



Office for Democratic Institutions and Human Rights

Address: 19 Ujazdowskie Av., 00-559 Warsaw, Poland,
phone: + 48-22-520 0600, fax: + 48-22-520 0605, + 48-22-628 6967,
comertel: + 48 39 12 30 18, telex: 815045 odiwa pl, e-mail: office@odihr.osce.waw.pl

LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN OSCE / ODIHR COMMENTS - EXECUTIVE SUMMARY

The OSCE/ODIHR had a series of meetings with high level officials, representing the Azerbaijan authorities, in Vienna (May 18-22 1998) to discuss the Draft Election Law for the President of Azerbaijan, and in Warsaw (June 24-30 1998) to discuss the adopted Election Law. These meetings provided an opportunity for an open and constructive discussion on the newly drafted election legislation.

The Law of the Azerbaijan Republic on the Presidential Elections has been improved as compared to the Draft Law reviewed by OSCE/ODIHR during the discussions in Vienna, May 18-22 1998. A number of OSCE/ODIHR comments have been implemented or partially implemented in the final text of the Law.

The formation of the CEC to include different political interests contesting the presidential election remains a major issue. OSCE/ODIHR was informed by the Azeri delegation in Warsaw that positive steps have been taken to resolve this issue, including an appeal by the incumbent President to the political parties to nominate their representatives to the CEC.

OSCE/ODIHR remains concerned about some outstanding issues such as the exclusion of domestic non-partisan observers from the election process, the procedures for collection and validation of the signatures in support of the candidates and lack of clarity on who are the persons allowed to be in the polling station premises on election day. These issues, as well as certain new provisions in the Law, not discussed in Vienna, will need further to be addressed.

The Law remains vague in some important aspects and, as already agreed during the Vienna meetings, it needs to be supplemented by the immediate drafting of detailed *Rules and Regulations* to address these and other concerns. The *Rules and Regulations* have to be established by the CEC and formally approved by the CEC in accordance with its regular voting procedure.

If the Election Law is implemented professionally, impartially and in good faith, and the outstanding concerns raised by ODIHR are addressed by the CEC *Rules and Regulations*, then necessary conditions will be created for the forthcoming presidential elections in Azerbaijan to be in line with the OSCE Commitments.



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LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

OSCE / ODIHR COMMENTS

Objective

To assess to what extent the OSCE/ODIHR comments have been integrated in the reviewed Law on the Election of the President of Azerbaijan, which was adopted on June 9 and signed by the President of the Republic.

Background

The OSCE/ODIHR held a series of meetings with a high-level Delegation from Azerbaijan in Vienna (18-22 May, 1998), to assess the draft law as submitted in English. The ODIHR indicated some necessary amendments, in line with OSCE Commitments, for the consideration of the Parliament of Azerbaijan (see Report of May 22).

The OSCE/ODIHR received on June 16, both English and Russian translations of the Azeri Law, revised and adopted on June 9.

During the meetings in Vienna, the OSCE/ODIHR was submitted an English version of the recent Law on the Central Electoral Commission (CEC) adopted by the Parliament of Azerbaijan on May 15.

In the period of June 24-30 1998 an official delegation from Azerbaijan paid a visit to OSCE/ODIHR in Warsaw to discuss with the OSCE/ODIHR Election Section the finalised Law on the Election of the President of the Azerbaijan Republic. The comments to follow are a result of these discussions.

Methodology

The OSCE/ODIHR has compared the indicated suggestions and the agreed-upon modifications that resulted from the meetings in Vienna with the newly adopted Election Law. The following report will indicate which of these have been implemented, and which other provisions have been modified or not modified.

