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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ELECTION CODE OF GEORGIA**  
**as of 24 July 2006**

This is an unofficial translation of the Unified Election Code of Georgia (UEC) which has been produced as a reference document and has no legal authority. Only the Georgian language UEC has any legal standing.

**Incorporating Amendments adopted on:**

28.11.2003	
16.09.2004	Abkhazia and Adjara, Composition election admin;
12.10.2004	VL, Campaign funding, voting and counting procedures, observers' rights, complaints and appeals, election cancellation and re-run
26.11.2004	Abolition of turnout requirement for mid-term elections and re-runs, drug certificate for MPs
24.12.2004	Rules for campaign and the media
22.04.2005	VL; CEC, DEC, PEC composition and functioning;
23.06.2005	Deadlines and procedures for filing complaints
09.12.2005	Election of Tbilisi Sacrebulo; plus miscellaneous minor changes
16.12.2005	Campaign fund; media outlets
23.12.2005 (1)	Election System for Parliament, Multi-mandate Districts, Mid-term Elections, PEC,
23.12.2005 (2)	Election of Sacrebulos (except Tbilisi)
06.2006	Changes pertaining to local elections; voting procedures, etc.
24.07.2006	Early convocation of PEC for 2006 local elections

ORGANIC LAW OF GEORGIA  
Election Code of Georgia

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**ORGANIC LAW OF GEORGIA**  
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**General Section**

**PART I**

**CHAPTER I. GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

This Law establishes the legal basis of preparing for and conducting elections for the President of Georgia, the Parliament of Georgia, the representative body of local self-governance [deletion 23.12.2005]. The Law also determines the rights and guarantees of the election participants, the rules for forming election administration and its authority, as well as the rules for adjudication of disputes in cases determined by this Law.

**Article 2. Legal Basis of Elections**

The legal basis for preparing for and conducting elections for the President of Georgia, the Parliament of Georgia, the representative body of local self-governance – *sakrebulo*, [deletion – 23.12.2005] is the Constitution of Georgia, universally recognized human rights' principles and standards of international law, this Law, other legislative Acts and legal Acts of the election administration.

**Article 3. Definition of Terms**

Terms used for purposes of this Law have the following meaning:

**Elections** – for the purposes of this Law elections are the election process the designation and outcome of which is the election of members of a representative body of public power and public offices by general elections;

**Elections conducted through proportional election system** – election of members of Parliament and the representative body of local self-governance of Georgia – *sakrebulo*, based on Party Lists;

**Elections conducted through majoritarian election system** – election of members of parliament, election of *sakrebulo* members, [deletion – 23.12.2005] according to single-mandate or multi-mandate election districts;

**Right to vote** – active and passive voting right;

**Active electoral right/suffrage** – the right of a citizen to participate, through voting, in general elections and a referendum held for electing the people's representatives to a representative body of public power and for electing public officers;

**Passive electoral right/eligibility** – the right of a citizen to be eligible for election to a representative body of public power and of a public office;

**Electoral registration** – the registration by the appropriate election commission of parties, election blocs, initiative group of voters and candidates for the participation in elections;

**Election subject** – a candidate for membership of a representative body of public power or public office, the party, election bloc and initiative group of voters registered by the appropriate election commission;

**Election administration** – the Central Election Commission of Georgia (CEC), District Election Commissions (DEC) and Precinct Election Commissions (PEC);

**Party** – a political union of citizens, acting in accordance with the Organic Law of Georgia on

Political Unions of Citizens, which is registered by the Central Election Commission of Georgia for the purpose of taking part in elections;

**Election bloc** – a union of 2 or more Parties registered by the Central Election Commission of Georgia;

**Election campaign** – unity of the measures undertaken by candidates for becoming election subjects and by election subjects, for the purpose of participating and winning in elections;

**Election agitation** – calling by Georgian citizens and election subjects upon voters, to support an election subject or not;

**Candidate for Presidency of Georgia** – a citizen of Georgia, presented by a Party registered by the Central Election Commission of Georgia, or by an initiative group of voters, for the purpose of taking part in elections for the President of Georgia;

**Candidate presented through Party list** – a citizen of Georgia included in a Party list registered by the Central Election Commission of Georgia for the purpose of taking part in elections into the Parliament of Georgia and the representative body of local self-governance – *sakrebulo*;

**Majoritarian candidate** – a citizen of Georgia registered by a relevant electoral commission to run in the elections of the Georgian Parliament or a representative body of local self-government -- Sakrebulo, nominated in an electoral district by a party/electoral bloc or, in case of the local self-government elections, also by an initiative group of voters [23.12.2005];

**deleted [23.12.2005]**; Local Majoritarian Election district- single member election district, created to elect members of municipality-Sakrebulo by majoritarian system. [23.06.06]

**deleted [23.12.2005]**; Multimember local majoritarian election district- election district, created to elected sakrebulo members of Tbilisi city council by majoritarian system. [23.06.06]

**General elections** – the regular and off-year universal elections held for electing a representative body of public power or public officeholders in which all the electors of the representative body or public office respectively as specified by this Law may take part;

**Regular elections** – the general elections being held due to the expiration of the term of office of a representative body of public power or public officeholder within the terms specified by the Constitution of Georgia, this Law, the Constitutions of the Abkhazian and Adjarian autonomous republics, the respective laws;

**Off-year elections** – the general elections being held due to the early expiration of the term of office of a representative body of public power or public officeholder;

Mid-term elections – **Deleted. [23.12.2005]**;

**deleted [23.06.06]** Election district-The territory defined according to the administrative-territorial division, on which DEC/DECs is/are operating. [23.06.06]

**Second ballot** – the voting being held in the precinct (precincts) where the ballot returns were declared void, or throughout a multi-mandate election district based on party lists, where no party/election bloc has been granted the mandate;

**Second round of elections** – the voting being held in the cases and within the terms specified pursuant to this Law if the first round of elections has failed to determine the winner;

y<sup>1</sup>) **End of elections** – the date of publication of the summary protocol of final election returns (including second-round elections and second ballots) as approved by the appropriate election commission;

y<sup>2</sup>) **Election day** – the day of holding general or by-elections;; [23.12.2005]

y<sup>3</sup>) **Polling day** – the day of holding elections, second ballot or second round of elections;

**Election documents** –incoming and outgoing applications, petitions, letters, business correspondence, protocols, ballot papers, special envelopes, legislative acts of the election administration, check-lists, registration books, registers of voters, voter's card and other documents at election commissions. [12.10.2004]

(z<sup>1</sup>) **Packaging of documents** – the wrapping or packing of documents in a bale or in a box in a manner making it impossible to take or put the documents out/into the bale/box without spoiling the seal on the stamped bale/box;

(z<sup>2</sup>) **Seal** – a strip of paper attached to the places of opening of a voting device, document box, register, election day record book, indicating the date and time of marking and the signatures of the persons duly authorised under this Law;

**Representative body of local self-governance – sakrebulo** – the Sakrebulo of the capital city of Georgia -- Tbilisi, a municipality, or a self-governing city; [23.12.2005]

ab) **deleted [23.06.06]** Multimember majoritarian election district for parliament-multimember election district created for parliamentary elections, which constitutes several election districts. [23.06.06]

ac) **Political Authority** - (for the purposes of this law) state political authority defined under the law of Georgia on "Public Service", as well as the deputy heads of the ministries, members of the local self government bodies and heads of executive bodies. [23.06.06]

### Article 3<sup>1</sup>. Calculation of Periods Prescribed by this Law

1. All periods prescribed by this Law, including the periods of judicial recourse and the periods of a court judgment, starting from the commencement of elections and until their end, are counted in calendar days (including days off and holidays as prescribed by the Labour Code of Georgia).

2. In the expression "in N days after elections", the words "after elections" imply the calculation of days after the end of the elections.

3. The expressions " in N days from the given day", " within N days period from the given day ", " not earlier/not later than N days from the given day ", " not earlier/nor later than the N<sup>th</sup> day from the given day" imply the calculation of days from the next day of the indicated day.

4. The expressions "N days prior to the given day", "not earlier/not later than N day prior to the given day", not earlier/not later than the Nth day prior to the given day", imply the reverse calculation of days from the day preceding the indicated day.

### Article 4. Basic Principles of Elections

Elections in Georgia shall be held on the basis of universal, equal and direct suffrage, and by secret vote.

### Article 5. Universal Suffrage

1. Elections prescribed by this Law are universal:

2. Any citizen of Georgia who by the elections has attained or is on the day of election attaining the age of 18 years and who meets the requirements prescribed by this Law enjoys the active electoral right, except for the persons who, under the Constitution of

Georgia and/or in accordance with this Law complying therewith (Articles: 10, 56, 110) have restricted suffrage;

3. Any citizen of Georgia who meets the requirements of this Law enjoys the passive electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith (Articles: 73, 76, 78, 80, 92, 94, 98, 110), have restricted eligibility.

4. A person who has been declared incapable by the court or is being placed in a penitentiary institution in accordance with a court judgment is not eligible to take part in elections and referendum.

#### **Article 6. Equal Suffrage**

1. Voters take part in elections based on equal grounds.
2. Every voter of one and the same election district has an equal number of votes.

#### **Article 7. Direct Suffrage**

1. Elections in Georgia shall be direct.
2. The President of Georgia, members of the Parliament of Georgia and the representative body of local self-governance – *sakrebulo* are elected directly by voters.

#### **Article 8. Secrecy of the Vote and Free Expression of the Will of the Voters**

1. Elections in Georgia are held by secret ballot.
2. Any influence which restricts the free expression of the voters' will, as well as control over expression of the voters' will is forbidden.

#### **Article 8<sup>1</sup>. Publicity of Elections**

1. The entire electoral process, activities of the election administration, the sources and the amount of funding of the election participants and the election-related expenses shall be open and public.
2. The open and public conduct of elections is safeguarded by the electoral legislation.

#### **Article 8<sup>2</sup>. Electoral Right Guarantees**

1. It is prohibited to adopt/publish a normative act, which restricts the free expression of a voter's will or interferes with the equality of election participants. Such a normative act may be appealed in the Constitutional Court of Georgia.
2. Infringement of the electoral legislation may be appealed in the Constitutional Court or general courts of Georgia in accordance with the terms and procedures specified by this Law and other legislative acts.
3. Offenders of the electoral legislation shall bear administrative or criminal liability.

