



PRELIMINARY REPORT

on the results of the Municipal Elections of 23 December 2019 in the Republic of Azerbaijan
by the *Election Monitoring and Democracy Studies Centre*

I. Executive Summary

EMDS is a non-partisan non-governmental organization working for holding free and fair elections, as well as the development of civil society and democracy in Azerbaijan. EMDS carried out the long-term observation of the 23 December 2019 Municipal Elections in Azerbaijan covering all stages of the electoral process – nomination of candidates, campaigning, election day voting and vote counting processes.

EMDS conducted the long-term observation in cooperation with 17 non-partisan observers while working with 125 observers on election day. On election day, observers were deployed to randomly selected and nationally representative 125 polling stations covering all of the 118 election constituencies based on Statistically Based Observation methodology. Elections were not conducted in 7 constituencies in the Nagorno Karabakh and other occupied territories.

The elections were conducted in an environment with restricted fundamental rights and freedoms, in particular freedoms of assembly, association and expression that are essential for free and fair elections. With 112 people imprisoned on politically motivated charges, political repressions continued according to domestic human rights groups. As a result, the majority of opposition representatives and activists did not take part in the elections. Thus, political activism was not witnessed at the national and local level during the elections and the municipal elections were not marked with an environment of competition among opposing political forces.

EMDS assessed the work of the Central Election Commission (CEC) with regards to registration of observers positively but noted shortcomings in the work of the Constituency Election Commissions (ConEC) some of which denied registration of observers. Overall, the transparency of the electoral process was not ensured to the level stipulated in the law and some ConECs refused to provide information on the number of candidates, their political affiliation, and the number of registered observers.

EMDS observed abuse of administrative resources during the nomination and registration of candidates and the refusal of registration of some candidates without reasonable justification. The vast majority of these candidates were independent. However, no complaints were addressed to the courts.

EMDS also noted cases of pressure and harassment directed at candidates and observers by local executive authorities, ConEC and PEC members, and municipality employees. Destruction of campaign materials of some candidates displayed within the territory of PECs

was not investigated. Overall, the campaign period was passive and uncompetitive. The main reasons behind it were unfavourable election environment, a boycott of elections by major opposition parties and the announcement of 9 February 2020 snap Parliamentary Elections which resulted in an overlap of two elections.

EMDS observed serious violations during the voting and vote-counting process on election day. These violations included voting by unregistered voters and ballot-box stuffing in 45% of polling stations, and one person voting multiple times in 43% of polling stations. Non-partisan observers and journalists faced harassment on election day. The harassment was directed at citizens noting violations and wishing to observe the counting process which casts a shadow on the transparency of the process.

EMDS noted significantly lower voter turnout than official figures in the most of the polling stations. Observers cooperating with EMDS recorded around 21% voter turnout while the CEC announced it to be at 32.7%. This discrepancy must be thoroughly investigated. EMDS believes that the voter turnout was artificially increased as a result of ballot-box stuffing and voting by non-registered voters.

Election commissions, especially the CEC did not put forward adequate efforts to prevent undue interference in the electoral process, avert serious irregularities or investigate violations and complaints in contradiction with their duties to administer the elections in a transparent and lawful manner.

The observation of all stages of the 23 December 2019 municipal elections by EMDS demonstrates that the elections were held in an environment with severe restriction of political freedoms, lack of equal and authentic opportunities for competition, and widespread violations during voting and vote-counting processes. The elections were marred with the lack of alternative choices. Therefore the municipal elections did not adhere to the requirements of the national legislation and international standards of free and fair elections and did not represent the true will of Azerbaijani public.

EMDS recommends to address the shortcomings noted during the election period and to identify people responsible for serious violations occurred during campaign and election day holding them liable. EMDS believes that it is important to demonstrate political determination for the improvement of election legislation and practice in order to avoid damaging the trust in electoral processes in Azerbaijan and peaceful transition of power.

