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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**BRIEF SUMMARY OF THE DRAFT CHANGES
AND AMENDMENTS TO THE UNIFIED ELECTION CODE
OF GEORGIA AS OF MAY 2003**

Brief Summary of the Draft Changes and Amendments to the Unified Election Code of Georgia

Formation of the Unified Voter List

Articles: 9 and 10¹

Central Election Commission is responsible for the formation, computerization, transparency (posting on Internet) and annual update of the unified voter list. The list is divided by precincts.

The unified voter list is composed and updated on the basis of voter information provided by the Interior Ministry, Justice Ministry, IDP Ministry, Defence Ministry, Local Government and Self-Government Bodies, State Boarder Department and Counselor's Offices.

The law defines specific responsibilities for the delayed transfer of the voter information to the CEC as well as for the transfer of incorrect information.

Special Voter Lists

Articles: 10 and 11

The draft law cancels using of supplementary lists on the Election Day. Instead special lists are formed for following voters:

- a. commission members that are not in their voting polling station;
- b. hospitalized voters;
- c. preliminary detainees;
- d. voters on high vessels;
- e. voters registered with counselor's offices.

The draft law cancels issuing of voting licenses (the right of the voter to register in a polling station different from his/her initial polling station on the Election Day).

Authorities of Election Commissions

Articles: 29, 30, 34, 35, 38 and 39

The draft law defines the authorities of all level election commissions in a greater detail in order to limit their freedom of action. It also delineates specific individual responsibilities of the commission chairs, their deputies and secretaries.

The Central Election Commission is deprived of the right to adjudicate appeals influencing the outcomes of the elections. Such appeals are filed to and considered by courts.

Additional responsibilities of the Central Election Commission include forming, computerizing and updating of the unified voter list and posting of precinct-by-precinct results on Internet.

* The Parliamentary Consent Group has decided to discuss the articles concerning authorities of election commissions in conjunction with the rule of their appointment. However, the agreement on limiting authority of the Central Election Commission already exists.

Election Financing

Article: 43

If the Ministry of Finance fails to deposit to the account of the Central Election Commission the funds necessary for the preparation and conduct of the elections within the legal time frame, the Central Election Commission is authorized to take a credit from a commercial bank in accordance with the rules set by the Georgian legislation. The credit is covered within two years from the date of the elections.

Inking of Voters

Article: 52¹

Inking of voters is used in the cities and rayon centers on the Election Day to avoid multiple voting. Voters are marked with an invisible ink before receiving a ballot paper.

Recording Voter Turnout on the Election Day

Article: 53

Commission secretary is responsible for recording voter turnout numbers in the precinct registration journal twice during the day (at 12:00 and at 17:00).

Name Badges

Article: 55(5)

All persons authorized to be present at the polling station are required to wear name badges. Name badge is the certificate issued to commission members, observers and candidate proxies by district/central election commissions.

Mobile Ballot Box

Articles: 56 and 58

Commission secretary is responsible for recording the number of ballot papers issued to the commission members accompanying the mobile box. After voting is completed, the commission members sum up the number of ballot papers in the mobile box, the number of returned spoiled and unused ballot papers, and the sum is compared to the number recorded by the secretary when issuing the ballot papers to check if they match.

If more than 10 voters vote by means of a mobile box, mobile and main boxes are counted separately. If the number of ballot papers in the mobile box exceeds the number of signatures in the mobile voter list, the ballots in the mobile box are invalidated.

Transparency of Precinct Level Election Results

Articles: 60(8) and 64

One copy of the precinct protocol is posted at the polling station immediately after the end of the counting.

The Central Election Commission is responsible for posting the precinct level results on Internet as soon as they are transferred to the CEC and before announcing of preliminary/final election results.

Appeals Regarding the Polling and Counting Procedures

Article: 62

Appeals regarding the violations committed during the polling and counting procedures cannot be turned down on the basis of technical/mechanical mistakes or minor inaccuracies in filling out the appeal form.

Adjudication Procedures and Time Frames

Article: 77

There are several changes to the rules of adjudicating election appeals. Most importantly, the Central Election Commission is no more authorized to change/invalidate election results.

* For detailed procedures/time frames see the Appendix.

The draft law specifies various procedures and time frames concerning following issues:

- Formation of the mobile ballot box list (Articles 10 and 56);
- Publication of the voter lists (Article 12);
- Posting of precinct lists (Article 13);
- Forming of election districts and election precincts by the Central Election Commission (Articles 15 and 16);
- Minutes and legal acts of the Central and District Election Commissions (Articles 22 and 25);
- Staffing and budget expenses of the Central Election Commission (Article 23);
- Inspection of the supporters' lists (Article 42);
- Suspending, terminating and continuing of polling on the election day (Article 49);
- Arrangement at the polling station (Article 50);
- Printing of ballot papers (Article 51);
- Cast of lots among the members of the Precinct Election Commissions (Article 52);
- Polling day procedures (Articles 54, 57 and 60);
- Appeals regarding the polling and counting procedures (Articles 61 and 62);
- Consolidation of the election results by the District and Central Election Commissions (Article 63, 64 and 86);
- Commission sessions (Article 67);
- Observers (Articles 68 and 69);
- Registration of election subjects and their representatives (Articles 69, 71, 75, 76, 84, 95, 96 and 97);
- Pre-election campaign (Article 73);
- Immunity of a presidential candidate (Article 85);
- Second round of elections, new elections and extraordinary elections (Articles 87, 88 and 89);
- Withdrawing from elections (Article 100);
- Substituting withdrawing MP (Article 106).

Transitional Provisions

Documents Required for Issuing of Ballot Papers

Article 128

In the 2003 parliamentary elections ballot papers are issued on presentation of one of the following documents: ID or passport of a Georgian citizen (including the passport with symbols of the former USSR); military ID cards; pensioner's license; driving license; license of a Internally Displaced Person; voter card issued by the relevant Precinct Election Commission.

Compilation of the Voter Lists for the 2003 Parliamentary Elections

Article 128²

By June 1st of 2003 respective ministries and other state bodies transfer one copy of the voter data to the Central Election Commission and another - to relevant district election commissions.

DECs immediately publicize the received data.

Voters, political parties and observer organizations are authorized to inspect the voter data and request relevant corrections to it. The decision of the DEC on the request to make a change to the voter data can be appealed to court.

60 days prior to the elections DECs transfer revised voter data to the CEC. Based on this information the CEC forms a unified voter list, divides it by precincts and sends the district lists to the DECs.

DECs forward the lists to PECs within two days from their receipt. PECs immediately post the lists at the polling stations.

Precinct lists can be appealed to court from the moment of their publication until 10 days are left prior to the elections.

Certification of the Election Administration Members

Article 129

The article concerning the certification of the election administration members shall come into force from January 1, 2004.