#### **Article 8<sup>3</sup> Declaring Election Day as a holiday**

Regular Elections, except for presidential elections, can be held on any day of the week. The date of the elections shall be declared as a holiday. **[23.06.06]**

## CHAPTER II. REGISTRATION OF VOTERS

### Article 9. General List of Voters and its Compilation Procedure

1. The general list of voters is a list of persons with an active electoral right, who are registered in a manner established by legislation according to election precincts.
2. The general list of voters shall include the following voter's data:
  - a) Name, surname. [12.10.2004]
  - b) Date of birth (day, month, year);
  - c) Place of registration (address of the permanent residence);
  - d) Personal number of the citizen of Georgia **[23.06.06]**;
  - e) Actual residence (the temporary residence address shall be indicated for an internally displaced person; the indication "on consular registry" shall be made for a person being abroad (except for local self government elections), or "is abroad" where such a persona is not on the consular registry); **[23.06.06]**
  - f) The date of registration of the voter in the general list of voters **[23.06.06]**.
3. Voter data shall be entered into the general voter list according to the place of their registration. The IDPs are entered into the general voter list according to the place of their factual residence. [22.04.2005]
4. The Central Election Commission is responsible for computer processing of the general list of voters and for placing its part intended for public inspection (family name, given name, father's name, date of birth, place of registration, also place of actual residence for an internally displaced person) on the Internet.
5. The general list of voters is compiled:
  - a) Based on the information of persons registered in the corresponding territory available in the territorial bodies of the Ministry of Justice of Georgia including persons attaining the age of 18 years by the date of the elections. Also on the basis of information relating to deceased, persons under provisional arrest and in custody;
  - b) Based on information from local self-government and/or government bodies;
  - c) Based on data compiled on internally displaced persons communicated by the Ministry of Refugees and Settlement of Georgia or its territorial agencies;
  - d) Based on information received from the Ministry of Defense, Ministry of Internal Affairs, Special services of Foreign intelligence and State Security regarding both fixed-term and contractual servicemen within the Georgian Armed Forces and military compounds whose service conditions require their location at an address other than their permanent place of residence, which belongs to another populated locality and concurrently to another election district;
  - e) Based on data communicated by authorities of the consular institutions of Georgia concerning the electors being on the consular registry of Georgia (except for local self government elections)
  - f) Based on the data gathered from the election administration voter registration procedures, as well as on the amended registration data. **[23.06.06]**
6. For the purpose of updating the general list of voters the institutions indicated in paragraph 5 (subparagraphs a-e) of this Article shall, on February 1 and August 1 of each year, furnish the updated or new data on qualified persons to the Central Election Commission of Georgia. The latter shall, based on this information, ensure the updating of

the electronic database of the general list of voters. **[23.06.06]**

7. A qualified party, a monitoring organisation specified by Article 68 of this Law, and voters, are entitled to consult a version of the general list of voters designated for public inspection available at the Central, District and Precinct Election Commissions (the elector has the right to request only the data concerning his/her person and his/her family members for inspection and to make changes thereto) and in case of any inaccuracy to request not later than 23 days prior to election day that proper amendments be made to the voters' data and the list of voters. The inspection of data and the issue of a copy shall be effected under procedures established by statute.

8. The election administration shall review the general list of voters. The District Election Commission shall consider the review results and take an appropriate decision within 5 days after receipt of the application but not later than by the 20th day prior to the elections. A resolution of the Commission concerning the denial of the amendments to the voters' data/lists shall be reasoned and deliverable to the applicant from the day following the issue of the resolution, where so requested. **[23.06.06]**

9. A resolution of the District Election Commission concerning amendments to the voters' data/lists shall be delivered to the Central Election Commission and the relevant Precinct Election Commission within a period of 2 days.

10. A resolution of the District Election Commission denying amendments to the voters' data/lists may be appealed in the appropriate district/city court within 2 days after its issue. Where court decides for the applicant, the court ruling shall, within 2 days but no later than by the 13th day prior to Election Day, be delivered to the District Election Commission, which shall immediately furnish the relevant information to the Central Election Commission, and the relevant Precinct Election Commission. The election commissions shall immediately make proper amendments to the voters' lists. **[23.06.06]**

11. The Precinct Election Commission shall, not later than the day of its first meeting, be furnished with 2 copies of the general list of voters signed by the Chairperson and secretary of the District Election Commission as well as of the final version of the amended lists (versions designated for the election commission and public inspection) not later than by the 10<sup>th</sup> day prior to election day. The version of the list of voters designated for public inspection shall immediately be posted in the precinct election commission in a conspicuous place.

11<sup>1</sup>. The question of registration of those voters, who have not been able to register within the timeframe specified by the law, in case of proper application and submission of corresponding justification (entry in a passport on crossing the country border, travel ticket, certificate from a in-patient clinic, certificate of being freed from detention) is being decided by order of the DEC. DEC reviews the application of the voter within 2 days of its receipt, or immediately, if there are less than two days left until the Election Day. The voter shall be notified about a negative decision immediately. In case, if such a voter addressed the election administration with a request to participate in the elections on Election Day, he/she is being registered by the PEC and photo copies of relevant documentation are affixed to the voting lists. **[23.06.06]**

12. It is prohibited to make amendments to the voters' list within the last 12 days prior to Election Day, except for the cases described in subparagraph 11<sup>1</sup> of this article, whereas within the 19<sup>th</sup> to the 12<sup>th</sup> day before election day, amendments can be made only by a courts ruling. **[23.06.06]**

13. The Central Election Commission and the appropriate election commissions shall ensure publicity and accessibility of the general list of voters under procedures established

by Georgian legislation.

### **Article 9<sup>1</sup>. Determination and Publication of the Total Number of Voters**

1. The total number of voters for parliamentary, presidential and local elections (except for regular presidential elections), as well as for a referendum, is determined according to the latest available information upon announcement of the date of elections/referendum, and according to the latest available information by March 1 of the election year of scheduled presidential elections.

2. In holding general parliamentary, presidential and local elections (except for regular presidential elections) as well as upon conduct of a referendum, the Central Election Commission shall, not later than the 10<sup>th</sup> day from the announcement of the date of elections/referendum, and not later than March 10 of the year of elections upon holding of the regular presidential elections, make public through mass media and the Internet the total number of voters throughout Georgia and in all its electoral districts. Within the following 10 days the District Election Commission shall make public the total number of voters in the electoral district (also in local majoritarian electoral districts upon local elections) and in all its election precincts. **[23.06.06]**

3. Deleted. [23.12.2005]

4. In holding general parliamentary and presidential elections as well as upon conduct of a referendum, the Central Election Commission shall, no later than the 5<sup>th</sup> day prior to election/ referendum day, make public through mass media and the Internet the corrected total number of voters in Georgia and in each electoral district. The District Election Commission shall, within the same period, make public the corrected total number of voters in the electoral district, as well as in all election precincts. **[23.06.06]**

5. Deleted. [23.12.2005].

6. In holding local elections the Central Election Commission shall, not later than the 5<sup>th</sup> day prior to election day, make public through the Internet the corrected total number of voters in electoral district if not comprising local electoral districts and in local electoral districts. The District Election Commission shall, within the same period, make public through local mass media the corrected total number of voters in the electoral district if it does not comprise a local electoral district and in the local electoral districts, as well as in all election precincts.

### **Article 10. Special List of Voters**

1. The special list of voters includes (the data specified in Paragraph 2, Article 9 of this Law are entered in the list):

- a) The election administration officials who on the Election Day could not vote according to their place of registration because they were engaged in the election commissions (they shall be put in the special register in the predetermined election precinct by the respective election commission.); [12.10.2004]
- b) Voters who on election day are being treated in a hospital or another inpatient centre;
- c) Voters who on election day are under preliminary detention;
  - c<sup>1</sup>) the military personnel of Georgia on service for a fixed period and professional soldiers on the contractual basis; [12.10.2004]
- d) Voters being at sea on election day (they are enrolled at the port of registration of the vessel);
- e) The voters being abroad on election day who are on the Georgian consular registry; also the voters, who are not on the consular registry but, not later than the 21<sup>st</sup> day prior

to election day, will undergo electoral registration in a Precinct Election Commission formed abroad or in a consular institution.

- f) Persons listed in the paragraph 11<sup>1</sup> of Article 9 of this law. **[23.06.06]**
2. The list of persons determined by subparagraph “a” of paragraph 1 of this Article shall be specified by the district election commission no later 5 days prior to the poll; [12.10.2004]
  3. The list of the persons determined by subparagraph “b” of paragraph 1 of this Article shall be specified by the head of respective medical institution and provided to the respective district election commission no later the 6<sup>th</sup> day prior to the poll; [12.10.2004]
  4. The list of the persons determined by subparagraph “c” of paragraph 1 of this Article shall be specified by the head of respective penitentiary institution and provided to the respective district election commission no later the 6<sup>th</sup> day prior to the poll; [12.10.2004]
- 4<sup>1</sup> The list of the persons determined by subparagraph “c<sup>1</sup>” of paragraph 1 of this Article shall be specified by the commander of respective military unit and provided to the respective district election commission no later the 6<sup>th</sup> day prior to the poll; [12.10.2004]
5. The captain of the relevant ship shall compile a list of the persons specified by subparagraph (d) of paragraph one of this Article and shall deliver it to the relevant District Election Commission by not later than the 15<sup>th</sup> day prior to election day.
  6. The head of the relevant consular institution shall compile a list of the persons specified by subparagraph (e) of paragraph one of this Article and shall deliver it to the Central Election Commission by not later than the 20<sup>th</sup> day prior to polling. During parliamentary and presidential elections, the voter is exempt from the consular charge for consular registration, for the period from the appointment of elections to the 21<sup>st</sup> day prior to election day.
  7. The head of the appropriate institution shall be responsible for the accuracy of the data entered in the special list, which is to be attested by his/her signature.
  8. Based on the data of the of persons, specified in paragraphs 2-6 of this article and based on its own data, the District Election Commission shall, no later than 3 days prior to the Election day, make and approve by its decree the special lists, and immediately pass them to the relevant Precinct Election Commission. **[23.06.06]**
  9. In case the voter is entered in the special list a corresponding indication shall be made in the general voters' list of the polling precinct and attested by the signatures of the Chairperson and secretary of the Precinct Election Commission.
  10. The voter entered in the special list takes part:
    - a) In both the majoritarian and proportional elections if he/she changes location within the territory of the same electoral district, or of the same local election district in the case of local elections;
    - b) In parliamentary elections held under the proportional electoral system, as well as in the presidential elections and referendum if he/she votes in the territory of another electoral district.

#### **Article 11. Voters' List Supplement (Mobile Ballot Box List)**

1. The voters' list supplement (hereinafter – the Supplement) is compiled on the basis of the general and special lists of voters where:
  - a) Due to limited physical ability or health condition, a voter is unable to go to the polling place;
  - b) A voter is under preliminary detention;
  - c) A voter is being treated in a hospital or other inpatient center where no polling precinct

is opened;

- d) A voter is a military servicemen, serving in a military unit located on the state border which is far from the election precinct and where no polling precinct is open
- e) A voter is within the election precinct but at a location that is hard to access.

2. The Supplement shall include only those incapacitated voters who are unable to come to the election commission independently.

3. If a voter is entered in the Supplement, the ground of the voter's entry in the Supplement shall be indicated in the general and special voters' lists to be attested by the signatures of the Chairperson and secretary of the Precinct Election Commission.

4. The Supplement includes the same data, which is contained in the general voters' list, indicating additionally the voter's serial number in the general or special list.

## **Article 12. Deleted.**

## **Article 13. Publishing of Voters' Lists and the Supplement**

1. On the day of its first meeting, the Precinct Election Commission is obliged to post the list of voters and the procedures established by law for lodging a complaint, while the Supplement should be posted at a conspicuous place at the Precinct Election Commission premises and polling places immediately after its compilation. Responsibility for failure to comply with the given requirement shall be placed on the Chairperson of the Precinct Election Commission.

