

MARCH 18 REFERENDUM Q. & A.

Background Information

12 November 1995 – Constitution adopted following referendum.

24 August 2002 – Referendum conducted to make changes to the Constitution per Council of Europe requirement. Turnout – 83.86%.

18 December 2008- During a joint session, the Commissions on Legal Policy and State Construction and Human Rights, approved a Draft Referendum Act on the conduct of a referendum on changes and amendments to the Constitution. The same day, the Draft Act was submitted for consideration by the plenum of the Milli Majlis.

19 December 2008 - The Milli Majlis voted to send the Draft Act to the Constitutional Court for its review. The Constitutional Court had seven days to review the Draft Act.

24 December 2008 - Under the Chairmanship of the Head of the Constitutional Court, Farhad Abdullayev, the plenum of the court concluded that the Draft Act does not contradict the Constitution.

26 December 2008 - The Milli Majlis voted to conduct the referendum on changes and amendments to the Constitution. The Referendum will be held on March 18, 2009.

General Information

Q. Who can adopt a decision to hold a referendum?

A. A decision to hold a referendum can be adopted by the Milli Majlis or the President.

Q. What happens after the Milli Majlis or the President makes that decision?

A. The Draft Referendum Act is sent to the Constitutional Court, which checks for compliance with the Constitution. Subsequently, the Milli Majlis adopts a decision on the referendum.

Q. When did the Constitutional Court announce its opinion?

A. The Opinion of the Constitutional Court was announced on December 24. It was published together with the list of proposed changes.

Q. When did the Milli Majlis make its final decision?

A. The Milli Majlis made its decision to conduct the referendum on December 26.

Q. When must the referendum be announced?

A. The Referendum shall be announced at least 75 days before voting day, according to the law. It was announced 81 days prior to voting day on December 26.

Q. When will the referendum be held?

A. March 18, 2009.

Q. Is there a minimum turnout requirement?

A. Yes. If less than 25% of voters from the integrated voter list participate in the referendum then it is considered invalid.

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Q. How many changes to the constitution are proposed?

A. There are 29 Articles affected, containing 41 specific changes.

Q. Must a voter vote for or against the changes as a whole?

A. No. The ballot will allow the voter to vote "yes" or "no" on each issue.

Q. When is an issue put to the referendum considered accepted?

A. When more than half the voters who participated in the referendum voted in favor of it.

Q. Can the referendum be postponed after its announcement?

A. There are no such provisions on this. Presumably, the Milli Majlis can reverse its decision.

Q. When will the results of the referendum be announced?

A. The CEC shall announce the official returns of the referendum no later than 25 days after the vote.

Q. Has the CEC issued any Instructions/Regulations?

A. Yes. Instructions on Establishment of Referendum Initiative Group with the purpose of Creation of Referendum Campaign Groups and 13 more as of February 2nd.

Referendum Campaign Group (RCG)

Q. What is a referendum campaign group?

A. The RCG is an organization established by the citizens of the Republic of Azerbaijan who possess active suffrage, with the purpose of conducting a campaign for or against the issues to be addressed in the referendum.

Q. Who can conduct a referendum campaign?

A. Registered referendum campaign groups.

Q. How does a referendum campaign group become registered?

A. It is a two part process. First, initiators establishing a referendum campaign group have to form an initiative group and submit a notification with required documents to the relevant election commission (see below). After the documents are submitted, the initiative group must be registered. Registration is contingent upon, inter alia, the successful collection of required voters' signatures (see below).

Q. What are the relevant documents the initiative group has to submit?

A. Notification containing the following details on each initiator:

- Full name;
- Date of birth;
- I.D. number;
- Address; and
- Place of work, job position or type of activity if not-working;

As well as:

- List of the authorized representatives and authorized representatives on financial issues of the initiative group; and
- Meeting minutes of the initiative group.

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Q. Where must the initiative group submit its notification?

A. If the number of initiators establishing a referendum campaign group is between 500 and 2000, the notification must be submitted to the Constituency Election Commission that represents the territory in which the majority of the members live. If the number is more than 2000, the notification goes to the Central Election Commission.

Q. How does the initiative group determine how many signatures to collect in order to become registered as a RCG?

A. If the RCG intends to campaign throughout the entire country, it must collect 40,000 signatures of voters who, by signing, consent to become members of the RCG. No less than 100 signatures from at least 60 constituencies must be collected. If the RCG intends to campaign in selected constituencies, at least 100 signatures from every single constituency where campaigning will take place must be collected.

Q. Can a voter sign multiple signature sheets from different initiative groups?

A. No. The law states that a voter can sign the signature sheet of only one initiative group. Otherwise, the signature could be considered invalid.

Q. What is the deadline for submission of documents for registration of a RCG?

A. February 1st, 18.00 was the deadline for submission of the required documents for registration. Under the law, the commission is required to review the submitted documents within 10 days.

Q. What are the documents to be submitted for registration of a RCG?

- Signature sheets with the collected signatures;
- 2 copies of the protocol on the results of signature collection; and
- The initial financial report of the initiators of establishing the referendum campaign group.

Current Situation

Q. How many initiative groups have submitted notifications to the CEC?

A. 14 initiative groups - as of February 2nd. They are:

- New Azerbaijan
- Taraggi (Progress)
- Shahar (City)
- Abad kand (Prosperous village)
- Vatandash Jamiyyati (Civil Society)
- Azad Soz (Free Word)
- Law and Democracy
- Democratic World of Azerbaijan
- Republicans
- Civil Movement for the Republic and Garabagh
- Azerbayhan Khalg Jumhuriyyeti (Azerbaijan People's Republic)
- Milli Istiqlal (National Independence)
- Davamly Inkishaf Namina (For the Sake of the Sustainable Development)
- Zaka (Academics)

Q. How many of them have returned signature sheets?

A. Thirteen of them have returned signature sheets as of February 2nd. Democratic World of Azerbaijan is the only initiative group who did not return its signature sheets.

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Q. How many of them have been registered?

A. Three referendum campaign groups have been registered on the CEC level as of February 2nd (YAP, Shahaar, and Taraggi). One referendum group has been denied registration (Abad Kand).

Q. How many initiative groups have submitted notifications to ConECs?

A. 125 referendum campaign groups have submitted notifications as of February 2nd.

Q. How many of them have been registered?

A. 113 referendum campaign groups have been registered on the ConEC level as of February 2nd.

Q. Is there free airtime for referendum campaign groups?

A. Yes. However, the instructions are opaque.

Q. When does campaigning start?

A. 28 days prior to the voting day, which falls on February 18, 2009.

Voters Lists

Q. Are the voters' lists updated?

A. The process is on now. The lower election commissions started updating the lists. According to the law, the annual updating process should finish by the end of May. But in this particular case, the updating process will be completed by February 5th.

Voter Education

Q. Will the CEC conduct voter education on the referendum?

A. Yes.

Observers

Q. How do observers register?

A. 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 ConEC starts from the date of announcement of the referendum and ends respectively 10 and 5 days prior to voting day, i.e., on March 8th for the CEC and March 13th for ConECs.

Voting, Counting, Tabulation

Q. When can people vote?

A. Voting will take place from 8:00 to 19:00 on March 18th, 2009.

Q. Will invisible ink be used in the referendum?

A. Yes, invisible ink will be used in the referendum under the recently enacted amendments to the Election Code.

Q. What will the ballot paper look like?

A. The CEC must design the ballot paper at least 35 days before the referendum is held (by February 11th). The ballot will ask the voter to give a yes or no (or equivalent) answer on each enumerated issue.