

**Q & A**  
**MUNICIPAL ELECTIONS**  
**As of November 10, 2009**

**1. What is a municipality?**

The Law on the Status of Municipalities states:

“A municipality is a form of local self-government within a territory defined by the Law. A municipality has its own property, local budget and it resolves important local issues independently within its powers defined by the Constitution of the Republic of Azerbaijan and this law.”

The same law also states:

“Members of a municipality (municipal council) are elected on the basis of general, equal, and direct right to vote, by independent, in-person and secret ballot.”

**2. How many municipalities are there in Azerbaijan?**

Currently there are 1,718 municipalities. According to the Law on Cooperating, Merging and Dissolution of Municipalities, a number of municipalities merged this year. These municipalities submitted their consent to the Milli Majlis, which approved the new list of municipalities at the end of July (President’s decree published July 25)

Before the mergers, there were 2,757 municipalities in Azerbaijan.

**3. How many members does a municipality have?**

It depends on number of population living within the municipality.

<b>Number of Members</b>	<b>Per Population</b>	<b>Existing Municipalities</b>
5 councilors	population less than 500	64 municipalities
7 councilors	population between 500 and 999	218 municipalities
9 councilors	population between 1000 and 4,999	1160 municipalities
11 councilors	population between 5000 and 9,999	176 municipalities
13 councilors	population between 10,000 and 19,999	48 municipalities
15 councilors	population between 20,000 and 49,999	33 municipalities
17 councilors	population between 50,000 and 99,999	10 municipalities
19 councilors	population between 100,000 and 299,999	9 municipalities

**4. When is Election Day?**

As announced by the Central Election Commission (CEC) on October 08, 2009, municipal elections will be held on Wednesday, December 23, 2009.

Elections will be held in 118 constituencies.

## **5. Will IDPs be voting in these elections?**

Internally Displaced Persons (IDPs) will not be voting in the municipal elections this time, regardless of how long they may have lived in their particular communities since being displaced by the Nagorno-Karabakh conflict. The CEC Chairman explained this situation is a consequence of the Armenian occupation of regions where IDP municipalities are located.

Interestingly, the CEC Chairman also announced that non-citizens who have lived in Azerbaijan for more than five (5) years would be able to vote.

## **6. Will there be voting at military facilities or prisons?**

Polling stations will be established in military facilities.

## **7. How are the elections administered?**

There is a three-tiered system of election commission headed by the Central Election Commission (CEC), which currently has a membership of 16.

The CEC is responsible for the administration and conduct of elections throughout the entire country and has supervisory responsibility over all lower level commissions and direct responsibility for supervising the 125 Constituency Election Commissions (ConECs)

The ConECs are responsible for candidate registration, administration and conduct of elections within the territory they cover. Con-ECs have direct responsibility over the Precinct Election Commissions (PECs)

The PECs are responsible for the actual conduct of voting on Election Day.

All election commissions have a 2/3 requirement for adopting decisions.

## **8. What are the legal requirements for the composition of the CEC?**

Article 95.I of the Constitution of the Republic of Azerbaijan, the Milli Majlis appoints the members of the CEC.

According to Article 24.3 of the Election Code, the CEC should be composed of 18 members with the following breakdown:

- 6 members to represent the party in the majority in the Milli Majlis;
- 6 members to represent independent deputies in the Milli Majlis; and
- 6 members to represent minority parties in the Milli Majlis.

Neither the Constitution nor the Election Code provides details on how the six individuals in each category are to be selected. The Milli Majlis has worked out its own system.

**9. What is the composition of the CEC today?**

Several members of the opposition within the Milli Majlis have refused to participate in the naming of prospective CEC members. Consequently, the 18-member CEC has been operating with only 16 members since 2006: six appointed by the majority New Azerbaijani Party (YAP); five appointed by independent members of the Milli Majlis; and five appointed by the minority parties (Democratic Reform, Whole Azerbaijan Popular Front and Great Creation parties (1), Civil Unity, Motherland and Social Welfare parties (1); Civil Solidarity(1), Umid (1) , and Adalat (1)).