2. In the lists indicated in paragraph 1 of this Article, on the basis of review of the data entered in the lists within the period established by this Law, in the column "Actual Status", along the family name of the voter who:

- a) Is on the Georgian consular registry abroad, shall be indicated "on consular registry";
- b) Is abroad but not on the Georgian consular registry, shall be indicated "abroad";
  - b<sup>1</sup>) serves in the military service for a fixed period or on the contractual basis in the Georgian armed forces and units, shall be indicated "on military service".
- c) Is entered in the special list, shall be indicated "commission member", "in hospital", "in preliminary custody" or "at sea";
- d) Is entered in the Supplement, shall be indicated "entered in supplement".

[12.10.2004]

## **Article 14. Voting Invitation Card**

1. No later than 2 days prior to election day, the Precinct Election Commission is obliged to provide to all the voters registered on the territory of the election precinct and included in the voters' lists, a voting invitation card, in which shall be included the following:

- a) Date and time of the poll;
- b) Address of the polling place, including the number of the floor and the room;
- c) Number of the voter in the voters' list;
- d) The rule for submitting a statement or an application by voter, due to health situation or other reasons, on taking part in the poll by means of a mobile ballot box, telephone (fax) number of the Precinct Election Commission and other information.
- e) the number of the election precinct; [12.10.2004]

- f) the name and surname of a voter; [12.10.2004]  
 g) date of birth (day, month, year) of a voter; [12.10.2004]  
 h) place of registration of a voter; [12.10.2004]
2. Non-receipt of a voting card does not constitute grounds for limiting the right to take part in the election.

### CHAPTER III. ELECTION DISTRICTS AND ELECTION PRECINCTS

#### Article 15. Election Districts

1. Nineteen multi-mandate election districts shall be created for the Elections of the Parliament of Georgia: [23.12.2005]

Precinct	Administrative Units Included in the Election District	Mandates
1.	Tbilisi	5
2.	Abkhazia Autonomous Republic – Sokhumi City, Gagra, Gali, Gudauta, Gulripshi, Ochamchire, Tkvarcheli rayons	5
3.	Ajara Autonomous Republic – Batumi City, Keda, Kobuleti, Shuakhevi, Khelvachauri, Khulo rayons	5
4.	Tskhinvali, Javi rayons, Liakhvi Gorge	3
5.	Lanckhuti, Ozurgeti, Chokhatauri rayons	2
6.	Kutaisi City, Baghdati, Vani, Samtredia, Tskaltubo, Khoni rayons	3
7.	Zestafoni, Kharagauli, Terjola, Sachkhere, Tkibuli, Chiatura rayons	2
8.	Akhmeta, Telavi, Lagodekhi, Kvareli rayons	2
9.	Gurjaani, Dedoplistskaro, Sagarejo, Signaghi rayons	2
10.	Akhalgori, Dusheti, Tianeti, Mtskheta, Kazbegi rayons	2
11.	Zugdidi, Chkhorotku, Tsalenjikha, Khobi rayons	3
12.	Poti City, Abasha, Martvili, Senaki rayons	2
13.	Adigeni, Aspindza, Akhaltsikhe, Borjomi rayons	2
14.	Akhalkalaki, Ninotsminda rayons	2
15.	Rustavi City, Bolnisi, Dmanisi, Tetritskaro, Tsalka rayons	2
16.	Gardabani, Marneuli rayons	2
17.	Gori, Kaspi, Kareli, Khashuri rayons	2
18.	Lentekhi and Mestia rayons	2
19.	Ambrolauri, Oni, Tsageri rayons	2

2. For local self-government elections each local self-government unit represents an independent election district. Local majoritarian election districts are formed on the territory of local self-government unit, as prescribed by this code. **[23.06.06]**

3. Formation procedure of election districts for the city of Tbilisi intended for the elections of

local self-governing representative body are determined by the Chapter XVII<sup>1</sup> [09.12.2005]

4. deleted [23.06.06]

5. For local self-government elections the cities of Batumi, Rustavi, Sukhumi, Kutaisi and Tskhinvali each constitutes a single local election district comprising the entire territory of the relevant city.

6. Deleted.

7. The Central Election Commission shall form electoral districts, define their boundaries, names and numbers no later than 105 days prior to the expiration of the authority of the Parliament of Georgia, and shall make public the relevant information of the district boundaries within 5 days. The revision of the electoral district boundaries shall take place no later than 75 days prior to the expiration of the authority of the Parliament of Georgia and the relevant information shall be made public within 3 days after the revision has been completed.

#### Article 16. Election Precincts

1. For the purpose of conducting the election and counting the votes, an election district is divided into election precincts.

2. An electoral precinct is formed for a minimum of 20 and maximum of 2,000 voters. The relevant District Election Commission shall form electoral precincts, define their boundaries, names and numbers no later than 75 days prior to the expiration of the authority of the Parliament of Georgia, and shall make public the relevant information stating the precinct boundaries within 5 days. The District Election Commission, based on the data of the bodies of local self-government and administration, shall compile and revise a list which includes the addresses of all the residential buildings and all those buildings within the election precinct which the election administration may use for election purposes.

3. In exceptional cases (a military unit, a hospital and other inpatient clinic encountering over 50 voters each, a ship at sea on the election day, etc), an electoral precinct may be formed not later than the 15<sup>th</sup> day prior to the polling. The hospital (inpatient center), military unit (compound), where the number of voters (servicemen, patients) does not surpass 50, by the ordinance of the District Election Commission shall be attached to the closes electoral precinct. Based on a reasoned written request, of the commander of the relevant military agency and subject to the ordinance of the relevant District Election Commission, an electoral precinct may be formed in such a military unit (compound), where the number of voters (servicemen) surpasses 50.

4. Revision of the boundaries of an election precinct and of the list and addresses of the buildings located within it, shall be carried out by the District Election Commission no later than the 50<sup>th</sup> day prior to election day and not later than the 38 day for the elections of representative body of local self government- Sakrebulo, based on the data and revision by the corresponding self-government bodies operating on the territory of a rayon, city, city-rayon. The revised boundaries shall be made public immediately. [23.06.06]

5. Election precincts on ships sailing on election day, as well as in military compounds, are established by the rules determined by this Law, according to the ports of registration of relevant vessels and location of the military compounds.

6. Election precincts existing outside Georgia are established by the Central Election Commission, based on the data of the Ministry of Foreign Affairs, no later than 30 days prior to election day. Upon the same ordinance, the Central Election Commission decides the issue of attributing these precincts to election districts. These electoral precincts shall be assigned Electoral District No. 01.

7. The District Election Commission shall, after 5 days from forming the electoral precinct in

the case envisaged in paragraph 3 of this Article shall within 2 days make public the numbers, addresses, telephone and fax numbers and other information of these electoral precincts through the mass media.

#### **CHAPTER IV. ELECTION ADMINISTRATION**

##### **Article 17. Status and System of Election Administration of Georgia**

1. The election administration of Georgia is a legal entity of public law, which is established in accordance with this Law and exercises public authority within the limits of its competence specified by the same Law.
2. The election administration shall perform the duty assigned to it under the election law and shall secure the holding of a referendum/plebiscite, holding of the general elections for election of members of the representative bodies of the public authority and officials of the public authority, the free exercise of their legal interests by elections and referendum participants in accordance with this law. The election administration shall control, within its terms of reference, the execution of the election law all over the territory of Georgia and shall secure its unambiguous application. [22.04.2005]
3. The election administration is independent, within the limits of its authority, from other government agencies.
4. The election administration of Georgia is a centralized system, comprising the Central Elections Commission of Georgia (CEC), supreme election commissions of autonomous republics of Abkhazia and Adjara and the staffs of those commissions, district and precinct election commissions. The higher body of the election administration of Georgia is the Central Elections Commission of Georgia, which oversees and controls election commissions of all levels in the whole territory of Georgia. [22.04.2005]
5. The procedure for forming election commissions and their authority are determined under this Law, except for the Central Election Commissions of the Abkhazian and Adjarian autonomous republics. The latter's forming procedure is determined pursuant to the related law of the autonomous republic, their authority being determined under this Law and the law of the autonomous republic.
6. The Central Election Commission is accountable to the Parliament of Georgia. Within 60 days after the end of the elections, the Central Election Commission shall submit to the Parliament of Georgia a report regarding the offences against the election law committed in the course of the elections, the offending public officials, the cases referred to the Prosecutor's Office by the Central Election Commission and DEC's, the complaints lodged by the commissions in the courts of law, and the related court judgments.
7. deleted [23.06.06]

##### **Article 18. Composition of Election Administration[22.04.2005]**

1. Election Commission is composed of the commission Chairman, Deputy Chairman, commission Secretary and other members.
2. Members of election commission and staff of apparatus are the election administration officials.
3. Election administration official has no right to join a party, if s/he was a member of a party, s/he shall leave it.
4. The members and staff of the Central, Abkhazia and Adjara Supreme Elections Commissions and members of district election commission, other than the assisting servants and part-time servants, are public officials. They come under the clauses providing restrictions in activity and official incompatibility established by Articles 61 and

64 of the Law of Georgia on Public Service and paragraphs 1, 3, 6-9 of Article 13 of the Law of Georgia on Conflict of Interests and Corruption on Public Service". An official of the election administration has not a right to be a servant of a state authority or institution of another country.

5. A voter can become a member of Central, district and precinct election commission, except:

- a) Except the members of precinct election commissions [23.06.06] a person, who does not have a certificate of an election administration official;
- b) A person, who was dismissed from the position s/he was holding in election administration by an election commission or court for violating election legislation;
- c) A person, whose fault in violating election legislation is confirmed by court;
- d) A person, who has been sentenced for a crime (except the case, when a penalty was imposed as the sanction) and the sentence is not vacated;
- e) Heads and deputy heads of departments/services, which are included in the executive branch of government;
- f) Heads and deputy heads of local government and self-government bodies;
- g) Employees of the Ministries of Defense and Internal Affairs of Georgia, and special Service of State Security;
- h) Judges and their assistants;
- i) Employees of the prosecutor's offices;
- j) Election subjects and their representatives;
- k) Domestic and international observers.

5<sup>1</sup>. Central Election Commission defines by ordinance the rules and conditions on special training of members of the precinct election commission. [23.06.06]

6. If elected as election administration official, within 7 days the person shall meet the requirements set forth in paragraphs 3 and 4 of this article about the limitation of service and work incompatibility.

### **Article 19. Rights and Responsibilities of Election Commission Members**

1. A member of an election commission is obliged to take part in its activities as of the day of his/her appointment (election) as a commission member.
2. A member of a District or Precinct Election Commission is obliged to sign the summary protocol of the voting and election results and, in a case where he/she does not agree with the data included in the protocol, is authorized to make a relevant note on the same line with his/her signature and attach their dissenting opinion to the protocol, in written form.
3. A member of the election commission is not a representative of his/her appointing/electing subject. In his/her activities such person shall be independent and subordinate only to the Constitution of Georgia and the Law. Any influence on the election commission member or interference with his/her activities is prohibited and punishable by law.