II. Introduction

The fifth municipal elections were held in Azerbaijan on 23 December 2019 since it gained its independence. According to 18 October 2019 decision of the Central Election Commission, the municipal elections were conducted in 118 election constituencies for more than 1606 municipalities. Elections were not conducted in 7 constituencies in the Nagorno Karabakh and other occupied territories.

The EMDS has conducted long-term monitoring of the 23 December municipal elections through volunteer observers. EMDS has provided legal assistance to citizens wishing to observe the Municipal Elections and has helped to register with the Central and Constituency Election Commissions and inform them of election rules, rights and responsibilities of observers, as well as rules of conduct. Some observers, registered at election commissions,

have accepted the EMDS principles of non-partisan observation and have long cooperated with it on a long-term basis.

The EMDS monitored the nomination and registration of candidates based on information obtained from its 17 long-term observers. And 125 citizens joined the observation on election day. This document was prepared based on the information provided by 142 citizens of the country in general. Observation data were clarified and analysed by voters, election commission members, candidates or their representatives when needed.

EMDS supported the deployment of non-partisan observers to randomly selected polling stations in accordance with the Statistically Based Observation (SBO) methodology. SBO is used globally to obtain accurate and timely information about election day. It ensures that the observation of a statistically representative sample with a minor margin for error.

The document covers the election political situation, human rights, in particular, the status of freedoms of assembly, association and expression, the activities of election commissions, the nomination of candidates, the registration process, election campaign, election day and vote counting.

Election Monitoring and Democracy Studies Center (EMDS) is a non-governmental organization working for holding free and fair elections, as well as the development of civil society and democracy in Azerbaijan.

EMDS was established by founders and members of Election Monitoring Center (EMC), the registration of which was annulled in 2008. The registration of EMC, founded on 24 July 2001, was cancelled by Khatai District Court of Baku on 14 May 2008 upon an illegal claim of the Ministry of Justice of the Republic of Azerbaijan. Although the EMDS applied to the Ministry of Justice in 2009 for registration, the appeal was not granted, and the SMDT filed a complaint about alleged violations of the right to assembly to the court. However, as the domestic courts failed to consider EMDS's appeals, the organization had to appeal to the European Court of Human Rights.

EMDS (former EMC) has conducted monitoring of 15 elections in Azerbaijan since 2001. EMDS has conducted more than 600 training sessions to more than 14000 citizens on election monitoring up today and has provided them with legal-technical assistance for their accreditation in the election commissions.

EMDS is a member of European Network of the Election Monitoring Organizations (ENEMO) that brings together civil society organizations of the OSCE member states, Civil Society Forum of the Eastern Partnership countries, European Platform for Democratic Elections (EPDE) and Global Network of the Domestic Election Observers. EMDS builds its activities on the bases of the recommendations of OSCE/ODIHR and Venice Commission of the Council of Europe, as well as on the principles of the Global Declaration of the Domestic Election Observation Organizations.

III. Legal Environment for the Municipal Elections

3.1. Status and authorities of the municipalities

Chapter IX of the Constitution of the Republic of Azerbaijan adopted on 12 November 1995 reflects general provisions concerning the organization of local government, functions provision of powers and independence of the municipalities¹. The first municipal elections were held in December 1999.

National legislation does not clearly define the boundaries between authorities of municipalities and the executive powers. Thus, the issues that should be referred to the competence of many local self-government bodies are the exceptional authority of the local executive powers. In addition, issues related to the competence of municipalities under the “Law on the Status of the Municipalities” are at the same time in the jurisdiction of local executive powers under other legislative acts. In practice, these authorities are largely exercised by local executive powers². In such situations, the “Law on the Status of the Municipalities” does not allow municipalities to intervene. Therefore, though municipalities are legally independent from the local executive powers, in practice, they have turned to supplements of the executive powers. “Regulation on Local Authorities” approved by the president on 6 June 2012 has authorized local executive bodies to make decisions on most issues affecting the governance of municipalities. Thus, the status and authorities of municipalities have been further weakened in local governance³.

