

THE LAW OF THE AZERBAIJAN REPUBLIC ON ELECTION TO THE NATIONAL ASSEMBLY OF AZERBAIJAN REPUBLIC

12 Aug. 1995

Part I. General Provisions

Article 1. The main principles of the elections

The National Assembly of the Azerbaijan Republic (hereinafter called National Assembly) shall be elected on the basis of majority and proportional electoral systems and by secret ballot, according to this Law.

Article 2. The content number of the National Assembly

The National Assembly consists of 125 deputies. The National Assembly is elected for 5-year term. Its power starts from the first meeting and ends at the last one. The deputies' authorities are valid only during the term of National Assembly.

Article 3. The voting rights

All of the citizens of the Azerbaijan Republic who are older 18 have right to vote for the deputies to the National Assembly. Every citizen who is 25 can be elected as a deputy to the National Assembly. Personnel in the Military Service of the Azerbaijan Republic, including the citizens in the alternative services cannot be elected as a deputies to the National Assembly. Citizens unfit for activity, those who have been identified by the Court and those who are legally prisoners may have no right to be elected as a deputies to the National Assembly. It is prohibited to limit the rights of the citizens at the National Assembly Elections according to their social and property conditions, race and nationality, sex, education, languages, his attitude towards the religion, political and other views, as well as the kinds of business they run.

Article 4. The assignment of elections

The President of the Azerbaijan Republic assigns the elections to the National Assembly. Not later than 80 days before the end of the National Assembly's term new elections should be assigned. The election day should be on Sunday.

Article 5. The Elections to the National Assembly.

The 100 of deputies of the National Assembly are to be elected on the single-mandated basis. The other 25 deputies are to be elected on the multi-mandated basis through the lists of candidates from the political parties.

Article 6. The right to appoint the candidates for election

According to the 3d article of this Law, all suitable citizens of the Azerbaijan Republic, as well as the political parties that passed from the registration have right to appoint candidates to the Deputies in an appropriate way.

Article 7. Publicity during the preparation and performance of election

The Election for National Assembly is held and prepared publicly. The participants in this election from the government boards, political parties, social unions and separate citizens act freely and publicly. The citizens are given a guarantee to vote for or against each candidate in the meetings, conferences, trade unions, mass media and public organisations. All the comparing candidates to election should be informed publicly at least 2 days before hand by Central Electoral commission of Azerbaijan Republic. All the Electoral commissions should inform about their work, divisional electoral commissions, the content of the commission, their place and working hours, voters name lists, candidates to the election, the results of voting and election as a whole. The mass media has right to high-light the process of election to National Assembly. The representatives of mass media has

right to participate in all ceremonies arranged by the electoral commission and get appropriate information about the election held. The political parties, trade unions, other social organisations and the candidates to the elections to the National Assembly have right to participate at the divisional electoral commission while calculating the votes and determining the results of election. The representatives in charge should have the authorised identity card or extraction from the minutes. The participation of the representative is not informed to the commissions beforehand. Nobody has right to get involved in the activity of the commissions illegally.

Article 8. Expenditures for preparation and performance of the election

The expenditures for preparation and performance of the election are carried by the state budget of the Azerbaijan Republic. The government agencies and organisations are supposed to supply all equipment and premises at the disposal of electoral commissions free of charge. Non-governmental organisations buildings, premises and equipment which are hired for the activities of electoral commissions are paid by the budget of the Azerbaijan Republic. The Azerbaijan Republican budget as well as the local budget can not be used for candidates in electoral campaign. The candidate may run their election on their own or their supporters accounts.

Article 9. The establishment of single-mandate electoral districts

Not later than 70 days before the election day the territory of the Azerbaijan Republic is to be divided into 100 electoral districts, on the basis of majority electoral system. The Central Electoral Commission should take the following principles as a basic rules: 1) it is not allowed for territorial zones to be included to one electoral district when they do not have common borders; 2) electoral district is established in each administrative district; if the number of residents doesn't allow that, the number of electoral districts may be two or more within the borders of one administrative district; 3) the number of residents in electoral districts should not differ from each other by than 15 per cent

Article 10. The establishment of multi-mandate electoral districts

In order to organise and perform the elections on the proportional basis the multi-mandate electoral district is to be established on the whole territory of the Azerbaijan Republic.

Article 11. The establishment of electoral divisions

The single-mandate electoral districts are to be divided into electoral divisions. The electoral divisions are to be established not later than 10 days after the establishment of electoral districts. District Electoral Commission, after dividing every single-mandate electoral district into electoral divisions, determines the number of electoral divisions. The same electoral divisions are considered valid for voting in the multi-mandated electoral district. The number of voters for each electoral division is minimum of 50 and maximum of 1,500 residents. The District Electoral Commission, after presenting the list of electoral divisions, gives all information about the electoral divisions to the voters within 7 days.

Part II. Provision for the Preparation of Elections

Article 12. The Structure of the Organisations Arranging the Election to the National Assembly

The Organisations arranging the Election to the National Assembly are the Central Electoral Commission (hereinafter called to as the "Central Electoral Commission"), district electoral commissions (hereinafter refereed to as the "district electoral commissions"), and divisional electoral commissions (hereinafter called as the "divisional electoral commissions"). The members of the electoral commissions cannot be appointed as a candidates to the National Assembly.

Article 13. Central Electoral Commission

Central Electoral Commission is a supreme government organisation for arranging the elections for the National Assembly. Central Electoral Commission is formed at least 80 days before the election get started, and the commission contains the chairman and at least 14 members of the commission who are appointed for 5-year term by the National Assembly. The candidate for the chairman of the Central Electoral Commission is appointed by the President of the Azerbaijan Republic. After the chairman is elected the members of the Commission are to be appointed within 3 days. The team should be composed not later than 40 days before the election starts. The chairman of the Central Electoral Commission, its deputy and members should be educated juridical, abstained and have voting rights. The Central Electoral Commission carries out the functions of multi-mandate district electoral commission, also.