### **Article 20. Term of office of a member/official of election commission[22.04.2005]**

1. The term of office of a chair/member of CEC and district election commission is determined at 6 years.
2. The term of office of a member of a precinct election commission begins on the day of first meeting of the newly established precinct election commission, and expires upon the

completion of all the procedures in the given precinct set forth in this law.

3. The term of office of an election commission member expires at the moment a commission member replacing him/her is elected.
4. The first session of a newly established PEC shall be held no later than the 34<sup>th</sup> day prior to a general election. In case of exceptions and the election precincts established within a foreign country, the first meeting of the precinct election commission shall be held no later than the 3<sup>rd</sup> day following the establishment of a commission. The first meeting of a precinct election commission is called by a chair from a corresponding district election commission. Exception is the precinct election commission established in another country, its first meeting shall be convoked by the CEC chairperson. **[23.06.06]**
5. One and the same person shall not be elected as the CEC, DEC chairperson/member during 6 years after his/her authority is terminated.

**Article 21. Early termination of the term of office of an election commission member/official[22.04.2005]**

1. The authorities of CEC chair/member is terminated early by the resolution of the Parliament of Georgia, and the term of office of a member of precinct or district election commission – by the decree of the upper-level election commission. The CEC deputy chair and secretary, also the chairs of DEC and PECs, their deputies and secretaries are dismissed pre-term by the decree of the relevant election commission in case:

- a) Of resignation:
  - a.a) Statement on resignation of CEC chair, on termination of the authorities of a CEC member shall be submitted to the Parliament of Georgia;
  - a.b) Statement on resignation of CEC deputy chair/secretary shall be submitted to CEC;
  - a.c) Statement on resignation of district or precinct election commission chair/deputy chair/secretary shall be submitted to the relevant election commission;
  - a.d) Statement on termination of the authorities of a district or precinct election commission shall be submitted to the upper-level election commission;
- b) An election commission member does not terminate incompatible activity or/and job within 7 days after s/he is elected;
- c) An election commission member occupies a position incompatible to his/her status as determined by this law;
- d) A fact of an activity incompatible to the status of an election commission member is revealed;
- e) Incorrect data given in the statements, decisions and their appendix, set forth in paragraph 6 of Article 28, paragraph 7 of Article 33, paragraph 9 of Article 37 of these law is revealed – from the day of the exposure of this fact;
- f) Of not implementing the duties of election commission chair/member for two months in range or missing the election commission sessions three times in range without a good reason;
- g) A verdict of guilty is brought in by court or court has confirmed the violation of election legislation by a commission member – in case the court decision comes into legal force;
- h) The party, which appointed an election commission member, is banned or liquidated (If liquidation does not happen because of merging with a party, which did not have a right to appoint a commission member; In such case the

liquidated party is replaced by the party it merged with) – in case the court decision on banning the party comes into legal force, and when liquidating – in case the decision on liquidation is adopted;

- i) The party, which appointed a precinct election commission member, recalls him/her – in case the statement on recalling is submitted to the relevant district election commission;
- j) The voter's status of an election commission member is abolished;
- k) Of regular or bold violations of election legislation, election administration ROP or existence of other relevant basis determined by the Law of Georgia on Public Service.

2. Raising the issue of removing chair/deputy chair/secretary of an election commission, also the issue of early termination of the authorities of election commission member with the same grounds, is prohibited twice in range during 6 months.

3. If one of the conditions set forth in paragraph 1 of this article should arise, the issue of resignation of chair/deputy chair/secretary of an election commission, also the issue of early termination of the authorities of election commission member shall be considered and decided by: the Parliament of Georgia – within 15 days, or an authorized election commission – within 5 days. The decision shall be made according to the same rule that was used when electing them.

4. If the application on the resignation/termination of authority is not allowed within the term set forth in this article, the chair/deputy chair/secretary of an election commission shall be deemed as resigned, authorities of election commission member – terminated on the next day following expiration of this term.

5. Recalling precinct election commission member during last 15 [23.06.06] days before the vote, is prohibited.”

## **Article 22. Rules for the Work of an Election Commission**

1. The rules for the work of election commissions are determined by this Law and by the regulations of the relevant commission, which is passed through a Decree of the Central Election Commission.

2. Deleted.

3. In case of the absence of the Chairperson of an election commission, or under delegation of the Chairperson, his/her duties are carried out by the Deputy Chairperson.

4. The frequency of election commission sessions is determined by the relevant commission. In case of necessity, an extraordinary session is called by the Chairperson or Deputy Chairperson.

5. Sessions are chaired by the Chairperson or Deputy Chairperson.

6. The meeting is valid if attended by the majority of the full commission. [22.04.2005]

7. The commission decision is made, if voted pro by the majority of those attended (unless this Law provides a higher quorum), but at least by one third of the full commission. [22.04.2005]

8. In case of equal division of votes, the vote of the session's Chairperson is decisive.

9. The human resources issues shall be resolved at the session by the majority of the full commission. [22.04.2005]

10. Minutes for the session are compiled, which are signed by the session's Chairperson and the commission secretary.

11. The session Minutes are processed within 2 days of the date of the session.

12. A member of an election commission, who does not agree with a decision of the commission, has the right to express a dissenting opinion in written form, which is attached to the Minutes of the session. The member, who has a dissenting opinion, is obliged to respect and obey the decision made by the commission. He/she does not have the right to prevent, by his actions, the execution of this decision.
13. Deleted. [22.04.2005]
14. Deleted
15. An election commission accepts, issues and registers documents until 6 p.m. on working days, except for those cases envisaged by this Law
16. On acceptance of an application (complaint), the date and time of its acceptance is noted in the registration journal of the commission and on the acknowledgement receipt issued to the applicant (complainant). The commission adjudicates the application (complaint) and makes an appropriate decision.
- 16<sup>1</sup>. The applicant (complainant) shall confirm receipt of the acknowledgment receipt for any document from the commission by signing in the registration journal.
17. An election commission is authorized not to consider an application (complaint), if the deadline and procedure for submission has been violated.

**Article 22<sup>1</sup>. Elections of election commission officials/members[22.04.2005]**

1. The chairman of election commission (except the CEC chairman), deputy chairman/secretary, after the corresponding vacancy appears, shall be elected from among the commission members at the first meeting of the commission, for the membership term of office, by the majority of the full commission, and by roll-call vote.
2. Election commission officials can be nominated by:
- a) Candidate for district or precinct election commission chair – by at least two members of the commission;
  - b) Candidate for deputy chair – by chairman of the commission;
  - c) The candidates for leading position in the election commission should be nominated by at least two members of the commission. [23.06.06]
  - d) One and the same candidate may be nominated twice only.
  - e) If within the established term the commission fails to elect the commission chair/deputy chair/secretary, the functions of this officials before his/her election shall be performed by that member of the commission, who gets most votes during the voting and in case of equal votes – by the person determined among them by casting of lots.
  - f) In case the commission chair and deputy chair simultaneously or commission secretary cannot temporarily carry out the duties determined by this law, and meanwhile an action related to the special authorities of the chair or secretary needs to be taken, the commission immediately elects a proxy authorized to carry out the powers of chair or secretary from among its members according to the rules set forth in paragraphs 1 and 2 of this article. As soon as the chair or deputy chair can carry out their duties, the authorities of the commission chair's proxy are ceased, and as soon as the secretary can carry out his/her powers, the authorities of the his/her proxy are ceased.
  - g) If election commission does not have both chair and deputy chair, the commission secretary convenes the commission session for the elections of the chair and presides over it until the chair is elected. In case the commission does not have secretary either, the oldest commission member convenes the session and presides

over it until the chair is elected.”

### **Article 23. Compensation for Members of the Central Election Commission of Georgia**

1. The Chairperson, Deputy Chairperson, commission secretary and other members of the Central Election Commission of Georgia are paid salaries from the State budget of Georgia, for the whole term of their authority.
2. Staffing of the CEC is approved by the CEC, on submission by the Chairperson, while the Parliament of Georgia on submission by the CEC approves its budget.
3. Extra time and overtime work of members of the Central Election Commission of Georgia and its staff **[23.06.06]** is compensated during the pre election and election period (during three months) only **[23.06.06]** by an amount determined by the Central Election Commission, from the funds allocated for the conduct of elections.

### **Article 24. Compensation for Members of District and Precinct Election Commissions**

1. The chair, deputy chair, commission secretary and other members of a district election commission shall be paid wages from the state budget during the total terms of their office. [22.04.2005]
  - 1) Deleted[22.04.2005]
2. The PEC chair, deputy chair, secretary and other members of the precinct election commission shall receive salaries from the funds allocated for the conduct of elections (based on the ordinance of the relevant DEC) from 30<sup>th</sup> to 32<sup>th</sup> days (for the elections of local self government body – Sakrebulo from 34<sup>th</sup> to 36<sup>th</sup> days) before the elections, during the repeated voting and/or second round of the elections, as well as during the four days after the election day. **[23.06.06]**
3. The remuneration paid to members of District or Precinct Election Commissions is determined by the Central Election Commission.
4. Extra time and overtime work of members of District **[23.06.06]** Election Commissions is compensated during the election period only from the funds allocated for conducting elections **[23.06.06]** by an amount determined by the Central Election Commission of Georgia.

### **Article 25. Legal Acts of Election Administration of Georgia**

1. Legal acts of the election administration of Georgia are:
  - a) Decrees and ordinances of the CEC, ordinance and orders of the CEC Chairperson, ordinance of the CEC Secretary **[23.06.06]**;
  - b) Ordinances of the DEC, ordinance of the DEC Chairperson, ordinance of the DEC Secretary;
  - c) Ordinances of the PEC, ordinance of the PEC Chairperson.
2. A decree of the CEC is a subordinate normative act, which may be passed only in cases directly stipulated by this Law. Decree may also be passed in exceptional cases, from the commencement until the end of elections, if matters required for the holding of elections and not envisaged by this Law shall be necessarily settled. A manual describing individual election procedures may also be approved by a decree which shall not contain a norm differing from the one established by this Law or a new norm, and which may contain only a detailed description of procedures specified by this Law.
3. CEC resolution shall be deemed as passed, if voted pro by at least two thirds of the full

commission. The resolution shall be signed by the chairperson of the relevant meeting of CEC and the Commission secretary. The CEC resolution shall take effect after its registration at the Ministry of Justice of Georgia, beginning from 24:00 of the day of its promulgation in The Georgian Legislation Bulletin, unless the resolution itself provides a later date. Adoption of a resolution 4 days prior to the voting is prohibited. [22.04.2005]

4. The orders of the election commission, its chairperson and secretary are individual legal acts which shall be passed/issued in the cases and within the frames determined by this Law and CEC resolution. The commission order shall be signed by the chairperson of the relevant meeting of the commission and commission secretary. Other orders shall be signed by a person issuing it. Unless this Law provides another quorum, the commission order shall be deemed as passed, if voted pro by the majority of those attended, but by at least one third of the full commission. [22.04.2005]

4.1. Orders of the CEC chairperson are individual legal acts, which shall be issued in cases related to internal, including staff related issues **[23.06.06]**.

5. Decisions adopted by the Central, District and Precinct Election Commissions of Georgia and their officials shall within the limits of their authority be binding on the whole territory of Georgia, of an election district and election precinct respectively.

