election Commission, within at the latest 4 days after Voting Day, discover mistakes or inadmissible corrections and inconsistencies in the protocols (including other documents attached thereto) submitted by the Constituency Election Commissions, the Central Election Commission may adopt a decision on the recount of votes in the relevant election constituency. In this case, the recount of votes shall be undertaken in the presence of the members of the Central Election Commission with decisive voting rights. The persons indicated in Articles 40.2 and 40.4 of this Code shall be notified in advance 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 3rd 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 Voting and Election Results**

109.1. Immediately after the Constituency Election Commission submits the protocols on voting results to the Central Election Commission, preliminary results of the elections (referendum) shall be published by the Central Election Commission as a schedule providing unified voting results of election constituencies. Such information may be placed on the website of the Central Election Commission.

109.2. Within 45 days of Voting Day, the Central Election Commission shall publish all the information from protocols of the Constituency Election Commissions in the mass media, as specified

in Article 77.2 of this Code. Such information may be placed on the website of the Central Election Commission.

109.3. Preliminary results of elections (referendum) for a constituency should be submitted to the Central Election Commission and mass media immediately after the acceptance of protocols on voting results of election precincts by the Constituency Election Commissions and should be published in form of summarized schedule.

109.4. Information on voting results from the protocol of the Precinct Election Commission and the Constituency Election Commission shall be published at the latest 5 days or 10 days after Voting Day respectively. This information shall 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 all the information from protocols of Constituency and Precinct Election Commissions, within 6 months of Election Day.

Article 110. **Use of the State Computerized Information System during the Elections (Referendum)**

110.1. The entire State Computerized Information System or some of its technical resources may be used for obtaining, transferring, or redeveloping information in time during the conduct of elections or referendums (hereafter referred to as elections), including voter registration, compilation of voter lists, and the determination of voting results and election returns. Requirements regarding the state computerized information systems and rules for its use 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 rights, with the purpose of controlling the use of the State Computerized Information System or some of its technical resources. This group shall:

• check if the complex of computerized facilities is ready for operation; if information from protocols of election commissions entered into the systems, and information added to the protocols is accurate;

• control if requirements of this Code, instructions of the Central Election Commission on use of the State Computerized Information Systems, and other documents are observed; and

• control if documents on actions considered for usage of the information system are completed in accordance with the time limits and plans of the relevant election commission. The controlling group may involve specialists on computerized 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 or extracted from the State Computerized Information System (taking into account the 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 in the group. They may:

• become familiar with any information transferred to the election commission through technical communication channels;

• demand an explanation of technical documentation of The State Computerized Information System or about all actions of the technical personnel of information systems; or

• compare information processed by technical means or in by hand.

If any action of the personnel of the State Computerized Information System contradicts the law, the controlling group shall inform the chairperson of the election commission about this and propose motions to correct the irregularities or to dismiss the persons who committed those irregularities. Results of investigations held by the controlling group should be recorded in the current documents of the relevant election commissions.

110.5. The State Computerized 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 results and voting results are signed. It shall be prohibited to transfer any information except for the confirmation message from the superior election commissions about the receipt of information from subordinate election commissions.

110.6. Information on the voting process and results of voting obtained from the State Computerized Information System shall be considered as preliminary information, without legal importance.

110.7. Protocols of the election commission kept by the secretary of the election commission shall be attached to the text of information entered into the State Computerized Information System, which will be printed out from a computer. Accuracy of information in a printed out paper shall be certified by signature of a person who is responsible for the transfer of information and by members of the controlling group.

110.8. Information on voter turnout, initial and final results of voting, and returns of elections that are entered into the State Computerized Information System, should be included in the information-communication lines of common use for getting prompt information by the persons desiring 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 against the dissemination of information on voters entered in the State Computerized Information System.

Article 111. **Protection of Election Documents**

111.1. Documents of Precinct and Constituency Election Commissions regarding the 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 returns. Protocols of voting results of election commissions 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. Financial reports of election commissions, as well as final financial documents of the registered candidates, political parties and blocs of political parties, and 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 the determination of the next elections (referendum). Voter lists shall be kept by the Central Election Commission for a period of 5 years.

111.3. The following shall be considered to be official documents:

- ballot papers;
- voting cards;
- voter lists;
- protocols of election commissions on results of voting and documents attached;
- financial reports of election commissions; and
- final financial reports of registered candidates, political parties and blocs of political parties, and referendum campaign groups. The chairperson of the relevant election commission shall be responsible for the security and storage of election documents until these documents are transferred to the superior election commission or to the State Archive.

CHAPTER Sixteen

COMPLAINT ON AND ACCOUNTABILITY FOR VIOLATION OF CITIZENS' RIGHT TO VOTE

Article 112. **Filing Complaints on Actions (Lack of Actions) and Decisions that Violate Citizens' Rights to Vote**

112.1. Voters, candidates, registered candidates, political parties, blocs of political parties, referendum campaign groups, agents of registered candidates, political parties, blocs of political parties, referendum campaign groups, observers, and election commissions may file complaints about decisions and actions (lack of actions) which violate citizens' right to vote within 3 days of the date the 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 indicated in Article 112.1 of this Code may submit their complaints to the relevant superior election commission.

112.3. If complaints of the persons indicated in Article 112.1 are initially not considered by a superior election commission, such persons may consequently appeal complaints on the decision or the action (inaction) of the constituency election commission to the Central Election Commission, and on the decision or the action (inaction) of the Central Election Commission to the court.

112.4. If the infringement described in the complaint is considered a criminal action according to the Criminal Code of the Republic of Azerbaijan, the relevant election commission shall apply to relevant public prosecutor's bodies and make decisions regarding elimination of the shortcomings or infringements indicated in the complaint. The Central Election Commission must make a grounded decision on

consideration of each complaint. If the investigation of the complaint indicates the likelihood of a crime, the prosecuting body should be informed about it. The relevant prosecuting body must consider the complaint within 3 days.

112.5. Complaints submitted by citizens must contain the following:

112.5.1. The name of the commission for handling citizens' complaints to which the complaint is addressed;

112.5.2. Address for sending the complainant a notification about the time when the complaint will be considered;

112.5.3. Decision, action, or lack of action, which are the subject of a complaint;

112.5.4. If it is a decision, it must be attached to the complaint; names of the election commission or state institution, which are the subjects of the dispute must be recorded; and the official must be indicated;

112.5.5. If it is an action, the name (position) of the person who committed the unlawful action, the substance of the action, and the place and time the action was committed must be clearly indicated;

112.5.6. If it is a lack of action, the applicant must indicate the demand which was not considered and the name of the institution or person that did not consider the demand;

112.5.7. The basis for the complaint can be an assumption of a violation of the Election Code and other legislative acts;

112.5.8. Evidence for purported violation or explanation as to what constitutes the violation;

112.5.9. Demand of the applicant;

112.5.10. In the case the complaint is filed with the superior Commission about a decision of the lower Commission, the decision of the relevant election commission must be annexed to the complaint.

112.5.11.The applicant must sign the complaint. If the complaint is filed by political parties or a bloc of political parties running for elections, then the complaint must be signed by the authorized representative with his/her document of authorization attached.

112.6. If the court cancels the decision of the election commission, the same election commission should make a new decision on the issue, or a superior election commission should make a relevant

decision based on the decision of the court. Non-implementation of the court resolutions 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 a violation of the immunity of candidates considered to be elected in conformity with this Code. A candidate considered to be elected may not refuse to testify as a witness during administrative, civil, or criminal investigations regarding the complaints on the violation of citizens' rights to vote while he/she was being elected (except for cases provided for in the Civil-Procedure Code and the Criminal-Procedure Code of the Republic of Azerbaijan).

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 a registered candidate or referendum campaign group;
- issues on refusal of registration of a candidate or referendum campaign groups; and
- appeals on invalidation of the election of a registered candidate.

112.9. The superior election commission shall have the right to cancel the decision of a subordinate election commission, to make a decision regarding the substance of the matter or order reexamination of the issue.

112.10. A decision on each complaint received by the election commission during the election processes shall be made within 3 days, but within 2 days if there are less than 30 days prior to the voting day (but no later than the voting day) or immediately on the voting day or the day after the voting day, and delivered to the plaintiff.

112.11. Courts should consider complaints concerning decisions of election commissions within 3 days (if no lesser timeline is identified by this Code), but within 2 days if there are less than 30 days prior to the voting day (but no later than the voting day) or immediately on the voting day or the day after the voting day. A complaint on the court decision may be filed with a superior court of instance within 3 days.

Article 112-1. **Investigation of Complaints on Violation of Citizens' Election Rights.**

112-1.1. In order to investigate complaints on actions (lack of actions) and decisions that violate citizens' election rights relevant expert groups shall be created at the Central Election Commission composed of 9 members, and at the Constituency Election Commission composed of 3 members. Commissions' lawyer members may be included in the composition of these groups. Rules for establishing expert groups shall be determined by the Central Election Commission.

112-1.2. Rules for handling citizens' complaints shall be established by the Central Election Commission.

112-1.3. The election commission must register received complaints, in numerical order with dates of receipt.

112-1.4. Once the complaint is registered the expert group will have the following responsibilities:

to issue an opinion on the complaint to the relevant election commission together with the investigation documents;

112-1.4.1. to issue an opinion on the complaint to the relevant election commission together with the investigation documents;

112-1.4.2. to require additional information about the complaint;

112-1.4.3. to apply to the relevant state body through the Central Election Commission for additional information;

112-1.4.4. to obtain additional evidence (video, written materials etc.) if necessary;

112-1.4.5. to take other actions determined by the Central Election Commission.

112-1.5. The expert groups within the Constituency Election Commission must follow the following rules when citizens submit complaints:

112-1.5.1. Receive the written complaint and register it if it is made in person;

112-1.5.2. If the complaint is submitted in person, the applicant must be given a receipt on the complaint;

112-1.5.3. If the complaint is received in violation of the rules established by this Code, an opinion must be issued on sending the complaint back to the applicant;

112-1.5.4. If the complaint is under the jurisdiction of the commission that received the complaint and of another body, the expert must propose that the Constituency Election Commission consider the complaint on its substance and that it resolve the issues within the commission's responsibilities and send the other issues under another body's responsibilities to that other body for resolving.

112-1.5.5. If the Constituency Election Commission receives a complaint from the election subjects containing criminal actions related to the elections, the group shall investigate the issue in conformity with Articles 112-1.4 and 112-1.11 of this Code, and must issue an opinion to the Constituency Election Commission on taking actions about the issues within its responsibilities, on making a grounded decision on informing the Prosecutor's Office about the actions if it is concluded that actions considered by the Criminal Code took place. (A copy of the complaint shall be attached to the information provided.)

112-1.5.6. If the expert has difficulties in establishing whether there are actions or probability of such actions considered by the Criminal Code while investigating the complaint, the Constituency Election Commission, along with recommendation to take actions within its responsibilities established by this Code, must state an opinion on sending the complaint to the Central Election Commission for it to make an opinion on this issue.

112-1.5.7. If the Constituency Election Commission receives a complaint from the election subjects containing criminal actions related to the elections, and if the expert concludes that actions considered by the Criminal Code took place, the expert shall issue an opinion on informing the relevant Prosecutor's office about those actions. A copy of the complaint shall be attached to the information provided.

112-1.6. The expert group within the Central Election Commission must follow the below mentioned rules along with Article 112-1.5 of this Code:

112-1.6.1. Make recommendations for a relevant decision by the Central Election Commission following the Articles 60.6, 68.5, 87.9,

88.7, 88.8, 113, 115 and 116 regarding the complaints about illegal actions of other bodies and officials that are not related to the actions (lack of actions) or decisions of the election commissions.

112-1.6.2. If the relevant expert group's official does not take measures that can satisfy the applicant, a complaint can be filed about an action (lack of action) against the official of the group in accordance with this Code.

112-1.6.3. If the written complaint is of a criminal nature but does not relate to elections, such a complaint must be sent to the Prosecutor's office by the Central Election Commission immediately.

112-1.6.4. While discussing the complaint received from the Constituency Election Commission, the expert shall give an opinion in order to establish whether the violation reported in the complaint is a criminal case established by the Criminal Code, and determine the probability of a criminal action.

112-1.6.5. If the expert determines that those are the cases mentioned in Article 112-1.6.4, s/he shall issue an opinion to send the complaint to the relevant prosecutor's office by the Central Election Commission.

112-1.6.6. If the cases mentioned in Article 112-1.6.4 or other violations are not determined in the complaint received, then an opinion shall be made on the case that it shall be archived.

112-1.6.7. If it is refused without any ground to investigate the complaints considered by Article 112.5, then the Central Election Commission shall take actions within its responsibilities on imposing the liability on the official (officials) of the Constituency Election Commission and its expert group in compliance with the rules established by the legislation.

112-1.7. Rules for conducting meetings related to investigation of complaints by the election commission shall be determined by the Central Election Commission. If the applicant expressed willingness to attend the meeting in his/her appeal, s/he must be personally informed, about the place and time of the meeting by telephone or mail, a day prior to the meeting.

112-1.8. The expert shall inform about the complaint at the meeting. If the applicant or his/her authorized representative is present

at the meeting s/he can explain the complaint. A representative of the Constituency Election Commission whose decision is under discussion can be invited to the meeting of the Central Election Commission and s/he has the right to justify the decision made.

112-1.9. The applicant has the right to present new evidence via documents or expert.

112-1.10. The expert that investigates the complaint must issue an opinion within the period established by Article 112.10. If additional investigation is needed, the relevant election commission can make a decision. Such a decision must be made within 3 days, but within 2 days if there are less than 30 days prior to the voting day (but no later than the voting day) from the date of receipt of complaint, and immediately on Election Day. Extended period for investigation shall not exceed 3 days.

112-1.11. Members of the expert groups that investigate the complaints can make the following opinions:

112-1.11.1. on cancellation of the decision of a lower election commission;

112-1.11.2. on warning the election subject in conformity with Article 113.1 of the Election Code;

112-1.11.3. on refusal of registration of a candidate in cases established by Article 113.2 of the Election Code;

112-1.11.4. on appealing to the court for deregistration of a candidate in cases established by Article 113.2 of the Election Code.