The Congress of Local and Regional Governments of the Council of Europe has recommended the Government of Azerbaijan since 2003 to improve local governance, clear delineation of powers between local executive powers and municipalities, transfer of important local administration powers to municipalities, and presented other recommendations to put an end to dependence of the municipalities from the local executive powers.⁴ However, the government has shown no political will to reform the decentralization of local government over the past 16 years.

3.2. The election law

The main legal documents regulating municipal elections are the Constitution of the Republic of Azerbaijan⁵, the Electoral Code⁶, as well as the Law on Political Parties, the Law on Freedom of Assembly, the Criminal Code, the Code of Administrative Offenses and a number of other legislative acts.

Although the constitution stipulates that municipalities should be formed on the basis of elections, their term of office, as opposed to other election bodies, is not specified by the Constitution. The term of office of municipalities is regulated by the Election Code, which is 5 years. According to the law, citizens of the Republic of Azerbaijan who are eligible to participate in elections i.e. reached the age of 18, and permanently residing in the relevant constituency may be elected as members of municipalities.

¹ Constitution of the Republic of Azerbaijan, 15 November 1995, preliminary text, IX Chapter, <http://www.e-qanun.az/framework/897#>

² Law of the Republic of Azerbaijan on the Status of the Municipalities, Article 4.3, 5.2, <http://www.e-qanun.az/framework/4770>

³ Charter on Local Executive Powers, 6 June 2012, <http://www.e-qanun.az/framework/23701>

⁴ The report of the Congress of Local and Regional Authorities of the Council of Europe on Azerbaijan, 26 February 2013, https://rm.coe.int/1680719568#_Toc347757447

⁵ Constitution of the Republic of Azerbaijan, Chapter IX, <http://www.e-qanun.az/framework/897#>

⁶ The Election Code of the Republic of Azerbaijan, <http://www.e-qanun.az/code/17>

Municipal elections were conducted in 118 constituencies out of existing 125 in the country. Municipal elections in the other 7 constituencies were not held due to the fact that the districts belonging to those constituencies are under occupation of Armenia. Internally Displaced Persons from these districts were not able to exercise their rights to vote or to be voted.

None of the priority recommendations of the OSCE / ODIHR, the Venice Commission of the Council of Europe and other international bodies to improve electoral rights, especially the formation of election commissions on parity grounds, and the independence of expert groups and courts within election commissions dealing with electoral complaints. On the contrary, with various amendments to the Election Code at different times, the Election Code has moved away from democratic principles.

IV. Election Political Environment

Elections were held in an environment where fundamental rights and freedoms, particularly those of freedoms of assembly, association and expression, which are essential for free elections, were restricted.

Some opposition parties did not make official statements regarding the elections and did not participate at the municipal elections on 23 December, citing the absence of a democratic electoral environment. However, previous EMDS observations show that the municipalities' lack of broad authority as local self-government institutions, as well as their dependence on local executive bodies, have a negative impact on the competitive environment in these elections.

EMDS observations show that there is a general distrust of voters throughout the country and voters do not even know the date of the municipal elections in some cases. As a result, there was no high political activity before the election.

4.1. Freedom of expression:

According to a list of political prisoners released by the Working Group consisting of independent human rights defenders, five journalists are currently imprisoned for political motives in the country.⁷ Although the travel bans of several journalists have been lifted from leaving the country in recent months, at least 6 journalists are still facing travel bans.

The main platform of the opposition and independent-minded people are social media, as independent print media in the country have been completely dismantled. However, restrictions were imposed even on independent media broadcasted over the internet. Some news portals, including RFE / RL, Azadliq newspaper, and Meydan TV have been restricted access throughout the country.