#### **Article 26. Composition of Election Commissions**[22.04.2005]

1. The Central Elections Commission shall be composed of its chairman and 6 members. During his/her term of office, CEC chair is also a CEC member. Termination of the authorities of CEC chair means the termination of his/her duties as of a CEC member.

2. District election commissions shall be composed of 5 members and precinct election commissions of 9 members, appointed/elected by the subject specified by this Law in the term and under the procedure established hereunder **[23.06.06]**.

#### **Article 27. Establishment of Central Elections Commission of Georgia** [22.04.2005]

1. The chairperson of the Central Elections Commission of Georgia and its 7 members shall be elected by the Parliament of Georgia under nomination of the President of Georgia.

2. Candidates for CEC chairperson/members shall be selected under the open vacancy procedure.

3. No later than 60 days prior to expiration of the term of office of the CEC chair/member the President of Georgia shall issue an order on holding of a competition and formation of a Competition Commission.

4. A non-party person having higher education and a positive public image, fluently speaks Georgian, has at least 3 years of work experience and a certificate of election administration officials, may become a candidate for CEC member.

5. An eligible citizen of Georgia of at least 25 years old, who meets the requirements of paragraph 5 of Article 18 of this law, paragraph 4 of this article and Article 17 of the law of Georgia on Civil Service, have a right to participate in the competition. The application documents shall be submitted no later than 14 days after the competition is announced.

6. The application filed for participation in the competition shall indicate: the first and last names of a candidate; education (higher); specialty, academic degree (if any); place of residence (according to the ID card (registration certificate) of a citizen of Georgia); place and title of job; contact address and telephone number. The application shall be signed by the candidate and shall be enclosed with:

- a) two photos of a candidate;
- b) copy of ID card (registration certificate) of a citizen of Georgia;

- c) copy of diploma of higher education (academic degree – if any);
  - d) copy of the certificate of the election administration official;
  - e) Work CV and description of his/her experience of participation in elections (if any).
7. If at least 2 candidates are not nominated for one vacancy within the term determined by this Law, the competition shall be prolonged until at least 2 candidates are nominated for one vacancy.
  8. In 2 days following expiration of the term for nomination of candidates the list of candidates shall be published.
  9. No later than 5 days following expiration of the term for nomination of the candidates the Competition Commission nominates to the President of Georgia at least 2 and no more than 3 candidates for each vacancy. The President of Georgia selects the candidate for the position of the CEC chairperson himself. No later than 7 days after the selection/nomination of the candidates, the President of Georgia shall make the decision on selection of candidates and nominate to the Parliament of Georgia the candidate for the CEC chairperson and 2 candidates for each vacancy of CEC member.

**Article 28. Election of the Chairperson/member of Central Elections Commission of Georgia [22.04.2005]**

1. Within 14 days following the nomination by the President of Georgia of the candidates for CEC members/chairperson to the Parliament of Georgia, the Parliament of Georgia shall elect the chairperson/members of CEC using a roll-call vote. Each candidate shall be put on vote separately. The CEC chairperson/member is deemed as elected if the majority of the acting members of the Parliament vote for it. If the number of these people is more than the number that is to be elected, the 6 candidates with the best results shall be deemed as elected. If a winner cannot be revealed because of the equal number of votes received, these candidates are immediately put on vote until the winner is revealed among them.
2. If all vacancies are not filled up, the rest of the candidates are put on vote again. If vacancy is not filled again, one more vote is held. If the vacancy is not still filled, within 3 days the President of Georgia nominates 2 candidates on each unfilled vacancy from other candidates participating in the competition. If the vacancy is still not filled, no later than 3 days a competition is announced for the rest of the vacancies and the nomination procedure starts again.
3. One and the same candidate may be nominated twice only.
4. After the pre-term termination of the terms of office of a CEC member, in order to fill the commission composition up to seven members, during the nearest session week of the Parliament of Georgia, the President of Georgia shall nominate to the Parliament of Georgia those candidates who received no less than the majority of votes of the acting MPs, or announce the competition within 3 days. The same rule is applied if there is no such candidate.
5. The order of the President of Georgia on election of CEC chairperson/member shall be submitted to CEC within 7 days after its adoption.
6. The order mentioned in paragraph 5 of this article shall indicate the first and last names of a person elected the CEC chairperson/member. The order shall be enclosed with the documentation submitted for the competition as determined by paragraph 6 of Article 27 of this law and the statement signed by the abovementioned person certifying that s/he meets the requirements set forth in paragraph 5 of Article 18 of this law

## Article 29. Authority of the Central Election Commission of Georgia

### 1. The Central Election Commission:

- a) Ensures holding of elections/referendum/plebiscite within the frames of its competencies, controls the implementation of election legislation on the territory of whole Georgia and ensures its equal application; [22.04.2005]
- b) Shall, by decree, approve the election administration regulations;
- c) in extraordinary cases, if compliance with some provisions/terms established by this Law is not possible, shall be entitled to determine under its resolution the measures to be implemented for holding of the elections/poll; moreover, in case of necessity and under this Law to submit to the President of Georgia the proposal on appointment of a new date for the elections; [12.10.2004]
- d) Shall, by decree, determine the rules for the participation and usage of governmental and non-governmental mass media in the election process and monitor the implementation of these rules in accordance with this Law and other Georgian laws;
- e) Shall, by ordinance, establish election districts and define their boundaries;
- f) In case of necessity and for resolution of particular issues defined under articles 105 and 13 of this law **[23.06.06]**, may, by ordinance, to be passed by at least two-thirds of the total number of all members, set up a special group and define the limits of its authority and the period of its activity thereof;
- g) In case a subordinate election commission does not or cannot perform the obligations imposed on them by the law, may, by ordinance to be passed by at least two-thirds of the total number of all members, decide to terminate the authority of the commission transfer that authority to a special group set up for exercising such authority until a new commission is elected;
- h) Determines the rules of division and usage of state funds allocated for holding elections and referendum/plebiscite by issuing a resolution; [22.04.2005]
- i) Establishes the form of election/referendum/plebiscite ballot papers; Texts of the ballot papers for the elections of the Parliament of Georgia, the President of Georgia and Tbilisi city Sakrebulo as well as for referendum/plebiscite; forms of election boxes, election envelopes and election commission stamps; forms of election documents not determined by this law, but necessary for organizing the elections; [22.04.2005]
- j) Shall ensure the production of election related documents, ballot boxes, special envelopes and seals for election commissions and their delivery to DEC's;
- k) Shall, by ordinance and in accordance with the terms prescribed by this Law, determine a timetable for election activities;
- l) Shall, by ordinance, appoint off-year, by-elections, second ballots, and second round of elections; [23.12.2005]
- m) Shall, by own initiative or under the application/petition check the legitimacy of decisions and acts of election commissions, their officials and in case of any revealed violation shall invalidate or revise them by its decree; under a decree, shall make the decision on opening of parcels received from the respective precinct election commissions and on the recounting of ballot papers/special envelopes/registers of voters." [12.10.2004]
- n) Based on the summarizing protocols of voting results of district and precinct election commissions, determines the results of elections of the Parliament of Georgia (by party lists), the President of Georgia, Tbilisi city Sakrebulo and referendum/plebiscite, and confirms the final protocol of the Central Elections Commission of Georgia by issuing a decree; [22.04.2005]
- o) deleted **[23.06.06]**

- o) Shall ensure computer processing of the voting/election results communicated by DEC's and their immediate placement on the Internet; in case the decision as per subparagraph (m) of this paragraph is adopted, it shall also be placed on the Internet;
- p) Gives an election/referendum/plebiscite observer status to an association, foundation, international organization determined in this law, also to the organization registered in other country, a group of representatives of government bodies of a foreign state, by issuing a decree; [22.04.2005]
- q) Shall manage the activities of DEC's, regularly hear their reports;
- r) Shall manage and control the provision of premises, communication facilities, transport and other matters of logistics with respect to election commissions;
- s) Shall ensure the publication and distribution of information materials;
- t<sup>1</sup>) Determines the rule of certification of election administration officials and the conditions of the selection competition for CEC staff and district election commission members by issuing a resolution. [22.04.2005]
- t) Shall ensure the conduct of seminars and training courses for improving election administration officers' skills;
- u) Shall, in the manner established by this law, consider election-related applications and complaints and take the appropriate decisions within the limits of their authority;
- v) Shall be responsible for the formation of the general list of voters, its computer processing and placement on the Internet of the part designated for public inspection (the family name, given name, father's name, date of birth, registration address, also the actual address of an IDP);
- w) Shall exercise other authority granted under this Law.
- x) Shall determine the additional rule of creating a unified voters' list and the voting procedures through a decree. [09.12.2005]
2. All CEC decrees are published in the Georgian Official Gazette (Sakartvelos Sakanonmdablo Matsne) and may also be published by other mass media. The CEC ordinance relating to the issues as per subparagraphs (e) to (g), (k) to (o), and (q) of Paragraph 1 of this Law, as well as the CEC Chairperson's ordinance relating to the issues as per subparagraphs (e) and (f) of paragraph 2 of Article 30 of this Law shall be published within 3 days of their issue.
3. The Central Election Commission of Georgia is authorized to adopt a decree on other issues related to election procedures which have not been envisaged by this Law.

### **Article 30. Powers and Authorities of the Chairperson, Deputy Chairperson and Secretary of the Central Election Commission of Georgia**

1. The CEC Chairperson shall be the highest officer of the Election Administration.
2. The CEC Chairperson shall:
- a) Administer all administrative functions in the CEC;
- b) Chair CEC sessions;
- c) Disburse the funds of the CEC;
- d) Delegate duties to the Deputy Chairperson, Secretary, other CEC members and employees of the Apparatus in accordance with the Regulations of Election Administration;
- e) Register the parties and election blocs participating in the elections, as well as initiative groups of voters (for the Presidential Elections of Georgia), their representatives in the CEC

and issue relevant registration certificates thereto;

f) Register candidates for the elections for the President of Georgia, party lists, and candidates nominated by the parties/election in electoral districts (for parliamentary elections) blocs for single-mandate districts (for parliamentary elections) and issue relevant certificates to the candidates specified in this subparagraph; [23.12.2005]

g) Issue the appropriate verification certificate to the elected President of Georgia, members of the Parliament of Georgia, members of Tbilisi City Sakrebulo; and in case of termination of authority of any of the members of the Parliament [deletion – 23.12.2005] or of Tbilisi City Sakrebulo before the expiration of the term of such authority – to the successors thereof;

h) Submit to the Interim Credentials Commission set up under the newly elected Parliament of Georgia or, after establishing the relevant Standing Committee, to such Standing Committee, the documentation necessary for verifying the authorities of the persons elected as the Members of the Parliament;

i) If the authority of any of the CEC members elected by the Parliament is terminated before the expiration of the term established for such authority and, for this reason, the number of CEC members becomes less than 7, the CEC Chairperson shall give notice to the Parliament to that effect on the date following the date of such termination;

j) Exercise other powers and authorities granted thereto under Election legislation.

3. The CEC Deputy Chairperson shall:

a) Perform the duties assigned to the CEC Chairperson, if the CEC has no such Chairperson or the incumbent Chairperson is unable to perform such duties;

b) Exercise some particular authorities of the CEC Chairperson according to an ordinance issued by such CEC Chairperson and with the consent of the CEC (such ordinance shall specify the scope and term of the authorities so assigned).