112-1.11.5. on instructing to re-examine the issue raised by the applicant by the relevant election commission;

112-1.12. If the complaint is not within the responsibilities of the expert group a decision on sending the complaint to the relevant institution is made by relevant election commission;

112-1.13. An opinion is announced immediately after it is made by the expert, or published together with the decision of the relevant election commission (posted on website) not later than 18 hours after it is made and is delivered or sent to the applicant.

112-1.14. Opinion of the member of expert group must be based on the following:

112-1.14.1. The complaint must be received within the rules and period established by the law, i.e. within 3 days after the action (lack of action) took place or interested party is informed.

112-1.14.2. Complaints must be submitted by the person (according to Article 112.1, voters; candidates; registered candidates; political parties; blocs of political parties; referendum campaign group; agents of registered candidates, political parties, blocs of political parties, referendum campaign group; observers as well as election commissions) who have such a right.

Article 113. Cancellation of Registration of Registered Candidates or Referendum campaign groups and Refusal of Registration of Candidates

113.1. If a candidate, registered candidate, political party, bloc of political parties, or referendum campaign group violates the provisions of this Code, the relevant election commission shall warn the candidate, registered candidate, political party, bloc of political parties, or referendum campaign group through the mass media, providing the voters are informed. The election commission shall have the right to make a decision on 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 or referendum campaign group;
- deregistration of a registered candidate, or of a referendum campaigning group in the cases stipulated under Articles 73 and 73-1 of this Code;
- invalidation of the election of a candidate; or
- cancellation of a decision on voting results or election returns.

113.1.1. The election commission can refuse registration of a candidate, referendum campaign group if the information they submit according to this Code is not true or their invalidity is of great importance (except the cases mentioned in Article 60.3 of this Code.)

113.2. Registration of a candidate, referendum campaign group shall be cancelled in the cases mentioned below in an order established by the legislation if there is a court verdict in force on the criminal case or there is a court decision in force on the administrative offence:

113.2.1. *(Removed)*;

113.2.2. if a candidate or referendum campaign group is found election campaigning before being registered or before the period indicated in Article 75 of this Code (this provision may not 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. if a candidate, political party, bloc of political parties, referendum campaign group, or the authorized representatives/agents thereof are found influencing voters through actions prohibited by Article 88.4. of this Code;

113.2.4. if legal entities, state and municipal bodies, structures and organizations participate in the collection of signatures, regardless of their type of property; if it is discovered that voters are being forced to sign or being rewarded for signing;

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 maximum expenses from election fund defined by this Code;

113.2.6. if a political party, bloc of political parties, or referendum campaign group uses other funds for financing their election (referendum) campaign which exceed more than 5% of the maximum of expenses from election funds defined by this Code;

113.2.7. if a candidate, political party, bloc of political parties, referendum campaign group, as well as a political party within a bloc of political parties, authorized representatives or members, and agents of political parties, bloc of political parties, referendum campaign group:

• are proprietors, founders, owners of relevant organizations or they participate in supervisory boards;

• conduct charitable activities during the election (referendum) campaign;

• render financial and material assistance to physical or legal entities or render services to voters;

• assist in rendering or proposing such assistance to physical and legal entities, or when the above-mentioned physical and legal entities agree with rendering assistance on their behalf;

113.2.8. if a candidate, political party, bloc of political parties, or referendum campaign groups do not submit their initial financial report;

113.2.9. if a candidate, or authorized representatives of a political party, bloc of political parties, or a referendum campaign group uses their position during election campaigning;

113.2.10. if a candidate, political party, bloc of political parties, or 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, bloc of political parties, agent of the registered candidate, or authorized representative/ agent of a political party or bloc of political parties campaign within the territory of a military unit, in military organizations, or in military offices;

113.2.12. if a registered candidate who is in government or municipal service does not stop cease operating in such a capacity while participating in elections; or

113.2.13. if a registered candidate, political party or bloc of political parties with registered candidates use illegal donations transferred to their funds.

113.3. The court may cancel the registration of a candidate one day prior to Voting Day, only if the circumstances considered in Articles 113.2.3, 113.2.4, 113.2.7, 113.2.9, or 113.2.11 of this Code are revealed after the candidate is registered.

113.4. If the registration of a candidate is canceled within a period less than 10 days prior to Election Day, information on this issue shall be posted on the notice boards of the election commissions.

Article 114. **Cancellation of Decisions of Election Commissions on Voting Results and Election (Referendum) Returns**

114.1. The Central Election Commission may appeal to the courts, prior to the official publication of election returns, to consider the election of a candidate or outcome of a referendum invalid, if it is discovered, after the preliminary election results are officially published, that a registered candidate, political party, bloc of political parties, or referendum campaign group has committed a violation mentioned in Article 88.4 of this Code that obscures the proper determining of election results.

114.2. A court, determines that violations mentioned in Article 113.2.3 of this Code occurred and that the determination of voters' will is not possible as a result, it may cancel the decision of a relevant election commission on election (referendum) results. In such circumstances, the elected candidate will be considered to have lost his/her authority.

114.3. The relevant court may cancel the decision of the election commission on voting results and election (referendum) results for a single-mandate or nationwide constituencies if:

• the rules for compiling the Voters' List, forming election commissions, voting, counting votes, or determining election (referendum) results are violated;

• other violations, as defined by this Code, occur;

• it is impossible to determine the voters' intention due to the above-mentioned actions (or lack of actions).

114.4. The relevant court or the Central Election Commission may cancel decisions of the Precinct or Constituency Election Commissions on voting results or election results in the circumstances considered by this Code.

114.5. The discovery of irregularities regarding assistance to candidates who are not elected may not be a basis for the cancellation of the decision on election results.

Article 115. **Liability for Violation of Citizens' Voting Rights**

115.1. The following persons may be subject to criminal, civil or administrative liabilities in conformity with the Criminal Code, Civil Code, or the Code on Administrative Offences of the Republic of Azerbaijan:

115.1.1. those who have obstructed, through use of force, deceit, or intimidation, a voter's right to elect or be elected by;

115.1.2. those who have misused their powers in order to influence the results of election (referendum);

115.1.3. those who have forced citizens to sign in support of a candidate, who have obstructed the collection of signatures in support of a candidate, or who have participated in falsifying such signatures;

115.1.4. those who have influenced voters to their side, i.e. who have committed actions prohibited by Article 88.6 of this Code;

115.1.5. those who have not made official and clarified accurate information about registered candidates in time;

115.1.6. those who have intentionally disseminated misinformation on candidates or who have injured the honor and dignity of the candidate (this provision may not 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 those who have violated the rights of commission members, observers, agents, authorized representatives of candidates, political parties, blocs of political parties, or referendum campaign groups, representatives of mass media, including the violation of such entities' rights to obtain copies of election documents and information, or other rights regarding the verification of election documents;

115.1.8. those who have violated rules for election campaigning, including those who have conducted election campaign a day prior to or on Voting Day;

115.1.9. those who have produced and distributed commercials or other advertisements which violate the regulations stipulated in this Code, or who have rendered charitable assistance;

115.1.10. those who have violated rules for financing election campaigns, as defined by this Code;

115.1.11. those who have hidden remaining ballot papers, or have produced additional copies of ballot papers and voting cards which were not registered by the election commission;

115.1.12. those who have obstructed the election commission's work or have illegally interfered in the performance of functions of commission members;

115.1.13. those who have obstructed voting in the precincts;

115.1.14. those who have violated the secrecy of voting;

115.1.15. those who have forced voters to vote against their will;

115.1.16. those who have falsified election documents, produced and presented fake documents (including ballot stuffing), have miscounted votes, or have intentionally not submitted or published election results;

115.1.17. those who have violated citizens' rights to become familiar with voter lists;

115.1.18. those who have issued ballot papers to citizens with the intent to influence them to vote for others, who have issued ready-marked ballot papers, or have created conditions to receive more than one ballot paper;

115.1.19. those who have not submitted or published the report on expenditure of funds allocated for the preparation and conduct of elections or the financial report of candidates, registered candidates, political parties, blocs of political parties or referendum campaign groups;

115.1.20. those employers who have not provided employees with leave to participate in elections, in the circumstances considered by this Code;

115.1.21. those state officials who have not investigated information provided by the election commissions on the violation of this Code;

115.1.22. the registered candidates who do not suspend their official duties with state or municipal service during the period of participation in election;

115.1.23. legal entities, officials of state and municipal bodies, structures and organizations that participate in the collection of signatures.

Article 116. **Application of Penalties**

The Precinct and Constituency Election Commissions and the Central Election Commission shall have the right to prepare to draw a protocol of administrative offence and apply to court for imposition of 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, bloc of political parties or of a referendum campaign group, 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 to 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 May Not be Solved Through Referendum**

Issues, which may not be put to referendum, shall be determined by III part of Articles 3 and 155 of the Constitution of the Republic of Azerbaijan.

Article 119. **Opinion of the Constitutional Court of the Republic of Azerbaijan on Holding a Referendum on Amendments to the text of 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 or

the President of the Republic of Azerbaijan, an opinion of the Constitutional Court of the Republic of Azerbaijan shall be obtained in advance 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 the Constitutional Court."

Article 120. **Obligation to Hold a Referendum**

The decision of legislative and executive bodies of the Republic of Azerbaijan on any issue may not exempt the conduct of a referendum on the same issue.

Article 121. **Cases Excluding the Holding of a Referendum**

121.1. *(Removed)*

121.2. A repeat referendum on the same issue may be conducted only 1 year after the publication of the act adopted by the first referendum.

CHAPTER Eighteen

DETERMINATION OF A REFERENDUM

Article 122. **Adoption of a Decision on Holding a Referendum**

122.1. A decision to hold a referendum shall be adopted by the Milli Majlis or 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 may apply to the President or to the Milli Majlis of the Republic of Azerbaijan with a proposal concerning the adoption of a decision to hold a referendum.

Article 123. **Requirements of a Decision to Hold a Referendum**

123.1. The following should be indicated in the decision on hold a the referendum:

123.1.1 the date the referendum will be held;

123.1.2 the name of act to be put to referendum;

123.1.3 a brief summary of the act to be put to referendum; and

123.1.4 the regulations of financing the referendum.

123.2. The draft act put to referendum shall be attached to the decision to hold a referendum.

123.3. The draft act put to referendum may not be amended after the holding of a referendum is announced.

Article 124. **Familiarization with the Issues Put to Referendum**

124.1. The draft act put to referendum should be published in the mass media with the decision on holding a referendum. This shall create the 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 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 HOLDING A REFERENDUM

Article 125. **Registration of Referendum Campaign Groups**

Registration of referendum campaign groups shall be carried out according to the order provided for in CHAPTER 11 of this Code.

Article 126. **Appointing a Representative of Referendum Campaign Groups to an Election Commission**

A Central Election Commission or Constituency Election Commission member with consultative voting rights may be appointed only by the campaign groups registered with the relevant commission.

Article 127. **Special Requirements for Conduct of Pre-referendum Campaign through 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 amount 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 and roundtables and other campaigning activities. Rules for conduct of such events shall be defined by the Central Election Commission.

127.3. Airtime for the conduct of joint campaign activities on channels of the TV and radio companies mentioned in Articles 77.2 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 use this free airtime equally. In this case, the amount of airtime to be used by each referendum campaign group shall be 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 amount of allocated airtime 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 amount of space allocated by the periodicals mentioned in Article 77.1 of this Code by the total number of referendum campaign groups mentioned in Articles 77.2 and 77.3 of this Code, may be used by the latter through making the 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 result in an increase of the amount 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 use of referendum funds for referendum campaign groups shall be regulated by CHAPTER 14 of this Code.

128.2. The referendum funds of referendum campaign groups may be formed from the following financial resources:

128.2.1. special funds of the referendum campaign groups which may not be more than 5,000 manats;

128.2.2 *(Removed)*

128.2.3. Voluntary donations, not more than 1,000 manats for citizens and 10,000 manats for legal entities.

128.3. The maximum limit for referendum funds of registered referendum campaign groups mentioned in Article 77.4 of this Code may not exceed 50 thousand manats. The maximum limit for the referendum funds of registered referendum campaign groups mentioned

in Article 77.3 of this Code may not exceed one million manats; the maximum limit the referendum funds of registered campaign groups on referendum mentioned in Article 77.2 of this Code cannot exceed five million manats.

Article 129. **Special Referendum Accounts**

129.1. Referendum campaign groups should open a special referendum account to form their financial funds within 5 days of submitting notification On the commencement of the signature collection according to Article 63 of this Code.

129.2. In order to form a referendum fund, a referendum campaign group should open a special referendum account on the basis of documents submitted for the registration of the group's authorized financial representatives. This should be done after receiving a certified copy of a notification from the Central Election Commission or Constituency Election Commission, but at least 5 days prior to presenting the referendum campaign group to the Central Election Commission (Constituency Election Commission) for registration.

129.3. Referendum campaign groups 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 Referendum Funds**

130.1. It shall be obligatory for the referendum campaign groups specified in Articles 77.2 and 77.3 of this Code to publish the following information in accordance with Article 95.3 of this Code:

130.1.1. the financial report for spending of funds, if the size of the referendum fund is more than 10 000 manats;

130.1.2. legal entities who made voluntary donations to the referendum fund, in an amount greater than 5 000 manats;

130.1.3. the number of citizens who made donations to the referendum fund, in an amount greater than 250 manats;

130.1.4. funds that are returned to donors and the grounds for their return; and

130.1.5. the total amount of funds received to and spent from a referendum fund.

130.2. Should a referendum campaign have less than 20,000 members, the information stipulated in Article 130.1 of this Code shall be published in the manner determined by the Central Election Commission.

Article 131. **Order of Returning Funds Received by Referendum Campaign Groups**

131.1. With the consent of the relevant election commission, referendum campaign groups may return unused funds from the election fund, on a proportional basis, to the citizens and legal entities who donated to the fund, up till the submission of the final financial report. If the referendum campaign groups do not use this right, Article 132 of this Code shall be applied.

