

Azerbaijan – Legal Annex

- 1. Constitution, 12th November 1995**
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- 3. Law on Approval of Procedures for Submission of Financial Information by Public Officials (2005)**
- 4. Election Code**
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- 6. Blank disclosure form, Annex to the Rule and the Election Code**

Law(s) reviewed but not containing relevant articles for this study:

- Internal Regulations of the Milli Majlis
 - On the MP's Status, May 17th 1996, most recent changes in February 2007
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1. Constitution, 12th November 1995

Article 89 Deprivation of deputies of the Parliament [Milli Majlis] of the Azerbaijan Republic of their mandates and loss of powers by the deputy of the Parliament [Milli Majlis] of the Azerbaijan Republic

(1) The deputy of the Parliament [Milli Majlis] of the Azerbaijan Republic loses his/her mandate in the following cases:

whenever during the elections there was falsification in calculation of votes;

1. on giving up the citizenship of the Azerbaijan Republic or accepting other citizenship;
2. on commitment of crime and whenever there is valid verdict of law court;
3. on taking position in state bodies, post in religious organizations, involvement in business, commercial or other paid activity (except scientific, pedagogical and creative activity);
4. on a voluntary basis;
5. on abolition of a party the deputy belongs to.

Decision about deprivation of the deputy of the Parliament [Milli Majlis] of the Azerbaijan Republic of his mandate is taken as specified in legislation.

(2) Whenever deputies of the Parliament [Milli Majlis] of the Azerbaijan Republic are not able to fulfil their obligations and in other cases specified by law their authority is considered terminated. Procedure of taking respective decision is determined by the law.

2. Law on the Combat against Corruption (2005)

Law is aimed to disclose, prevent corruption related offenses and eliminate their consequences, to protect social justice, human rights and civil liberties, to create favorable conditions for economic development, to ensure transparency, efficiency and lawfulness of the activities of the public and/or local self-government organs and public officials.

This Law also pursues to strengthen the confidence of the populace towards state structures, to encourage professionals to enter public or local self-government service, and to create conditions, excluding involvement of the staff of such organs in corrupt practices.

PART I. GENERAL PROVISIONS

Article 1. Notion of corruption

Corruption – Abuse by a public official of his/her own status, or the status of the organ represented, or functionary authorities and/or possibilities emerging from such a status and authorities resulting in illegal acquisition of material and non material values, advantages and benefits, including illegal offer and/or promise or giving of such above referenced to material and non material values, advantages and benefits by individuals and legal entities.

Article 2. Subjects of Corruption Related Offences

2.1 The corruption related offences shall be applicable to the following officials:

2.1.1. Individuals appointed and/or elected to public organs, according to the Constitution and laws of the Azerbaijan Republic.

2.1.2 Individuals representing public organs on the basis of special power of attorney.

2.1.3 Public servants holding administrative positions.

2.1.4. Individuals directly performing organizational-managerial and/or administrativeeconomic functions in relevant structural units of public organs, enterprises and institutions, as well as in economic units with the controlling shares belonging to the state.

2.1.5. Candidates registered, as stipulated by the Law for elections, to elective state organs of the Azerbaijan Republic.

2.1.6. Persons elected to local self-government organs in the procedure, established in the Azerbaijan Republic legislation.

2.1.7. Persons directly performing organizational-managerial and/or economic - administrative functions in local self-government organs.

2.1.8. Persons directly performing organizational-managerial and/or economic - administrative functions in non-state organs, as authorized by the state and in cases set forth by the law.

2.1.9. Individuals abusing their status or connections to exercise illegal influence on the decision making process of the public officials and thus acquiring material and non material values, advantages and benefits.

2.1.10. Individuals and legal entities making illegal offer and/or promise of material and non-material values, advantages and benefits, and/or individuals acting as intermediaries in such kind of actions.

2.2. Persons indicated in items 2.1.1. and 2.1.8. above, are considered to be officials for the purposes of this law.

Article 3. Sphere of the Law Application

This Law shall be applicable to all individuals and legal entities within the boundaries of the Azerbaijan Republic, including foreigners and stateless persons, and beyond to all Azerbaijan citizens and legal entities registered in Azerbaijan Republic, in accordance with international agreements signed by the Azerbaijan Republic as a party thereto.

Article 4. Anti-corruption Organs

4.1. The combat against corruption shall be undertaken by all state organs and officials within the power of their authority. In case legal offenses related to corruption lead to administrative or criminal liability, combat against corruption shall be undertaken by law enforcement bodies, as set up by the legislation.

4.2. Anticorruption Commission under the Azerbaijan Republic Council for Public Service (hereinafter the Commission) shall perform functions of a specialized organ to prevent corruption.