4.2. Freedom of assembly

⁷ Updated list of Working Group on unified list of political prisoners, 25 November 2019, <https://smdtaz.org/en/the-working-group-on-unified-list-of-political-prisoners-presents-updated-list-4/>

There were no mass events during the municipal elections. Political restrictions on freedom of assembly before the election were established. For example, the National Council of Democratic Forces failed to hold a demonstration near the city centre on 19 January 2019. Although the National Council appealed to the Baku City Executive Authority to hold a rally 8 times during the year, every time, it has either received a negative response or was offered a place in city outskirts. Disagreeing with this, the National Council made an attempt to hold a rally on 19 October near the 28 May metro station in the city centre. However, over 100 activists have been arrested in connection with the use of physical force by police, and many protesters, including leaders of the National Council, have been subjected to police abuse and torture.⁸

4.3. Civil society:

Since 2014, no positive steps have been taken to remove the limitations imposed on the activities of the civil society and amendments made to the laws. The main obstacles to the activities of CSOs-the complexity of state registration, provisions restricting funding for CSOs, severe sanctions for the violation of national legislation, and political pressure on CSOs to operate freely are still remaining on force.⁹

V. Activities of Election Commissions

The Central Election Commission performed its activities within the period established by law. Preparation of necessary documents on the calendar plan and stages of the election process were timely implemented. However, during the nomination and registration of candidates, it was noted that the work of the CEC's online information centre was delayed and information about the candidates was not provided.

The CEC responded positively to citizens who wished to participate in the elections as observers, including volunteers working with the EMDS, to register them as observers.

Constituency Election Commissions have not been sustained, and in some cases, members have not been working full time. In some constituencies, members of the commissions refused to provide information on the number of registered and unregistered candidates, their political affiliation, the number of registered observers, etc. to the observers at the ConECs.

Some ConECs refused to register observers for various reasons: **Barda City ConEC no. 93** had told those who wanted to get registered as observers that they could not be registered, but it could be possible only after candidates were registered. Applications of three citizens to become observers were not accepted for five days without any explanation by the **ConEC no. 90**. Applications were accepted only 5 days later.

VI. Voter Lists

⁸ EMDS issued a statement on the 19-20 October rallies in Baku, <https://smdtaz.org/en/emds-issued-a-statement-on-rallies-19-20-october-in-baku/>

⁹ Position Paper of EMDS on 23 December Municipal Elections, <https://smdtaz.org/en/emds-issued-the-position-paper-on-the-preparation-to-and-political-situation-prior-to-the-27-december-2019-municipal-elections/>

According to the Election Code, the permanent voter list is approved by the PEC for each polling station in the form prescribed by the Central Election Commission on 30 May each year and is updated at least 25 days prior to voting day. After that, a voter can be added to the voter list before the voting day (including the voting day, too) only by the PECs.¹⁰

Last time, on 29 May 2019, 5212902 (five million ...) voters were added to the unified voter list jointly drafted by the Ministries of Justice, Internal Affairs and other state bodies.¹¹ However, according to the State Statistical Committee, the number of citizens of the age of voting (over 18 years) is approximately 7 million. The CEC has not yet been able to provide a reasonable explanation for the nearly 2 million differences between the CEC figures and the figures released by the CEC.

According to the law, PECs should place voter lists outside the polling room in a place accessible and visible to everyone at least 35 days prior to voting day.¹² EMDS observations show that, in some cases, PECs have not posted their lists on boards in front of the polling station, despite the official deadline. Some PEC members attributed the placement of voter lists inside the building to the cold weather.

VII. Nomination and Registration of Candidates

According to the Election Code, a candidate can be nominated on his own initiative or by voters with active suffrage, political parties and blocks of political parties with active suffrage. If a person's nomination is initiated on his own initiative or by voters with active suffrage, a notification must be sent to the relevant election commission.¹³

According to the Election Code, each citizen whose candidacy was nominated for relevant election district must collect the following number of signatures:

- 150 signatures in places with the population more than 99.999
- 100 signatures in places with the population more than 49.999
- 75 signatures in places with the population more than 19.999
- 50 signatures in places with the population more than 9.9999
- 30 signatures in places with the population more than 4.999
- And 15 signatures in places with the population with less than 4.999

7.1. Official information

Nomination and registration of candidates began on 18 October 2019 and continued until 22 November 2019.