**10. What is the composition of the ConECs?**

According to Article 30 of the Election Code, the Constituency Election Commissions is composed of nine (9) members: three (3) representing the majority party; three (3) representing independents; and three(3) representing the minority parties. The ConECs have generally been functioning at full capacity since late last year in advance of the presidential election. Previously, there were vacancies replicating the vacancies that still exist on the CEC.

**11. What is the composition of the PECs?**

According to Article 36 of the Election Code, the Precinct Election Commissions shall be composed of six (6) members with two (2) representing the majority party, two (2) representing independents and two (2) representing minority parties.

The ConECs appoint members of the PECs.

**12. How do candidates get their names on the ballot?**

It is a two-part process. First, a candidate must be nominated. After nomination, the candidate must be registered. Registration is contingent upon successful collection of the required number of signatures in support of a candidate See Question #14, below, for the signatures needed.

It starts upon the announcement of Election Day until deadline (30 days prior to the election day) for candidate's registration, which is October 8 - November 23 under the current law. This process used to take 60 days under the previous law.

**13. What does the candidate nomination process involve?**

A candidate, an initiative group of voters, a political party or bloc of political parties may submit documents of nomination to the Constituency Election Commission (ConEC) between October 8 and November 13, 2009.

The commission has the right to approve or reject the nomination **within five days** of submission upon reviewing the documents listed below. The last day for a ConEC decision is November 13, 2009.

To nominate a candidate, a notification must be submitted to the CEC, containing the candidate's name, last name, father's name, birth date, address, ID serial and batch number, and main workplace or official position. For political parties or bloc of political parties submitting a nomination, the required documents also include a decision on nomination made at a meeting or congress, minutes of such a meeting, and notarized copies of a party's state registration, charter and powers of attorney of authorized representatives.

A potential candidate must submit an application containing information verifying s/he is not sentenced for a severe crime, does not have obligations to other countries, and does not have foreign citizenship.

After the nomination is approved, the candidate (or authorized representative of a candidate or a political party or bloc of political parties) obtains signature sheets from the ConEC to collect voters' signatures to support a candidate.

The only basis for refusal of the nomination of a candidate may be:

- documents mentioned above are not formalized as required;
- rules for nomination of candidates are violated, e.g. a candidate is nominated in more than one municipality.

#### **14. How many signatures do the candidates have to collect?**

It depends on size of municipality.

Candidates nominated for a municipality with more than 99,999 population should collect 150 signatures;

Candidates nominated for a municipality with more than 49,999 population – 100 signatures;

Candidates nominated for a municipality with more than 19,999 population – 75 signatures;

Candidates nominated for a municipality with more than 9,999 population – 50 signatures;

Candidates nominated for a municipality with more than 4,999 population – 30 signatures;

Candidates nominated for a municipality with less than 4,999 population – 15 signatures.

#### **15. What is the deadline for submission of documents for a candidate's registration?**

The submission deadline for candidates' registration documents is 18.00 November 13, 2009.

#### **16. What is the deadline for ConECs' decision on candidate's registration?**

The decision deadline for candidates' registration is November 23, 2009 (within 10 days after the submission of documents).

**17. When are the voters' lists updated?**

The Precinct Election Commission (PEC) shall display the voter lists for voters to check and make corrections/amendments at least 35 days prior to Election Day. The updating process must finish by November 28, 2009.

**18. Is it possible for someone to vote whose name is not on the final list?**

Any changes made after November 28, 2009 should be processed through the relevant precinct election commission. In the past, inclusion of a voter's name on the voters list was processed through the local courts. With the passing of new amendments to the Election Code in 2008, a voter may now be included on a supplementary voters' list upon presentation of his/her proper ID to the election precinct and submission of an application requesting inclusion of his/her name on the list. PECs may add voters to the supplementary voters' list up through and including Election Day.