4.3. The Commission shall be comprised by appointed representatives of executive, legislative and judicial power bodies. Authorities of the Commission shall be set forth by Statutes thereof, approved by the law.

PART II. CORRUPTION PREVENTION

Article 5. Financial measures

5.1 Public officials shall submit following information in the order set forth by the Commission.

5.1.1 Information on annual income, including sources, types and amounts.

5.1.2 Information on taxable property.

5.1.3. Information on deposits with financial institutions, securities and other financial assets.

5.1.4. Information on participation in the capacity of a shareholder or founder in companies, foundations and other economic units, and on share in these organizations.

5.1.5. Information on debts to the extent of the amount over 5 000 fold conventional financial unit.

5.1.6. Information on other financial and property obligations to the extent of the amount over 1 000 fold conventional financial unit.

5.2. Information submitted to state organs under item 5.1. of this law shall be considered a commercial and bank secret. Dissemination of this information shall result in liability, as set forth by the law. This information shall be requested only by commission set forth in relation to corruption related offenses and/or by an organ which institutes prosecution in respect of a corruption related offense. In such cases information shall be provided only on the basis of a court judgment.

Article 6. Liability for Financial Control Measures Violation

6.1 Public officials and/or individuals aspiring to hold such positions shall be informed of the requirements contained in Article 5.1 of this Law and legal consequences of non-compliance thereof, as set forth by legislation.

6.2 The Commission shall establish mechanisms of supervision of compliance with the requirements set forth by the Article 5.1. of this law.

6.3 Public officials, who failed to comply with requirements contained in Article 5.1 of this Law, in other words, failed to have submitted information in time and without any justified reason for delay, or deliberately submitted incomplete or false information, shall find themselves bearing administrative liability. In case relevant persons violate special order of bringing to liability, as set forth by the Azerbaijan Republic Constitution, applicable to them, they can be brought to administrative liability for violation thereof.

6.4 The Commission is authorized to publish information in an official newspaper on individuals, who violate requirements, as set forth in item 5.1 of this law.

Article 7. Inadmissibility for Relatives to Work Together

7.1 Close relatives of public officials shall not hold any positions whatsoever in the organs directly subordinated to him/her, except for the elective positions and other cases, as set forth by the legislation.

7.2 Should officials, violating requirements under the Article 7.1 of this Law, within 30 days after such a violation is established, not remove such a violation on volunteer basis, they shall be moved to other positions, excluding such subordination, control or reporting. If impossible, one of such public officials shall be relieved of his/her position.

7.3 Officials relieved of their positions under provisions contained in the Article 7.2 of this Law can hold positions in other organs, agencies, institutions and organizations.

Article 8. Restrictions on Gifts

8.1 All gifts received by a public official in connection with performance of functionary duties (executing authorities) of the cost, exceeding 50 conventional financial units, shall belong to the state organ or local –self-governing organ, where the official performs his or her functionary duties (executing authorities). In case gifts received are intended for personal use, the official shall reimburse to the to the state organ or local –self-governing organ, where the official performs his or her functionary duties (executing authorities), the amount exceeding the sum indicated above to obtain the gift for personal use.

8.2 It is prohibited to public officials to derive any advantages and/or benefits during conclusion and/or implementation of civil transactions connected with the public position with individuals and legal entities, citizens of Azerbaijan Republic or foreign countries.

8.3 Violations of the provisions contained in Articles 8.1-8.3 of this Law shall result in liability according to Article 6 of this Law.

PART III. CORRUPTION RELATED OFFENCES AND LIABILITY THEREFOR

Article 9. Corruption Related Offences

9.1 Corruption related offences consist of: direct corruption related offenses and offenses creating conditions for corruption related offenses.

9.2 Corruption related offences are as follows:

9.2.1. Acceptance or promise of acceptance of a proposal to commit any action related to performance of functionary duties (authorities) of a public official and/or refusal to commit such an act in return for direct and/or indirect demand, derivation for the benefit of him/herself and/or of third parties of material and non-material values, advantages, benefits.

9.2.2. Giving a proposal or a promise to commit any action related to performance of functionary duties (authorities) of a public official and/or refusal to commit such an act in return for direct and/or indirect demand, derivation for the benefit of him/herself and/or of third parties of material and non-material values, advantages, benefits or of a promise thereof.

9.2.3. Illegal use of property obtained by public officials in the result of any actions in connection with his/her functionary duties (authorities) and/or refusal from performance thereof with the purpose to derive benefit for him/herself or for third parties.

9.2.4 Acquisition by a public official of material and non-material values, advantages, benefits for free, and/or at below market price or the state regulated price (tariffs) in relation to performance of his/her functionary duties (authorities).

9.2.5. Generating profits by a public official from holdings, deposits, securities, rent, royalty or lease related to performance of his/her functionary duties (authorities) in violation of the Azerbaijan Republic legislation.

