



**“DEMOCRACY LEARNING” PUBLIC UNION**

**OPINION**

**On observation of the election day in the municipal elections  
on 23 December 2009**

**Baku 2010, January**

“Democracy Learning” Public Union is a non-governmental organization registered with the Ministry of Justice on March 15, 2006. The main aim of the organization is to strengthen democratic institutions and assist advancement of democratic values in Azerbaijan.

“Democracy Learning” Public Union conducted observation of the election day within the frameworks of the project “Preparation of local non-partisan observers for Municipal Elections 2009” with the support of OSCE Baku office. The observation was conducted in 17 election constituencies, in each of those 8-10 polling stations were observed and in total 150 polling stations were observed. This opinion is based on the observations conducted in those polling stations.

“Democracy Learning” Public Union informs that polling stations were technically well-equipped, were provided with the required election documents and equipment, informational posters instructing voters on voting procedures published by CEC were displayed in accordance with the requirements of the legislation. At the preparatory stage for voting sealing of the ballot boxes, counting and recording of the ballot papers given by the ConEC were done in a transparent way with the observers’ participation, voting in all polling stations started at 8.00 which is time provided by the law.

Along with that observation of the voting and vote counting processes showed that there were cases of violation of requirements of the election legislation by the various election subjects and institutions not directly related to the elections.

In a number of cases control of the ballot-boxes and ballot papers by the commission members was poorly organized, law requirements were severely violated by giving one voter more than one ballot paper. Those cases created conditions for some voters to cast a pile of ballot papers, in some cases commission members and even observers were participants of such unlawful actions. Cases of casting a pile of ballot papers occurred in polling stations #8, 15 of Yasamal Constituency #15, in a polling station #8 of Lenkaran Constituency #73, in polling stations #2, 11, 21, 19, 10, 8, 22 of Agjabedi Constituency #82, in polling stations #20, 21, 22 of Absheron Constituency #45, in polling stations #12, 21 of Kapaz Second Constituency #40, in polling stations #4, 5, 9, 10 of Goychay Constituency #89, in a polling station #31 of Tovuz Constituency #105 and in polling stations #11, 21 of Imishly Constituency #79.

There were a high number of voters whose names were not included in the voters’ lists. Although names of such voters were added to the lists by the commissions in a quick and legal way, there were also cases of abuse. In some polling stations on a pretext that there was a high number of voters whose names were not in a voter’s list and shortage of the lists to add their names such voters’ right to vote was not provided. There were also cases when names of the voters who were not registered in the territory which is covered by the precinct were added to the voters’ lists. Such cases took place in a polling station #14 of Sumgayit Constituency #41, in a polling station #32 of Oguz-Gabala Constituency #117, in a polling station #10 of Barda Constituency #93.

Another violation observed during the voting process was voting on behalf of other persons. There were cases of voting on behalf of a family member or other persons who did not come to vote, multiple voting of one person in the same polling station. Such cases were observed in a polling station #5 of Constituency #105, in polling stations #22, 21, 19, 20, 11, 2, 10, 87 of Agjabedi Constituency #82, in a polling station #5 of Barda Constituency #93, in a polling station #30 of Sumgayit Constituency #41, in a polling station #9 of Constituency #89, in a polling station #12 of Kapaz Second constituency #40, in a polling station #26 of Gazakh Constituency #107, in a polling station #6 of Lenkaran Constituency #73, in polling stations #4, 13, 15 of Kapaz First Constituency #39, in polling stations #1, 8, 10 of Barda Constituency #93, in a polling station #23 of Narimanov Constituency #20, in a polling station #32 of Oguz-Gabala #117, in polling stations #12, 16 of Goychay Constituency #89.