131.2. Referendum campaign groups not registered in the relevant election commission shall be obliged to return unused election funds to the citizens and legal entities that donated to the fund, in accordance with the proportion of the received donations and excluding delivery expense, up till the submission of the final financial report.

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 unused money in special accounts of referendum campaign groups 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 OF THE 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 the 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 papers shall be prepared in accordance with the rule mentioned in Article 99 of this Code.

134.2. The statement of every issue put to referendum and the possible responses of voters, e.g. “for” and “against”, “yes” and “no,” “I agree” and “I disagree”, etc shall be written on the ballot paper.

134.3. The Central Election Commission shall solve the issue of attaching the draft of the referendum act to the ballot paper. If this draft provides for the cancellation or amending of normative legal acts that are in force, such normative legal act (or their relevant parts) may 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 Articles 104 and 105 of this Code.

135.2. A voter shall mark an empty square to the right of the answer on the referendum ballot paper by choosing one of the responses "for" or "against" ("yes" or "no," "I agree" or "I disagree") proposed on the referendum.

135.3. The vote shall be considered invalid if both squares are marked or remain unmarked.

Article 136. **Vote Counting in Referendum Stations**

136.1. Votes shall be counted, in accordance with Article 106 of this Code, in referendum stations, and a protocol shall 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 the number of voters who voted for the issue put to referendum;

136.2.2 number of voters who voted against the issue put to referendum.

Article 137. **Vote Counting during a Referendum in a Constituency Election Commission**

137.1. The counting 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 returns 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 that took place during voting or the determining of voting results, the number of referendum constituencies that did not allow for voters' to express their will, the number of voters who voted "for" each issue put to referendum, and the number of voters who voted "against" each issue.

138.3. An issue put to referendum shall be considered accepted if more than half the voters who participated in the referendum voted in favor of it.

138.4. A referendum shall be concluded at the meeting of the Central Election Commission, and the results shall be announced in the form of an official notification on referendum returns.

Article 139. **Invalidity of a Referendum and Invalidation of Referendum Returns 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 invalid, if less than 25% of voters from the integrated voter list participate in the referendum.

139.2. The Central Election Commission shall invalidate the returns of a referendum in the following cases:

139.2.1. if voting results are considered invalid or when they are cancelled in more than two fifths of the referendum precincts, under the condition that the number of registered voters in the election precincts exceeds ¼ of all voters registered in the constituency;

139.2.2. on the basis of a court's decision.

Article 140. **Publication of a Decision on the Outcome of a Referendum**

The Central Election Commission shall publish a decision made by means of referendum and official notification on the outcome of the referendum, together with the text of an act adopted by referendum within, at the latest, 30 days after 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 may 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 may 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, the second sentence of the part II of Article 98^{1} and 109.1 of the Constitution of the Republic of Azerbaijan, the 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 day of its first session.

145.3. The Milli Majlis shall be considered elected, effective the date it is formed with authorized members as a result of elections.

145.4. The decision to hold 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, blocs of political parties, and citizens of the Republic of Azerbaijan possessing suffrage and permanently residing in a constituency may 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 the decision to hold elections.

146.3. Candidates for by-elections in 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 may consent to nomination in only one single-mandate constituency.

146.5. If a Constituency Election Commission has not been formed before the nomination of candidates, notification on the nomination of a candidate, notices of the relevant candidates on 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 the Constituency Election Commission has been formed and its chairperson has been elected.

Article 147. **Collection of Voters' Signatures in Support of Candidates Nominated for a Single-Mandate Constituency during Elections to the Milli Majlis**

147.1. At least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

147.2. Each voter may sign in support of more than one candidate.

147.3. Voters' signatures shall be collected through the procedure mentioned in Articles 56 and 57 of this Code.

CHAPTER Twenty Four

CANDIDATE REGISTRATION DURING ELECTIONS TO THE MILLI MAJLIS

Article 148. **Registration of a Candidate during 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, the prior registration of the candidate shall be considered valid. But a decision made on the later registration shall be canceled by the decision of the relevant election commission (if a former registered candidate does not submit an application refusing his/her previous registration).

148.4. The activity of 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 20 days prior to Voting Day, in periodicals specified in Article 77.2 of this Code.

148.6. Political parties and blocs of political parties the candidates of which have been registered in more than 60 single-mandate constituencies, may appoint a member with consultative voting rights to each election commission. A candidate registered in a single-mandate election constituency may appoint a member with consultative voting rights to the relevant election constituency or each of the Precinct Election Commissions within the 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 in 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 Article 145 of this Code, with the purpose of allowing for the nomination of additional candidates to conduct election activities.

149.2. If none of the registered candidates or only one registered candidate remains in an election constituency till Voting Day, elections in the single-mandate constituency shall be postponed for not more than 3 months, in accordance with the order mentioned in the Article 145 of this Code, to allow for nomination of additional candidates to conduct election activities.

Article 150. **Reimbursement of Transport Expenses of a Registered Candidate during Elections to the Milli Majlis**

150.1. According to Article 70.2 of this Code, the cost of travel using city, suburb, and inter-city transport (except for taxis and arranged journeys) generally used by a candidate registered in a single-mandate constituency within the relevant election constituency, shall be reimbursed upon submission of relevant receipts.

150.2. In cities with several election constituencies, transport expenses within the city of a candidate registered in one of these constituencies shall be reimbursed upon submission of 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 round trip journeys by plane to the constituency shall be reimbursed upon submission 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 from funds allocated for preparation and holding of elections.

150.5. This type of reimbursement shall be carried out at the expense of allocations of the Central Election Commission.

Article 151. **Immunity of a Registered Candidate during Elections to the Milli Majlis**

A registered candidate may 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. **Candidates' Relinquishing of Candidacy During Elections to the Milli Majlis**

153.1. Candidates' relinquishing of candidacy during elections to the Milli Majlis shall be regulated by Article 73-1 of this Code

153.2. Persons who have performed actions mentioned in Articles 73-1.1 and 73-1.2 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, Bloc of Political Parties from Participation in Elections to the Milli Majlis**

154.1. A political party according to its Charter, and a bloc of political parties according to a decision of the authorized representatives of its parties, shall be entitled to withdraw a candidate and registered candidate nominated in a single-mandate constituency upon written application at any time within at least 10 days prior to Voting Day.

154.2. A political party in a bloc of political parties may apply to the Central Election Commission to refuse to participate in the elections as a member of the relevant bloc of political parties, based on the decision of the authorized body of political party, at least 10 days prior to Voting Day.

154.3. A political party, which has refused to participate in the election as a member of a relevant bloc of political parties may participate in the elections as an independent political party or may join another bloc of political parties in accordance with the rules established in this Code.

154.4. If all but one of the political parties constituting a bloc of political parties refuse to participate in the elections after the candidate nominated by the bloc of political parties is registered, then the remaining political party may participate in the elections as a bloc of political parties, keeping its name and emblem. This case will not serve as grounds for refusal/cancellation of registration of candidates.

154.5. If a bloc of political parties refuses to participate in the elections, it shall not mean that political parties included in that bloc may not participate. 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 FOR 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. The participation of candidates, political parties, and blocs of political parties in the pre-election campaign shall be regulated by CHAPTER 13 of this Code.

155.2. One third of the total free airtime on TV and radio should be allocated for registered candidates, political parties, and blocs of political parties that have registered candidates in more than 60 single-mandate constituencies, in order to conduct discussions, round tables, and other election campaign activities. Rules for conduct of such events shall be defined by the Central Election Commission.

155.3. Airtime provided for joint election campaign activities of the registered candidates, political parties and blocs of political parties on channels of TV and radio companies specified in Articles 77.2 and 77.3 of this Code, shall be allocated and calculated, and broadcast separately. The registered candidates, political parties and blocs of political parties should use such free airtime on an equal basis. In such a case, the amount of free airtime for each candidate, political party and bloc of political parties shall be determined separately.

155.4. The norm for paid airtime allocated by TV and radio companies specified in Article 77.1. of this Code shall be determined by dividing the total amount of airtime by the total number of candidates, political parties, and blocs of political parties that have registered candidates in more than 60 single-mandate constituencies.

155.5. The amount of free space allocated by the periodicals specified in Article 77.1 of this Code shall be determined by dividing the total amount of free space by the total number of candidates, political parties, and bloc of political parties that have registered

candidates in more than 60 single-mandate constituencies. In this case, the amount of free space shall be allocated separately for the candidates and separately for the political parties and blocs of political parties. They may use the space on the basis of relevant payment.

155.6. Refusal of registered candidates, political parties, and blocs of political parties that have registered candidates in more than 60 single-mandate constituencies, from participation in activities mentioned in Article 155.2 of this Code, shall not result in an increase of free airtime allocated in accordance with Article 80.6.

Article 156. Election Funds of Candidates, Registered Candidates, Political Parties and Blocs of Political Parties during Elections to the Milli Majlis

156.1. The maximum limit of a candidate's election fund assets should not exceed 500 thousand manats.

156.2. Election funds of candidates and registered candidates nominated for a single-mandate constituency may be organized from the following financial resources:

156.2.1. the special funds of candidates and registered candidates — the value of the special funds may not be more than 500 thousand manats;

156.2.2. funds of candidates or political parties, which have nominated a registered candidate, or political parties in a bloc of political parties -- the value of the funds may not be more than 150 thousand manats;

156.2.3 *(Removed)*

156.2.4. voluntary donations by citizens or legal entities in respective amounts of no more than 3,000 and 50,000 manats;

156.3. Political parties and blocs of political parties that have nominated or registered candidates in more than 60 single-mandate constituencies, may create a unified election fund.

156.4. Election funds of political parties and blocs of political parties may be formed only from the following financial resources:

156.4.1. special funds of political parties and blocs of political parties not exceeding 500 thousand manats (such funds of blocs of political parties are formed from the funds of political parties which are included in that bloc);

156.4.2 *(Removed)*

156.4.3. voluntary donations by citizens and legal entities in respective amounts of no more than 3,000 and 50,000 manats.

156.5. The maximum limit of the election fund assets of a political party or bloc 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 spent 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 political parties and blocs of political parties' financial statements.

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 of submitting a notification on nomination in a single-mandate constituency to the Constituency Election Commission.

157.2. Political parties and blocs of political parties, which intend to open a single election fund for their candidates, shall open a special election account to form the single election fund, within 5 days of submitting the list of candidates nominated in more than 60 single-mandate constituencies to the Central Election Commission.

157.3. A candidate, political party, or blocs of political parties shall open a special election account on the basis of the certified copy of the notice of the Constituency Election Commission on nomination of a candidate in a single-mandate constituency, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, or bloc of political parties may assign their authorized representative to open the special election fund. The candidate, registered candidate, political party, or bloc of political parties may allow another person to use the funds from their election account by informing the Central Election Commission in writing.

157.4. If the constituency of a candidate or registered candidate changes, he/she may return the balance remaining in the special election account, by distributing it proportionally among the persons and legal entities who contributed voluntary donations. Should this right not

be used, the bank will transfer the funds to the account of the Central Election Commission within 3 days, 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 or bloc of political parties that has created an unified election fund is 60 or less, the special election account of the political party or bloc of political parties shall be closed, and a special election account shall be opened for each candidate and assets of the unified election fund proportionally divided among the election funds of these candidates.

Article 159. **Transparency in Use of Election Funds During Elections to the Milli Majlis**

159.1. It will be obligatory for the following information on the candidate registered or nominated in a single-mandate constituency to be published in the mass media in accordance 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 for political parties and blocs of political parties and of candidates or registered candidates respectively exceed 10,000 or 2,500 manats;

159.1.2. the legal entities who made donations to the election funds of political parties or blocs of political parties or to candidates or registered candidates in amounts exceeding, respectively, 5,000 or 1,250 manats, (in this case, the possibility of transfer of funds through several installments of donations should be taken into account);

159.1.3. the number of citizens who made donations in election funds in amounts exceeding 250 manats;

159.1.4. the funds returned to the donors and the grounds of their return; and

159.1.5. the total amount received in and spent from an election fund.

159.2. It will be obligatory for the following information on the unified election fund of a political party or bloc of political parties to be published in the mass media in conformity with the rules mentioned in Article 77.2 of this Code:

159.2.1. the financial statement of expenditure of funds, if the election funds exceed 10,000 manats;

159.2.2. the legal entities that made donations to the election funds in amounts exceeding 5,000 manats (in this case, the possibility of transfer of funds by the same legal entity through several installments of donations should be taken into account);

159.2.3. the number of citizens who made donations more than 250 manats;

159.2.4. funds returned to the donors and the grounds for their return; and

159.2.5. on the total amount received in and spent from an election fund.

Article 160. **(Removed)**

Article 161. **(Removed)**

Article 162.**(Removed)**

Article 163. **Money Remaining in Special Accounts of Election Funds of Candidates, Registered Candidates, Political Parties, Blocs of Political Parties during Elections to the Milli Majlis**

The relevant bank, according to written instructions of the relevant election commission, should transfer money remaining in special accounts of election funds of candidates, registered candidates, political parties, or blocs of political parties to the account of the Central Election commission 60 days after Voting Day.

Article 164.**(Removed)**

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, blocs of political parties and candidates that have been registered;

• following information about all candidates registered from the relevant single-mandate election constituency: surname, forename, patronymic, date of birth, education, main workplace and occupied position (type of activity if not working), residential address, and names of their nominators.

165.3. Information on candidates, political parties, and blocs 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, forename, patronymic, date of birth;
• main workplace (type of activity if not working); and
• names of nominators.

166.3. The ballot paper should contain the short name and emblem of the political party of the candidate 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 may 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 the 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 in 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. Counting 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, forenames, and patronymics of candidates who appear in the ballot box, and additional information differentiating candidates with identical names; and

168.2.2. the number of votes cast for each candidate.

Article 169. **Determination of Election Returns for Single-Mandate Constituencies during Elections to the Milli Majlis**

169.1. Counting 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 returns for a single-mandate constituency within at latest 2 days after Voting Day.