Article 14. The authorities of the Central Electoral Commission

The Central Electoral Commission:supervises the activity of electoral commissions during the election to the National Assembly;provides for following the regulations of this Law and public order during the elections;provides the instructions for electoral commissions, concerning issues of this Law;announces the list of candidates and candidates of political parties which are participating in election;gives candidate cards to the listed candidates of political parties which are participating in election;registrates the persons who are representatives of political parties;provides the equal opportunity for political parties participating in election and candidates in the single-mandate electoral districts in pre-election activity and observes the equal conditions for everybody;confirms the seal, and provides the safety of sending the election documents;controls the spending of the part of the state budget, given for preparing of election;controls the communication and rooms for electoral commissions;vetoes illegal decisions of electoral commissions;makes the list of elected candidates and presents it to the National Assembly;organises the election performance according to the 84th and 85th articles of this Law.

Article 15. District electoral commissions

The District Electoral Commission consists of the chairman and at least 12 members having voting rights. The members of District Electoral Commission should be educated juridically, should all be citizens of Azerbaijan and should, also be the residents of that electoral district. After its establishment the Central Electoral Commission appoints the chairman of the district electoral commission within 10 days, and then, from the consent of the chairman, appoints the members of the commission.

The chairman and members of District electoral commissions should be from the organisations financed by the budget, they are to be abstains and the rest from the political parties and people who applied for their candidates through the casting vote. The rules of the sorption and place of it should be determined by the Central Electoral Commission. The District Electoral Commission is formed for the period of election.

Article 16. The authorities of the District Electoral Commission

District Electoral Commission:supervises the implementation of this Law in the certain electoral district;controls the activity of divisional electoral commission; registrates and gives the ID to the representatives of the candidates in the single-mandate electoral district;provides for the equal conditions in the pre-election activity in the single-mandate electoral districts;controls the reasonable spending of means, given from the state budget, part of which it divides among divisional electoral commissions;provides the voting ballots to the divisional electoral commissions;maintains the rooms for the divisional electoral commissions, communication means, and equipment for the election performance;according to the 84th and 85th articles of this Law, organises the re-election performance.

Article 17. Divisional Electoral Commissions

The divisional electoral commission consists of minimum of 6 and maximum of 18 members. It is established only for the time of election. After its own establishment, the district electoral commission establishes the divisional electoral commissions and appoints its chairmen, within 10 days. The half of members of Divisional electoral commissions should be from the organisations financed by the budget, they are to be abstains and the minimum of 30 per cent would be the members from the political parties and other 20 per cent would be representatives of the candidates who were elected through the casting vote. There can be representative from each political party or from independent candidate in the divisional electoral commission. If the number of representatives of independent candidates is less than the number of candidates their places can be distributed among representatives of political parties through the casting vote. The rules of the casting and place of it should be determined by the Central Electoral Commission.

Article 18. The authorities of the divisional electoral commission

Divisional electoral commission: gives the information to the residents on the address, telephone number and the working hours of the divisional electoral commission; makes the list of voters in the polling station; examines the claims on mistakes in the lists of voters and takes all necessary measures; informs the voters about voters' lists; prepares the rooms for voting and other equipment; controls the placing of pre-election propaganda units around the polling station; organises the voting at the polling station.

Article 19. The rights of members of electoral commissions

The members of the electoral commissions are to participate in all of its meetings. The candidate, its representative or its relatives cannot be in electoral commission. The member of electoral commission: should be informed at time about the meeting of the electoral commission; can make a speech at the meetings of the commission, can make suggestion on issues concerning the electoral commission; can ask the participants questions concerning the agenda of the meeting of the commission; can obtain documents of the commission and other materials; From the day of assigning of the elections to the National Assembly up to the day of announcing the results of elections the member of the Central Electoral Commission has right to use the services of the railroad transport, automobile transport, sea transport, city transport and airlines within the territory of the Azerbaijan Republic free of charge. It is prohibited for the members of the electoral commissions to conduct propaganda against or for any candidate or political party.

Article 20. Organisation of works of the Electoral Commissions

If the half of the commission members participate at the meetings of the Electoral Commission the meeting is considered valid. Each decision of Electoral Commission is accepted through the open voting and the majority of votes. If the votes are equal then the chairman's vote is decisive. If the members of the Electoral Commission do not agree with the decision made by the commission then they may have right to express their impression in written form and it's added to the protocol (minutes). The decisions of the Electoral Commissions are obligatory for all participants of the election process. All the meetings of the Electoral Commission are open. There are not any limitations for the representatives of candidates, observers, mass media and citizens to participate at those meetings.

Article 21. Claims on Decisions of the Electoral Commission

After the decisions of district and divisional electoral commission Commissions are accepted the candidates to the National Assembly, their representatives, observers and voters may have right to claim about the decision accepted to the higher Electoral Commission. After the decision of Central Electoral Commission is accepted one may have right to claim to the Supreme Court during 10 days. The Central Electoral Commission examines these claims within 7 days and makes a decision. The

candidates, their representatives, observers, political parties and their voters can claim the decision of Central Electoral Commission in the Supreme Court of Azerbaijan Republic, not later than 10 days after the decision was made. The Supreme Court of the Azerbaijan Republic is to scrutinise the case and make decision within 3 days. If there is less than 4 days left to the start of the election the produced cases should be considered immediately.