15,156 municipal council members were elected to the total number of 1606 municipalities across the country. According to the CEC's statement over 42,000 applications were filed for

¹⁰ Election Code of the Republic of Azerbaijan, Article 46

¹¹ <http://www.msk.gov.az/az/newsmsk/1027>

¹² Election Code of the Republic of Azerbaijan, Article 48

¹³ Ibid 13

the election and all candidates who filled out their signature lists were registered. The ballots included 41,800 candidates.¹⁴

According to the official information of the CEC, 13 political parties participated in the elections.¹⁵ One-third of the registered candidates were nominated by political parties. The ruling New Azerbaijan Party (YAP) dominated the list with 40% of all registered candidates.

Although the CEC has announced the names of parties participating in the elections, unlike previous municipal elections, it did not share detailed information on which parties participated with how many candidates in the elections.¹⁶ However, according to the information posted on the official website of the CEC, in many constituencies (especially in Nakhchivan AR) though their political affiliations were linked to ruling YAP, most of them were nominated on their own initiatives.

7.2. Signature collection and observation

EMDS observations indicate that in many constituencies, there were cases of interference by administrative bodies, especially executive authorities in the work of the ConECs. The ConECs managed the nomination and registration of candidates in coordination with the executive bodies.

Those who independently nominated their candidacies in **Barda City ConEC no. 93** and **Barda Rural ConEC no.94** were asked whether their nominations were coordinated with the local executive powers. In **Barda Rural ConEC no. 94**, the nomination of an independent candidate, who had collected signatures, has been approved only after the executive authorities' approval.

EMDS also noted cases of abuse of administrative resources during the signature collection process. A candidate for **Boyuk Goyushush municipality located in Barda Rural ConEC no. 84** did not participate in the collection of signatures. His signatures were collected for him by the representatives of the local executive authorities Agil Muradov.

Teachers of schools were used in **Salyan ConEC no. 59** upon the instruction from the local education department to collect signatures for the favour of the representative of the ruling party. At the PECs within **Beylagan ConEC no. 81** signatures were collected for certain candidates with the help of chairs of representatives of local executive powers, school teachers and directors of government institutions.

7.3. Observations on the registration of the candidates

The information obtained by EMDS shows that in some constituencies, more than 120 people's nominations were denied for various reasons. The majority of these individuals were citizens who nominated their candidacy on their own initiative. Such cases were registered in the following constituencies:

- Kurdamir election constituency no. 57 - **73 people**;
- Nizami election constituency no. 37 (Ganja) - **19 people**;

¹⁴ Azertag, 30 November 2019, <https://azertag.az/xeber/1361702>

¹⁵ Ibid

¹⁶ <https://www.infocenter.gov.az/archive/Bld2019.aspx?i=3>

- Shaki city election constituency no. 113 - **11 people**;
- Nizami second election constituency no.38 (Ganja city) - **9 people**;
- Shaki village election constituency no. 114 - **7 people**;
- Binagadi first election constituency no. 8 - **1 person**;

VIII. Election campaign period

The election campaign period was launched on 30 November 2019 and lasted until 8.00 on 22 December.

8.1. Organization of election campaign through mass events

The election campaign was characterized by high-level non-activism and uncompetitive environment. The main reasons behind this situation are the lack of fertile electoral environment, the limited powers of municipalities, and non-participation of influential opposition parties in the elections. However, as a result of the call for the snap parliamentary elections scheduled for 9 February 2020, the two election cycles coincided and the snap parliamentary elections became more and more popular.