Additionally, OSCE/ODIHR has compared the English and the Russian translations to help avoid communication problems. The comparison has not been exhaustive. Nevertheless, important differences were identified (see below), which were discussed

during the meetings between OSCE/ODIHR and the official delegation of Azerbaijan in the period June 24-30 1998 in Warsaw. It was clarified that most of these differences resulted from the submission to OSCE/ODIHR of an older version of the Russian translation of the Election Law. Therefore an updated Russian translation was made available to ODIHR on June 25 1998. The official text of the Law, in Azeri language, was also submitted to OSCE/ODIHR on June 29 1998.

In each case when OSCE/ODIHR's comments were agreed by the Azerbaijan delegation and later fully incorporated in a particular legal provision, the corresponding comments were kept in their original form from the OSCE/ODIHR Paper from May 22 1998 and the corresponding provision was marked as **DONE**.

SUMMARY OF CONCLUSIONS

- **The Law of the Azerbaijan Republic on the Presidential Elections has been improved as compared to the Draft Law reviewed by OSCE/ODIHR during the discussions in Vienna, May 18-22 1998. A number of OSCE/ODIHR recommendations have been implemented or partially implemented in the final text as seen from the following overview (for details see below):**

<i>Article 4</i>	DONE
<i>Article 6, 39 and 40</i>	DONE
<i>Article 7 and 44</i>	PARTIALLY DONE
<i>Article 8</i>	PARTIALLY DONE
<i>Article 9</i>	DONE
<i>Article 10 or 11</i>	DONE
<i>Article 12</i>	PARTIALLY DONE
<i>Article 13</i>	PARTIALLY DONE
<i>Article 18</i>	PARTIALLY DONE
<i>Article 19-21</i>	DONE
<i>Article 25</i>	DONE
<i>Article 26</i>	PARTIALLY DONE
<i>Article 33</i>	<u>NOT DONE</u>
<i>Article 34</i>	PARTIALLY DONE
<i>Article 36</i>	PARTIALLY DONE
<i>Articles 47</i>	PARTIALLY DONE
<i>Article 48 to 58</i>	PARTIALLY DONE

- **The present Law remains vague in some important aspects and needs to be supplemented by the immediate drafting of detailed *Rules and Regulations* to address outstanding concerns, to be established by the CEC and formally approved by the CEC in accordance with its regular voting procedure.**
- **In order that the forthcoming presidential elections in Azerbaijan meet the OSCE Commitments, the Election Law and the above *Rules and Regulations* have to be implemented professionally, impartially and in good faith.**
- **The finalised Law includes new provisions which were unknown to ODIHR and only introduced in the Election Law after the ODIHR review in Vienna in**

the period of May 18-22 1998, which require special attention, e.g. collection of signatures in support of candidates outside the borders of Azerbaijan (Art.33) and the creation of *staff of the secretariat of precinct election commissions* (Art.50).

- **The formation of the CEC to include different political interests contesting the presidential election remains as a major ODIHR concern**, which can eventually be resolved if OSCE/ODIHR recommendations are applied in good faith by the Azerbaijan authorities.
- **Other ODIHR concerns are as follows and are further elaborated in the body of the Report:**
 - the exclusion of domestic non-partisan observers from the election process;
 - a contradiction between Art.18, Paragraph 6 (allowing party observers and international observers to be present in the polling station since the beginning of the polls until after the protocol is completed) and Art.50, the last but one Paragraph (where observers are not included among the people allowed to be present in the polling station on election day);
 - the inclusion in Art.50, the last but one Paragraph, of a new institution, *the staff of the secretariat of the polling station election commission*, without mentioning by whom and how are these people appointed and what is their role and responsibility;
 - the vagueness in the description of the rules and procedures in the collection of signatures in support of the candidates for the Presidency and the validation of the signatures before a decision for registration is issued (including collection of signatures abroad and the lack of a unique and uniform procedure for all candidates in order to verify the signatures);

MAIN AREAS OF CONCERN

Following the meetings, the ODIHR reviewed the main areas of concern, as well as the comments provided by the Delegation from Azerbaijan. The changes introduced in the reviewed Election Law are also indicated.