Article 22. Pledge of the chairman and the members of electoral commission

Before the start of its functions, the chairman and the members of the commission are to take a pledge: " I pledge before my honour, that I will carry out my responsibilities in accordance with the Law, and will not be influenced or threatened by nobody".

Article 23. Aid to the Electoral Commissions

The government official and agencies, authorised people should help and give appropriate information to the Electoral Commission for the implementation of their job. The government official and agencies, as well as authorised people should respond properly to the addresses of the Electoral Commissions not later than 3 days. The electoral commissions can hire necessary staff for auxiliary works, in the order determined by Central Electoral Commission and in the frames of allocated funds. In order to prepare and carrying out the elections, local state bodies, state organisations and enterprises have to give buildings and equipment to the electoral commissions' disposal.

Article 24. Payments for the work of the members of Electoral commissions

The chairpersons and members of electoral commissions are paid for their work for electoral commissions according the rates presented by the Central Electoral Commission and approved by the Cabinet of Ministers. The chairpersons and members of electoral commissions who work at enterprises, organisations and institutions, and are not paid their salaries due to their work in the electoral commissions, have to be paid the average salary from their main jobs.

Article 25. The replacement of the team of electoral commission

If the members or the chairman of the commission didn't carry out all of their responsibilities, didn't take an active part in the commissions' meetings, they would be replaced by the agency, which has composed the team of the commission. If it is necessary the new chairman and members can be appointed.

Article 26. The formation of electoral list.

In each electoral division for conduct the elections an electoral list has to be formed. The electoral lists are to be formed at the local executive power body and after being confirmed by the heads of these bodies the electoral lists has to be provided to the divisional electoral commissions at least 30 days prior the election. The divisional electoral commissions verify and confirm provided electoral lists. The verified electoral list is signed by the chairperson and secretary of the commission.

Article 27. General rule on citizens inclusion into electoral list

When the electoral lists are formed, the citizens living within the territory of the electoral division and having right to vote are to be included in the electoral list. If, after the beginning of formation of the electoral lists an elector moved in other place for permanent living, he may be included in the electoral list of electoral division of his (her) new residence, if he (her) submitted an application to that electoral division at least 35 days prior the elections. An electoral division have to inform about it the citizen's past electoral division.

**Article 28. Inclusion into the electoral lists of the citizens
of Azerbaijan Republic being abroad**

If the Central Electoral Commission has not put more shorter period, the citizens of Azerbaijan Republic being abroad may submit at least 40 days prior the elections an application to the diplomatic representations of Azerbaijan Republic for inclusion to the electoral list.

Article 29. Inclusion into the electoral lists the military servants

Persons at actual military or alternative service are to be included to the electoral lists of the electoral division in their residence places before call up to the actual military or alternative service. Officers, sergeants and overtime military servants are to be included to the electoral lists of the electoral division in their residence places.

Article 30. Electors inclusion to only one list

Each elector may be included to only one electoral list. Should the Central Electoral Commission found an elector included to the electoral lists of several electoral divisions, an elector has to indicate within 20 days which electoral division's electoral list he (she) wants to be included in. Otherwise the Central Electoral Commission includes an elector in the electoral list of the most favourable for voting electoral district, and inform within three days the elector about it. That decision of the Central Electoral Commission is not to be appealed.

Article 31. Announcement of the electoral lists

At least twenty days prior to the elections a divisional electoral commission finishes certification and confirmation of electoral lists and allows the electorate to acquaint with them.

Article 32. Check up of the electoral lists

Any voter or solicitor of the candidate or political party may, at least seven days prior to the elections, inform the divisional electoral commission about mistakes in the electoral lists. Divisional electoral commissions has to consider the claim within two days and take a decision. A decision of the divisional electoral commission may be claimed within two days in the district electoral commission. The district electoral commission has to take a decision within two days after receiving a claim. Its decision can be claimed in the Central Electoral Commission. the decision of the Central Electoral Commission is final.

Article 33. Examination of the denials and claims related to the electoral rights

Any voter or representative of the political party, who could not fully enjoy their rights, may, at least seven days prior to the elections submit to the divisional electoral commission a claim about mistakes in the electoral lists. Divisional electoral commissions has to consider the claim within two days and take a decision. A decision of the divisional electoral commission may be claimed within 3 days in the civil court of that district. The civil court examines the claim within two days. Its decision is final. should the term for submission of the claim has expired it may not be a subject to examination. The divisional electoral commission has to inform the Central Electoral Commission about all received claims and corrections made in the electoral lists within the shortest period of time but not later than 24 hours.

Article 34. The rules for appointment of candidates to the deputies

If the citizen of the Azerbaijan Republic have collected minimum of two thousand signatures in the appropriate electoral district, he can advance himself to a candidate, in accordance with the limitations and restrictions of this Law. If any political party have collected minimum of fifty thousand signatures of supporters and, according to "The Law on Political Parties" of the Azerbaijan Republic have been registered not later than 70 days before the election in the order set by the legislation, it can appoint its candidates to the single-mandate electoral district and, also, participate in the multi-mandate electoral

district. The regulations of the first part of this article spread on the candidates of the political parties appointed in the single-mandate electoral district. In order to participate in the elections in the multi-mandate electoral district, political party has to present a request from its administration team to the Central Electoral Commission. The basic list of 25 candidates and the reserve list with maximum of 20 per cent of the total number of the appointed candidates as well as the information about their jobs should be added to the request. In order to appoint the candidates the political party gives the signature lists (Appendix 2 of this Law) to the persons who are enrolled in these lists.