169.3. A candidate who records the highest number of votes 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, the surname, forename, and patronymic of the candidate elected as a deputy, and the number of election precincts where the elections are considered invalid.

Article 170. **Failure or Invalidation of Elections in Single-Mandate Constituencies**

170.1. The Constituency Election Commission shall consider elections in a single-mandate constituency to have failed, if an equal number of votes are cast for the registered candidates.

170.2. The Constituency Election Commission or the Central Election Commission shall consider the elections in 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 election results, that make it impossible to determine the voters' will.

170.2.2. if the number of election precincts, during the elections in a single-mandate constituency, where voting results are considered invalid or where they are cancelled is more than two fifths of all the precincts in the same election constituency, provided that the number of registered voters in the election precincts exceeds ¼ of all voters registered in the constituency;

170.2.3. on the basis of a court decision.

170.3. If voting in a single mandate election constituency is considered invalid due to the miscount of ballot papers, the Central Election Commission shall make a decision on recount of votes. In such a case, the recount shall be provided by the relevant constituency election commission in a manner determined by the Central Election Commission.

CHAPTER Twenty Seven

RETURNS OF ELECTIONS TO THE MILLI MAJLIS

Article 171. **Verification and Approval of Returns of Elections to the Milli Majlis**

171.1. In accordance with Article 86 of the Constitution of the Republic of Azerbaijan, the returns of elections shall be checked and approved by the Constitutional Court of the Republic of Azerbaijan.

171.2. The Central Election Commission shall check protocols of Constituency Election Commissions, as well as documents attached to the protocols in accordance with this Code, at the latest 20 days after Election Day, and then submit them to the Constitutional Court within 24 hours.

171.3. Within 10 days of receiving the aforementioned documents, the Constitutional Court shall involve relevant specialists to check the documents meet the requirements of this Code. The Constitutional Court may, upon its own decision, prolong the period if the checking process if so required.

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 the issue and new elections shall be assigned in accordance with Article 145 of this Code.

Article 172. **Repeat Elections to the Milli Majlis**

If elections are considered invalid in the relevant constituency, based on Article 170.2 of this Code, or returns of elections are not approved according to Article 171.4 of this Code, the Central Election Commission shall conduct repeat elections, in accordance with 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 (or 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 job.

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 returns 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 73-1.3 of this Code, and if due to these reasons repeat elections are carried out, then the candidate should repay all state funds, allocated by the relevant election commission with regard to repeat elections.

173.3. The Central Election Commission shall register a deputy and issue him/her a deputy card after the results of elections are published and after the deputy has resigned from his/her position that was incompatible with the status of deputy, or after such of his/her functions are terminated.

Article 174. **Publication of Election Returns and Voting Results of Elections to the Milli Majlis**

Rules for publication of election returns and voting results of elections to the Milli Majlis shall be regulated by Article 109 of this Code.

CHAPTER Twenty Eight

DISENFRANCHISEMENT OF DEPUTIES OF THE MILLI MAJLIS OF THEIR MANDATES AND CONDUCT OF BY-ELECTIONS TO THE MILLI MAJLIS

Article 175. **Adoption of a Decision on Disenfranchisement of Deputies of the Milli Majlis of their Mandates**

175.1. In the case grounds specified in Article 89.1.1 of the Constitution of the Republic of Azerbaijan exist, the decision on disenfranchisement of a deputy of his/her mandate shall be adopted by the Constitutional Court.

175.2. In the case grounds specified in Article 89.1.3 of the Constitution of the Republic of Azerbaijan exist, the decision on disenfranchisement of a deputy of his/her mandate shall be adopted by the relevant court.

175.3. In the case grounds specified in Articles 89.1.2, 89.1.4, 89.1.5, 89.1.6 and 89.1.7 of the Constitution of the Republic of Azerbaijan exist, the decision on disenfranchisement of a deputy of his/her mandate shall be adopted by the Central Election Commission. The decision of the Central Election Commission concerning this issue may be appealed in the relevant court within 10 days upon the publication of that decision. That complaint shall be investigated within 15 days. The decision of the court on that issue may be appealed to the Supreme Court within 10 days upon the submission of that decision in full format. The complaint shall be considered within 15 days.

Article 176. **Conduct of By Elections in a Constituency during Elections to the Milli Majlis.**

176.1. In the case grounds defined in Articles 89.1.2 and 89.1.5 of the Constitution of the Republic of Azerbaijan exist, the Central Election Commission shall issue a decree on disenfranchisement of the

deputy elected from a single-mandate constituency of his/her mandate according to Article 175.3 of this Code, not later than 2 days after the relevant appeal (official information) is received.

176.2. If the Central Election Commission receives an application (official information) 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 (in the official information) within a period not more than 2 months, make a decision, and may create a group of specialists in this regard.

176.2-1. The Central Election Commission shall adopt a relevant decision no later than 15 days after receiving an official information concerning the cases defined in the Articles 89.1.6 and 89.1.7 of the Constitution of the Republic of Azerbaijan upon the discussion of that official information.

176.3. In cases mentioned in Articles 89.1.2, 89.1.4, 89.1.5, 89.1.6 and 89.1.7 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 disenfranchised of his/her mandate from the date the relevant decree (verdict) enters into force.

176.4. By-elections shall be held in the relevant single mandate constituency in the manner specified in Article 145 of this Code, within a month "(excluding the cases when a deputy appeals to the court against the decision of the Central Election Commission on the deprival of a mandate) after a mandate has become vacant. In the cases when a deputy appeals to the court against the decision of the Central Election Commission on the deprival of a mandate, by-elections on the relevant single-mandate election constituency shall be appointed depending on the results of the court decision.

176.5. A deputy may not act as a candidate, when by-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 shall be carried out in accordance with the rules established by this Code.

SECTION SIX

Presidential Elections of the Republic of Azerbaijan

CHAPTER Twenty Nine

GENERAL PROVISIONS ON THE PRESIDENTIAL ELECTIONS OF THE REPUBLIC OF AZERBAIJAN

Article 177. **Basis of Presidential Elections of the Republic of Azerbaijan**

The basis of the Presidential Election 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 the Constitution).

Article 178. **Determination of the Presidential Elections**

178.1. Election Day shall be held on the Wednesday of the third week of October of the last year of the President's term of office as determined by the Constitution.

178.2. Election Day shall be set by a decision of the Central Election Commission.

178.3. The decision of the Central Election Commission on announcing Election Day should be published at the latest within 2 days.

Article 179. **Conduct of Early Presidential Elections**

179.1. Early Presidential Elections shall be held if the term of office of the President finishes before the period provided for in the

Constitution, under the circumstances considered by Article 104 of the Constitution, also in a case when President declares according to the second sentence of the part I of Article 101 of the Constitution. If the cases implied by Article 104 of the Constitution happen after the date is set for the next regular Presidential Elections, the next regular elections shall be stopped and a date shall be set for early Presidential Elections.

179.2. Elections shall be set and conducted within 60 days by the Central Election Commission on the Wednesday within a period no later than a week since the day that the Constitutional Court or the Milli Majlis of the Republic of Azerbaijan adopted a relevant decision in accordance with Articles 104 and 107 of the Constitution, also when President declares early Presidential Elections according to the second sentence of the part I of Article 101 of the Constitution.

CHAPTER Thirty

PRESIDENTIAL CANDIDATES AND PREPARATION OF CONDUCT OF PRESIDENTIAL ELECTIONS

Article 180. **Nomination of a Presidential Candidate**

180.1. Political parties, blocs of political parties, and citizens possessing suffrage may nominate presidential candidates in accordance with Articles 53 and 54 of this Code.

180.2. Each citizen or citizens possessing suffrage may create an initiative group consisting of at least 100 persons for nominating presidential candidates.

180.3. Presidential candidates shall be nominated after the decision on the holding elections has been officially published.

180.4. When an initiative group, political party, or bloc of political parties which have nominated a presidential candidate submits the candidate's notice on acceptance of presidential candidacy to the Central Election Commission, the application should indicate that the candidate meets the requirements of Article 100 of the Constitution.

Article 181. **Collection of Signatures in Support of a Presidential Candidate**

181.1. A political party, bloc of political parties or initiative groups of citizens should collect not less than 40 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 should be no than 60.

181.2. Each voter may sign in support of only one candidate.

181.3. Signatures of voters shall be collected in accordance with the rules established by Articles 56 and 57 of this Code.

Article 182. **Registration of a Presidential Candidate**

182.1. Candidates for Presidency shall be registered by the Central Election Commission in accordance 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 registered candidates should be published by the Central Election Commission at least 20 days prior to Voting Day, in the periodicals stipulated in Article 77.2 of this Code.

182.4. Each registered presidential candidate may assign a member with consultative voting rights to each election commission.

Article 183. **Postponement of 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 accordance with the rules established by Article 178 of this Code, for the purposes of nomination of additional candidates and subsequent election activities. In this case, the President in office shall continue to exercise his/her powers.

183.2. If no registered presidential candidates remain or only one registered candidate remains on Voting Day, elections shall be postponed for at latest 3 months, for nomination of candidates and further election activities in accordance with rules mentioned in Article 178 of this Code. In this case, President in office shall continue to exercise his/her powers.

Article 184. **Reimbursement of Presidential Candidates' Transport Expenses**

184.1. In accordance with Article 70.2, a presidential candidate shall have the right to use all kinds of public transport (except taxis and arranged journeys) at the expense of the state within the territory of the Republic of Azerbaijan effective from the date he/she has been registered and until the date of official publishing of election results.

184.2. The above-mentioned 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 submitted travel receipts. Candidates shall be reimbursed for 8 two-way journeys by train, and 4 two-way journeys by airplane.

Article 185. **Immunity and Security of a Presidential Candidate**

185.1. Security of a registered presidential candidate shall be ensured in the order defined by the Central Election Commission.

185.2. A registered presidential candidate may be subject to liability only with the 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 Presidential Candidate**

186.1. A presidential candidate may have up to 50 agents. These persons 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. **Presidential Candidates Relinquishing of Candidacy**

Presidential candidates' relinquishing of candidacy shall be regulated by Article 73-1 of this Code.

Article 188. **Refusal of Political Party or Bloc of Political Parties to Participate in Presidential Elections**

188.1. Refusal of a political party or bloc of political parties to participate in the Presidential Elections may not be a basis for refusing candidacy or cancelling registration of the presidential candidates.

188.2. A political party, which is a member of a bloc of political parties, may refuse to participate in the elections as a member of this bloc, by submitting an application to the Central Election Commission with the relevant decision of the authorized body of the relevant political party, 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 bloc of political parties, may act as an independent political party or join another bloc of political parties in accordance with the rules established by this Code.

188.4. If all but one political party in a bloc of political parties refuses to participate in elections after the presidential candidate nominated by the afore-mentioned bloc of political parties has been registered by the Central Election Commission, the remaining political party may participate in the elections as a bloc of political parties, keeping name and symbols of the bloc. This shall not serve as a ground for refusal or cancellation of registration of presidential candidates.

188.5. The refusal of a bloc of political parties to participate in elections shall not deprive political parties included in the bloc of rights to participate in elections. In such cases, it shall be required to re-nominate a presidential candidate and to implement other necessary election actions in conformity with this Code.

CHAPTER Thirty One

PREPARATION OF PRESIDENTIAL ELECTIONS

Article 189. **Specific Requirements for Conducting the Election Campaign through Mass Media during Presidential Elections**

189.1. Participation of registered presidential candidates, political parties, and blocs of political parties in the pre-election campaign shall be regulated by CHAPTER Thirteen of this Code.

189.2. Free airtime allocated by TV and Radio companies shall be allotted for the registered presidential candidates to conduct debates, round tables, other campaigning activities. Rules for conduct of such events shall be defined by the Central Election Commission.

189.3. Airtime for the conduct of joint campaign activities on channels of TV and Radio stations mentioned in Article 77.2 of this Code shall be allocated for registered presidential candidates, calculated separately, and implemented. Registered presidential candidates should use such airtime on an equal basis. In such circumstances, the amount of free airtime used by each presidential candidate shall be determined separately.

189.4. The norm for using paid airtime allocated by the TV and radio companies specified in Article 77.1 of this Code shall be determined by dividing the total amount allocated by the total number of presidential candidates.

189.5. The volume of space allocated on paid-basis in periodicals specified in Article 77.1 of this Code shall be determined through dividing it by the total number of candidates. The latter may use this space after making the relevant payments.

189.6. Refusal of registered presidential candidates to participate in activities mentioned in Article 189.2 of this Code shall not result in an increase of free airtime allocated in conformity with Article 80.6 of this Code.

Article 190. **Special Election Accounts during Presidential Elections**

190.1. A presidential candidate or his/her authorized representative should open a special election account to form an election fund after he/she submits notification of a relevant decision on his/her nomination as a candidate by a political party or bloc 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 presidential candidate 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 presidential candidate may assign his/her authorized representative to open a special election account for him/her.

190.4. A presidential candidate or a registered presidential candidate may 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 Presidential Candidates**

191.1. The maximum limit of the election fund of a presidential candidate may not be more than 10 million manats.

191.2. Election funds of presidential candidates shall be formed only from the following financial sources:

191.2.1. special funds – these special funds for presidential candidates nominated by political parties or blocs of political parties shall be formed from the funds contributed by political parties or blocs of political parties of presidential candidates, under the condition they not be more than 250 thousand manats;

191.2.2. *(Removed)*

191.2.3. voluntary donations of citizens and legal entities which may not exceed 3,000 and 50,000 manats respectively.

Article 192. **Transparency in Usage of Election Funds during Presidential Elections**

192.1. It shall be obligatory to publish the following information in the mass media provided for by Article 77.2 of this Code:

192.1.1. the financial report on expenditure of funds if the election fund of a registered presidential candidate or a presidential candidate respectively exceeds 10,000 and 2,500 manats;

192.1.2. the legal entities who made donations to registered presidential candidates or presidential candidates, in respective amounts exceeding 5,000 and 1,250 manats (in this case, the possibility of transfer of funds by the same legal entity through several instalments of donations should be taken into account);

192.1.3. about the number of citizens who made donations to the election fund in amounts exceeding 250 manats;

192.1.4. the funds returned to donors and the grounds for their return; and

192.1.5. the total amount of money received in and spent from the election fund.

