

**THE LAW OF THE REPUBLIC OF AZERBAIJAN ON  
AMENDMENTS AND CHANGES TO THE ELECTION CODE OF THE REPUBLIC  
OF AZERBAIJAN  
February 2009**

<b>Font Color/Type</b>	<b>Indication</b>
Black	Existing Code (providing context for the amendments)
RED	New language based on official publication of the amendments on February 17, 2009
<del>BLUE</del>	Deletions based on official publication of the amendments on February 17, 2009

The Milli Majlis of the Republic of Azerbaijan decides:

- I. To make the following amendments and changes to the Election Code of the Republic of Azerbaijan (Collection of Legislation of the Republic of Azerbaijan, 2003, No 6, Article 274, No 12, I book, Article 680; 2004, No 6, Article 416, No 11, Article 891; 2005, No 2, Article 62, No 4, Article 278, No 7, Articles 576, 584, No 12, Article 1091; 2007, No7, Article 712, 2008, No 6, Article 457):

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

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, **abusing their position with the purpose of influencing results of elections (referendum)** shall result in liability as stipulated in the Criminal Code of the Republic of Azerbaijan.

**2. Article 88. Preventing the Cases of Abuse During Pre-Election Campaigning**

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 the law enforcement bodies** or to 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 necessary measures for imposing the administrative liability on the person accused** ~~warn the registered candidate, political party, bloc of political parties, or referendum campaign group of its decision, or apply to the court to stop the illegal campaign.~~ The decision of the election commission shall be published in the press.

### **3. Article 113. Cancellation of Registration of Registered Candidates or Referendum Campaign Groups and Refusal or Registration of Candidates**

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, ~~and if the warning made is not heeded~~ (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, ~~and if the warning issued is not heeded~~;

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 ~~and if the warning issued is not heeded~~;

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, ~~and if the warning issued is not heeded~~;
- 113.2.8. if a candidate, political party, bloc of political parties, or referendum campaign groups do not submit their initial financial report, ~~and if the warning issued is ignored~~;
- 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, ~~and if the warning issued is ignored~~;
- 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 ~~and if the warning issued is ignored~~;
- 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, ~~and if the warning issued is ignored~~; 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, ~~and if the warning issued is ignored~~.

#### **4 and 5. 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 abused their position **with the purpose of influencing results of elections (referendum)** ~~or rank as privileges for being elected~~;
- 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. registered candidates having public or municipal service who did not stop their activities during his or her participation in elections; and
- 115.1.23. legal entities, officials of state or municipal bodies, institutions and organizations who participated in the collection of voters' signatures.

## 6. Article 116. Application of Penalties ~~by Election Commissions~~

The Precinct and Constituency Election Commissions and the Central Election Commission shall have the right to prepare a protocol of administrative offence and **to appeal to the court for applying** 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.

II. This Law comes into force upon the date of publication

Ilham Aliyev, President of the Republic of Azerbaijan  
December 16, 2008. Baku city