4. The CEC Secretary shall:

a) Distributes election documents and all correspondences submitted to and addressed to the CEC;

b) Register the representatives of any party/election bloc participating independently for the elections for the Parliament of Georgia and Local Self-Governments, as well as the parties or initiative groups of voters nominating candidates for the election of the President of Georgia and issue the relevant certificates thereto;

c) registers the observers appointed to the CEC by a union/foundation/international organization having the status of the elections/referendum observer, the observers sent by other state authority bodies and issues to them the observer's cards; [12.10.2004]

d) Makes accreditation of representatives of the mass media and issues to them the accreditation cards;" [12.10.2004]

e) Draw up the protocols summarizing the election results;

f) Exercise any other powers and authorities granted thereto under the election Law.

### **Article 31. Apparatus of the Central Election Commission of Georgia [16.09.2004]**

1. The Apparatus of the Central Election Commission of Georgia shall be established for the purpose of ensuring organization, legal and technical support of elections.

2. The Apparatus structure, rules for its activities and its authorities are determined by the regulations of the Central Election Commission.

3. It is inadmissible to accept into the Apparatus a person, who has not been awarded a

certificate of an election administration official by the Central Election Commission, except for auxiliary and technical staff, as well as those staff representatives whose activities are not directly related to election procedures. The list of such activities (services) and staff members is defined by CEC ordinance.

### **Article 31<sup>1</sup>. Powers and Authorities of the Central Election Commissions (CECs) of Abkhazia and Adjara Autonomous Republics**

1. The CECs of Abkhazia and Adjara Autonomous Republics shall, according to this Law and applicable laws of the Autonomous Republics, organize the general elections for the state representative authorities and for holding offices in the government authorities of the Autonomous Republics, and shall ensure that voters can exercise their legal rights freely without any impediments. When holding the elections, the CEC of any of the Autonomous Republics shall, within the scope of its competence, exercise control over the compliance with, and ensure uniform application of, the Election legislation throughout the territory of such Autonomous Republic.
2. When conducting elections as specified in this Article, the District Election Commissions set up on the territory of any of the Autonomous Republics in accordance with this Law, are subordinate to the CEC of such Autonomous Republic.

### **Article 32. Establishment of District Election Commission [22.04.2005]**

1. District election commissions shall be created by and Members [23.06.06] shall be elected by the majority of the full CEC.
2. Officials of district election commission shall be elected by the district election commission from among its members by the majority of its full composition.
3. After appointment of elections till it is over, district election commission has a right to hire support and technical staff, but no more than 5 persons.

### **Article 33. Election of Chair / member of District Elections Commission [22.04.2005]**

- “1. Central Elections Commission of Georgia elects a member of district election commission no earlier than 20 and no later the 10 days of the expiration of the terms of reference of the district election commission member. The officials of district election commission are elected in the same timeframe.
2. In case of early termination of the terms of office of a member of district election commission his/her substitute shall be elected by CEC within 15 days (after appointment of the elections day – within 7 days). The same rule is applied in case of early termination of the authorities of district election commission officials. This information shall be published according to the rule set forth in this law.
3. Candidates for district election commission membership shall be selected based on the open competition.
4. No later than 60 days before the expiration of the terms of office of district election commission member or no later than 3 days after the early termination of his/her authorities, the CEC shall issue a decree on holding the competition.
5. Candidate of district election commission member shall be a nonpartisan person with high education, who freely posses the state language of Georgia and has a certificate of election official.
6. A Georgian citizen from 21 years old, who meets the requirements of paragraph 5 of Article 18 of this law, paragraph 5 of this article and Article 17 of the law of Georgia on Public Service has a right to participate in the competition. The competition documents shall be submitted in the following terms:
  - a) In case of expiration of terms of office –14 days after announcing the competition;

- b) In case of early termination of authorities – 10 days after announcing the competition, if the elections are appointed – 2 days after announcing the competition.

7. The documents submitted for the competition shall indicate: the first and last name of a candidate, education (high education), specialty, scientific degree (if any), address (according to the ID card (registration certificate) of a citizen of Georgia), work place and title, contact address and telephone number (if any), number and name of the election district, where s/he wants to become a district election commission member; the statement shall be signed by the candidate and it should be enclosed with:

- a) two photos of the candidate;
- b) copy of ID card (registration certificate) of a citizen of Georgia;
- c) copy of a document certifying the candidate's high education (scientific degree – if any);
- d) copy of election administration official's certificate;
- e) Work biography and election related experience (if any) of the candidate.

8. The candidates of district election commission members shall submit the competition documents determined in paragraph 7 of this article to the CEC.

9. If the submitted documents do not meet the requirements set forth in this article, the CEC chairperson informs the candidate about this (with indication of the irrelevance) within 2 days. The corrected documents shall be submitted back to the CEC in 2 days.

10. The CEC publishes the list of candidates within 5 days after the expiration of the deadline for submitting the documents.

11. The CEC elects the members of district election commission by a roll-call vote. Each candidate is voted on separately. A person, who receives the support of the majority of the full CEC, shall be considered elected. If the number of such persons is more than the number of those to be elected, then the candidates with the best results among them will be deemed as elected; if the winner cannot be determined due to the equal number of votes received by some candidates, these candidates are put on vote immediately in order to reveal the winner. If the winner is still not revealed, s/he will be determined by casting the lot. If all the vacancies are not filled as a result of the vote, the rest of the candidates are put on vote again. If all the vacancies are not filled again, the competition on the rest of the vacancies is announced again.

12. One and the same candidate can be nominated only twice.

13. The decree on the election of a district election commission member shall indicate the name and last name of the elected person, name of the district election commission, as the chairperson/member of which s/he was elected. The decision shall be enclosed with the documents submitted for the competition as set forth in paragraph 7 of this article and the statement signed by the abovementioned person, where it shall be indicated that s/he meets the requirements established by paragraph 6 of Article 18 of this law.

14. The CEC publishes the list of the elected commission members.

#### **Article 34. Powers and Authorities of District Election Commission**

1. A district election commission is a standing territorial body of the election administration of Georgia formed according to the rule set forth in Article 32 of this law. [22.04.2005]

<sup>1</sup> District election commission possesses a stamp carrying its name, seal, independent Balance Sheet, and settlement and current bank accounts. Responsibility for spending the funds allocated to the District election commissions by CEC lies with the chairman of the commission and accountant. The amount of financing allocated for Elections could be spent by DEC from account opened in any commercial bank or/and its branch [23.06.06].

2. The DEC shall:

- a) Within its competencies shall ensure the conduction of elections and referendum/plebiscite in the election district, control the fulfillment of the election legislation and secure its unambiguous application; [22.04.2005]
- b) Delimit and specify the boundaries of election precincts by issuing the relevant ordinance;
- c) If any Precinct Election Commission (PEC) fails to perform the duties assigned to it under the Law, the DEC has the right to request the CEC to suspend the authority of such PEC, by a majority decision of total number of DEC members;
- d) Determine, by ordinance, the text of ballot papers for the elections of local self-government to be held in the election district;
- e) At its own initiative or on the basis of an application/complaint, verify the fairness of decisions made by PECs and appointed officials thereof and, if any violation is detected, revoke or change such decisions by issuing the relevant ordinance;
- f) On the basis of an application/complaint (if such application/complaint is filed according to the procedure and within the period prescribed hereunder) or at its own initiative, examine the lawfulness of the actions and decisions taken and made by PECs on election day, as well as by the appointed officials thereof (including the correctness of the registration of election participants, counting of ballot papers and etc) and, if it detects any violation, shall make the appropriate decision (including, changing the data on the summary protocol submitted by the PEC, and in accordance to an examination of the results; or announces the voting results in the election precinct null and void). If the violation results in a change of any person elected in a single-mandate district or of any candidate participating in the second round of elections, or a change of any persons elected in a multi-mandate district (when holding elections for local self-government bodies), or such violation has an adverse effect on the decision as to whether the elections shall be deemed held or not (for single-mandate districts and for elections of local self-government bodies), and if such examination doesn't enable the DEC to establish the fairness of the result, shall make the decision to render the voting results in the relevant election precinct null and void and raise the question before the CEC to appoint the date for a second ballot;
- g) Based on the decrees of precinct election commissions and summarizing protocols of vote results, with taking into account the results of considerations of the election legislation violations, summarizes the vote results in the election district during the elections of the Parliament of Georgia (by party lists), the President of Georgia, Tbilisi city Sakrebulo, also when a referendum/plebiscite is held, and confirms the district election commission's final protocol of the vote results of by issuing a decree; [22.04.2005]
- h) On the basis of ordinances and summary protocols of final election results submitted by PECs, and in consideration of the results of the adjudication of violations of Election Law, establish for the election district the results of the elections for the Parliament of Georgia (Deleted), [23.12.2005] the elections of local self-government authorities (except for that of Tbilisi City Sakrebulo) and approve the summary protocol of final election results of the DEC by the appropriate ordinance;
- i) Gives a status of a domestic observer of election/referendum/plebiscite to the local association/foundation determined in this law; [22.04.2005]
- j) Direct activities of PECs, hear the reports of such commissions on a periodic basis;
- k) Organize and conduct off-year elections, by-elections,(Deleted) [23.12.2005] as well as second ballots and second round of elections;
- l) Shall manage and control the provision of premises, communication facilities, transport and other matters of logistics with respect to election precincts;
- m) Ensure PECs are provided with the necessary ballot boxes, special envelopes, seals

and election documents;

- n) Hears and receives information provided by local self-government and administration bodies, public institutions and organizations, mass media owned by the state and local self-government authorities operating on the territory of the election district in connection with the fulfilment of their obligations as assigned under the election Law and exercise control over the fulfilment of such obligations; and ensure adequate control over the allocation of places for posting and displaying election posters;
  - o) Exercise control over fulfilment of the rules established for the participation and usage of the mass media in the elections;
  - p) Ensure the release and publication of information related to the elections;
  - q) Assist in organizing meetings of parties/election blocs/candidates with the electorate;
  - r) Adjudicate appeals and claims related to the election process and make relevant decisions within the scope of its competence;
  - l) Deleted. [23.12.2005];
  - s) Assist in compiling the List of Voters in accordance with procedures established by this Law and ensure publicity and accessibility thereof;
    - t<sup>1</sup>) Ensures organization of seminars and study courses for enhancing the qualification of the candidates of precinct election commission members [23.06.06].
  - u) Exercise other powers and authorities granted under this Law.
3. Any ordinance issued by the DEC in connection with the matters specified under sub-paragraphs (b), (e) - (i) of paragraph 2 of this Article, and any ordinance of the DEC Chairperson applying to matters specified under sub-paragraphs (f) and (g) of paragraph 1 of Article 35 of this Law, shall be published within a period of 5 days.