COMPLIANCE WITH 1995 REPORT

The new Law does not fully implement all the recommendations contained in the 1995 OSCE/UN Final Report. In particular, the issue of the procedure to review the signatures lists supporting candidates to the Presidency, the voter turnout requirement, the presence of executive authorities in polling stations, and the duration of the opening of the polling stations have been only partially addressed.

THE ELECTION COMMISSIONS

The team was concerned that the Central Election Commission (CEC) and all other

electoral commissions are not multi-party bodies, that the candidate representatives have only a consultative vote and are not treated as commission members, i.e. no salaries, no part in the quorum.

According to Art.11 of the new Law on the Election of the President, “The CEC shall be organised in accordance with a respective law. ” - the Law of the Azerbaijan Republic on the Central Election Commission of the Azerbaijan Republic (hereafter Law on the CEC).

A long-term and better solution would be to revise the CEC Law to include multi-party composition of the election commissions at all levels. This would enhance the confidence in the integrity of the election administration and prevent accusations of bias of the commissions before each election. However, the OSCE/ODIHR was informed at the Vienna Meeting, May 18-22 1998, that the CEC Law had been already been passed by Parliament and signed by the President, therefore not permitting any change to the existing legislation at this time.

The Law on the CEC does not define the term of office of the CEC, the required professional background of the CEC members and the necessary quorum for a CEC meeting to be valid. The new Law on the Election of the President has included some of the ODIHR proposed solutions: the rotating replacement of CEC members, a maximum term (of 9 years), the Chairman voting last and having decisive vote, and the necessary quorum and majority for CEC decisions. However, **OSCE/ODIHR is concerned that in Art.11, Paragraph 3 of the new Law, it is not specified how the rotation will be realised in a politically unbiased manner.**

However, the main issue, i.e. the representation of multi-party interests on the CEC, remains unresolved. Not contradicting the existing CEC Law, the President can decide to consult the political parties before nominating his 12 appointed members of the CEC, on the basis of lists of trusted representatives proposed by the parties. In relation to this, the OSCE/ODIHR was informed in Warsaw, that the President has initiated such consultations. Similarly, the Parliament should appoint its 12 CEC members aiming at reproducing its existing political structure, but not marginalising or excluding the small factions.

The lottery principle envisaged to appoint the lower level election commissions is still to be clarified in terms of technical procedures by the CEC.

THE 50% TURNOUT THRESHOLD

After discussion with the Delegation from Azerbaijan, the ODIHR recommended to remove the requirement for a minimum of 50% turnout at least for the second round of voting. The new Law on the Election of the President of Azerbaijan now requires a 25% voter turnout for the second round of voting.

ACCOUNTABILITY OF THE BALLOT PRODUCTION AND DISTRIBUTION

In accordance with the ODIHR suggestions, the new Law stipulates that: (1) ballots will be printed in a closer timeframe before the election day (the text of the ballots will be approved by the CEC at least 14 days before election day, while the ballots will be printed at least 5 days before election day); (2) the latest deadline for withdrawal of candidates is 48 hours before election day; (3) the number of the ballots to be printed is determined not to exceed 1.05 times the number of registered voters and (4) party observers and international observers are allowed to be present when ballots are to be transferred from the Printing House to the CEC and then to the lower level commissions.

However, the new Law does not explicitly permit (although there is not an explicit prohibition) the party observers and the international observers to receive certified copies of the receipts testifying the ballot paper dissemination from higher to lower level election commissions.

TRANSPARENCY OF THE VOTE COUNT AND THE AGGREGATION

The new Law improves on the transparency during the vote count in the polling stations and the aggregation of the results at the higher levels of the election administration. This includes: (1) admission of triplicate carbon copies of the official protocols; (2) the third copy has to be displayed at a visible place in the polling station after the vote count; (3) issuance of certified copies of the official protocol to the party observers and the international observers and (4) it is stipulated (in the Russian text) that the CEC will issue in an official publication, not later than one month after polling day, including the complete data (not included in the English text) from the precinct and the territorial commissions protocols with the election results.