According to the information by the CEC, about 3,500 venues were allocated to candidates for campaigning, of which about 1,700 are outdoor spaces and the remainder are indoors.¹⁷ It has already been reported that these addresses are hung on the boards of the ConECs. However, the CEC did not share any information about the list of venues, but simply gave the total number of places.

Monitoring by EMDS observers shows that very few candidates organized any election meetings with voters. Rare meetings that were organized took place with very low turnout and occurred mainly outside the constituencies. Most of the interviewees explained this with lack of any interests toward the elections.

8.2. Distribution of election campaign materials

There were a limited number of election-related posters displayed on specially allocated boards during the campaign period. Some of the campaign boards were completely empty.^{18,19} The distribution of campaign boards in the yards of educational institutions was widespread. Outsiders were not allowed to enter premises of the educational institutions occasionally. This is one of the main problems in voters' access to their candidates and campaign platforms. For example, **PECs no. 21 and 22 of the Nasimi ConEC no. 22** were located in the building of the Azerbaijan Medical University and there were two campaign boards in the university's yard. However, only students and university staff have access to the yard.

EMDS reports that many violations were reported during the campaign period. In some places, campaign posters were torn or destroyed in some form. Posters of candidates on the board in front of **PEC no. 16 of Shaki City ConEC no. 113** and **PEC no. 12 of the Nasimi-Sabayel ConEC no. 23** were torn down. The same situation was recorded in the territory of the **Binagadi III ConEC no. 10**. Poster of candidate Vafa Naghi on the board in front of

¹⁷ <https://bit.ly/2PTPFqA>

¹⁸ <https://bit.ly/34TqWXR>

¹⁹ <https://bit.ly/2QmPhjA>

PEC no. 33 of Neftchala ConEC no. 61 was torn down. The candidate claims that her posters were torn upon the instruction by the incumbent chairperson of the municipality.

In some cases, police, commission members and school principles have hindered representatives of some candidates from putting posters on the boards. Police created obstacles to representatives of Jeyhun Amirkhanli, a candidate from Citizen Solidarity Party to put posters on the boards in the territory of **Nasimi-Sabayel ConEC no. 23**. Director of the school no. 275 attempted to interfere with the process of posting election materials by Mehman Huseynov, video blogger and registered candidate in **Surakhani ConEC no. 31**. Campaign posters belonging to Huseynov were removed before the end of the official campaign period. Huseynov filmed the process revealing that the removal was carried out at the instructions of the incumbent chair of the Garachukhur municipality.

8.3. Organization of election campaign on media

According to the information by the CEC, 8 information agencies, 6 newspapers, 5 TV/radio channels have applied to the CEC to participate in the paid election campaign.²⁰ The low interest in municipal elections, as well as the high cost of paid campaigns, led to the fact that candidates had to refuse paid advertisement. Very little debates and discussions on municipalities were organized on TVs. Few public activists participating in the municipal elections built their campaigns mainly on social media, especially on Facebook.

8.4. Harassment of candidates during the campaign period

EMDS also noted cases of pressure and harassment directed at candidates and observers by local executive authorities, ConEC and PEC members, and municipality employees. Vafa Naghi, a candidate from the **Kholgaragashli village municipality of the Neftchala ConEC no. 61**, faced pressure after calling the CEC to complain about the fact that the chair of the PEC no. 33 of the ConEC was a nephew of the incumbent chair of the municipality which casts doubt on the impartiality of the election commission. Naghi received a phone call from a person claiming to be the chair of the ConEC no. 61 and was invited to the polling station where she was met by 7-8 people including the ConEC chair, PEC chair and the incumbent chair of the municipality. They threatened the candidate Naghi with the police.

Candidate from the Binagadi settlement municipality of the **Binagadi ConEC no. 10** Rabiyya Mammadova also noted that she was threatened by the ConEC for speaking about the issues of the community to the media. She received threats from third parties as well.