Article 193. *Removed*

Article 194. *Removed*

Article 195. *Removed*

Article 196. **Money Remaining in Special Accounts of Election Funds of Presidential Candidates and Registered Presidential Candidates**

On the basis of written instructions of the Central Election Commission, the relevant bank, should transfer money remaining in special accounts of election funds of presidential candidates or registered presidential candidates, to its account 60 days after the Election Day.

Article 197. *(Removed)*

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 the following information about registered presidential: surname, forename, patronymic, date of birth, education, main workplace, position (type of activity if not working), residential address, and who nominators.

198.3. Information on presidential candidates 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 information on presidential candidates in alphabetical order: surname, forename, patronymic, date of birth, residential address, main workplace (type of activity if not working), and nominators.

199.3. The ballot paper should contain the short name of the political party that a registered presidential candidate is a member of, in conformity with Article 54 of this Code.

199.4. The ballot paper may indicate party affiliation of a registered presidential candidate 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 presidential candidate.

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 counting of votes in an election precinct during the Presidential elections shall be conducted in conformity with Article 106 of this Code, and a protocol shall be compiled.

201.2. Each protocol shall contain, in addition to the provisions of Article 100.2 of this Code, the following information about voting results:

201.2.1. surnames, forenames, and patronymics of presidential candidates, and additional information differentiating candidates with identical names;

201.2.2. the number of votes cast for each presidential;

Article 202. **Count of Votes in the Constituency during Presidential Elections**

202.1. The counting 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. The Central Election Commission shall finalize the Presidential Elections and submit the results to the Constitutional Court of the Republic of Azerbaijan for approval in accordance with Article 102 of the Constitution, no later than 10 days from Election Day. 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, determine the number of election constituencies where legal violations have taken place during conduct of elections or determination of voting results which do not allow for the identification of the voters' will, the number of election precincts where voting results were invalidated, and the number of votes cast for each presidential candidate.

203.4. In accordance with Article 101.2 of the Constitution, a presidential candidate of the Republic of Azerbaijan shall be considered elected if more than half the voters 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 or when they are cancelled in more than two fifths of election precincts, under the

condition that the number of registered voters in the election precincts exceeds 25% of all voters registered in the constituency;

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 presidential candidates and no one was elected, the Central Election Commission shall determine repeat voting for the two of the candidates that gained the majority of the votes during the elections.

205.2. In accordance with Article 101.3 of the Constitution, repeat voting shall be held on the second Sunday after the general elections.

205.3. Information about the conduct of repeat voting shall be published in the 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 shall be considered elected as the President of the Republic of Azerbaijan.

Article 206. **Repeat Presidential Elections**

If returns of the Presidential elections are considered invalid by the Constitutional Court, and the President of the Republic of Azerbaijan is not elected, repeat Presidential elections shall be determined by a decision of the Central Election Commission.

Article 207. **Conduct of Election Activities during Early Presidential Elections**

In the 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 may be decreased by at most 2 times.

Article 208. **Publication of Returns and Voting Results of Presidential Elections**

Rules for publication of returns and voting results of the presidential elections shall be regulated by Article 109 of this Code.

Article 209. **Commencement of the President's Duties**

209.1. In accordance with Article 103 of the Constitution, the person elected as the President shall take an oath within 3 days of the Constitutional Court's official announcement of the returns of the Presidential Elections.

209.2. From the day of taking the oath, the President of the Republic of Azerbaijan shall receive a monthly salary of 15, 000.

209.3. The President of the Republic of Azerbaijan in office shall exercise 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 a relative majority in multi-mandate constituencies.

210.2. The municipal members shall be elected on the basis of election territories as follows:

210.2.1. 5 municipal members in territories with a population of less than 500 people;

210.2.2. 7 municipal members in territories with a population from 500 to 999 people;

210.2.3. 9 municipal members in territories with a population of 1,000 to 4,999 people;

210.2.4. 11 municipal members in territories with a population of 5,000 to 9,999 people;

210.2.5. 13 municipal members in territories with a population of 10,000 to 19,999 people;

210.2.6. 15 municipal members in territories with a population of 20,000 to 49,999 people;

210.2.7. 17 municipal members in territories with a population of 50,000 to 99,999 people; and

210.2.8. 19 municipal members in territories with a population of 100,000 to 299,999 people.

Article 211. **Term of Office of Municipalities**

211.1. The term of office of municipalities shall be 5 years.

211.2. The term of office of municipalities shall commence from Voting Day, and end on the day of first meeting of newly elected municipalities.

211.3. The powers of members of a municipality shall be in force only during the term of office of the municipality.

211.4. If there are less than 6 months left to regular municipal elections, in cases implied by Article 243.0.2 of this Code, as well as, elections to newly established, merged, separated or untimely dismissed municipalities shall be held during the regular municipal elections.

211.5. When there are more than 6 months left to regular municipal elections, as well as, term of office of the municipalities formed at the result of elections, as well as, in cases implied by Article 243.0.2 of this Code, to newly established, merged, separated or untimely dismissed municipalities, shall end on the first day of meeting of the municipalities formed at the result of new regular municipal elections.

Article 212. **Right to be Elected as a Member of Municipalities**

Citizens of the Republic of Azerbaijan who have the right to participate in elections and who live permanently in the relevant election constituency, may be elected as municipality members.

Article 213. **Determination of Municipal Elections**

213.1. Municipal elections 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 the mass media at the latest within 2 days after the decision had been made.

CHAPTER Thirty Five

RULES FOR NOMINATING CANDIDATES FOR MUNICIPALITY MEMBERSHIP

Article 214. **Nomination of Candidates for Municipality Membership**

214.1. Political parties, blocs of political parties, and citizens of the Republic of Azerbaijan who live permanently in the same election constituency and have the right to vote, may nominate candidates for a member of a municipality in the election constituency in accordance with the Articles 53 and 54 of this Code.

214.2. Candidates for municipality membership in repeat elections to municipalities shall be nominated after the decision on determination of these elections is officially published.

214.3. Candidates for municipality membership in by elections to municipalities shall be nominated after the period mentioned in Article 213.2 of this Code.

214.4. The nominee may consent to nomination to one municipality only.

214.5. The candidate nominated for municipal membership may be nominated and registered in one municipality only.

214.6. Notification on nomination and 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 by the time nomination of candidates for municipality membership takes place. 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 Municipality Membership**

215.1. To be registered as a candidate for municipality membership in the relevant election constituency, each nominated citizen should collect voter signatures as follows:

215.1.1. 150 signatures for a territory with a population of more than 99,999 people;

215.1.2. 100 signatures for a territory with a population of more than 49,999 people;

215.1.3. 75 signatures for a territory with a population of more than 19,999 people;

215.1.4. 50 signatures for a territory with a population of more than 9,999 people;

215.1.5. 30 signatures for a territory with a population of more than 4,999 people; and

215.1.6. 15 signatures for a territory with a population of less than 4,999 people.

215.2. Voters shall have the right to sign in support of several candidates for municipality membership.

215.3. Voter signatures shall be collected in accordance with the rule mentioned in Articles 56 and 57 of this Code.

CHAPTER Thirty Six

REGISTERED CANDIDATES FOR MUNICIPALITY MEMBERSHIP

Article 216. **Registration of a Candidate for Municipality Membership**

216.1. Candidates for municipality membership 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 be registered for membership in 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 shall be cancelled with the decision of the relevant Constituency Election Commission.

216.4. The activities of registered candidates for municipality membership 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 20 days prior to 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 fewer candidates than the number of 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 the purpose of allowing for nomination of additional candidates and conduct of following election activities.

217.2. If none of the registered candidates or only one registered candidate registered one place for municipal membership remains for a municipality up to Voting Day, elections to the municipality shall be postponed by the Central Election Commission for 2 months, with the purpose to allow for nomination of additional candidates and to conduct further election activities.

Article 218. **Reimbursement of Transport Expenses of Registered Candidates for Municipality Membership**

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 arranged

journeys) free of charge, effective from the date of registration until the date of the official publication of election results.

218.2. Such payments shall be made from the funds allocated for the Constituency Election Commission, and on the basis of submitted travel receipts.

Article 219. **Immunity of a Registered Candidate for Municipal Membership**

A registered candidate for municipality membership may be subject to liability only with the 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 Municipality Membership**

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. **Relinquishing of Candidacy of Candidates for Municipal Membership**

221.1. The relinquishing of candidacy for municipal membership shall be regulated by Article 73-1 of this Code.

221.2. A person who committed actions considered by Articles 73-1.1 and 73-1.2 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 or Bloc of Political Parties to Participate in Municipal Elections**

222.1. A political party, based on its charter, or a bloc of political parties, based on the decision made by the authorized representatives

of the political parties that are members of the bloc, shall have the right to withdraw a candidate for a municipality membership nominated in an election constituency or registered candidate for municipality membership at any time by submitting a written application to the relevant Constituency Election Commission at least 10 days prior to 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 bloc of political parties that has nominated a candidate for municipality membership, may refuse to participate in elections, based on a decision of the body that nominated its candidates. In this case, the political party or bloc of political parties may withdraw its candidates for municipality membership.

222.3. A political party, which is in a bloc of political parties, may refuse to participate in elections as a member of this bloc, based on the decision of its authorized body, at any time by submitting a written application to the Constituency Election Commission at least 3 days prior to Election Day.

222.4. A political party that refuses to participate in elections as a member of a bloc, may function as an independent party or join another bloc of political parties in accordance with the rules established by this Code.

222.5. If all but one political parties in the bloc of political parties refuse to participate in the elections, after candidates nominated for municipality membership from the bloc have been registered by the Constituency Election Commission, the remaining political party may participate in elections as a bloc of political parties, keeping the name and symbols of the bloc of political parties. This may not serve as ground for refusal or cancellation of registration of candidates for municipality membership.

222.6. The refusal of a bloc of political parties to participate in elections shall not deprive political parties included in the bloc of the right to participate in elections. In such cases, it is required to re-nominate a candidate for municipality membership and implement other necessary election activities in conformity with this Code.

Article 223. **Appointing Representatives to Election Commissions during Municipal Elections**

During municipal elections, the political parties or blocs of political parties that nominate candidates in more than half of all municipalities of the Republic of Azerbaijan, may appoint one member with consultative voting rights to the Central Election Commission. Political parties or blocs of political parties that nominate candidates in more than half of all municipalities in one constituency during municipal elections, may appoint one member with consultative voting right to the relevant Constituency Election Commission.

CHAPTER Thirty Seven

PREPARATION FOR MUNICIPAL ELECTIONS

Article 224. **Special Requirements for Candidates of Political Parties or Blocs of Political Parties for Municipal Membership Conducting a Pre-election Campaign**

224.1. Participation of candidates for municipality membership in the pre-election campaign shall be regulated by CHAPTER 13 of this Code.

224.2. On third of total free airtime allocated by TV and radio companies should correspondingly be provided to the political parties and bloc of political parties that have registered candidates in more than one third or in more than half of municipalities, to conduct discussions, round tables and other campaigning actions, taking into consideration the provisions of Articles 77.2 and 77.3 of this Code. Rules for conduct of such events shall be defined by the Central Election Commission.

224.3. Airtime for joint election campaign activities, on the channels of TV and radio companies mentioned in Articles 77.2 and 77.3 of this Code, shall be allocated and calculated for political parties and bloc

of political parties, and performed separately. The political parties and bloc of political parties should use such free airtime on an equal basis. In this case, the amount of free airtime for each candidate, political party or bloc of political parties shall be defined separately.

224.4. The norm for using paid airtime allocated by TV and radio companies specified in the Article 71.1 of this Code shall be determined by dividing the total amount of free airtime by the total number of candidates for municipality membership specified in Article 77.4 of this Code.

224.5. Candidates for municipality membership may use the space allocated in the periodicals mentioned in Article 71.1 of this Code, which shall be determined by dividing the total number of candidates for municipality membership in compliance with Article 77.4 of this Code, on a paid basis.

224.6. Refusal of registered candidates, political parties and bloc of political parties, which have registered candidates in more than one third or half of municipalities, from participation in the actions mentioned in Article 224.2 of this Code, shall not result in an increase of free airtime allocated in accordance with Article 80.6.

Article 225. **Election funds of Political Parties, Blocs of Political Parties and Candidates for Municipal Membership**

225.1. Election funds of candidates for municipality membership may be formed from the following financial resources:

225.1.1. Special funds of candidates for municipality membership which:

- for candidates mentioned in Article 215.1.1, may not exceed 10,000 manats;
- for candidates mentioned in Article 215.1.2, may not exceed 7,500 manats;
- for candidates mentioned in Article 215.1.3, may not exceed 5,000 manats;
- for candidates mentioned in Article 215.1.4, may not exceed 2,500 manats;
- for candidates mentioned in Article 215.1.5, may not exceed 1,250 manats;

• for candidates mentioned in Article 215.1.6, may not exceed 750 manats.

225.1.2. election funds of political parties or blocs of political parties with candidates nominated for municipality, which:

• for candidates for membership mentioned in Article 215.1.1., may not exceed 7,500:

• for candidates for membership of a municipality mentioned in Article 215.1.2., may not exceed 5,000 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.3, may not exceed 3,750 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.4, may .not exceed 2,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.5, may not exceed 1,250 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.6, may not exceed 500 manats.

225.1.3. *(Removed)*

225.1.4. voluntary donations from citizens not exceeding 500 manats.