However, the new Law does not make it clear whether the observers are entitled to receive certified copies of all appeals. The inclusion of the staff of the secretariat of the precinct election commission is a very serious concern and this does not contribute to confidence in the transparency of the precinct procedures on polling day.

OTHER AREAS OF CONCERN

DEFINITION OF POLITICAL SUBJECTS

In the new Law, much in line with standard practices, the definitions of the Electoral Unions and Electoral Blocks are directly related to the political parties and coalitions of political parties, respectively. However, while there is some reason for the registration of the parties and coalitions at the CEC, it remains unclear what is the necessity to use “electoral unions” and “electoral blocks” instead of the standard terminology “political parties” and “coalitions” and in this way to create potential obstacles for the parties to campaign effectively with their identities intact.

VOTERS REGISTERS

In the new Law the rules and procedures for the preparation of the voters’ registers

remain vague and unclear, (e.g. Art.23, Paragraph 3; see also the comments on page 6 of the Vienna Report). The problems related to the accuracy and the publicity of the registers are not solved yet. The importance of these problems is magnified by the fact that the number of ballots to be printed and disseminated to the polling station level is related directly to the number of the registered voters.

The absence of guarantees that the name of each eligible voter will be included in one and only one precinct voter register may be compensated by the inclusion of an additional penal offence for a voter or administrator who knowingly has left the name of a voter on more than one precinct voter register. (During the discussions in Warsaw it was clarified that the above offences can be treated under the general penal provisions, referring to forgery of election documents, Art.135 of the Penal Code.)

SIGNATURE LISTS IN SUPPORT FOR CANDIDATES

The procedures for collection and verification of signatures in support of a candidate, according to the new Law, raise the following problems: (1) it is allowed to collect signatures outside the borders of Azerbaijan (*such a provision did not exist in the Draft Law assessed by ODIHR*); (2) it is not clarified which are the places where the Law prohibits the collection signatures in support of candidates; (3) in case one candidate appeals at the CEC against the validity of the signatures submitted by some other candidate, then the Law does not envisage an unconditional check of the disputed signatures - a special decision of the CEC is required in this case; (4) on the other hand, the CEC may decide for checking or against checking the validity of the signatures in support of a particular candidate regardless of whether or not an appeal was filed by some other candidate; (5) the methodology and technology for a potential check of the signatures in support of a candidates remains to be clarified; if the check of the signatures of a particular candidate will not be exhaustive, it should be guaranteed that it is random and statistically relevant.

The arbitrariness related to (3) and (4) raises concerns as to the unbiased performance of the CEC on this issue and **all above concerns have to be clarified in detail in the Rules and Regulations of the CEC.**

FINANCIAL CONTROLS

The new Law improves on the controls over candidates' expenditures although transparency continues to be an issue (see also the comments on Art.44).

PENALTIES

The penal provisions related to election offences are listed in the corresponding "election" provisions in the Penal Code, supplied to OSCE/ODIHR.

APPEALS

The new Law improves on the time frame and the documentation of the appeal procedures.

ROLE OF POLICE, LOCAL EXECUTIVES AND MILITARY (AND OTHER UNAUTHORISED PERSONS IN THE POLLING STATIONS)

As recommended by ODIHR, sufficient safeguards should be built into the law to ensure that the police, local executive powers and the military cannot use their normal authority to interfere with the electoral process, to unduly influence electors or to intimidate electors, commission members, candidate representatives and observers.

A partial attempt has been made in the new Law to meet this recommendation in Art.50, the last but one Paragraph. However, at the same time a new institution - *the staff of secretariat of the precinct electoral commission* - has been created without a definition of its role and responsibilities. This staff did not exist under the Draft Law recently reviewed by ODIHR. Unfortunately, it is possible to interpret the creation of this staff as an attempt to “authorise the unauthorised personnel” to play some role in the election process at the precinct level.