The Executive Power of the Samukh district called Ulfat Huseynova, an observer from the **Samukh-Shamkir ConEC no. 102**, demanding her to stop the observation because it was “an interference with the state affairs”.

Employees of the state-funded organizations received a phone call from local executive authorities who demanded their participation at the meeting of candidates from the ruling YAP party in **Danachi municipality of the Zagatala-Balakan ConEC no. 111**. As a result, employees of the schools no. 1, 2 and 3, hospitals and postal services were forced to attend the event.

²⁰ The list of media outlets which have applied to the CEC – 2019 <https://bit.ly/2sDss2A>

IX. Observation of Election Day

Voting was organized in 5,049 polling stations established by the CEC. EMDS carried out the observation of the opening, voting, and vote counting through information received from observers in 125 polling stations on election day.²¹

9.1. Observation methodology and the deployment of observers

EMDS supported the deployment of non-partisan observers to randomly selected polling stations in accordance with the Statistically Based Observation (SBO) methodology. SBO is used globally to obtain accurate and timely information about election day. It ensures that the observation of a statistically representative sample with a minor margin of error.

EMDS carried out the observation of the election day through 142 observers. This report is based on information received from randomly selected and nationwide statistically representative sample of 125 polling stations. These covered the opening of polling stations, provision of required equipment, voting, voter turnout, vote counting and announcement of results.

Observers reported five times during election day via SMS and Facebook Messenger while sending photos and videos of violations via WhatsApp.

9.2. Observers' access to polling stations and pressure

Some observers cooperating with EMDS were denied access to the polling stations on election day. Observers faced some form of obstacles and interference with their work in 24% of cases. Some faced physical and psychological pressure while several were removed from the polling station.

For example, observer Ibrahim Jahangirli faced interference from another observer while filming the voting process in the **PEC No. 21 of the Garadagh-Binagadi-Yasamal ConEC no. 12**. Jahangirli was demanded to stop filming but he refused which led to an argument. The chair of the PEC called the police and both observers were removed from the polling station.

In PEC no. 6 of the Julfa-Babak ConEC no. 2, observer Farrukh Alisoyle was removed from the polling station by unknown people in civilian clothes around 18:00.

Chair of the **PEC no. 33 of the Khazar ConEC no. 14** did not allow observer Elchin Hummatzada to observe the vote-counting process in close distance and called the police to physically remove Hummatzada from the building. The observer agreed to leave the polling station only after receiving a copy of the final protocol.

9.3. The Layout of polling stations and opening

The voting started on time at 8:00 AM in the majority of polling stations. However, in 6.4% of polling stations, the voting started late. Shortcomings in the provision of required equipment and information were noted in some polling stations.

- The layout of 6.4% of polling stations did not ensure suitable conditions for observation.

²¹ CEC issued a decision to hold municipal election on 23 December 2019, <http://www.msk.gov.az/az/newsmsk/1036>

- In 10.4% of polling stations, PECs did not demonstrate empty ballot boxes to people in the polling stations.
- The number of registered voters were not announced in 29.6% of polling stations before the start of voting.
- The number of voters who applied for voting at home (mobile voting) were not announced in 26.4% of polling stations.
- The number of ballots was not announced before the start of voting in 30.4% of polling stations.
- Voter lists were not displayed outside of 11.3% of polling stations.
- Information about candidates and instructions of filling in ballots were not displayed in 10.5% of polling stations.

9.4. Voting process

Observers recorded numerous cases of violations during the voting process across the country. These repeated violations cast a shadow on the results of the elections and raise serious questions about its legality. They are grouped as following:

Type of the violation	% of polling stations
Voting by non-registered voters	45.1%
One person voting multiple times	42.6%
Ballot-box stuffing	45.1%
Bussing of voters	46.7%
Failure to check voters fingers for invisible ink	55.7%
Voting without signing voter list	24.6%
Violation of the secrecy of voting	46.9%

EMDS recorded similar violations during the 2018 snap presidential election which indicates that the authorities have not taken any steps towards addressing the noted shortcomings since April 2018.