225.1.5. voluntary donations of legal entities that are:

• not more than 10,000 manats - for candidates for membership of a municipality mentioned in Article 215.1.1.;

• for candidates for membership of a municipality mentioned in Article 215.1.2, may .not exceed 7,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.3, may not exceed 3,750 manats.;

• for candidates for membership of a municipality mentioned in Article 215.1.4, may not exceed 2,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.5, may not exceed 1,250 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.6, may not exceed 750 manats;

225.2. Maximum limit of the funds of candidates for municipality membership, which:

• for candidates for membership of a municipality mentioned in Article 215.1.1, may not exceed 50,000 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.2, may not exceed 37,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.3, may not exceed 25,000 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.4, may not exceed 12,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.5, may not exceed 7,500 manats;

• for candidates for membership of a municipality mentioned in Article 215.1.6, may not exceed 5,000 manats.

225.3. Funds allocated by municipalities in equal amounts to election funds of candidates nominated within their territory.

225.4. A unified election fund created by political parties or blocs of political parties that have nominated or registered candidates in more than one third of municipalities.

225.5. Election funds of political parties or blocs of political parties, which may be created from the following financial resources:

225.5.1 the special funds of political parties or bloc of political parties — the amount of the special funds may not exceed 250,000 manats (these special funds of the bloc of political parties can be formed from funds provided by the political parties that constitute the bloc);

225.5.2 *(Removed)*

225.5.3 voluntary donations of citizens and legal entities, not exceeding, respectively, 750 or 25,000 manats .

225.6. The maximum limit of the election fund assets of a political party or bloc of political parties shall be determined by 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 bloc of political parties may not exceed 500,000 manats. 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 the financial statements of political parties or blocs of political parties.

Article 226. **Special Accounts of Political Parties, Blocs of Political Parties, and Candidates for Municipal Membership,**

226.1. Candidates for municipality membership should open special accounts for creating their election fund within 5 days after submitting notification on the commencement of signature collection to the Constituency Election Commission.

226.2. The political parties, which intend to open a single election fund for their candidates, shall open a special election account to form the unified election fund, within 5 days of submitting the list of the candidates nominated in more than 1/3 of municipalities to the Central Election Commission.

226.3. A candidate, political party, or bloc of political parties shall open a special election account on the basis of the certified copy of the notification on nomination of a candidate submitted to the Constituency Election Commission, and upon attaching thereto the documents specified in Articles 53 and 54 of this Code. The candidate, political party, or bloc of political parties may assign its authorized representative to open the special election fund. The candidate, registered candidate, political party, or bloc of political parties may allow another person to use the funds from its election account by informing the Constituency Election Commission (or 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 money remaining in the special election account, by distributing it proportionally among the persons and legal entities that made 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 bloc 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 or bloc of political parties shall be closed, and concurrently a special election account shall be opened for each candidate. Assets of the unified election fund shall be proportionally divided among the new election funds of the individual candidates.

Article 228. **Transparency in Usage of Money from Election Funds of Political Parties, Blocs of Political Parties, and Candidates for Municipal Membership**

228.1. It shall be obligatory to publish the following information on the election fund of the candidate for municipal membership in the mass media mentioned in Article 77.4 of this Code:

228.1.1. the financial report on use of a candidate for municipal membership's election fund, if its value exceeds 1,000 manats;

228.1.2. the legal entities who made donations to the election fund of a candidate for municipality membership, if the amount donated exceeded 2,500 manats (in this case, possibility of transfer of funds by the same legal entity through several installments of donations should be taken into account);

228.1.3. the number of citizens who made donations, to the election fund of a candidate for municipality membership exceeding 250 manats;

228.1.4. funds returned to donors and on the grounds for their return; and

228.1.5. the total amount of money received in and spent from the election fund of a candidate for municipality membership.

228.2. It shall be obligatory to publish the following information on the political parties or blocs of political parties in the mass media in conformity with the rules mentioned in Article 77.2 or 77.3 of this Code:

228.2.1. the financial statement of expenditure of funds, if the election funds exceed 10,000 manats;

228.2.2. the legal entities who made donations to the election funds exceeding 5,000 manats (in this case, possibility of transfer of funds by the same legal entity through several installments of donations should be taken into account);

228.2.3. the number of citizens who made donations exceeding 250 manats;

228.2.4. the funds returned to the contributors and the grounds for their return;

228.2.5. the total amount received by and spent from the election fund.

Article 229. *Removed*

Article 230. **Obligations to Return Budget Funds Received by Candidates for Municipal Membership, Political Parties, Blocs of Political Parties or Registered Candidates for Municipality Membership**

A candidate for membership of a municipality who participated in voting and received at least 3% of the votes considered valid, or who is considered to be elected, as well as a registered candidate for municipality membership, or a political party or bloc of political parties which have registered candidates in more than half of municipalities who withdrew candidacy under compelling circumstances, shall be obliged to return unspent funds transferred to their election funds by the municipality to the same municipality within 15 days of Election Day. After this period expires, the rele vant bank should, without any dispute, transfer the amount mentioned in letter of the relevant municipality to its account.

Article 231. **Payment of Cost of Free Airtime and Free Space in Periodicals by Candidates for Municipal Membership, Political Parties, and Blocs of Political Parties**

231.1. The candidate, political party or bloc of political parties not mentioned in Article 230 of this Code, should pay in full 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 blocs of political parties from election funds by the day the 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 blocs of political parties, as well as a list of political parties included in the mentioned blocs of political parties;

• their addresses;

• certified copies of extracts from joint decisions of blocs of political parties on the payment of used free airtime and space allocated by periodicals.

231.2. Within 10 days after the official publication of final election results, the 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, blocs of political parties, and political parties included in a bloc not considered in Article 230 of this Code, about the cost of used free airtime and free space in periodicals, the companies' legal address, and the companies' bank information.

231.3. The cost of free airtime and print-space mentioned in Articles 80.5, 83.6 and 224.2 of this Code, shall be determined by multiplying the total volume of airtime and print-space allocated for the candidate, political party, or bloc of political parties in accordance with the rules defined in Articles 80.6 and 83.7 of this Code, with the cost of airtime and print-space, as determined by TV and radio companies and periodicals.

231.4. When political parties and blocs 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 bloc 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 bloc of political parties refuses to use free airtime in accordance 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 on the candidate or political parties considered by Article 230 of this Code, which did not completely pay the costs of free airtime and print-space, within 12 months of 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 of Election Day.

Article 232. **Money Remaining in Special Accounts of Election Funds of Candidates for Municipal Membership, Political Parties, or Blocs of Political Parties**

The relevant bank should transfer money remaining in the special account of election funds of candidates for municipality membership 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 for Municipal Membership, Political Parties, or Blocs of Political Parties, at their Own Expense**

233.1. If there is no money, or there is a shortage of money, in the election fund, municipal money shall be returned by the registered candidate, political party, bloc of political parties, and the cost of allocated free airtime and space in periodicals be reimbursed by political parties and blocs of political parties, at the expense of the candidates, political parties, or blocs of political parties.

233.2. If a bloc of political parties is responsible for returning municipality money allocated for payment of free airtime and print-space,

the money to be returned shall be proportionally distributed among the political parties included in the bloc before Voting Day, unless otherwise is established in the joint decision on creation of the bloc 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 may return funds of municipal budget to the municipal account, within 6 months of voting day.

233.4. Before the submission of the final financial report, the political parties, or blocs of political parties, not considered by Article 230 of this Code and who do not fulfil requirements of Article 230 of this Code but undertake obligations before TV and Radio companies, or periodicals to repay the relevant amount of monetary funds, may be provided with a prolongation of a period of 6 months starting from Voting Day to pay the amounts of municipal budgets and the cost for used free airtime and print-space.

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, then that money shall be returned by the court. If a registered candidate, political party or bloc of political parties not considered by Article 230 of this Code and 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, the money shall be returned in the court prior to expiration of the period for submission of final financial report, unless the final financial report is submitted.

233.6. If a candidate or registered candidate loses his/her status, the obligations of the candidate or registered candidates under this Article shall be imposed on the person who was considered as a candidate or registered candidate. Should the candidate or registered candidate be nominated by a political party or bloc of political parties, the obligations charged by this Article to the political parties and bloc of political parties shall be imposed on the political parties including those which entered the bloc of political parties after the end of elections.

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

municipalities, within 5 days of the formation of Constituency Election Commissions and after a decision on determination of main, repeat, or by-elections is officially published.

233.8. *(Removed)*

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 information on a notice board in the voting room or in front of it:

• The sample of a ballot paper;

• information on political parties, blocs of political parties or registered candidates;

• following information about all candidates registered from the relevant single-mandate election constituency: surname, forename, date of birth, education, main workplace and occupation (type of activity if not working), residential address, and their nominators.

234.3. Information on candidates, political parties and blocs 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 municipal election.

235.3. It shall be indicated in the heading of the ballot paper what municipal election it is intended to be used for.

235.4. A ballot paper for municipality elections should contain the following information on the candidates for municipality membership:

- surname, forename, patronymic, assumed name;
- date of birth;
- residential address;
- main workplace (type of activity if not working); and
- nominators.

235.5. The ballot paper should contain the short name of the party of a candidate for municipality membership who has been registered in accordance with the Article 54 of this Code.

235.6. Party affiliation of a candidate for municipality membership, registered in accordance with the Article 53 of this Code, may be indicated by his/her consent.

235.7. An empty square shall be placed at the right hand side of the candidate's surname, in the ballot paper.

Article 236. **Rules 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 wish 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 are 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, forenames, and patronymics of candidates who appear in the ballot box, and additional information differentiating candidates with identical names; and

237.2.2. the number of votes cast for each candidate.

Article 238. **Determination of Voting Results by the Constituency Election Commission**

238.1. The counting 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 results for a multi-mandate constituency within at latest 2 days of Voting Day.

238.3. The candidates who participate in the elections and collect the majority of votes shall be considered elected to a relevant municipality, as appropriate to the number of municipal members.

238.4. The protocol of the Constituency Election Commission shall contain the surname, forename, and patronymic of the candidate elected as a municipality member.

Article 239. **Checking and Approval of Returns of Municipal Elections**

The Central Election Commission shall check the protocols of the Constituency Election Commissions (along with the documents attached in accordance with this Code), and compile a protocol on general returns of the elections in accordance with Article 108 of this Code, within 20 days of Voting Day.

Article 240. **Invalidation of Elections to Municipalities**

240.1. The Constituency Election Commission shall consider the municipal elections to have failed if an equal number of votes was cast for each registered candidate.

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 or considered during the elections to municipality exceeds 2/5 of all precincts within the same municipality, under the condition that the number of voters in the election precincts exceeds ¼ of all voters registered in the 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 25 days of 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 of the announcement of elections results.

Article 243. **Repeat Elections**

243.0. In the following cases, repeat elections are held by decision of the Central Election Commission:

243.0.1. If municipal elections fail or are considered invalid pursuant to Article 240 of this Code;

243.0.2. If the number of the citizens living within the relevant municipality and having voting right reduces or exceeds 25% at the result of making changes to the territories of municipalities in comply with Law of the Republic of Azerbaijan "On territories and lands of municipalities".

Article 244. **By- Elections**

If the required number of municipality members has not been elected, or their terms of office have been prematurely terminated and

as a result the municipality has less than two thirds its normal number of members, 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 notice 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 hold new elections.

Article 246. **Publication of Returns and Voting Results of Municipal Elections**

Rules for the publication of returns and voting results of municipal elections shall be regulated by Article 109 of this Code.

APPENDICES TO ELECTION CODE

Appendix 1

SIGNATURE SHEET

ELECTIONS TO THE MILLI MAJLIS OF THE REPUBLIC OF AZERBAIJAN "____" _____ ____ year

We, the undersigned, support the nomination of _____ as a candidate to the post of a deputy on the constituency election commission # _____

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____

(surname, name, patronymic, serial and batch number,

_____

date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Candidate to the post of a deputy _____

(surname, name, patronymic of the person, his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 1 "A"

SIGNATURE SHEET

ELECTIONS TO THE MILLI MAJLIS OF THE REPUBLIC OF AZERBAIJAN "____" _____ _____ year

We, the undersigned, support the nomination of _____as a candidate to the post of a deputy of the Milli Majlis on the constituency election commission # _____ from _____ political party (bloc of political parties).

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____
(surname, name, patronymic, serial and batch number,

_____
date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Authorized representative of political parties, of a bloc of political parties _____
(surname, name, patronymic of the person,

_____ .
his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 1"A"

Appendix 2

SIGNATURE SHEET

PRESIDENTAL ELECTIONS OF THE OF THE REPUBLIC OF AZERBAIJAN "____" _____ ___ year

We, the undersigned, support the nomination of _____
as a candidate to the presidency.

#	**Surname, name and patronymic of the signer**	**Year of birth (for 18 year-old persons also month and day of birth)**	**Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)**	**Serial and batch number, date of issuance of the passport or the substitute document**	**Signature and the date of signing**

I approve the signature sheet: _____
(surname, name, patronymic, serial and batch number,

_____
date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Candidate to the presidency _____
(surname, name, patronymic of the person, his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 2 "A"

SIGNATURE SHEET

PRESIDENTAL ELECTIONS OF THE OF THE REPUBLIC OF AZERBAIJAN "____" _____ ___ year

We, the undersigned, support the nomination of _____
as a candidate to the presidency from _____ political party (bloc of political parties)

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____
(surname, name, patronymic, serial and batch number,

_____
date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Authorized representative of political parties, of a bloc of political parties _____
(surname, name, patronymic of the person,

_____ .
his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 2"A"

Appendix 3

SIGNATURE SHEET

MUNICIPAL ELECTIONS OF THE REPUBLIC OF AZERBAIJAN "____" _____ year

We, the undersigned, support the nomination of _____ as a candidate to the post of a member of the municipality on _____municipality.

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____

(surname, name, patronymic, serial and batch number,

_____

date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Candidate to the post of a member of the municipality _____

(surname, name, patronymic of the person,

_____

his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 3 "A"

SIGNATURE SHEET

MUNICIPAL ELECTIONS OF THE REPUBLIC OF AZERBAIJAN "____" _____ year

We, the undersigned, support the nomination of _____as a candidate to the post of a member of the municipality on _____municipality from _____ political party (bloc of political parties)

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____
(surname, name, patronymic, serial and batch number,

_____
date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Authorized representative of political parties, of a bloc of political parties _____
(*surname, name, patronymic of the person,*

_____ .
his signature and the date of signing)

Note: If the candidate indicated in the signature sheets has a sentence, which is not served or cancelled, name and number of the relevant Article (Articles) of the Criminal Code of the Republic of Azerbaijan should be recorded. If a candidate has committed an action abroad, which imposes a criminal liability pursuant to the current Criminal Code of the country, the name of the relevant Law should be recorded as well.