On the other hand, the same Paragraph attempts to list exhaustively the people who are authorised to be present in the polling stations on election day, but observers are not included in this list.

In this exceptional circumstance, and for the integrity of the whole election process, the OSCE/ODIHR will recommend to replace this Paragraph with the following provision:

On election day, from the beginning of the polling procedures until after the polling station protocol is completed, the only people authorised to be present in the polling station premises are the polling station election commission, the voters when they exercise their right to vote, the domestic observers and the international observers. Uniformed policemen can enter the polling station premise only if the polling station commission decides, in accordance with its regular voting procedures, that there is a necessity to restore public order. Immediately after the public order has been restored, the uniformed policemen shall leave the polling station premise.

THE MEDIA

The role, status, powers and restrictions on all branches of the media, both state and private, should be clearly stated. **The Rules and the Regulations of the CEC should include guidelines which complement this Law, and which give detailed instructions to the state media on how to achieve fair and balanced coverage.**

The new Law improves on this issue although the general freedom of the media to cover campaign issues should be better emphasised.

CONSULATES AND MILITARY PRECINCTS

The new Law certainly improves on the transparency of the procedures related to the

aggregation of the results coming from the consular services abroad. However the collection of signatures in support of candidates for the President outside the border of Azerbaijan is a delicate issue, such signatures will be technically impossible to verify and this was not discussed during the review of the Draft Law. The procedures relevant to this issue should be described in all details in the Rules and Regulations of the CEC.

RESULTS FROM THE BASIC UNDERSTANDING TO AMEND THE DRAFT ELECTION LAW

In each case when OSCE/ODIHR's comments were agreed by the Azerbaijan delegation and later fully incorporated in a particular legal provision, the corresponding comments were kept in their original form from the OSCE/ODIHR Paper from May 22 1998 and the corresponding provision was marked as **DONE**.

Article 4 **DONE**

The reference to plenary session will be better defined to make clear its intention.

Article 6, 39 and 40 **DONE**

The reference to media should read "state" rather than "public" and include private media under an appropriate provision guaranteeing equal access for all candidates within the framework of the legal status of the private media.

Article 7 and 44 **PARTIALLY DONE**

The article should make it clear that all candidates receive the same amount (**DONE**). It should specify a timeframe for establishing the funds in the National Bank and clarify how the funds are established and controlled (**NOT DONE**).

However, the new Law does not specify both the amount of state funding to be made available for campaigning to each registered candidate and the time when this funding will be made available to the candidates - this remains to be clarified by the Rules and the Regulations of the CEC.

Article 8 **PARTIALLY DONE**

The article should be expanded to make it clear that decisions will be published immediately unless another deadline is specified, in the mass media and through the Official Gazette (**DONE**). In addition, it would be helpful if a complete timetable for the whole election was produced and referred to in this article. The timetable could be prepared as an annex to the law (**NOT DONE**).

Article 9 **DONE**

It would be helpful if a copy of the penal code was supplied (**DONE**) so that the team can ensure that all election offences are covered by the code and by this article. The

offence of "voting more than once" should specifically be added to this article (**DONE**). All provisions of other legal acts relevant to the implementation of the Election Law should be clearly quoted or referred to in detail.

Article 10 or 11

DONE

The deadline for determining and publishing the boundaries of the territorial (TECs) and precinct election commissions (PECs) should be specified in this article.

Article 12

PARTIALLY DONE

The article will specify that candidates for TECs should preferably be lawyers or have received at least higher education. TECs should be established 70 days before the election and the number of members should be fixed. The article will make it clear that the CEC will propose a sufficient number of extra candidates to ensure that a lot is held for each TEC. The procedure for nominating candidates should be made clear and specified in detail. Commission members should be issued with a written certificate attesting their appointment to a specific election commission. The references to work, service and education should be deleted to avoid any risk or suspicion of intimidation. The procedure for holding the lot will be specified in detail (**NOT DONE, to be clarified in the Rules and Regulations of the CEC**). The article should make it clear that political parties can nominate trusted representatives to serve on TECs.