9.2.6. Direct and/or indirect proposal, promise or providing with material and nonmaterial values, advantages or benefits to any individual indicating his/her ability to illegally influence on decision taken by a public official for a certain award.

9.2.7. Acceptance of material and non-material values, advantages or benefits by any individual indicating his/her ability to illegally influence decision taken by a public official for a certain award and/or acceptance by such an individual of a proposal or promise thereof.

9.3 Following actions by an official shall be considered as offenses creating conditions for corruption related offenses.

9.3.1. To hold any other paid jobs or be engaged in any other type of activity, except for academic, pedagogical or a creative activity, during the period of performing of functionary duties (authorities).

9.3.2. Abuse of his or her own status or the status of the organization the official represents, functionary duties and other possibilities resulting from this status to illegally help individuals and legal entities in their performance of entrepreneurial activities, including subsidy, subventions, grants, credits and other benefits with a purpose to obtain material and non-material values, advantages or benefits.

9.3.3. To be engaged in entrepreneurial activities directly or with assistance of other persons, or through figure-heads, to hold a second job (except for academic, pedagogical or a creative activities), as well as take part in work of executive organs of economic units and financial and credit institutions, engaged in entrepreneurial activities.

9.3.4. Illegal interference into affairs of other state organs in respect of the issues beyond his/her authorities by means of use by public official of his/her own status, or the status of the organ represented, or functionary authorities and/or possibilities emerging from such a status and authorities.

9.3.5. Impact on decision making in respect of issues concerning his/her personal interests by means of use by public official of his/her own status, or the status of the organ represented, or functionary authorities and/or possibilities emerging from such a status and authorities.

9.3.6. When preparing and making normative- legal acts and other relevant decisions, to give priority to non competent individuals and legal entities.

9.3.7. To act as a representative (authorized person) of other individuals and/or legal entities in the matters of the organ where he/she holds a position, and/or organs

subordinated, controlled or reporting to him/her.

9.3.8. Without any grounds to refuse to individuals and/or legal entities information, which should be made available under the Law and/or other legislative acts, and/or delay making of such information available and/or give out incomplete and/or distorted information.

9.3.9 To demand from individuals and/or legal entities information, giving of which is not stipulated by the Law and/or other legislative acts.

9.3.10 To illegally transfer material and financial resources of state and/or local selfgovernment organs to election funds of individual candidates, registered candidates, political parties, block of political parties, referendum initiative groups.

9.3.11 To illegally transfer material and financial resources of state and/or local selfgovernment organs to election funds of individual candidates, registered candidates, political parties, block of political parties, referendum initiative groups.

9.3.12. To create artificial obstacles for individuals and/or legal entities in performance of their legal and juridical interests.

9.3.13 To provide to individuals and/or legal entities engaged in entrepreneurial activities with the authority to regulate such entrepreneurial activities, on behalf of the state.

9.4 In addition to cases set forth by this law, normative acts regulating activities of officials and/or defining their status may stipulate other corruption related offenses.

Article 10. Liability of Officials for Corruption Related Offenses

10.1 Corruption related legal offenses result in disciplinary, civil, administrative, criminal liability, as set forth by the legislation.

10.2 Official who commit legal offenses, referred to in Article 9 of this Law, which result in civil, administrative, criminal liability, shall be brought to liability in the order, set forth by Azerbaijan Republic legislation.

10.3 Imposition of disciplinary measures for corruption related offenses shall be regulated by this law and other legislative acts.

10.4 In case of commitment of legal offenses, referred to in Article 9 of this law, which do not result in administrative and/or criminal liability, provided that the below stated special cases are observed, shall result in disciplinary liability in the order, set forth by Azerbaijan Republic legislation.

10.4.1 In case persons elected to state bodies, commit violations referred to in Article 9 of this law, the anti-corruption organ shall inform the organ which has elected the person in question, according to the order set forth by the Azerbaijan Republic Constitution and laws.

10.4.2. In case persons elected to local self-governing bodies commit any of the offences referred to in Article 9 of this Law, the anti-corruption organ shall inform relevant election commission, according to the order set forth by the Azerbaijan Republic Constitution and laws. The election commission shall within 5 days after reception of such information inform the electors on the offences committed by the elective official

10.4.3. In case candidates for the elective positions within the state organs registered in the order provisioned by the law, violate any of the provisions referred to in the Article 9 of this law, they shall be subject to measures, as set forth in the Azerbaijan Republic Election Code.

10.4.4. In case judges violate any of the provisions referred to in the Article 9 of this law, the anti-corruption organ informs the Chairman of the Azerbaijan Republic Supreme Court thereon for review of the issue and imposition of disciplinary measures by Azerbaijan Republic Disciplinary Board of the Supreme Court.