Appendix 3"A"

Appendix 4

SIGNATURE SHEET

REFERENDUM OF THE REPUBLIC OF AZERBAIJAN "____" _____ _____ year

We, the undersigned, _____ support the establishment of a referendum campaign group

#	Surname, name and patronymic of the signer	Year of birth (for 18 year-old persons also month and day of birth)	Address of the place of residence (district, town, town district, settlement, village, street, house; number of the apartment)	Serial and batch number, date of issuance of the passport or the substitute document	Signature and the date of signing

I approve the signature sheet: _____

(surname, name, patronymic, serial and batch number,

_____

date of issuance of the passport or the substitutive document of the signer, his signature and the date of signing)

Appendix 5

PROPERTY INFORMATION

I _____ candidate to_____

_____

(surname, name, patronymic, date of birth)

_____

(main place of work or service, position)

_____

(if no main place of work or service – occupation)

_____

(address of the place of residence)

give the information about the property that belongs to me based on the private property right (including general property right):

1. Real Estate

#	Type and name of the property	Area ($m^{2)}$	Location of the property
1	Land plot		
2	Residing area		
3	Apartments		
4	Summer houses		
5	Garage and other buildings, constructions, equipment		

Land plots are calculated in hectares.

2. Transport means

#	Type of Transport means	Number	Model
1	Passenger cars		
2	Tracks		
3	Other transport means		

I approve the accuracy of the property information that I submitted:

_____

(signature of the candidate)

_____

(date)

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

The Milli Majlis of the Republic of Azerbaijan decrees the **following:**

1. The Election Code of the Republic of Azerbaijan shall be approved.

2. It shall be determined, that Articles 24, 30.3, 36.1 and 36.2 will enter into force on the day of the first session of the Milli Majlis of the Republic of Azerbaijan, re-elected in 2005.

3. The following system shall be determined for the organization of the Central Election Commission of the Republic of Azerbaijan, until the period stipulated in Article 2 of this Law:

3.1. The Central Election Commission of the Republic of Azerbaijan (hereinafter the Central Election Commission) shall consist of 15 members. Members of the Central Election Commission shall be elected by the Milli Majlis. The duties, responsibilities and working procedures of the Central Election Commission shall be defined by the Election Code of the Republic of Azerbaijan.

3.2. 6 members of the Central Election Commission shall represent the political party, deputies of which, elected from the multi-mandate (nationwide) election constituency are majority in the Milli Majlis, and which nominates them; 3 deputies shall represent the political parties, members of which, elected from multi-mandate (nationwide) election constituency, are in minority in the Milli Majlis, and which nominates them; 3 deputies shall be the Members of the Parliament 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 deputies shall represent 4 political parties which have participated

in elections on multi-mandate (nationwide) election constituencies and nominates them, and which have not gained seats in the Milli Majlis and collected the majority of the votes in the elections on multi-mandate (nationwide) election constituencies.

3.3. Each of the above mentioned groups shall nominate, to be elected as a member to the Central Election Commission, a former judge or representative of a non-governmental organization who has specialized in the field of democracy and human rights. At least half of the candidates nominated by the above mentioned groups for Central Election Commission membership must be lawyers.

3.4. The President and Deputy President of the Central Election Commission shall represent the political party of which the deputies, elected from the multi-mandate (nationwide) election constituency, form the majority in the Milli Majlis. One Secretary of the Central Election Commission shall represent both the political parties of which the deputies, elected from the multi-mandate (nationwide) election constituency, form the minority in the Milli Majlis, as well as the deputies elected from single-mandate election constituencies; and one Secretary shall represent 4 political parties that collected the majority of the votes in the elections of the multi-mandate (nationwide) election constituency but did not gain seats in the Milli Majlis.

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 manner:

if 10 members of the Central Election Commission are present, then by a majority of at least 7 votes;

if 11 or 12 members are present, then by a majority of at least 8 votes;

if 13 members are present, then by a majority of at least 9 votes; and

if 14 or 15 members are present, then by a majority of at least 10 votes.

4. The following format shall be determined for the organization of the Constituency Election Commissions, until the period stipulated in Article 2 of this Law:

4.1. A Constituency Election Commission shall consist of 9 members and be set up by the Central Election Commission.

4.2. Membership of a Constituency Election Commission shall consist of: 3 members nominated by the members of the Central Election Commission representing the political party of which the deputies, elected from the multi-mandate (nationwide) election constituency, form the majority in the Milli Majlis; 2 members nominated by the members of the Central Election Commission representing the political parties of which the deputies, elected from multi-mandate (nationwide) election constituency, form the minority in the Milli Majlis; 2 members nominated by the members of the Central Election Commission representing the deputies elected from single-mandate election constituencies; and 2 members nominated by the members of the Central Election Commission representing 4 political parties that collected the majority of the votes in the elections of the multi-mandate (nationwide) election constituency but did not gain seats in the Milli Majlis.

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 manner:

if 6 members of the Constituency Election Commission are present, then by a majority of at least 4 votes;

if 7 or 8 members are present, then by a majority of at least 5 votes;

if 9 members are present, then by a majority of at least 6 votes.

5. The following format shall be determined for the organization of Precinct Election Commissions, until the period stipulated in Article 2 of this Law:

5.1. A Precinct Election Commission shall consist of 6 members and be set up by the Constituency Election Commission.

5.2. Membership of a Precinct Election Commission shall consist of: 3 members nominated by the Constituency Election Commission members representing the political party of which the deputies, elected from the multi-mandate (nationwide) election constituency, form the majority in the Milli Majlis; 1 member nominated by the members of the Constituency Election Commission representing the political parties of which the deputies, elected from the multi-

mandate (nationwide) election constituency, form the minority in the Milli Majlis; 1 member nominated by the Constituency Election Commission members representing the deputies elected from single-mandate election constituencies; and 1 member nominated by the Constituency Election Commission members representing 4 political parties that collected the majority of the votes in the elections of the multi-mandate (nationwide) election constituency but did not gain seats in the Milli Majlis.

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 manner:

if 4 or 5 members of the Precinct Election Commission are present, then by a majority of at least 3 votes;

if 6 members are present, then by a majority of at least 4 votes.

6. Even if Constituency and Precinct Election Commissions are not completely formed for the periods specified correspondingly in Articles 30.1 and 36.4 of the Election Code of the Republic of Azerbaijan, meetings of such commissions are to be considered authorized, if more than half of the appointed commission members are present, and decisions are to be 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 that specified in Article 19.9 of the Election Code of the Republic of Azerbaijan, the meeting shall be postponed and a following meeting to discuss the pertinent issue will be scheduled to take place (within a period of less than 6 days prior to Election Day or within at least 3 hours on the day of elections). If again less than two thirds of the members participate at the following meeting, then the third meeting shall be scheduled (within a period of less than 6 days prior to Election Day or within at least 3 hours on the day of elections). If less than two thirds of the members participate in the third meeting„ then the number of members required for the meeting to be considered authorized shall be decreased from two thirds to one half.

8. If decisions discussed at the election commission, the deadlines for the adoption of which are specified in the Election Code of the Republic of Azerbaijan, are not able to be adopted through the 3 rounds of voting

in accordance with Articles 3.6, 4.4 and 5.3 of this Law, and if differences of opinion raised are not resolved, then the majority of votes necessary for adoption of a decision shall be replaced with a simple majority of votes.

9. If in any settlements no municipalities have been established, the responsibilities prescribed by Article 29.7.4 of the Election Code of the Republic of Azerbaijan shall be carried out by the local executive authorities.

10. The Law of the Republic of Azerbaijan "On Elections to the Milli Majlis of the Republic of Azerbaijan" (The Collection of Legislation of the Republic of Azerbaijan, 2000, No. 7, Art. 492), the Law of the Republic of Azerbaijan "On Election of the President of the Republic of Azerbaijan" (The Collection of the Legislation of the Republic of Azerbaijan, 1998, No. 6, Art. 376), the Law of the Republic of Azerbaijan "On Rules of Elections to Municipalities" (The Collection of the Legislation of the Republic of Azerbaijan, 1999, No. 7, Art. 406), the Law of the Republic of Azerbaijan "On the Central Election Commission of the Republic of Azerbaijan" (The Collection of the Legislation of the Republic of Azerbaijan, 1998, No. 5, Art. 308), and the Law of the Republic of Azerbaijan "On Referendum" (The Collection of the Legislation of the Republic of Azerbaijan, 1998, No. 3, Art. 140) shall henceforth be considered invalid.

HEYDAR ALIYEV
President of the Republic of Azerbaijan

Baku, May 27, 2003
№ 461-II Q

DECREE OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

ON IMPLEMENTATION OF THE ELECTION CODE OF THE REPUBLIC OF AZERBAIJAN

Regarding the entry into force of the Election Code of the Republic of Azerbaijan, I herewith decree the following in order to ensure implementation of the Code:

1. The Cabinet of Ministers of the Republic of Azerbaijan shall be assigned to implement the following within one month:

- submit proposals to the President of the Republic of Azerbaijan on bringing the legislative acts in force into compliance with the Election Code of the Republic of Azerbaijan;
- ensure the normative legal acts of the Cabinet of Ministers and the relevant central executive power bodies be brought into compliance with the Election Code, and provide a report about it to the President of the Republic of Azerbaijan;
- resolve any other issues, within their own authority, arising under the Election Code of the Republic of Azerbaijan.

2. Within the period of 5 days, the Ministry of Justice and the General Prosecutor's Office of the Republic of Azerbaijan shall submit their proposals to the President of the Republic of Azerbaijan on making relevant amendments to: (i) the procedural legislation regarding implementation of Articles 46, 112, 113 and 114 of the Election Code of the Republic of Azerbaijan; (ii) the Criminal Code, Civil Code and the Code on Administrative Offences of the Republic of Azerbaijan, in relation to Article 115 of the Election Code of the Republic of Azerbaijan; and (iii) to the Code on Administrative Offences of the Republic of Azerbaijan, regarding implementation of Article 116 of the Election Code of the Republic of Azerbaijan.

3. The following shall be defined:

- Responsibilities of the "relevant executive power body" specified in Article 96.3 of the Election Code of the Republic of Azerbaijan shall be implemented by the President of the Republic of Azerbaijan;

- Responsibilities of the "relevant executive power body" specified in Articles 44.2 and 44.3 of the Election Code shall be implemented by the President of the Republic of Azerbaijan and the Ministry of Foreign Affairs of the Republic of Azerbaijan, within their own authority;

- Responsibilities of the "relevant body of the Executive Power" specified in Article 29.2 of the Election Code shall be implemented by the Ministry of Foreign Affairs of the Republic of Azerbaijan;

- Responsibilities of the "relevant body of the Executive Power" specified in Article 59.7.1 of the Election Code shall be implemented by local bodies of the Ministry of Internal Affairs of the Republic of Azerbaijan;

- Responsibilities of the "relevant body of the Executive Power" specified in Article 89.2 of the Election Code shall be implemented by the Ministry of Finance of the Republic of Azerbaijan;

- Responsibilities of the "relevant body of the Executive Power" specified in Articles 77.2 and 77.3 of the Election Code, shall be implemented by the National Television and Radio Council and the Azerbaijan Press Council;

- Responsibilities of the "relevant bodies of the Executive Power" specified in Article 88.8 of the Election Code shall be implemented by the National Television and Radio Council;

- Responsibilities of the "relevant bodies of the Executive Power" specified in Articles 35.2, 46.4, 46.5, 46.15, 87.6 and 98.1 of the Election Code, shall be implemented by the bodies of the local Executive Power;

4. The present Decree will come into force from the day of its publication.

HEYDAR ALIYEV
President of the Republic of Azerbaijan

Baku, June 3, 2003
№ 875

DECREE OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

ON MAKING AMENDMENTS AND CHANGES TO THE DECREE ON "IMPLEMENTATION OF ELECTION CODE OF THE REPUBLIC OF AZERBAIJAN" DATED ON JUNE 03, 2003, NO. 875

1. Paragraph 3 of the Decree of the President of the Republic of Azerbaijan (collection of legislation of the Republic of Azerbaijan, 2003, No. 6, Article 281) on "implementation of Election Code of the Republic of Azerbaijan" dated June 03, 2003, No. 875 shall be amended as follows:

1.1. To remove "46.4" from Paragraph 9 and to replace period with semicolon at the end of the paragraph;

1.2. To add Paragraph 10 as follows:

"Responsibilities of "relevant executive bodies" indicated at first sentence of Article 46.4 of the Election Code shall be implemented by local executive bodies together with the Ministry of Internal Affairs and the Ministry of Justice of the Republic of Azerbaijan".

2. This order shall come into force from the day of its official publication.

Ilham ALIYEV
President of the Republic of Azerbaijan

Baku, June 23, 2008

EXTRACT

from Administrative Procedural Code of the Republic of Azerbaijan

Chapter 18

EXECUTION OF WORKS ON PROTECTION OF RIGHTS TO PARTICIPATE IN ELECTIONS (REFERENDUM)

Article 130. **Characteristics of execution of works on protection of rights to participate in elections (referendum)**

130.1. Applications of claim related the protection of election (participation in referendum) rights shall be filed to the courts of appeal instance in a manner defined by Election Code of the Republic of Azerbaijan.

130.2. An application of claim related the protection of election (participation in referendum) rights shall be considered by the court within 3 days, if there are 30 days left up to the voting day, then within 2 days (but not later than the voting day), but the application of claim filed on the voting day or after that day shall be considered and decision on the task shall be made immediately.

130.3. The court shall consider the application of claim with the participation of the plaintiff, relevant election commission or interested persons. Not attending the court by the persons warned about the date and place of the court meeting shall not obstruct the consideration and settlement of the issue.