Article 13

PARTIALLY DONE

PECs should be established 44 days before the election and the number of members should be fixed. The article will make it clear that the TEC will propose a sufficient number of extra candidates to ensure that a lot is held for each PEC. The procedure for nominating candidates should be made clear and specified in detail. Commission members should be issued with a certificate attesting their appointment to a specific election commission. The references to work, service and education should be deleted to avoid any risk or suspicion of intimidation. The procedure for holding the lot will be specified in detail (**NOT DONE, to be clarified in the Rules and Regulations of the CEC**). The article should make it clear that political parties can nominate trusted representatives to serve on TECs.

Article 18

PARTIALLY DONE

There should be a separate article defining the different types of observers and making it clear that domestic non-partisan observers, in addition to party observers and international observers, are allowed to monitor the elections (**NOT DONE, DOMESTIC NON-PARTISAN OBSERVERS REMAIN EXCLUDED**). The first sentence will be changed to "The activities of electoral commissions shall be transparent." Observers will be added to the categories permitted to take part in electoral commission activities (**DONE**). The word "immediately" should be added after "announced" in the 3rd sentence to make it clear that there must be no delay in publishing relevant information (**DONE**). The word "domestic" should be added before "observers" in the 5th paragraph (**DONE**) and the word "till" will be changed to

"including" (**NOT DONE**). The reference to corresponding legislation for foreign observers will make it clear to what legislation this is referring to. The word "number" in the last line of the 6th paragraph should be in the plural to make it clear that observers can visit more than one polling station (**DONE**). The word "dicers" shall be replaced by "comments".

It has to be noted that according to standard OSCE/ODIHR practice, **domestic election observers** fall into two categories:

- (a) **party observers**: these observers observe the election as representatives (but not necessarily members) of a particular party or candidate (including independent candidates), contesting the particular election;
- (b) **non-partisan observers**: these observers observe the election as representatives (but not necessarily members) of civic non-governmental organisations which are not connected to particular parties or candidates; the inclusion of such observers in the election process contributes substantially to the integrity of the election process, as recognised in Paragraph 8 of the OSCE Copenhagen Document from 1990.

It has to be noted specifically, that Art.18 of the new Law lists explicitly the rights of the observers in the precincts on polling day, but it does not include the right of the observers to be present in the precincts during the vote count and the preparation of the precinct protocol until it is signed by the precinct election commission (observers are not included in Art.50, the last but one Paragraph, although from Art.51 it can be understood that observers can be present). A similar comment is valid for the aggregation of the results at the territorial and central level.

Article 19

DONE

In 2nd paragraph, the wording will make it clear that the Chairman votes last and, therefore, always has the decisive casting vote. The references to "total majority of votes" will be clarified so that it is clear what this means in terms of the number of votes required to make a decision legal. The sentence about calling and holding meetings will be expanded to make it clear that all members of the commission and other interested parties will be advised in advance about the arrangements for meetings. In the final paragraph, a sentence will be added to make it clear that subordinate commissions can only employ staff in accordance with the written instructions and procedures of the CEC.

However, when giving notification to commission members about the arrangements for a meeting 48 hours in advance, this should include the circulation of the meeting agenda.

Article 20

DONE

In the 3rd line the words "upon request" will be added after "commissions".

Article 21

DONE

The article will be amended to make it clear that decisions of the courts are always

conclusive.

Article 25

DONE

In the first paragraph, the place where the voters list is to be posted will be defined (**DONE**). The article will be amended so that a deadline is established for the closure of the lists (**DONE, according to Art.24 the closure of the lists means that anybody eligible to vote who is not on the list after 30 days before election day can be added on the additional voter list**).