Article 35. The release of the candidates to deputies from jobs

The citizens, who are working in the government agencies connected with organisation of election, as well as persons who run their own business or conduct some commercial activity, and who also agree to be appointed to a candidate or nominate themselves to a candidate, should inform about their will to be released from job from the 55 days to 35 days before the election day. The written request is to be presented to the district electoral commission. The district electoral commission sends this request immediately to the concerned governmental and non-governmental agencies and authorised persons. The governmental and non-governmental agencies or authorised persons make a decision on that request within 10 days. If medical workers, policemen, officers of the Armed Forces of the Azerbaijan Republic, are running for elections or are appointed by their political parties, their representatives or the representatives of their political parties can be given signature lists only after the confirmation that their candidate has left his occupation.

Article 36. The rules of gathering voters' signatures

The gathering of the necessary electorates signature for the participation in the elections to National Assembly begins 55 days before the day of the elections and finishes 30 days before the day of the elections. A person which proposed his candidature and the administration team of the political party which presents the list of candidates for the participation in the elections to the National Assembly represent to the electoral district the list of persons which will gather electorates signatures. A person proposing his candidature for the participation in the elections to the National Assembly has to prepare a signature list in as it is shown in the Appendix 1 of this Law in order to collect the required number of signatures. In each of the signature list the full name and surname of candidate, his date of birth, present address and present job should be printed. In order to collect the required number of signatures for the presentation of the list of candidates from the political parties the format of signature list is shown in Appendix 2 of this Law: Each signature list has the full name and surname, date of birth, present address and present job of first ten candidates. The person, who collects signatures, has to show the whole list of candidates by the request of the voter. Every voter signing the list must indicate there his full name, surname, date of birth, present address, as well as their Azeri citizenship, identity card or another documents series and number. The full name of signatures gathering person, his surname, address, identity cards number or another documents" series must be indicated on signatures list. Citizens of Azerbaijan Republic which live abroad may send their signatures list through the consulates of Azerbaijan Republic in appropriate countries. If there is no such consulate there, they can send signature list through the consulates of Azerbaijan Republic in the nearest countries. The authenticity of the signatures can be testified by Central Electoral Commission and district electoral commission.

Article 37. The notification documents to the candidates

The citizens who nominated themselves candidates to the election have to present certain documents to the district electoral commission: 1) the information on nomination as a candidate in single-mandate electoral district; 2) the document with minimum of two thousand signatures for this candidate from the appropriate electoral district; 3) the document certifying the payment of the sum equal 25 minimum work salaries. The political parties which nominate candidates to the election have to present certain information to the Central Electoral commission:

1) the information on participating in the election with pointing the electoral districts where the candidates of the certain party will run for election; 2) the lists of voters who put their signatures, registration documents; 3) the basic and the reserve list of the candidates in the multi-mandate electoral districts; 4) the document with minimum of two thousand signatures and minutes of meeting or conferences of the political parties concerning its regulations in case if there is no regulations in the Law of this Party concerning appointing candidates of the parties in the single-mandate electoral districts; 5) the written consent of the candidates who appoint themselves in the single-mandate electoral district; 6) the document certifying the payment of sum equal 25 minimum work salaries multiplied by the number of candidates in the list; 7) the document certifying the payment of sum equal 25 minimum work salaries for each candidate appointed by the party in the single-mandate electoral district. The document certifying the citizenship of the candidates, their names, surnames and the middle names, addresses and place of job should be presented. The paid sum is not to be returned to the non-elected candidates and should be transferred to the state budget. The submission of the notification documents starts 55 days before the election and ends 30 days before the election.

The Central Electoral Commission, after the receiving the notification documents of the political party, should send a request to the appropriate government agency on the confirmation of the registration of the certain political party within two days. The written answer should be received in 2 days. If there was any mistake done during the registration of the political party, the Central Electoral Commission should inform the representative of the party immediately.

Article 38. Authorised representatives to the elections to the National Assembly

Every candidate participating in the elections to the National Assembly in the single-mandate electoral district may propose 15 citizens who have right to vote, and every political party participating in elections in the multi-mandate electoral district may propose up to 45 citizens who have right to vote, to the district electoral commission to be registered as the authorised representatives. A political party or a candidate participating in the elections should indicate full names and addresses of the persons whom they authorise as representatives to the elections to National, when submitting the notification documents. The authorised representative may: carry out the different orders of a political party or a candidate he represents; conduct propaganda against the opponents of his candidate or a party; conduct propaganda for his candidate or a political party; require the following of this Law; claim the decisions of the divisional electoral commissions in the district electoral commission; claim the decisions of the district electoral commissions in the civil court; claim the decisions of the Central Electoral Commission in the Supreme Court; observe the commission's work and calculation of votes. The authorised representative should not interfere the work of the commission.

Article 39. The appointment of the candidates and putting them into the list of candidates

The same candidate cannot be appointed in two or more electoral districts. The person who appoints himself as a candidate in the single-mandate electoral district can give the information on participation in the election to only one appropriate electoral district and cannot participate in the multi-mandate electoral district at the same time. Every candidate to the deputy can be enrolled only to one list of candidates of political party in the multi-mandate electoral district. The person enrolled in this type of list can not be appointed as a candidate in the single-mandate electoral district at the same time. If the citizen of the Azerbaijan Republic is enrolled in the list of more than one political party in the multi-mandate electoral district and at the same time appointed as a candidate in the single-mandate electoral district, the Central Electoral Commission must require him to chose either list of candidates of one political party or the one single-mandate district where he wants to be appointed as a candidate. If the candidate doesn't present the answer within 25 days before the election day, his name will be terminated from the lists of candidates in the single-mandate and multi-mandate electoral districts.