130.4. The court decision in written form on the case shall be submitted not later than 24 hours after the declaration of its conclusion part and the decisions made 30 days prior to the voting day and after that day shall be submitted not later than 18 hours.

130.5. The court decision on the case could be appealed to Supreme Court within 3 days after the complete submission of this decision. The complaint shall be considered within 3 days, but if there are 30 days left up to the voting day within 2 days (not later than the voting day) and the applications filed on the voting day and after that day shall be considered immediately.

EXTRACT

from Code of Administrative Offences of the Republic of Azerbaijan

Chapter 21

ADMINISTRATIVE VIOLATIONS INFRINGED UPON POLITICAL, SOCIAL AND LABOUR RIGHTS

Article 164. **Violation of regulations and terms on holding pre-election or referendum campaign**

164.1 Violation of regulations and term of conducting election campaign or a referendum campaign as defined by the Election Code of the Republic of Azerbaijan shall involve penalisation at the amount from one hundred to one hundred fifty manats.

164.2. Non-provision of possibility to defend their honour and dignity to registered candidates by the officials of television and radio broadcasting companies and periodicals stipulated by election legislation before termination of the period of election campaign in these programs and editions:

shall involve penalization at the amount from one hundred fifty to two hundred fifty manats for officials, at the amount from three hundred to four hundred fifty manats for legal entities.

Article 165. **Intentional destruction of printed campaign materials or obstructing the candidate from meeting with the electorate**

Destruction or damage of pre-election (pre-referendum) campaign posters and other similar campaign materials or prevention from distribution of campaign materials posted in certain places defined by legislation with the consent of the owner or the owner of these enterprises, or prevention of the candidate from meeting with the electorate shall involve penalization at the amount from six hundred to eight hundred manats.

Article 166. **Deliberately distribution of false information about the candidate**

Deliberately distribution of false information about the candidate to deputy or the candidate (to the electoral position) to the elected body with the purpose of publishing false information or distributing it by other means –

shall involve penalization at the amount from seven hundred to nine hundred manats.

Article 167. **Violation of rights of the member of the election commission (commission on conducting a referendum), observers, agents, authorized representatives of candidates, political parties, blocs of political parties, referendum campaign group, blocs of political parties, representatives of the mass media.**

Violation of rights of the member of the election (referendum) commission, observers, agents, authorized representatives of candidates, political parties, blocs of political parties, referendum campaign group, representatives of the mass media, enshrined in the Election Code of the Republic of Azerbaijan, including violation of the rights, connected with timely receipt of copies of electoral documents and information and approval of electoral documents–

shall involve penalization at the amount from one hundred fifty to three hundred manats.

Article 168. **Inadequate, incomplete and untimely provision of information about electors**

Inadequate, incomplete and untimely provision of information about electors by the relevant executive authority, providing information about electors –

shall involve penalization at the amount from two hundred to three hundred manats.

Article 169. **Violation of rules of issue and keeping of ballot papers, voting protocols and voting cards**

Violation of rules of issue and keeping of ballot papers, voting protocols and voting cards –

shall involve warning or penalization at the amount from fifty to seventy manats.

Article 170. **Violation of the rules for using State Automated Information System**

Until signing the protocols on electoral returns and voting results after the voting starts, conveying any other information except signals supporting receipt of the information from upper-level election commissions to lower-level election commissions –

shall involve penalization by fine at the amount from two hundred to three hundred manats for individuals and from four hundred to six hundred manats for officials.

Article 171. **Threatening or calling to the acts of force connected with elections (referendum) or distribution of such materials**

Threatening or calling to the acts of force connected with elections (referendum) or distribution of such materials –

shall involve penalization at amount from six hundred to nine hundred manats.

Article 172. **Deliberately including the voter's entry in more than one voter list**

Deliberately including the voter's entry in more than one voter list –

shall involve penalization at the amount from eight hundred to one thousand manats.

Article 173. **Violation of the right of getting familiar with the voter list and other rights of a citizen**

173.0. Violation by the member of the election (referendum) commission:

173.0.1. rights of citizen for familiarization with the voter list (list of people having the right to participate in the referendum);

173.0.2. not considering the application about incorrectness in the voter list (list of people having the right to participate in the referendum) within the period defined by the Election Code of the Republic of Azerbaijan;

173.0.3. untimely legalization and updating of the information about the registered voters –

shall involve penalization at the amount from one hundred fifty to two hundred fifty manats.

Article 174. **Rejection of assignation of vacation to participate in elections (referendum)**

Refusal of granting to the registered candidate to deputy or a candidate to the electoral body (to electoral position), empowered representative of the candidate or member of the election commission (referendum commission) of vacation to ensure their participation in preparation or conducting of elections to the state bodies or organs of local self-governing –

shall involve penalization at the amount from two thousand to two thousand and five hundred manats.

Article 175. **Not stopping the implementation of service duties by the registered candidate during the period of participating in elections**

Not stopping the execution of service duties during the period of participating in elections –

shall involve penalization of a registered candidate in state or municipal service at the amount from one thousand and five hundred to two thousand manats.

Article 176. **Violation of the rules for collecting voter signatures**

Participation in the collection of voter signatures for legal entities, state or municipal bodies, agencies and organizations in spite of the type of property –

shall involve penalization of officials at the amount from eight hundred to one thousand manats and of legal entities at the amount from two thousand to three thousand manats.

Article 177. **Violation of regulation on financing the elections (referendum) or submission of financial reports**

177.1. Violation of regulations on financing the elections (referendum) established by the Election Code of the Republic of Azerbaijan –

shall involve penalization at the amount from three hundred to five hundred manats for individuals, at the amount from one thousand and five hundred to two thousand manats for officials, at the amount from five thousand to seven thousand manats for legal entities.

177.2. Non-submission or non-publication by the candidates, by the registered candidates, political parties, blocs of political parties, referendum campaign groups of reports about expenditures of funds allocated for preparation and conducting of the elections –

shall involve penalization at the amount from one thousand to two thousand manats.

Article 178. **Production and distribution of anonymous campaign materials and advertisements**

178.1. Non-indication in the printed and audio-visual campaign materials related to the electoral campaign or conducting the referendum of names of organizations, which have printed and/or ordered to produce these materials, and also information about the edition and the date of publication –

shall involve penalization at the amount from one hundred fifty to two hundred manats.

178.2. Violation of the rules defined in the Election Code of the Republic of Azerbaijan regarding the production standards and distribution of advertisements about political parties, political parties blocs, candidates or registered candidates or delivering charity service – shall involve penalization at the amount from one hundred fifty to three hundred manats.

178.3 Production or distribution of printed materials for the pre-election campaign without the written consent of the political parties, blocs of parties, candidates or registered candidates –

shall involve penalization at the amount from two hundred to three hundred manats.

Article 179. **Deliberate non-introduction or non-publication of information about the results of voting or results of election returns**

179.1. Deliberate non-introduction by the chairman of the appropriate election commission to voters, registered candidates, political parties, blocs of political parties and agents of the candidates, observers, authorized representatives of the political parties, referendum campaign groups, blocs of political parties, representatives of the mass media upon their request of information with regard to the results of voting and election returns to be familiar with –

shall involve penalization at the amount from one thousand and five hundred to two thousand manats.

179.2. Deliberate non-publication of information, with regard to the results of the voting and returns of the elections in order and at terms defined by the Election Code of the Republic of Azerbaijan–

shall involve penalization at the amount from two thousand to two thousand and five hundred manats.

EXTRACT

from "List of the authorized incumbents to compile a protocol on the cases of administrative offences inspected by region (city) courts", approved by Decree 1361 by President of the Republic of Azerbaijan, dated May 3, 2017

The protocol on the cases of administrative offences inspected by region (city) courts shall be compiled by the following incumbents:

4. The protocol on the cases of administrative offences inspected by region (city) courts implied by Articles 164, 168, 171, 173 and 178 of the Code on behalf of the Central Election Commission of the Republic of Azerbaijan, Constituency and Precinct Election Commissions - the Central Election Commission of the Republic of Azerbaijan, Constituency and Precinct Election Commissions, the Central Election Commission of Nakhchivan Autonomous Republic.

5. The protocol on the cases of administrative offences inspected by region (city) courts implied by Articles 166, 167, 169, 170, 172, 174 - 177, 179 of the Code on behalf of the Central Election Commission of the Republic of Azerbaijan, Constituency and Precinct Election Commissions - the Central Election Commission of the Republic of Azerbaijan, Constituency Election Commission, the Central Election Commission of Nakhchivan Autonomous Republic.

EXTRACT

from Criminal Code of the Republic of Azerbaijan

Chapter 21

CRIMES AGAINST CONSTITUTIONAL RIGHTS AND FREEDOMS OF THE PERSON AND THE CITIZEN

Article 159. **Impending in implementation of election right (participation in referendum)**

159.1. Impending citizen in implementation of election rights (participation in referendum), shall be punished by fine of one thousand and five hundred up to two thousand and five hundred manats, or by public works for the term from three hundred to four hundred eighty hours, or imprisonment for the term up to six months.

159.2. Forcing citizen to sign in favor of a certain candidate or obstructing to collect signatures in support of a candidate – shall involve punishment by fine at the amount of two thousand to four thousand manats or public works for four hundred to four hundred eighty hours or imprisonment for a year.

159.3. Forcing citizen to vote against his/her will or obstructing him/her from voting – shall involve punishment by fine at the amount of two thousand and five hundred to five thousand manats or public works for four hundred to four hundred eighty hours or imprisonment for two years.

159.4. The actions implied by Articles 159.1-159.3 of this Code:

159.4.1. committed to a payoff, a deceit, threat, application of violence or with threat of its application;

159.4.2. committed on preliminary arrangement by group of persons or the organized group;

159.4.3. committed by the official with use of the service position –

shall be punished by fine from five thousand up to eight thousand manats or with imprisonment for the term up to three years with deprivation or not depriving of the right to hold the certain position or to engage in the certain activities for the term of till three years.

Article 159-1. **Violation of the rules for participating in elections (referendum)**

159-1.1. Interference in or offending election (referendum) campaign by candidates, political parties, blocs of political parties shall be penalized by fine at the amount of two thousand to four thousand manats or by public works for four hundred to four hundred eighty hours or by imprisonment for up to a year.

159-1.2. Obstructing conduct of pre-election (pre-referendum) mass activities shall be penalized by fine at the amount of three thousand to six thousand manats or by public works for four hundred to four hundred eighty hours or by imprisonment for up to a year.

159-1.3. Allowing voting in the place of other persons in elections (referendum) shall be penalized by fine at the amount of three thousand to six thousand manats or by corrective works for two years or by imprisonment for the same term.

Article 160. **Interference in or influencing the activity of election (referendum) commissions**

160.1. Interference in or influencing the activity of election (referendum) commissions or interference in the implementation of duties by the member of election commission -

shall be punished by fine at the amount of two thousand up to three thousand mantas or public works for the term from three hundred up to four hundred eighty hours or corrective works for the term up to a year.

160.2. The same actions:

160.2.1. committed to a payoff, a deceit, threat, application of violence or with threat of its application;

160.2.2. committed on preliminary arrangement by group of persons or the organized group;

160.2.3. committed by the official with use of the service position –

shall be punished by fine from four thousand up to seven thousand manats, or by corrective works for the term up to two years, or restriction of freedom for the term up to three years and imprisonment or the term up to two years.

Article 161. **Falsification of election documents or documents of national voting (participation in referendum), obviously wrong counting of vofes, or offending secrecy of vote**

161.1. Falsification of election documents or documents of national voting (participation in referendum), obviously wrong calculation of voices, or obviously wrong counting of vofes results, or offending secrecy of vote accomplished by a member of election commission –

shall be punished by fine at the amount of two thousand and five hundred up to five thousand manats or corrective works for the term up to two years.

161.2. Falsification of election documents by other persons, submission of false documents, voting in place of other persons, opening an envelope for putting more than one ballot papers in the ballot box by a person –

shall be punished by fine at the amount of two thousand and five hundred up to five thousand manats or corrective works for the term up to a year.

CHAPTER 33

CORRUPTIONAL AND OTHER CRIMES AGAINST INTERESTS OF PUBLIC SERVICE

Article 308. **Abusing official powers**

308.1. Abusing official powers, that is deliberate, contrary to interests of service, use service powers by the official for self-interest or other personal interest, causing essential harm to rights and legitimate interests of citizens or organizations or legally protected interests of a society or state –

shall be punished by the penalty at the amount from two thousand manats to four thousand manats, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to two years, or imprisonment for the term up to three years.

308.2. The actions provided by article 308.1 of the present Code, caused serious consequences or when committed to influence election (referendum) results

shall be punished by imprisonment for the term from three up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

The note: "Officials" in articles of the present chapter, shall mean the followings:

1. government representatives, as well as, persons elected or appointed to state bodies in a manner defined by the Constitution and laws of the Republic of Azerbaijan or persons or military personnel who are officers, warrant officers, representing state or local self-governing bodies upon special authority, civil servants (including the persons engaged in a special type of civil service), municipality members and municipal personnel;

2. persons whose candidacy to the elected positions in state bodies has been registered in a manner by law;

3. chiefs and employees of state or municipal institutions, offices and organizations, public legal entities, other commercial and noncommercial organizations;

4. persons carrying out functions of organizational - administrative or administrative-economy in state and municipal establishments, enterprises or organizations, public legal entities and also in other commercial and noncommercial organizations;

5. persons engaged in the activity of entrepreneurship without forming legal entity;

6. officials of state institutions of foreign countries, members of elected state institutions of foreign countries, officials and other personnel of international organizations, members of international parliamentary assemblies;

7. judges and other officials of international courts, foreign or domestic arbitrators of courts of arbitration, assessors under foreign or domestic oath, functioning in accordance with the laws of the Republic of Azerbaijan or foreign countries, also international treaties signed by the Republic of Azerbaijan.

C O N T E N T S

ELECTION CODE OF THE REPUBLIC OF AZERBAIJAN

GENERAL PART

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