Article 26

PARTIALLY DONE

Electoral unions will be redefined as political parties (see comments above, in the relevant section).

Article 33

NOT DONE

The timescale for dealing with the registration issue will be clearly set out in this article. The places where signatures can be collected will be restricted to only places of residence. In the last line, the word "votes" will be changed to "signatures".

Article 34

PARTIALLY DONE

This article will be changed to make it clear that the CEC has no role to play in the checking of signatures other than that of arbiter if any candidate objects to the nomination papers of any other candidate (**NOT DONE**). The documents will be accepted at face value by the CEC to ensure that its role as an independent arbiter is not compromised (**NOT DONE**). It will only rule on objections which will be referred to the specialist institute for technical advice. The role of the specialist institute will be set out in the article (**BOTH ENGLISH AND RUSSIAN TEXTS SOUND AMBIGUOUS**). The final decision will rest with the CEC although their decision will be subject to appeal to the Supreme Court (**DONE**). If no objection is received by the 50th day, the CEC will declare that the nomination is valid. The article will clarify that any appeal must be lodged with the Supreme Court within 3 days of the date on which the CEC announces its decision on any objection (**DONE**). The article will be expanded to deal with the circumstances which will apply if a candidate dies after being nominated before the election is held (**PARTIALLY DONE**).

Article 36

PARTIALLY DONE

The first paragraph will be amended to make it clear that such an offence will be dealt with under Article 9 (**NOT DONE**). The sixth paragraph will make it clear in the English text also that a candidate may only withdraw up to 48 hours before the election (**DONE**). In the eighth paragraph, the word "representatives" will be changed to "campaign agents" and the number of these agents is 50 (**DONE**).

Articles 47

PARTIALLY DONE

The legal procedures following the monitoring activity of the Control Monitoring

Service for election expenditures of candidates, **should be clarified and detailed in the Rules and the Regulations of the CEC.**

Article 48 to 58

PARTIALLY DONE

See also above sections on Accountability of the Ballot Production and Distribution, and on Transparency of the Vote Count and Aggregation Process.

The new Law does not contain the agreed provision that certified copies of all election-related documents shall be made available to authorised representatives of each candidate and to observers upon request. Such a provision has been included only in relation to the protocols of the lower level (territorial and precinct) election commissions protocols.

Article 49- 50

- The opening hours of the polling stations will be restricted, for instance from 7 a.m. to 8 p.m. (**NOT DONE** - because the length of the voting time has not been shortened and has been kept to 14 hours as envisaged by the Draft Law).
- More than one Commission Member should accompany the mobile ballot box, and may be joined also by candidate representatives and observers (**DONE**).
- A clear provision will state who is authorised to be present in the polling station premises during the voting and vote count, and the prohibition of any unauthorised person should be strictly enforced (**PARTIALLY DONE; HOWEVER SEE COMMENTS ABOVE on the presence of unauthorised personnel in the precincts on polling day**).
- A clear definition of valid and invalid votes will be supplied. Votes will be valid when the intention of the voter is clear (**PARTIALLY DONE - there is not an exhaustive list of the cases when the vote is valid/invalid; can be improved by the tentative CEC regulations**), and will include the votes cast “against all candidates”, should such a provision remain in the Law (**NOT DONE**).
- Protocols will include a specific line for the number of voters entered on the additional list on election day (**DONE**).

ADDITIONAL RECOMMENDATIONS

- One person only should be entrusted with the handling of the ballots during the vote count (**DONE, according to the Russian and Azeri text**).
- Official protocols of the vote count could be issued in one triple carbon-backed copy and additional copies signed and stamped should be issued to candidate representatives and observers upon request (**DONE**).
- Election results should be entered in the protocols in numbers and in words (**NOT DONE**).

OSCE / ODIHR,
Election Section
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