Article 40. The right to take back the notification documents

In the single-mandate electoral district the citizen of the Azerbaijan Republic advancing the candidate in the list of political party, as well as political party has right to take back its notification documents not later than 7 days before the election day. In order to do this it is necessary to inform the Central Electoral Commission and respected political party in a written form. If the political party in coalition takes back the notification documents, the names of the candidates of that party are excluded from the general list of candidates and in that instance, the name of the coalition may be changed. The other parties in the coalition are informed about it in a written form. When taking back the notification documents there remains only one political party's candidates in the joint list, they can participate in the elections as the candidates of that party only.

Article 41. Announcement of the Lists of Candidates.

Not later than 25 days of the elections of the National Assembly, the Central Electoral Commission announces the lists of candidates from parties as well citizens who nominated themselves as candidates, according to electoral districts. For this purpose after the submission term of the list of candidates completed, the appropriate governmental agency satisfies the demands of the Central Electoral Commission within one day and officially approves the registration of the certain political party, or informs whether political party had already stopped or completed its activity. The following day of official approval the Central Electoral Commission with the participation of the authorised representatives of political parties arranges the lots drawing according to the list of the political parties and the coalition by setting them up in order. The day when the list of candidates is announced, the election campaign is considered started.

Article 42. The right of the candidate to National Deputies to make speeches on the meetings, to use mass media and get information

After the announcement of the lists of candidates to the elections to the National Assembly the candidates to the National Deputies have full right to perform before the meetings of their electorate and other gatherings, mass media and advertise their pre-electoral programmes. Officials of the state bodies and organisations have to help candidates to National Deputies in holding meetings with the electorate, getting any necessary information.

Article 43. The responsibility taken for violation of this Law

The persons who interfere the implementation of the citizens' rights to vote for national deputies to be elected, to national deputies to conduct the pre-election propaganda, carry responsibility under the regulations of the Legislation of Azerbaijan Republic. The persons, who publish false information about candidates to the National deputies, and interfere the meetings of candidate and his votes, carry responsibility under the regulations of the legislation of Azerbaijan Republic. The members of electoral commissions and other authorised persons who falsify electoral documents, miscount the votes, violate the secrecy of voting process, and allow any other violation of this Law, carry responsibility under the regulations of the legislation of Azerbaijan Republic.

Article 44. Inviolability of a candidate to National Deputies Assembly

During electoral campaign as well as after announcement of the results of elections, a person included to the list of candidates to National Deputies Assembly can't be charged, arrested or called to account without consent of Central Electoral Commission.

Article 45. Participation of observers in elections to the National Deputies Assembly

The candidates and political parties participating in the elections have right to appoint their observers. Each candidate and each political party participating in the election can appoint the number of observers equal to the number of polling stations in the electoral district where the list of candidates is put up by the political party. However, the observer, appointed by the political party in the multi-

mandate electoral district serves at the same time as an observer of the candidate, appointed by same party, in the single-mandate electoral district. No less than 30 days before the day of the elections to National Assembly Central Electoral Commission appeal to foreign countries and international organisations with the request to send observers. Observers can claim the decisions of the divisional electoral commissions in the district electoral commissions. They, also, can claim the decisions of the district electoral commission in the civil courts of the certain districts. The observers can claim the decisions of the Central Electoral Commission in the Supreme Court of the Azerbaijan Republic. At the day of the election the observers have right to require the chairman and the members of the commission and also other persons inside of the building where the election is being performed to follow this Law and other laws of the Azerbaijan Republic. All of the conditions necessary for observing the voting process and the calculation of votes should be provided at the day of the election. The observers should not interfere the work of the commission.

Article 46. The pre-election campaign

After the announcement of list of candidates nominated from the political parties participating in the election and candidates from the single-mandate electoral district by the Central Electoral Commission they can start the pre-election campaign. It is prohibited to bribe the voters in any way during the pre-election campaign in order to collect their votes. The Central Electoral Commission will not allow to any candidate or political party to participate in the election, if they are conducting this sort of activity. It is prohibited to conduct the pre-election propaganda in the military detachments, police stations, courts, and prosecutor agencies. Pre-election campaign can be performed by all means and forms if they do not violate the laws and the constitution of the Azerbaijan Republic. The persons carrying on pre-election campaign should follow generally adopted ethic norms.

Article 47. The rules and conditions of using of mass media during the electoral campaign by candidates to National Deputies Assembly

The political parties and nominees are given the right by the government to use mass media free of charge. The strict volume and time of television and radio broadcasting for pre-election campaign agreed with the authorities of TV and radio broadcasting company is to be determined and distributed by the Central Electoral Commission among the nominees on equal basis. During the election campaign each political party is allowed minimum one hour, but the nominated citizens are allowed only ten minutes. Each political party participating in the elections to the National Assembly is allowed free of charge publication of their program texts limited up to 3 printed pages in the state newspapers. Each nominee is allowed to do the same but their program texts should not exceed one printed page. The campaign in non-governmental mass media is carried on at the expense of these parties and nominees. Central Electoral Commission solves all the disputes connected with the pre-election campaign. In Case if the mass media gives a disrespectful information about the candidate, it has to give the candidate a chance to make a speech, but not later than 1 day before the election starts.

Article 48. Prohibition for authorised persons from government agencies do influence the voters' will.

It is prohibited for government agencies officers and also state mass media agents to use their privileges to influence the voter to express their ideas, and conduct any propaganda.