9.5. Vote counting and announcing results in polling stations

Some observers faced pressure after the end of the voting and 4 observers were removed from polling stations.

The following violations occurred during the vote-counting process casting a shadow over the transparency of the process:

- In **17.5%** of polling stations, the vote-counting process was not transparent.
- In **43.9%** of polling stations, observers were denied a copy of the protocol.
- In **17.5%** of polling stations, unauthorized people interfered with the voting and vote-counting process.

The voting and vote-counting were stopped and resumed in 8.8% of polling stations which was in violation of the rule that stipulates the voting to be uninterrupted. The results of the

voting were not accurately reflected in the final protocol of 58.4% of polling stations. This is a very serious issue which raises questions about the genuineness of the election results.

Observers recorded undue interference of unauthorized people with the voting and vote-counting throughout the day in 17.5% of polling stations.

9.6. Voter turnout

Observers cooperating with EMDS counted the voter turnout on election day which was compared with the official turnout figures released by the CEC. EMDS's observation regarding the voter turnout was significantly lower than the official figures. Unlike previous years, the CEC did not publish voter turnout in each polling station. This information was announced at the ConEC level only which is not accessible to the wider public.

The discrepancy between the official figures and EMDS's observations was consistent throughout election day.

Time	Official voter turnout announced by the CEC	Voter turnout observed by EMDS	The margin of error *
10:00	8.5%	5.6%	0.7%
12:00	18.1%	11.2%	1.1%
15:00	26.9%	16.6%	1.8%
17:00	30.6%	19.1%	1.8%
19:00	32.7%	21.3%	1.9%

**95% Confidence level*

EMDS believes that similar to previous years, the artificial increase of the voter turnout is a result of ballot-box stuffing, voting by non-registered voters and multiple voting.

X. Conclusions and Recommendations

The preliminary results of the long-term observation of the 23 December 2019 Municipal Elections produced the following conclusions and recommendations:

Conclusions:

- Since the 2018 snap Presidential Election, opportunities for political activities have not increased, the number of people imprisoned on politically motivated grounds has not decreased, and the restrictions of freedoms of speech, assembly, and association have increased hindering true competitive environment during the Municipal Elections.
- Candidates did not face any obstacles during the signature collection process. However, local executive authorities were involved in signature collection for some candidates abusing administrative resources.
- The equal and competitive political environment was not provided during the election campaigning period which was marred with the lack of alternative and mass engagement of voters.
- Long-standing shortcomings in the work of the election commissions remained. The CEC did not demonstrate necessary efforts to prevent undue interference of

unauthorized people with the electoral process, and pressure on candidates and observers.

- On election day, EMDS noted serious violations during the voting process across the country including multiple voting, bringing voters to polling stations in groups using administrative resources, harassment of observers and ballot-box stuffing. This raises serious questions about the legitimacy of the results.
- The 23 December 2019 Municipal Elections was conducted without opportunity for equal and genuine competition, accompanied by violation of national legislation and international standards and therefore cannot be considered free or fair.

Recommendations:

- Election commissions should act accountably and in line with the requirements of the law in identifying and holding people responsible for election violations liable.
- The government should demonstrate the political will to ensure freedoms of expression, assembly, and association should stop all persecutions of its opponents with dissenting and critical views to eliminate political tensions in citizen-state relations, and should release all political prisoners.
- The authorities should improve the Election Code based on the recommendations of credible domestic and international election observation organizations, as well as the Venice Commission of the Council of Europe, and should demonstrate a political will to expand the authorities of municipalities in line with the requirements of the European Charter of Local Self-Government.
- Elections commissions should put forward adequate efforts to ensure the openness of the electoral process and to provide conditions for all citizens to observe elections free of any pressure.

EMDS Executive Board

Baku city 24 December 2019

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