Article 11. Liability of the Individuals and Legal Entities for Corruption Related Offenses

11.1 In case there is no corpus delicti in the actions of individuals, they be subject to administrative penalty.

11.12 In case legal entities have committed corruption related offense, they shall be subject to penalty, as set forth by the legislation or liquidation.

PART 4. LIQUIDATION OF CONSEQUENCES OF CORRUPTION RELATED OFFENCES

Article 12. Alienation of Illegally Acquired Property and Indemnification of the Cost of

Illegally Acquired Advantages and Benefits

12.1 Illegally acquired property and the cost of the illegally acquired advantages and benefits shall be voluntarily indemnified to the state by officials. In case an official refuses to return the illegally acquired property or indemnify of its cost, as well as the cost of illegally acquired advantages and benefits on volunteer basis, such property and/or its cost, as required by the relevant state bodies, shall be confiscated by the court to the benefit of the state.

12.2. Prior to the court hearing, the court may take certain actions in respect of the property of the official involved, in the procedure established in the Civil –Procedural legislation of the Azerbaijan Republic.

Article 13. Abolition of Acts Adopted in the Result of Offences Related to Corruption

The acts adopted in the result of offences related to corruption, shall be abolished by relevant state bodies or by court on the basis of appeal by relevant state organs or any individuals.

Article 14. Entering of the Law into Force

This Law shall enter into force as of January 1, 2005.

3. Law of the Azerbaijan Republic “On Approval of Procedures for Submission of Financial Information by Public Officials”

Milli Mejlis of the Azerbaijan Republic hereby decides:

1. To approve “Procedures for Submission of Financial Information by Public Officials”
(attached).

2. This Law to enter into force from the date of its publication.

President of the Azerbaijan Republic

Ilham Aliyev

City of Baku, June 24, 2005

№ 945-III

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*Approved by the Law of the
Azerbaijan Republic from
June 24, 2005*

Procedures

On submission of financial information by public officials

Article 1. General provisions

These Procedures define the form of the financial information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”, officials responsible for submission of the information, authorities responsible for their collection as well as rules for review of such information.

Article 2. Public officials submitting financial information

2.1. These Rules shall be applicable to public officials stipulated under Articles 2.1.1—2.1.4, 2.1.6 and 2.1.7 of the Law of the Azerbaijan Republic “On struggle against corruption”.

2.2. Submission of information by public officials stipulated under Article 2.1.5 of the Law of the Azerbaijan Republic “On prevention of Corruption” shall be regulated under Elections Code of the Azerbaijan Republic.

Article 3. Authorities collecting financial information

3.1. Following public officials shall submit the financial information to the Commission on Prevention of Corruption (hereinafter referred to as “Commission) of State Service Supervision Council:

President of the Azerbaijan Republic, Chairman of the Milli Mejlis of the Azerbaijan Republic and his deputies, Prime Minister of the Azerbaijan Republic and his deputies, Heads of Apparatus of the President of the Azerbaijan Republic, Milli Mejlis of the Azerbaijan Republic and Constitution Court of the Azerbaijan Republic, Heads of Apparatus of the Supreme Court of the Azerbaijan Republic, head of central executive authorities of the Azerbaijan Republic, their deputies and persons holding equivalent positions, persons holding administrative positions in accordance with Article 11.1.2, persons holding positions of deputy heads and section heads of 2nd category state authorities as per Article 11.1.3, as well as persons holding the positions of heads or equivalent in 5th category state authorities as per Article 11.1.4 of the Law of the Azerbaijan Republic “On State Service”, Chairman of the Supreme Mejlis of the Nakhichevan Autonomous Republic and his deputies, heads of central executive authorities of the Nakhichevan Autonomous Republic and their deputies, local executive authorities, judges in courts of the Azerbaijan Republic, General Prosecutor of the Azerbaijan Republic and his deputies, district and military prosecutors, Human Rights Representatives (Ombudsman), Chairman of the Board of the National Bank of the Azerbaijan Republic, Counting Chamber, Central Elections Commission and their deputies, Chairman of the National Television and Radio Board, General Director of Public Television and Radio Broadcasting Company and his deputies, extraordinary and plenipotentiary ambassadors of the Azerbaijan Republic, permanent representatives in international entities, general consuls, head of state higher education institutions, heads of economic enterprises with state holding control interest, as well as heads of state entities, enterprises, organizations and territorial and specialized executive authorities established by the Commission.

3.2. Members of the Milli Mejlis of the Azerbaijan Republic shall submit their relevant financial information to the authority identified by the Milli Mejlis of the Azerbaijan Republic.

3.3. Members of the Supreme Mejlis of Nakhichevan Autonomous Republic shall submit their relevant financial information to the authority identified by the Supreme Mejlis of the Nakhichevan Autonomous Republic.