Article 49. Financing of pre-election campaign

The candidates to the National Advisors Assembly pay for the cost of pre-election propaganda themselves. According to the 47-ht article of the Law all expenditures such as time on the television and radio, publishing of candidates pre-election posters, publishing of pre-election platforms and name lists of the candidates in the governmental newspapers is paid by Government budget of Azerbaijan Republic. Financial means for predilection propaganda are controlled by Central Electoral

Commission and Ministry of Finances of Azerbaijan Republic. Citizen who were elected to the National Advisors have to report to the Ministry of Finances of Azerbaijan Republic and publish the information in the newspapers about sources of means used for pre-election propaganda and used of these means not later than 15 days from the day of their election.

Article 50. Prohibition of any pre-electoral propaganda 24 hours before the day of election
It is prohibited to conduct pre-electoral propaganda at the day before the election (24 hours) and the election day. At the day election there should not be any units of propaganda at the range of 100m from the building where the voting is to be performed.

Article 51. Drafting of sample documents for the election to the National Assembly
Central Electoral Commission sets, necessary for election to the National Assembly electoral cards, electoral bulletin, envelops for sending voter by post, other officer, envelops used in election process, packages, documents, forms, and the rules of filling them out.

Article 52. Voting ballots
Every voter receives two voting ballots for the elections to the National Assembly. One is for the single-mandate district to vote for the candidate. The other one is for the multi-mandate district to vote for the candidates from the political parties. In the ballot for single-mandate district the first name, second name and the middle name of every candidate to the deputies and also the name of the political party of the candidate should be put alphabetically. In the ballots for multi-mandate electoral district the names of the political parties, which has presented the lists of candidates, should be put alphabetically. The symbol of the party can be put together with its name.

Article 53. Getting the ballots for the elections to the National Assembly to the place of election
Electoral commissions must get the electoral ballots and envelops to the divisional electoral commissions and post offices not later than 5 days before the election to the National Assembly. Divisional electoral commissions must deliver the electoral ballots to the polling stations not later than 24 hours before the election. Electoral Commission must get the electoral ballots and envelops to the representatives of Azerbaijan Republic abroad and to the ships under the flag of Azerbaijan Republic not later than 10 days before elections to the National Assembly. Central Electoral Commission should, without set time violation, issue Electoral ballots and envelops for voting by post, and get them to the voters.

Part III. Performance of the Elections

Article 54. The place and the time of voting
Elections will be held from 8:00 to 22:00 in the certain rooms appointed by the agencies. If there is no other rule applied to this Law, the voter will vote at the divisional electoral commission, where his name is listed.

Article 55. The equipment supply for places of voting for the elections to the National Assembly
The requirement for the equipment for voting is determined by the Central Electoral Commission. Voting Cabin should be set in certain way so, that nobody can see the voter. The text of this Law should be at every divisional electoral commission, in the places where it is easy to read them. There should be a name list of the candidates. At the day of the election there should be no other political action heed at the divisional electoral commission.

Article 56. The opening of voting

At the day the election to the National Assembly the divisional electoral commission will be open if two thirds of the members of Electoral commission are available. Thus, the chairman of the Electoral commission together with its members check the voting box and then seat it. The chairman of commission after being sure that no violation of rules has occurred, distributes voting ballots and voter's nameless to the members of the commission and announces the opening of voting. The number of given ballots is in the calculation minutes of the divisional electoral commission.

Article 57. Personal identification of the voter participating in the election to the National Assembly

By the time the voter comes to the divisional electoral commission he has to present his voting card, identification card or other documents, identifying his citizenship, and then he puts the signature to the namelist. After signing the namelist, the voter is given voting ballots.

Article 58. Voting regulations

The voter, participating in elections to the National Assembly, receives voting bulletin, goes to the voting cabin and fills out the bulletin there. In the ballot of single-mandate electoral district the voter keeps the name of the candidate he (she) votes for and crosses the others. In the ballot of multi-mandate electoral district the voter keeps the name of the party he (she) votes for and crosses the others. The voter inserts the filled out bulletin to the voting box himself. By the voter's request, the spoiled voting bulletin can be changed by new one. After giving the voter new bulletin the member of commission crosses out the spoiled bulletin and signs it. The spoiled bulletin is kept separately. Due to the physical incapability, the voter, who can't fill out the bulletin and insert it in the voting box himself, has to notify to the chairman of the commission or any responsible person who will come and vote for him. At the day of election the chairman of the commission should distribute the ballots at the place where they live to the voters, who live far, and it would take them a long time to come to the poll station.

Article 59. The voting performance at the diplomatic missions of Azerbaijan Republic abroad

At the diplomatic missions of Azerbaijan Republic the voting can be performed during the working time. For this purpose at least 4 hours should be designated. Central Electoral commission with the consent of Ministry of Foreign Affairs make a list of diplomatic missions and sets the voting days (for each diplomatic mission minimum of 5 days). She responsibility for organisation of voting in diplomatic missions lays on the Head of the Mission.

Article 60. The voting performances on ships carrying state flag of Azerbaijan Republic

In case is the ship under the flag of Azerbaijan Republic went from the part minimum 6 days before elections to the National Deputies Assembly and didn't return get, and the members of the crew and passengers by any other reasons cannot vote at their divisional electoral commission or by post, the voting would be held on the board. Central Electoral Commission with consent of authorised state agencies makes the list of ships and sets the voting time for them. Every voters on the board of the ship should be capable to vote. Captain of the ship is responsible for the voting performance.

Article 61. The rule of holding elections in the diplomatic representations of the Azerbaijan Republic in the ships sailing under the Flag of the Azerbaijan Republic

The rule of holding elections in the diplomatic representations of the Azerbaijan Republic and in the ships sailing under the Flag of the Azerbaijan Republic is determined by the Central Electoral Commission of the Azerbaijan Republic.

Article 62. The voting performance in the military detachments

The voting in the military detachments of the Armed Forces of the Azerbaijan Republic is carried out through the polling stations, which are established there.

