

## **30 Questions on the Presidential Elections**

*as of October 5<sup>th</sup>, 2008*

### **1. When is Election Day?**

As announced by the Central Election Commission (CEC) on July 28, 2008, presidential elections will be held on Wednesday, October 15, 2008.

### **2. What is the total number of polling stations in the 125 constituencies?**

There are approximately 5,000 polling stations in the 125 constituencies where the presidential elections will be held. The precise number is difficult to ascertain, as polling stations may be established in venues such as military facilities in the days leading up to the election (see below).

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

Yes, IDPs will be voting throughout the country in the constituencies where they are registered.

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

Yes. The creation of polling stations in military units located outside of settlements is allowed only in the cases where the number of military servants is over 50 and more than an hour is required to transport such military servants to the general polling station by public transportation. In accordance with Article 35.2 of the Election Code, such polling stations shall be created by the commanders of the military units, in accordance with the decision of the relevant Constituency Election Commission, at least 5 days prior to Voting Day.

Military servants from frontier troops, military servants located in areas of military conflict, and military servants serving under special regimes, in the cases established by the Central Election Commission, shall vote in polling stations created within their military units.

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

Azerbaijan's Constitution gives the Milli Majlis authority to appoint CEC members. Article 95.I of the Constitution of the Republic of Azerbaijan lists 24 responsibilities of the Milli Majlis, among which is the appointing of members to the Central Election Commission.

According to Article 24.3 of the Election Code, the CEC should be comprised of 18 members according to the following breakdown: 6 members representing the majority in the Milli Majlis, 6 members representing independent deputies, and 6 members representing minority parties in the Milli Majlis.

Neither the Constitution nor the Election Code provide details on how the six individuals in each category are to be selected.

## **6. What is the composition of the CEC today?**

The current CEC is comprised of six (6) members selected to represent the majority party, YAP, five (5) representing independent members of the Milli Majlis, and five (5) members representing the minority parties.

The Milli Majlis of the Republic of Azerbaijan partially formed the CEC on February 7, 2006, on the basis of the November 2005 parliamentary election results in 115 of Azerbaijan's 125 constituencies. Elections in the other 10 constituencies were cancelled and had to be repeated. Given this circumstance, the Milli Majlis decided to appoint 13 of the 18 members of the CEC. The remaining five were to be appointed after the May 13<sup>th</sup> repeat parliamentary elections. However, several members of the opposition within the Milli Majlis refused to participate in the naming of prospective CEC members, so only three additional members have been appointed. Therefore, as noted above, there are still two vacancies on the CEC.

## **7. What is the composition of the ConECs?**

According to Article 30 of the Election Code, the Constituency Election Commissions shall be comprised of 9 members, with 3 representing the majority party, 3 representing independents, and 3 representing the minority parties. CEC members representing minority parties and independents have recently filled the previously vacant positions of one missing minority and independent member to the ConECs.

## **8. What is the composition of the PECs?**

According to Article 36 of the Election Code, the Precinct Election Commissions shall be comprised of 6 members: 2 representing the majority party, 2 representing independents, and 2 representing minority parties. The PECs are now fully staffed.

## **9. 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 40,000 signatures (see below) in support of a candidate.

## **10. What does the candidate nomination process involve?**

An initiative group of voters, a political party, or a bloc of political parties may submit documents of nomination to the Central Election Commission, which has the right to approve or reject the nomination. 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 that s/he has permanently resided in the Republic of Azerbaijan for more than 10 years, is not sentenced for a severe crime, does not have obligations to other countries, has higher education, does not have dual citizenship, and is a citizen of the Republic of Azerbaijan.

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

For the 2008 Presidential Elections, 21 candidates were nominated and their nominations were approved by the CEC.

**11. How many signatures do the candidates have to collect in order to be registered?**

According to Article 181 of the Election Code, a candidate has to collect 40,000 signatures. At least 50 signatures should be collected from the territory of each of 60 constituencies.

**12. What was the deadline for submission of documents for a candidate's registration?**

The submission deadline for candidates' registration documents was 18:00, September 5<sup>th</sup>, 2008.

**13. What was the deadline for CEC's decision on candidate's registration?**

The decision deadline for candidates' registration was September 15<sup>th</sup>, 2008.