3.4. Persons elected to local self-management authorities shall submit their financial information to relevant executive authorities, and persons implementing administrative and supervisory authorities in the local self-management authority shall submit the information to the respective self-management authority.

3.5. Other public officials shall submit their financial information to the relevant financial (accounting) authority determined by heads of their respective state authorities.

Article 4. Financial Information Statement

4.1. Financial information is submitted in the form of statement. Form of statements and rules for their submission shall be established by relevant executive authority with consideration of the recommendations of the Commission.

4.2. Public officials shall develop the statement in writing and shall bear personal responsibility for accuracy and completeness of information provided in the statement.

4.3. Statement cannot be received back upon submission by public officials.

4.4. Authorities receiving the financial information shall submit the documentation verifying the obtaining of the statement.

Article 5. Contents of the statement

5.1. Statement shall contain the information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption”.

5.2. The information stipulated under Article 5.1 of the Law of the Azerbaijan Republic “On struggle against corruption” shall also include data on financial information of family members (spouse, parents and children living together) of the public official, thus their property, financial and asset liabilities.

5.3. Public officials shall input all information on their profits and incomes obtained upon

the submission of the financial statement into the statement to be submitted following year.

Article 6. Terms of submission of financial information

- 6.1. Statements are submitted within the period from 1st to 31st of January.
- 6.2. Public officials shall submit their statements within 30 days of taking the position.
- 6.3. Public officials who submitted their statement while working on different position, shall not submit new statement.
- 6.4. Public officials within the period of one year from their dismissal, termination of authority or retirement shall submit the statement within terms stipulated under Article 6.1 of these Rules.
- 6.5. Public officials, who had delayed without valid reason the submission of the statement, or deliberately submit the statement containing incomplete or false information, shall be brought to account in accordance with legislation of the Azerbaijan Republic.
- 6.6. Public officials, who within the period of one year from their dismissal, termination of authority or retirement delayed without valid reason the submission of the statement, or deliberately submit the statement containing incomplete or false information, shall be brought to account in accordance with legislation of the Azerbaijan Republic.

Article 7. Control over submission of financial information

- 7.1. Control over submission of financial information shall be implemented by receiving authority.
- 7.2. Requirements stipulated under provisions of Article 5.1 of the Law of the Azerbaijan Republic on “Struggle Against Corruption” and these Procedures and liabilities for noncompliance with these requirements shall be communicated in writing to relevant public official within 15 days from the date of start in office.
- 7.3. Control over submission of financial information by elected officials of state authorities of the Azerbaijan Republic shall be implemented in accordance with provisions of the Elections Code of the Azerbaijan Republic.

Article 8. Review of Financial Information

- 8.1. Authorities receiving the financial information, in its receiving shall review the correctness of its preparation.
- 8.2. Authorities receiving the financial information shall implement initial investigation on the information provided in statement. Initial investigation determined the accuracy and completeness of information provided in the statement, as well as comparison of current statement with financial information submitted previously.
- 8.3. During initial investigation authorities receiving the financial information shall be entitled to request the public official to provide verbal or written clarifications. Clarifications obtained during initial investigation shall be attached to statement.
- 8.4. Public official shall be entitled to review the results of investigation and provide written clarifications.
- 8.5. Authorities receiving financial information, in implementation of investigation shall submit the information on findings to relevant authorities for further actions.

Article 9. Preservation of financial information

- 9.1. Financial information submitted by public official shall be considered as private information.
- 9.2. Authorities receiving the financial information shall maintain its confidentiality. Specified information may be provided under reasonable enquiries of the Commission, prosecutor office and courts in association with corruption related violations.
- 9.3. Illegal collection and distribution of financial information provided by public official shall form the basis for criminal liability stipulated under provisions of legislation.

Article 10. Liability for violation of these procedures

Violation of these procedures shall result in criminal, administrative and disciplinary actions stipulated under legislation of the Azerbaijan Republic.

Article 11. Transitional provisions

Public officials shall submit their statements within four months period, upon the approval of the format of statement as per Article 4.1 of these Procedures.

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4. Election Code

<http://www.cec.gov.az/en/cec/code/chapter10.htm#59>

Article 58. Submission of Election Documents for Registration of a Candidate

58.1. For registration of nominated candidates, authorized representatives of the candidates, political party and block of political parties shall submit the following documents to the relevant Constituency Election Commission at earliest most 105 days and at latest least 70 days prior to the Voting Day, before 18:00:

58.1.1. signature sheets, which include voters signatures in support of candidates;

58.1.2. 2 copies of protocols on results of collecting signatures prepared in a form defined by the Central Election Commission;

58.1.3. notification on changes made to the information about the candidates, submitted according to the Articles 53.3 and 54.8 of this Code;

58.1.4. information on the amount and sources of candidate's income;

58.1.5. information on the candidate's property on the basis of ownership right;

58.1.6. candidate's initial financial report (including information on funds spent for organization of collection of voters signatures).