**19. What information is on the voters' lists?**

According to Article 46.10 of the Election Code, the voters' list should include a voter's full name, year of birth (the day and month of birth for those who are 18 years old), permanent address, and the number of the election precinct.

**20. What is the total number of registered voters?**

According to the CEC website, this number is 4,472,212 as of October 2009. The list is being updated now. The number of eligible voters for municipal elections is less than number for last year's presidential election due to IDPs not being permitted to vote. See Question # 5, above.

**21. Is there an election campaign period?**

Yes, it starts 28 days prior to Election Day and will end 24 hours before voting starts, i.e., it commences November 25 and ends by 8 am, December 22, 2009. During this time official campaign activities are permitted. In previous law, pre-election campaign started 60 days prior to the Election Day and finished 24 hours prior to the voting. The campaign period used to be 60 days prior to Election Day under the previous provisions (before it was amended in June 2008.)

**22. Will the candidate receive free nation-wide airtime during the repeat elections?**

According to the law, only the political parties or blocs of political parties with candidates running from at least half of all municipalities are qualified for free nation-wide airtime.

There are also provisions in the election code for free airtime on regional and municipal TV and radio stations. However, no such media outlets exist in Azerbaijan at the present time.

**23. How do observers register?**

Observers, who intend to observe within the borders of one particular ConEC, register with that ConEC. Observers, who plan to observe in more than one ConEC register with the CEC. Registering with the CEC allows observers to observe in any PEC or ConEC where elections are held. The registration of observers with the CEC and ConECs starts from the date of announcement of elections and ends, respectively, 10 and five (5) days prior to the Election Day, i.e., on December 13 for the CEC and December 18 for ConECs.

**24. When can people vote?**

Voting will take place from 08.00 to 19.00 on December 23, 2009.

**25. Will invisible ink be used on December municipal elections?**

Yes, the invisible ink will be used during December elections under the latest enacted amendments to the Election Code. It is sprayed to voters' left thumbs to avoid multiple voting.

**26. How long does the ink remain visible after its application?**

The ink remains visible for at least 24 hours after application.

**27. Can the ink be removed using the regular cleaning substances such as nail polish or soap/detergent?**

No.

**28. Is the ink safe?**

Yes. There are no health or environmental problems associated with its use.

**29. What are the deadlines for completion, submission and announcement of election results?**

The deadlines for completion and submission of voting results are as follows:

- Upon completing protocols on December 23, and December 24 not later than 19.00 – PEC results to ConECs
- December 25 – ConECs to CEC
- January 12, 2010 – CEC completes the final protocol.

Upon the submission of online results by the ConECs, the CEC usually places them on its websites [www.infocenter.gov.az](http://www.infocenter.gov.az) and [www.cec.gov.az](http://www.cec.gov.az)

The deadline for announcement of election results by the CEC is at latest January 22, 2010. Most results are expected before then.

### **30. What are the basic procedures for complaints and appeals?**

As a rule, complaints or appeals should be filed within 3 days after a decision is made or action or inaction (subjects for complaint) occurs. Complaints are submitted to the relevant election commission (PEC, ConEC, or CEC). If a complaint arises from an action of an election commission, the complaint is submitted to the superior election commission, e.g. ConEC for a PEC, CEC for a ConEC. Complaints about CEC decisions would be filed with the Baku City Court of Appeal. The CEC may be contacted regarding questions on complaints and appeals.

In the wake of the last parliamentary elections in 2005, the International Election Observation Mission was highly critical of the processing of complaints and appeals, and presented a number of recommendations for legislative changes. The latest amendments to the Election Code include provisions designed to improve this process. Now, expert groups at the CEC and ConEC levels are required to issue opinions on complaints and appeals that are reviewed by the commissions, which then must issue grounded, written decisions that are to be made publicly available promptly. These municipal elections will be the first real test of how the system works.