### **Article 35. Powers and Authorities of the Chairperson, Deputy Chairperson and Secretary of District Election Commission**

1. The DEC Chairperson shall:

- a) Administer all administrative functions in the DEC;
- b) Chair DEC sessions;
- c) Deleted; [22.04.2005]
- d) Disburse the funds of the DEC;
- e) Delegate duties to the Deputy Chairperson, Secretary, other DEC members and employees of the Apparatus in accordance with the Regulations of Election Administration;
- f) For local self-governance elections (except for Tbilisi City Sakrebulo elections), register initiative groups of voters [Deleted], their representatives in the DEC and issue the relevant registration certificates thereto; [23.12.2005]
- g) Register [Deleted] candidates nominated by a party/election bloc and the candidates nominated by the initiative groups of voters as provided by the present law, for the elections of Local Self-Government and issue the relevant certificates thereto; [23.12.2005]
- h) Issue the relevant certificates to the elected members of the Sakrebulo (except for the Tbilisi City Sakrebulo) and, in case of termination of such member's authority before the expiration of the term of such authority, to the successors thereof;

- i) Submit to the CEC documentation necessary for verifying the authorities of the persons elected as members of a Sakrebulo and any other election documents provided for under the Election Law;
  - j) If the authority of any of the DEC members is suspended before the expiration of the term established for such authority, give notice to the CEC to that effect on the date following the date of such suspension;
  - k) Exercise other powers and authorities granted to the Chairperson under the election Law.
2. The DEC Deputy Chairperson shall:
- a) Perform the duties assigned to the DEC Chairperson, if the DEC has no such Chairperson or the incumbent Chairperson is unable to perform such duties;
  - b) Exercise some particular authorities of the DEC Chairperson according to an ordinance issued by such DEC Chairperson (such ordinance shall specify the scope and term of the authorities so assigned).
3. The Secretary of District Election Commission shall:
- a) Distribute the election documents and all correspondence submitted to and addressed to the DEC;
  - b) Register the representatives of any party/election bloc/voters initiative group participating independently in the elections in PECs and issues the appropriate certificates thereto;
  - c) Register the observers appointed to the district and precinct election commissions by a union/foundation having the status of the elections/referendum observer and issue to them the observer's cards; [12.10.2004]
  - d) Under its decree issue accreditation of representatives of the mass media and issues to them the accreditation cards; [12.10.2004]
  - e) Draw up the minutes of DEC sessions, including the summary protocols of final election and voting results;
  - f) Exercise any other powers and authorities granted thereto under the election Law.

**Article 36. Establishment of Precinct Election Commission [22.04.2005]**

1. Three members of a precinct election commission shall be elected by the majority of the full superior district election commission (except for the case specified in paragraph 3 of this Article).
2. Three members of a precinct election commission established in a foreign country shall be elected by the majority of the full CEC.
3. The parties which have won first three places in the last parliamentary elections, which independently participated in the elections or were joined in the election bloc and were ahead of others in the list of the bloc members, shall appoint two members each (if the party nominated the first refuses to appoint a commission members, this right shall be conveyed to the second party etc.). Each of the above mentioned parties shall appoint two reserve members, who participate in the activities of the PEC only on the Election Day, according to the rules defined under this law **[23.06.06]**.
4. If the subject specified by this Law does not appoint the precinct election commission member(s) in the term and under the procedure established by Article 37 of this Law, it will lose the right to appoint the commission member. If for this reason the number of commission members is less than the required number, the right to fill up its composition shall be conveyed to the superior district election commission under the procedure

established by this Law (except for precinct election commissions established in other countries, which composition shall be filled up by CEC).

**Article 37. Appointment/election of a precinct election commission [22.04.2005]**

1. District election commission shall elect three members of a precinct election commission no earlier than the 50<sup>th</sup> and no later the 46<sup>th</sup> day prior to the Election Day; except for the elections of the representative body of the local self governance, in this case 3 members of PEC are elected by CEC not earlier than 38<sup>th</sup> and not later than 36<sup>th</sup> day prior to the election day **[23.06.06]**. In the commissions created in exceptional cases – no earlier than 10<sup>th</sup> and no later than 9<sup>th</sup> day prior to the Election Day.
2. The CEC elects three members of a precinct election commission established in a foreign country, no earlier the 24<sup>th</sup> and no later the 20<sup>th</sup> day prior to the Election Day.
3. The party authorized by paragraph 4 of Article 36 of this law shall submit its decision on the appointment of a precinct election commission and reserve **[23.06.06]** member to the corresponding district election commission no earlier the 60<sup>th</sup> and no later the 46<sup>th</sup> day prior to the Election Day, except for the elections of the representative body of the local self governance, in this case decision of the authorized parties on appointment of PEC (and reserve) members shall be submitted to the corresponding DEC not earlier than 39<sup>th</sup> and not later than 36<sup>th</sup> day prior to the election day **[23.06.06]**, when appointing a member in the commissions created in exceptional cases – no earlier the 14<sup>th</sup> and no later the 9<sup>th</sup> day prior to the Election Day, and in a commission created in a foreign country – no later the 20<sup>th</sup> day prior to the Election Day and the decision shall be submitted to the CEC after the precinct election commission is established no later than 20<sup>th</sup> day prior to the Election Day **[23.06.06]**.
4. Corresponding district election commission shall publish the list of members (as well as reserve members **[23.06.06]**) of precinct election commission no later than the 30<sup>th</sup> **[23.06.06]** day prior to the Election Day, for the commissions created in exceptional cases – no later the 5<sup>th</sup> day prior to the Election Day, and for a commission created in a foreign country - the CEC publishes this list no later the 10<sup>th</sup> day prior to the Election Day.
5. If by the 35<sup>th</sup> **[23.06.06]** day prior to the Election Day, or the 8<sup>th</sup> day prior to the Election Day - for the commissions created in exceptional cases, or 19<sup>th</sup> day - for the commissions established in a foreign country, the number of commission members is less than the required number, then the right to elect the commission members within 3 days shall be vested in the superior district election commission (for the first two cases) and CEC (for the third case) from among the candidates participating in the competition, or based on the re-launched competition. The rule, conditions and timelines for conducting competition for PEC members is defined by CEC ordinance **[23.06.06]**.
6. The decision of an authorized party on the withdrawal of a member of a precinct election commission and appointment of his/her legal successor shall be submitted to the corresponding precinct election commission and superior district election commission, and for a precinct election commission created in a foreign country – to the CEC.
7. If after the pre-term termination of the terms of office of any commission member the party having the right to appoint his/her legal successor does not apply this right, as well as if the terms of office of the commission member elected by the district election commission or by CEC were early terminated, and for this reason the number of commission members is less than the required number, then the right to elect a new member of the commission within 5 days following the expiration of the term for nomination of new candidates for filling up its composition shall be vested in the district election commission or Central Elections Commission, accordingly.
8. The members of precinct election commission shall be elected by the district election commission and CEC by a roll-call vote. Each candidate shall be voted separately. A

person shall be deemed as elected if voted pro by the majority of the full commission. If the number of those persons exceeds the required number, the candidates with the best results shall be considered elected. If for the equity of votes for some candidates the winner is not revealed, those candidates shall be immediately voted again for revelation of the winner among them. If the winner is still not revealed, the winner shall be determined by casting of lots. If all vacancies are not filled up as a result of the voting, the procedure of nomination of candidates shall commence from the beginning.

9. The decision on election/appointment of commission member (reserve member **[23.06.06]**) shall indicate the name and last name of the person elected/appointed (reserve member **[23.06.06]**), also the number of the precinct election commission to which s/he is elected/appointed. The decision of the party on appointment of a commission (reserve **[23.06.06]**) members shall be enclosed with:

- a) Information about the education of the person elected/appointed as a commission member (reserve member **[23.06.06]**) (high, secondary), specialty, scientific degree (if any), address (according to the ID card (registration certificate) of a citizen of Georgia), election district and election precinct where s/he is registered as a voter, working place and position, contact address and telephone number (if any);
- b) Copy of ID card (registration certificate) of a citizen of Georgia;
- c) The statement signed by the abovementioned person certifying that s/he agrees to be an election commission member (reserve member **[23.06.06]**) and meets the requirements set for in paragraph 5 of Article 18 of this law;
- d) Copy of certificate of an election administration official.

10. The nominated person shall not be considered a commission member, if the term of submission of the documents determined in this article is violated or the documents are not full or correct and the faults of the documents are not eliminated in the term established in this paragraph. If the submitted documents do not meet the requirements determined by this article, the chairperson of a district election commission or the CEC, accordingly, within 2 days informs the subject, which appointed/elected the commission member (with indication of the fault). Within 3 days the corrected documents shall be returned to the district election commission or to the CEC, accordingly.

### **Article 38. Powers and Authorities of Precinct Election Commission**

1. Precinct election commission is a temporary territorial body of the election administration of Georgia and is composed of the persons appointed by the subjects determined by Article 36 of this law and the persons appointed/elected by the CEC and the superior district election commission. [22.04.2005]

2. The PEC shall:

- a) Within its competencies shall ensure the conduction of elections and referendum/plebiscite on the territory of the election precinct, the observance of the election legislation and the legal procedure of voting, application and protection of the rights of voters, representatives and observers guaranteed by the constitution of Georgia and this law; [22.04.2005]
- b) Check the correctness of the compiled voters lists, adjudicate appeals filed in connection with such lists and in case of detecting any errors and inconsistencies, immediately, but no later than the following day, apply to the relevant DEC with a proposal to make amendments to the lists;
- c) According to the appeals and declarations of the voters, establishes the supplement of the voters' list (mobile ballot box list); [12.10.2004]
- d) Determines the election results in the election precinct and approve the summary

- protocol of election results by the relevant ordinance;
- e) Have the right to raise the question with the higher level DEC to declare the election results in the election precinct null and void, by decision of the majority of the total number of votes of all PEC members;
  - f) Issue voter invitation cards to voters;
  - g) Be responsible for displaying information as prescribed by the Election Law at the election precinct and preparing the place where the voting and counting of ballot papers is to be ensured; keep order at the election precinct;
  - h) Exercise control over the allocation by local self-government and administration authorities of places for posting and displaying of election posters;
  - i) Assist in organizing meetings of voters with the parties/election blocs/candidates participating in the elections;
  - j) Adjudicate the applications and complaints filed in connection with the election process and preparatory procedures for voting and, within the limits of its authority, make an appropriate decision;
  - k) Ensure that voters' rights are unconditionally exercised on election day and bear full responsibility for the protection of such rights;
  - l) Cancel the decision of the PEC Chairperson on the temporary closing of a polling place, suspension of polling, opening of such polling place after it has been closed and continuation of polling;
  - m) Exercise other powers and authorities granted under the Election Law.
3. Any and all ordinances issued by the PEC and the Chairperson thereof shall be displayed at the election precinct on the date immediately following the date of issuing such ordinances.