58.2. Shall accidentally made mistakes be revealed in documents indicated in Articles 58.1.2.-58.1.6. of this Code, the relevant election commission must should within 48 hours inform the candidate about the matter and propose to correct the mistakes.

58.3. Information on amount and sources of income of the candidate for the period of the previous one-year should be submitted in a format defined by the Central Election Commission starting from the day of determination of the Election Day. At the same time, a reference on the summary of total annual income from the income source organizations shall be submitted. Information on property owned by the candidate shall be submitted in a form appropriate to Appendix # 5 of the Code. The Central Election Commission shall define the list of information on candidate's property and income to be published.

58.4. When receiving election documents, election commissions shall approve each folder containing signature sheets with their stamp, check if the number of submitted signature sheets match with the number recorded in the protocol on results of collecting signatures, then having recorded the date and time of their receipt, provide the candidate, authorized representatives of political party and block of political parties with a reference on receipt of election documents with indication of the number of the signature sheets and the number of announced signatures therein. If the above-mentioned persons submit relevant documents to relevant election commission before the time mentioned in Articles 58.1 and 58.2, they cannot be refused receipt of documents; authorized representatives of a candidate, political party and block of political parties cannot be obstructed to enter a relevant building (room).

58.5. A bank document on transfer of voluntary registration deposit at the amount of 3% of the relevant election fund's threshold to the account of the election commission carrying out the registration can be presented to the relevant election commission when submitting the election documents for registration of a candidate. Cases of return of the registration deposit by the election commission are shall be determined by Article 60.5 of this Code.

Article 59. Checking Accuracy by the Election Commissions of Signature Sheets and Documents Submitted by Candidates, Political Parties, Blocks of Political Parties

59.1. The relevant election commission shall check correctness of the information in the documents defined by this Code and in the signature sheets of each candidate and whether the information of nominating the candidates is in compliance with the requirements of this Code. According to this Code, The relevant

election commission shall have the right to check the accuracy of information about biography and other information about the candidates, submitted by a the candidates, political party, block of political parties and voters in accordance with this Code.

59.2. The election commission can apply to the relevant bodies with a purpose to check accuracy of information and facts submitted in accordance with this Code. Those bodies should inform the election commissions about the results of examination within the period defined by the election commission, but if there are less than 75 days remaining prior to the voting day the information must should be provided within a one-day period. The relevant election commission can make a decision on creating working groups consisting of experts invited to check accuracy of signatures and relevant information. The working groups should be chaired by the member of the commission that forms the group. Independent experts, experts of the relevant bodies as well as specialists of bodies and organizations carrying out registration of population can be invited after the fee established by the Central Election Commission is paid. Their opinions shall be accepted, as a basis, which approves accuracy of the information in the signature sheets. The election commissions can use the state voters lists and the citizens registration system to check accuracy of information in signature sheets.

59.3. Candidates, their authorized representatives, authorized representatives of political parties, blocks of political parties can be present in the relevant election commission while checking signature sheets. The relevant election commission must should inform the above-mentioned persons about examination of documents, in advance. The election commission cannot refuse or obstruct above-mentioned persons sent by a candidate, political party and block of political parties to participate in these actions. All signatures in the voters lists should be examined.

59.4. Checking of signatures should be stopped, if number of appropriate signatures provides grounds for registration of the candidate, or if the number of the remaining signatures is not sufficient for registration of the candidate. Accuracy or incorrectness of voters' signatures should be approved due to results of investigation.

59.5. Crossed out signatures in the signature sheets of the persons who have nominated a candidate are shall not be checked and registered if persons who collect signatures made relevant notes on it before they submit the signatures sheets to the relevant election commission.

59.6. If a signature of one person appears several times while checking them, only one signature is shall be considered valid, others are considered incorrect.

59.7. Along with provisions of Article 59.6 of this Code, the following signatures shall also be considered incorrect:

59.7.1 The signatures of voters who do not have the right to vote or noted incorrect information based on the opinion of invited specialists to the work of election commission according to Article 59.2 of this Code or based on the reference given by relevant executive authority;

59.7.2. Signatures of voters entered into signature sheets before the notification on nomination of the candidate is sent to relevant election commission;

59.7.3. Signatures considered invalid in accordance with violation of requirements of Article 57.1 of this Code;

59.7.4. Signatures put by one person on behalf of several persons, or by several persons on behalf of one person;

59.7.5. Signatures, which are not recorded in hand writing or recorded by pencil.;

59.8. 59.7.6. If dates of signatures have been changed in the signature sheets, these signatures are shall be considered correct if the person who approves signature sheets certifies them also;

59.9. All of the signatures in the signature sheets are shall be considered invalid if signature sheets are not certified with the signature of the person who collected them, also by the authorized representative of candidate, political party, a block of political parties or if signature of authorized representative is not correct.