**14. How many candidates are registered?**

Registration of candidates takes place within 10 days after checking accuracy of signature sheets and other submitted documents to the CEC. Ultimately, the CEC registered seven candidates: Ilham Aliyev, current President and YAP's candidate; Igbal Agazadeh, MP and chairman of Umid Party; Fazil Mustafayev, MP and chairman of Great Establishment Party; Hafiz Hajiyev, chairman of Muasir Musavat Party; Gudrat Hassanguliyev, MP and chairman of Whole Azerbaijan Popular Front Party; Fuad Aliyev, chairman of Liberal Democrat Party; and Gulamhussein Alibayli, independent.

**15. How many individuals were denied registration?**

Five candidates were denied registration for the following reasons:

- One candidate submitted empty signature sheets.
- Two candidates were found to have obtained an insufficient number of valid signatures after the validity of their collected signatures was checked, and to have provided incorrect information on their property.
- One candidate's approval was cancelled due to his dual citizenship.
- One candidate submitted signature sheets after the deadline.

Two nominated candidates withdrew their candidacy.

Seven nominated candidates did not return their signature sheets.

**16. Are the voters' lists updated?**

Yes, the CEC had approved the voters' list and displayed the updated list on its website by May 27, 2008. Voters can still check their names on the website. Precinct Election Commissions collected such information and updated their lists by September 10th. The lists were finalized on September 20, 2008.

**17. Are the voters' lists displayed?**

Yes, the voters' lists have been displayed on the CEC website since the end of May 2008, after the relevant CEC approval. Printed versions of the voters' list were to be displayed from September 10<sup>th</sup> (35 days prior to Voting Day) in front of PECs, in order for voters to check their names and make corrections.

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

Any changes made after September 20th 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, a voter may 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 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 in the country?**

According to the CEC, there are currently 4,835,294 registered voters in 125 constituencies.

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

Yes, the election campaign period starts 28 days prior to Election Day and ends 24 hours before voting starts, i.e. 8:00AM on October 14<sup>th</sup>. During this time, official campaign activities are permitted.

**22. Do the candidates receive free nation-wide airtime during the presidential elections?**

Yes, according to Articles 80.1 and 83.1 of the Election Code, registered presidential candidates have the right free airtime allocated by public television and radio, and are entitled to relevant space for free advertising in official periodicals (issued at least once a week). Free airtime is allocated equally among candidates for the conduct of debates, round tables, or other campaign activities. Under Article 189.2 of the Election Code, rules for conduct of such activities are determined by the CEC.

At its September 17<sup>th</sup> meeting, the CEC announced this free airtime would take the form of public round table discussions on Public TV and Radio. The order in which the candidates were to speak at these roundtables was determined through a public lottery. The CEC announced that a total of six hours a week of free airtime would be allocated to candidates (3 hours on TV and 3 hours on radio). Roundtables are being aired on television from 18:50 to 20:00 on Tuesdays, Thursdays and Saturdays, and on radio from 21:00 to 22:00 on Mondays, Wednesdays and Fridays. Candidates are each being allotted 8 minutes and 35 seconds of airtime to speak at each roundtable and may choose themselves how to divide this 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 ConEC starts from the date of announcement of the elections and ends respectively 10 and 5 days prior to Election Day, i.e. on October 5<sup>th</sup> for the CEC and October 10<sup>th</sup> for ConECs.

**24. When can people vote?**

Voting will take place from 8:00 to 19:00 on October 15<sup>th</sup>, 2008.

**25. Will invisible ink be used in the presidential elections?**

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

**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 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:

- October 15<sup>th</sup>, 2008 – PEC results to ConECs
- October 17<sup>th</sup>, 2008 – ConEC results to CEC
- October 24<sup>th</sup>, 2008 – CEC results to Constitutional Court

The deadline for announcement of election results by the Constitutional Court is October 29<sup>th</sup>, 2008.

**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, 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 on CEC and ConEC levels are designated to issue opinions on complaints and appeals that are reviewed by the commissions, which then issue grounded, written decisions that are to be made publicly available promptly. How well this new process will work in practice is yet to be determined.