Article 63. Holding elections to the of National Assembly in the places of treatment and Social guardianship

The residents of the places of treatment and social guardianship capable of voting in the room singled out in the said place for the elections to the National Assembly is accordance with the rule determined by this article. But the residents of the places of the treatment and social guardianship in capable of walking are Visited by the special official persons authorised by the district electoral commission of the post office. A person participation in the voting shall fill in the voting paper by his hands and put into the envelope in the situation satisfying confidentiality of voting. In case of necessity he can use the help of a person he relies on. The chiefs of the places of treatment or social guardianship can in connection with the elections prohibit to disturb the patients seriously ill. A person who is not able to realise his actions and control them due to his chronic mental decease or due to his temporary breach of his physics can not be disturbed either in connection with the elections provided the medical commission draws a decision on that person in accordance with the rule determined by the Ministry of Health.

Article 64. The voting performance in prisons

The Central Electoral Commission sets the regulations for the voting process in prisons.

Article 65. Participation of the citizen of the Azerbaijan Republic arrested during the preliminary investigations or detained in the isolation wards until the sentence of the Court comes into force

The citizens of the Azerbaijan Republic arrested during the preliminary investigation or detained in the isolation wards until the sentence of the court comes into force take part in the elections to the National Assembly.

Article 66. Following public order during the elections to the National Assembly

Public order should be followed during the elections to the National Deputies Assembly. The members of the commission of the corresponding divisional electoral commission have right to ask those who break the public order and tranquillity to leave the divisional electoral commission.

Part IV. Elections' Results Determination

Article 67. Registration of electoral ballots

After the end the election to the National Deputies Assembly the divisional electoral commission becomes closed and the chairman of electoral commission collects all not used ballots from each member separately, counts them, and checks illegally distributed ballots. Unused ballots and spoiled ballots get counted and sealed accordingly. Then, they are to be put to the special envelopes, and sealed.

Article 68. The calculation of votes at the divisional electoral commission

After the end of the election to the National Assembly the divisional electoral commission determines the member of voters who come to vote on the basic name list of voters at the divisional electoral commission. In order to find out any possibility of opening the voting box and for any evidences of taking out electoral ballots from the voting box illegally the divisional electoral commission should check the box. If there will be such evidence, the act is to be established and the votes will not be

counted. After being sure that the voting box was not damaged, the numbers of the divisional electoral commission open it and count the votes. The votes are counted in such way, so that participating persons could observe this process. Special regulations on calculation of votes are set by Central Electoral Commission.

Article 69. The minutes of calculation of votes for the election

After the calculation of votes at the divisional electoral commission both of the minutes are to be arranged. The minutes should include the following: 1)the number of votes at the divisional electoral commission; 2)the number of votes who have voted at the divisional electoral commission; 3)the number of ballots given to the members of commission; 4)the number of not used electoral ballots; 5)the number of spoiled ballots; 6)the number of valid electoral ballots; 7)the number of invalid electoral ballots. The chairman and the members of the divisional electoral commission put their signatures on the minutes of calculation of votes.

Article 70. Invalid electoral ballots

The following ballots are considered invalid: 1)sample ballots that were not defined; 2)electoral ballots that were not certified by the stamp of suitable divisional electoral commission; 3)electoral ballots that do not belong to the certain electoral district; 4)electoral ballots that were more than two candidates' names are marked. District electoral Commission makes a decision about calculation of invalid electoral ballots.

Article 71. Submission of votes calculation documents and other ballot documents to the electoral districts

Submission of the minutes on votes registration of elections to the National Assembly and other electoral documentation's area electoral commissions shall put all the ballot papers including invalid and not used ones, minutes of votes registration, election lists and other electoral papers into packages and seal them in established order by the Central electoral commission. Minutes on votes registration of elections to the National Assembly and other electoral papers shall be sent to appropriate elections commission of the National Assembly. If the Central electoral commission has not determined other procedures the packages shall be submitted to the appropriate electoral district's commission of the National Assembly. The Central electoral commission shall provide together with the Ministry of Internal affairs of the Azerbaijan Republic delivery of the electoral papers and safety of persons who deliver them.

Article 72. The counting of votes on elections to the National Assembly in electoral district's commission

The electoral district's commission will start counting the votes after having received the paper on votes registration from electoral area commissions.

Article 73. Other minutes of registration of votes

The district electoral commission, following in compliance with the minutes of registration of votes received from the division electoral commissions, determines: 1)the total number valid ballots gathered from the divisional electoral commissions; 2)the number of invalid ballots gathered from the divisional electoral commissions; 3)the number of votes accumulated for the candidates; The information is recorded in the minutes of District Electoral Commissions for vote calculating purposes and those protocols are signed by the chairmen and members of the Electoral Commission. The same kind of minutes is to be recorded for the determination of results of election in the single-mandate electoral district.

Article 74. The determination of results of elections in the single-mandate electoral district
The election in the single-mandate electoral district are considered valid, when more than 50 per cent of the voters from the voters list of the certain electoral district have participated in the election. The candidate is considered elected if more than half of the voters participating in the election voted for him. If more than two candidates were nominated in the electoral district and none was elected, the Central Electoral Commission assigns re-election within two weeks. Only two of the candidates, who gathered the biggest number of votes each, can participate in the re-election. If these two candidates gather the equal number of votes, the re-election should be assigned again. If less than 50 per cent of the voters in the single-mandate electoral district was participating in the election and none of the two nominated candidates was elected, the re-election is to be organised within 3 months.