59.10. Signatures shall considered invalid in accordance with written conclusion of experts involved in work of the election commission;

59.11.

59.10. If a written line in a signature sheet does not fulfill the requirements of this Code only this line where signature is shall be considered invalid, except for the cases mentioned in Articles 59.7 - 59.9 of this Code;

59.11. According to Articles 59.6. - 59.10 of this Code, if signatures are shall not be defined during examining accuracy of signatures and calculating accuracy of quantity of signatures, changes and notes

made by determined way in the signature list should not be the reason to for considering the signature invalid.

59.12. According to Articles 59.6 - 59.10 of this Code, the candidate shall not be registered if the number of signatures is less than required number for registration after invalid signatures have been removed.

59.13. The head of a working group and a member of relevant election commission who has decisive right to vote shall prepare a protocol on results of checking signature sheets of each candidate, then sign it and give to the Election Commission for a relevant decision. The protocol shall indicates the number of checked signatures of voters and number of invalid signatures with a note of reason. The protocol shall be attached to the relevant decision of Election Commission. A copy of the protocol shall be submitted to a candidate, authorized representative of political party, a block of political parties at least 24 hours prior to the meeting of election commission, which deals with registration of a candidate. A candidate, a political party, a block of political parties shall have the right to get following documents if signatures are less than the required quantity of voter signatures during examination of signatures:

- Copy of the protocol approved by the head of working group.
- Reasons for considering signatures invalid including number of a relevant folder and number of line in relevant signature sheet
- Copy of the working-table on results of examination.

Article 60. Registration of a Candidate

60.1. The relevant election commission has to should make a grounded decision based on registration or refusal of non-registration of the candidate after receiving of signature sheets and other required documents for the registration of candidate within a 10 days period. If the registered candidate is nominated by a political party or block of political parties, the relevant election commission shall mentions in the registration report, that the candidate is nominated by the relevant political party, block of political parties. The registration date and time shall be indicated in decision of registration or refusal of registration.

60.2. The relevant election commission shall have to submit the copy of the decision on registration of a candidate after acceptance of decision within 1 day to the candidate, authorized representatives of political parties or block of political parties that nominated the candidate, and if there is a refusal of registration, then the reasons must should also be clarified. The followings can be the reasons for the refusal:

60.2.1 Violation of the rules for collecting signatures determined by this Code;

60.2.2 Incorrect formalizing and lack of documents mentioned in Articles 57 and 58 of this Code.

60.2.3 If information submitted by the candidates, political party or blocks of political parties according to Articles 57 and 58 of this Code, is not correct(this provision can be applied to the candidates nominated by political parties or blocks of political parties in the case if the given information is inaccurate due to the candidate's mistake);

60.2.4 If number of submitted valid (proper) signatures of voters presented in support of a candidate is less than required;

60.2.5. If the rules for the creation of election funds of candidate, political party, block of political parties and expenditure rule of relevant election fund have been violated (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed);

60.2.6. Violation of the requirements of Article 55 of this Code by the authorized representatives of political party, block of political parties as well as by candidate, political parties or block of political parties (such grounds can be implemented only if a warning has been made before with regard to such violation and a penalty is imposed – such violation does not impose any other liability).;

60.3. When the cases indicated in Article 60.2 of this Code, are taken as a basis for adoption of a decision on refusal from registration, the decision should be proportional to the made mistake (shortcoming, violation).

60.4. Due to reasons provided for in Articles 60.2.2. and 60.2.4. of this Code, if the mistakes and errors can be eliminated through corrections made by the authorized representative of a candidate, political party or block of political parties, then the relevant election commission notifies the authorized representative of a candidate, political party or block of political parties about it within the period of 24 hours, and after such correction is made, registers the candidate.

60.5. If a candidate is not registered, the managing body of a political party (block of political parties) that

nominated the candidate can apply to the relevant election commission within 3 days after receipt of a copy of the refusal on registration a candidate for registration, provided for non-return of the registration deposit. In such case, the relevant election commission registers the candidate within 2 days. In all other cases, the registration deposit is shall be returned to the relevant candidate, the political party or block of political parties that nominated a candidate within 3 days after the election commissions makes decision on registration or refusal of registration. If the candidate is elected as President, deputy to the Milli Majlis, President or a municipal councilor, or collects at least 3% of valid votes the registration deposit shall be returned by the relevant election commission to the nominated person, within 3 days after the election outcomes are officially published.

60.6. If the cases of legal violation subject to criminal and administrative liabilities have been established in actions of the candidate, the election commission shall transfers the relevant document and materials to law enforcement bodies to investigate the case and institute proceedings against these persons being guilty on violation of this Code.