During the process of checking voters’ fingers for ink and marking voter’s left thumb when giving a ballot paper for preventing multiple voting requirements of the Election Code were violated. The observed violations related to the mentioned issues included a complete nonuse of ink, non-checking of ink and wrong application of ink. Such violations were observed in polling stations #5, 8, 12 of Goychay Constituency #89, in a polling station #21 of Imishli Constituency #79, in polling stations #20, 21, 22 of Absheron Constituency #45, in a polling station #2 of Gazakh Constituency #107, in a polling station #23 of Narimanov Constituency #20, in a polling station #10 of Sumgayit Constituency #43.

Voters' ability to vote freely was significantly restricted. In some polling stations commission members, observers, candidates, agents and other persons influenced voters' will by giving instructions to vote for certain candidates. In some cases on a pretext to help voters they entered the voting booth and instructed them for whom to vote. Such violations were recorded in polling stations #7, 22 of Agjabedi Constituency #82, in a polling station #8 of Narimanov Constituency #20, in a polling station #4 of Kapaz First Constituency #39, in polling stations #30, 32 of Oguz-Gabala #117 and in a polling station #21 of Imishli Constituency #79.

Independence and unbiased activity of the precinct election commissions raised doubts in many cases. Those doubts arouse when the commissions allowed the persons unauthorized to be in polling stations to remain there during the day, those persons gave instructions to the commissions, the commission members marked and cast the ballot papers. For example, although in a polling station #14 of Yasamal Constituency #15 a person called Sevil Salahova sat at the place intended for observers and introduced herself as a yuzhbashi (a head of hundred persons), the commission did not ask her to leave the polling station. Inspector called Vagif from Ganja Educational department visited the polling station #21 of Kapaz Second Constituency #40 three times and asked how the election process went, a number of persons who voted and provided the commission members with lunch. In polling stations #21, 19 of Agjabedi constituency #82 the representatives of the executive power were observing the elections by sitting in the voting room.

Similar cases were observed also in polling stations #8, 10 of Agjabedi Constituency #82, in a polling station #21 of Imishli Constituency #79. The observers also saw how the commission members gave the marked ballot papers to the voters in a polling station #10 of Barda Constituency #93, in a polling station #21 of Gadabay Constituency #104, in a polling station #12 of Kapaz Second Constituency #40.

In some polling stations vote counting and recording were not conducted in a transparent way. When starting a vote counting process in a polling station #21 of Agjabedi Constituency #82, in a polling station #1 of Barda Constituency #93, in a polling station #22 of Agjabedi Constituency #82 the observers were asked to leave the polling station. In a polling station #21 of Agjabedi Constituency #82 only YAP candidates were allowed to stay. In a polling station #12 of Kapaz Second Constituency #40, in a polling station #1 of Gusar Constituency #51, in a polling station #5 of Tovuz Constituency #105 the observers were allowed to observe vote counting from a far distance.

It is informed that in some polling stations the protocols on election returns were not completed in a transparent way. So in polling stations #26, 27, 28 of Gazakh Constituency #106, in a polling station #7 of Agjabedi Constituency #82, in a polling station #23 of Narimanov Constituency #20, in polling stations #1, 3 of Zagatala Constituency #111 the protocols were not completed in the polling stations. In a protocol of a polling station #5 of Tovuz Constituency #105 the votes in the protocol did not reflect the reality. In a polling station #10 of Barda Constituency #93 the votes given to the candidates were written in the protocols before the counting process finished.

The voting was conducted against a backdrop of a poor turnout. In order to increase voters' turnout various administrative methods and "carousel" operation were used. Participation of voters that are employed at the state funded institutions in the voting process was provided by the requirement to have a commission stamp on the notification sheet? and by bringing the voters to the polling stations. In other cases the voters' turnout was provided by illegal casting ballot papers and exaggeration of the voting results.

In observed polling stations the registered violations gave ground to doubt the election results that will be announced in the mentioned constituencies. "Democracy Learning" Public Union thinks that conduct of investigation on the mentioned facts is important both for ensuring legitimacy of the current election results and in general improvement of the election practice of the Republic of Azerbaijan.