Article 75. The determination of results of election in the multi-mandate electoral district
The election in the multi-mandate electoral district are considered valid, when more than 50 per cent of the voters participated in the election. The political party can get the deputy mandate only if the minimum of 8 per cent of the voters voted for the list of candidates presented by this party. The number of mandates is divided among political parties by the number of votes gathered by the parties in a proportional way. Before that by the division of the total number of voters by the number of mandates of the multi-mandate electoral district the required number of votes for one mandate is to be determined. After that the number of votes gathered by the political parties and every list of candidates is to be divided by the electoral quote, and the received number will show the share of mandates for the political party. The rest of the mandates is distributed among the lists of candidates which have the biggest number of votes left. The candidates from the same list will receive the mandates in accordance with the rules, set in the notification documents of the political party. If less than 50 per cent was participating in the election in the multi-mandate electoral district or none of the candidates of the political parties could gather more than 8 per cent of votes, the re-election would be assigned within 6 months.

Article 76. Submission of the documents on elections from different electoral districts to the Central Electoral Commission

All the documentation and ballot papers received from different electoral districts by post, as well as calculated minutes are taken to the special package and sealed. These packages are submitted to Central Electoral Commission for a definite period. Central Electoral Commission is responsible for the documentation of National Assembly for a plenary power period.

Article 77. The participation of observers in determining the results of election and calculating votes

Representatives of the candidates, observers, as well as representatives from mass media can participate in determining of results of election in the electoral districts as well as in calculating votes in district electoral commissions and divisional electoral commissions. Observers, in the certain electoral commissions, may have right to object if there is a violation of this Law or other laws of Azerbaijan Republic, but they should not interfere the work of the electoral commission. Observers may express their objections in the written form. The documents on objection and other electoral documents of the divisional electoral commission are presented together to the district electoral commission. Representatives from mass media are not allowed to distribute the information about results of election and calculation of votes in oral, written form or by video and photo cameras unless the Central Electoral Commission announces the information about election itself.

Article 78. Announcement of results of the election

The Central Electoral Commission announces the final results of the elections not later than 7 days after the election day.

Article 79. The notification about election to the candidates

Within 3 days after the announcement of the results of the election to the National Advisors Assembly, the Central Electoral Commission gives the notifying document to the elected candidates. If the elected candidate doesn't receive the notifying document within 3 days, he can claim to the Supreme Court of the Azerbaijan Republic. Its decision is final.

Article 80. The replacement of the deputies

The replacement takes place in case of the deputy's death, its failure to fulfil his responsibilities: 1) if the deputy was elected on the basis of majority election system, in accordance with the rule of this Law, the new elections are to be carried out in the single-mandate electoral district where the former was elected; 2) if the deputy was elected from the list of the candidates of political party, the first candidate standing in the basic list of this party would take his place and becomes a deputy. If all of the candidates from the basic list were elected, the first candidate from the reserve list of the political party would take his place, in accordance with the regulations of this article.

Article 81. Re-election to the People Advisors Assembly

There-election to the National Advisors Assembly : 1.In the district where elections were not performed and/or were considered invalid.2.The re-election is performed under 75-ht article of this Law.The Central Electoral Commission sets the date and the rules for the re-election.

Article 82. Invalidity of elections

If during the election there was a falsification of electoral documents or any actions to influence the result of election, the election would be considered invalid.As regards to invalidity of election every candidate who participated in election can claim to the Constitutional Court of the Azerbaijan Republic within 5 days after the announcement of the results.The Constitutional Court examines the claims within 15 days. Its decision is final.

Part V. Final Provisions

Article 83. Disfranchisement from Deputies

The person can be deprived of his rights as a Deputy in the following cases: 1.When Supreme Court decides that the elections in separate electoral districts are invalid. 2.When the Deputy changes a citizenship. 3.When the Court makes a decision about Deputy. 4.When his post does not match with his activity. 5.When the Deputy resigns. 6.When his political party's activity does not match with the law of the Azerbaijan Republic. If the Deputy's resignation is put in the record of the meeting of National Assembly, it is then considered valid. Thus, Deputy can not take back his mandate.

Article 84. The decision on disfranchisement from Deputies

Below is the list of persons or government agencies who can make a decision on deprivation the Deputy of his mandate: 1) Central Electoral Commission according to the 1-st paragraph of the 83d article of this Law; 2) The President of the Azerbaijan Republic according to the 2-nd and 4-th paragraphs of the 83d article of this Law; 3) The Constitutional Court of Azerbaijan Republic according to the 3-d and 6-th paragraphs of the 83d article of this Law; 4) The Chairman of the National Assembly according to the 5-th paragraph of the 83d article of this Law.

Article 85. Transitional provisions

Taking into consideration the transitional period in the building of the state of the Azerbaijan Republic, during the first elections to National Assembly based on this Law, the Central Electoral Commission can make exceptions for certain candidates and deputies in respect to the 1st part of the 35th article and the 4th paragraph of the 83 article of this Law.The number of candidates to the

Deputies, who registered according to these exceptions, can not be more than 15 per cent from the total number of Deputies of National Assembly of the Azerbaijan Republic. The Supreme Council of Azerbaijan Republic has authorities, determined in the first part of the 9th article and in the first part of the 13th article of this Law, until the new National Assembly is elected. The Supreme Court of Azerbaijan Republic makes decisions on points, determined in 82nd article of this Law, until the Constitutional Court of the Azerbaijan Republic is established. The authorities of the People Deputies of the Supreme Council of the Azerbaijan Republic will end from the first meeting of newly elected National Assembly.

Article 86. Enforcement of the Law

The Law will come into force from the day of its signing.

**THE PRESIDENT OF THE AZERBAIJAN REPUBLIC
HEYDAR ALIYEV**

***BAKU, AUGUST 12TH, 1995,
1082***