60.7. A card of registration is shall be issued to each registered candidate. Relevant election commissions inform mass media about registered candidates in a relevant constituency, within 48 hours after registration. The Election Commissions shall display the information about registered candidates on notice boards, indicated in the Article 98.3 of this Code, in the rooms of election commission at least 15 days prior to the Election Day. The information about canceling of registration of the candidate shall be displayed in the same manner.

5. Rule for collecting information on the amount and source of income, property candidate Elections to the Milli Majlis of the Republic of Azerbaijan, 4th July 2005

Approved by the [Decision # 13/43](#) of
the Central Election Commission of
the Republic of Azerbaijan
dated July 4, 2005

R U L E

for collecting information on the amount and source of income, property candidate Elections to the Milli Majlis of the Republic of Azerbaijan

Candidates make reports on the amount of their income, property belonging to them pursuant to Articles 58.1.4, 58.1.5 and 58.3 of the Election Code of the Republic of Azerbaijan.

The following sources of income must be indicated in the report (reference on the total amount of income must be submitted by organizations and physical persons who have provided with this income during a year before the day of appointment of elections): (Appendice # 1 made to Rule)

1. On salary from the main job place

Salary from the main job place means payments for implementation of activity for definite profession, degree or positions based on contracts signed between citizens and enterprises or offices or organizations, or payments for service in cooperatives, farmer properties, public or religious organizations, as well as activity as lawyer or educational worker.

2. On awards and financial support

Awards and financial support means awards for the result of the work and service years, all kinds of once-provided supplementary awards, stimulating payments for the occasion of jubilee celebration and holidays, birthdays and other similar cases, all kinds of financial support and other awards for the labor activity.

3. On the income from civil –legal contracts

Income from the civil-legal contracts means presents, bartering or income earned from the works unrelated to the implementation of the his/her main duty (from the implementation of special activity or from the substitution for others).

4. On the income from the ownership activity

The income from the ownership activity means income from the activities implied and not prohibited by the current legislation of the Republic of Azerbaijan (income indicated in the statement for final year submitted to the tax authorities by physical persons dealing with ownership).

5. On the income from non-ownership activity

Income from non-ownership activity includes income gained from hired activity and all other earnings beyond ownership activity, also including:

- percentage gained from banks and credit offices;
- dividends;
- copyright;
- royalty;
- income from operations on securities;
- the amount of the remitted loan;
- income from the rent of the property;
- income on life insurance;
- presents and financial support from persons not being family members;
- achieved heritage;
- lottery winnings;
- joint income (property or other income achieved during period of marriage of wife-husband, joint property);
- other income not prohibited by law.

6. Information on the property and possession shall be approved by the references received by the relevant authorities (organizations of the Ministry of Economical Development, spheres of communal-utilization, agencies of technical inventory, organizations for registration of property rights).

7. Candidate to deputy shall provide information on the property belonging him/her in accordance with the right to property pursuant to Appendice # 5 to Election Code of the Republic of Azerbaijan.

<http://www.cec.gov.az/en/4millimajlis2005/instruction/rule13-43.htm>

6. Blank disclosure form, Annex to the Rule and the Election Code

Appendice # 1 made to
Rule

**INFORMATION
on the amount and source of candidate's income**

(surname, name, patronymic and date of birth,

main employment or service place, position,

if no main employment or service place - occupation,

address of the place of residence of the candidate)

Identification number of tax payer

(to be filled by the person engaged in the activity of proprietorship)

Term of information: “ _____ ” _____ since 200____ year
 “ _____ ” _____ up to 200____ year

Term	Sources of income					
Year, month	Salary from the main job place	Awards and financial support	Income from civil-legal agreements	Income from the activity of proprietorship	Income from the activity of non-proprietorship	total
1	2	3	4	5	6	7
200__ year						
200__ year						

I approve the accuracy of the information on my incomes that I submitted:

 (date)

 (candidate's signature)

PROPERTY INFORMATION

I _____ candidate _____ to _____ deputy _____

 (surname, name, patronymic and date of birth,

 main employment or service place, position,

 if no main employment or service place - occupation,

address of the place of residence of the candidate)

give the information about the property that belongs to me based on the private property right (including general property right):

1. Real estate

#	Type and name of the property	Unit of measurement	Area	Location of the property
1	Land plot	ha		
2	Residing area	m ²		
3	Apartments	m ²		
4	Dachas	m ²		
5	Garage and other buildings, constructions, equipment	m ²		

2. Transport means

#	Type of transport means	Number	Model
1	Passenger cars		
2	Tracks		
3	Other transport means		

I approve the accuracy of the property information that I submitted:

(date)

(candidate's signature)