### **Article 39. Powers and Authorities of the Chairperson, Deputy Chairperson and Secretary of Precinct Election Commission**

#### 1. The PEC Chairperson shall:

- a) Administer all administrative functions in the PEC;
- b) Chair PEC sessions;
- c) Accept and hand over election documents and all correspondences submitted to and addressed to the PEC;
- d) Be personally responsible for the safekeeping and distribution of ballot papers, special envelopes, PEC seals, summary protocols and other election documents;
- e) Delegate tasks to the Deputy Chairperson, Secretary and other PEC members according to the Regulations of the Election Administration;
- f) On election day, organize the distribution of functions among PEC members by the casting of lots;
- g) Be responsible for keeping order at the polling place and on the territories adjacent thereto on election day;
  - g1) Is responsible not to let unauthorized persons without the appropriate badges into the polling station; [12.10.2004]
- a) Submit the voting and election results and all election documents to the relevant higher level DEC immediately after the completion of the consolidation of the results;

- b) Exercise any other powers and authorities granted under the Election Law.
2. The PEC Deputy Chairperson shall:
- a) Perform the duties assigned to the PEC Chairperson, if the PEC has no such Chairperson or the incumbent Chairperson is unable to perform such duties;
  - b) Exercise some particular authorities of the PEC Chairperson according to the ordinance issued by such PEC Chairperson (such ordinance shall specify the scope and term of authorities so assigned).
3. The Secretary of the PEC shall:
- a) Prepare draft ordinances of the PEC;
  - b) Be responsible for the release of public information;
  - c) Prepare the minutes of PEC sessions, including the summary protocols of election results;
  - d) Exercise any other powers and authorities granted thereto under the Election Law.

Article 39<sup>1</sup> - Deletion. [22.04.2005]

## **CHAPTER V. REGISTRATION OF ELECTION SUBJECTS AND LISTS OF SUPPORTERS**

### **Article 40. Registration of Election Subjects**

1. For the purpose of obtaining the right to take part in elections, election subjects are registered by the relevant election commission, in accordance with the rules established by this Law.
2. For the purpose of undergoing registration, election subjects apply to the relevant election commission and submit the appropriate documents, in accordance with the rules prescribed by this Law.
3. The appropriate department of the election commission shall, within the period established hereunder, examine the submitted documents and submit its conclusion to the election commission Chairperson, who shall decide for or against the registration. If the submitted documents fail to meet the requirements established hereunder, the election commission Chairperson shall, within 2 days (unless otherwise provided by this Law), give notice to that effect (specifying the inconsistencies detected) to the representative of the relevant party/election bloc/voters' initiative group, who shall be given 3 days (unless otherwise provided for by this Law) to bring the documents into compliance with such requirements. An examination of the corrected documents and settlement of the registration issue shall be ensured within 2 days (unless otherwise provided for by this Law) of the submission thereof. If the application for registration is rejected, the election commission shall immediately notify its decision to the representative of the relevant party/election bloc/voters' initiative group, who shall have the right to receive such decision immediately upon request.

### **Article 41. Lists of Supporters**

1. Voters confirm the initiative of an election subject to take part in an election by signing the form of the list of supporters.
2. A sample of the form of the list of supporters is determined by ordinance of the Central Election Commission.
3. In the list of supporters form should be included the following information on voters

signing the form:

- a) First and last name;
  - b) Date of birth (year, month and day);
  - c) Number of their Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number;
  - d) Place of registration (according to the registration card);
  - e) Date of signature;
  - f) Signature.
4. On the form should be shown the first and last name, place of registration (according to their registration card) and the contact telephone number of the person responsible for the collection of signatures, including the date of filling in of the form and it should be confirmed by the signature of this person.
5. In the upper left corner of the form should be indicated the title (first and last name) of the election subject, whose initiative in taking part in the elections is being supported by the voters signing the form.

#### **Article 42. Inspection of Lists of Supporters**

1. The lists of supporters for any party and any candidate for the election of the President of Georgia shall be checked by the CEC and the lists of supporters of any other candidates – by relevant DEC.
2. The election commission shall, at random and in an inconsistent manner, check the authenticity of 20% of the number of listed supporters. If not more than 10% thereof is deemed null and void, the election commission shall make an additional check of the same number of supporters applying the same procedure. If not less than 10% thereof is deemed null and void, the entire list shall be invalidated and the application for registration of the election subject shall be dismissed by the relevant ordinance of the election commission Chairperson.
3. The signature of a voter on a list of supporters is deemed invalid, if:
  - a) The first and last name are not indicated or are indicated incompletely;
  - b) The date of birth (year, month and day) is not indicated or is indicated incompletely;
  - c) The place of registration (location, street, house and apartment number) is not indicated or is indicated incompletely;
  - d) The date of signing is not indicated or does not comply with the time period for compilation of the list of supporters, established by this Law;
  - e) There is no signature or the signature has been made by another person, which is confirmed in writing by the voter instead of whom the signature was made;
  - f) In the list of supporters of a candidate nominated to an election district is included a voter registered in another election district;
  - g) In his/her application submitted to the relevant election commission, the signatory shall confirm, that he/she was misled, intimidated or the signature was made under pressure, and his/her signature to this application is certified by a notary;
  - h) The number of their Georgian Citizens Identity Card (number of a Passport of a Georgian citizen) and personal number are indicated incompletely or incorrectly.
4. Any and all signatures shall be deemed invalid if made on a sheet not duly endorsed by the person responsible for collecting the signatures, or when such sheet specifies no

data or incomplete data as required under paragraph 4 of Article 41 of this Law.

5. A list of supporters shall be checked according to the procedures established by the CEC. Checking of the list of supporters of a party shall be finished within 30 days after the submission thereof, but not later than the 10<sup>th</sup> day after the expiration of the term for submission of such list; while the list of supporters of a candidate shall be checked within 15 days after the submission thereof, but not later than the 8<sup>th</sup> day after the expiration of the term for submission of such lists.
6. Representatives of election subjects have the right to attend the process of inspection of the list of supporters.
7. Only members of the CEC and relevant DEC, as well as employees of appropriate department of the CEC and, if a suit is instituted before the court, the court, shall have the right to inspect and have access to the lists of supporters. The lists of supporters shall be destroyed within 10 days after the expiration of the term for instituting a suit over the registration.

## **CHAPTER VI. ELECTION FUNDING**

### **Article 43. Financial Provision for Preparation for and Holding of Elections**

1. The costs incurred by the election administration in connection with the preparation for and conduct of elections (except for the elections held for high representative authorities of Abkhazia and Adjarian Autonomous Republics and high officials of State authority), and the activities carried out by the election administration within the term of its authority shall be financed from the State budget of Georgia.
2. The CEC shall, on an annual basis and according to the procedures established by law, submit budget estimates for the election administration for the next year, on the basis of which the budgetary financing for the next year shall be planned.
3. Deleted. [12.10.2004]
4. If the budgetary funds allocated for the preparation and conduct of elections are not transferred to the account of the CEC within the term established hereunder, the CEC shall have the right to file a claim before the Supreme Court of Georgia.
5. The terms for forcible execution as prescribed under Article 92<sup>1</sup> of the *Law of Georgia on Enforcement Procedure* shall not apply to the execution of court decisions provided for under paragraph 14 of Article 77 of this Law and the forcible execution in connection with the allocation of funds to the CEC shall not be ensured from the *Fund for Execution of Court Decision* envisaged by the State budget of Georgia.
6. The election administration, represented by the CEC, shall have the right to receive grants from persons duly authorized by law. The grant is utilized in compliance with the agreement between the CEC and the authorized person. [12.10.2004]

### **Article 44. Finances Necessary for Elections**

1. The CEC submits to the Ministry of Finance a plan of funding of the preparation and conduct of elections, no later than 55 days prior to election day.
2. The Ministry of Finance, in accordance with the submitted plan, deposits to the account of the CEC the funds allocated for elections from the State budget, no later than 50 days prior to election day.
3. The CEC determines the rules for distribution and use of election funds necessary for the conduct of elections by election commissions.
4. No later than 45 days prior to election day, the CEC deposits the funds allocated for

DECs to their current account.

#### **Article 45. Disposal of Funds Necessary for Elections**

1. Funds allocated for election commissions are disposed of by the Chairperson and Accountant of the Commission, who are responsible for the proper use of the funds.
2. The DEC, no later than 30 days after election day, ceases all settlement of accounts with organizations and individuals and, within 10 days, transfers the funds remaining in its account to the account of the CEC. Within 2 weeks of the transfer of the remaining funds, the DEC submits a financial report to the CEC.
3. The form of the DEC report on expenses related to the elections is determined by an ordinance of the CEC.
4. The CEC submits to the Ministry of Finance a summary financial report on expenses related to the elections.
5. The proper use of funds allocated for elections is controlled by the Chamber of Control of Georgia.

#### **Article 46. Election Campaign Fund**

1. An election campaign fund is all the funds intended for the election campaign of an election subject.
2. Setting up of an election campaign fund shall be compulsory for any and all subjects of election. [deletion – 16.12.2005] A candidate running for membership of the representative authority of local self-government of a community and village – Sakrebulo may set up such a campaign fund on a voluntary basis. [12.10.2004]
3. Funds received by an election subject must be deposited to the account of the election campaign fund, which is opened at the National Bank of Georgia or a commercial bank, or its relevant branch office, within 5 days of registration of the election subject at the relevant election commission. The account is opened only in the national currency.
- 3<sup>1</sup>. [22.04.2005] The parties/blocs registered at the general or by-elections shall open the election campaign fund no later than 35 [23.12.2005] days before the vote [Deleted – 23.12.2005] in case of nominating a candidate for an MP or participating in the elections of local representative bodies – Sakrebulos [Deleted – 23.12.2005]
4. Within 2 days of opening of an election campaign fund, the election subject submits to the relevant election commission a document issued by the bank confirming the opening of an election campaign fund, the number of the account, the identity and address of the manager and accountant of the election campaign fund.
5. The personal account of a party, candidate for the Presidency of Georgia or a majoritarian candidate, cannot be used as the account of an election campaign fund. It is inadmissible to open more than one account for an election campaign fund. [12.10.2004]
6. At the time of opening of an election campaign fund and for transactions with a bank, a Party has the right to use the Party seal, and upon agreement with the Parties included in an election bloc – to use the seal of one of the Parties included in the bloc, which is determined by the statute of the election bloc.
7. Funds received by the election campaign fund are considered to be the funds deposited to the account of the election campaign fund, as well as any goods or services received free-of-charge (at market prices).

**Article 47. Contributions to the Election Campaign Fund**

1. Contributions to the election campaign fund are considered to be the funds deposited to its account by natural persons and legal entities, as well as all kinds of material values and services received free-of-charge.
2. A legal entity making a contribution to an election campaign fund is obliged to indicate its title and legal address, while natural persons must indicate the first and last name, address, number of the Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number.
3. The funds deposited without indication of the data provided for by the paragraph 2 of this article shall be considered anonymous. Anonymous contributions shall be transferred immediately to the State budget of Georgia, unless otherwise stipulated by law.  
[16.12.2005]
4. It is inadmissible for an election subject to use, during the elections, any funds other than the funds of the election campaign fund.
5. It is inadmissible to accept the contributions to the election campaign fund from the following:
  - a) Other States;
  - b) Natural persons or legal entities of other States;
  - c) Persons with no citizenship;
  - d) International organizations and movements;
  - e) Non-entrepreneurial legal entities and religious organizations;
  - f) A Georgian entrepreneurial legal entity, in which there is a State share.

**Article 48. Rules for Disposal of Election Campaign Funds**

1. For the purposes of effective use and disposal of election campaign funds, an election subject appoints (elects) a manager and accountant of the election campaign fund.
2. Funds in and election campaign fund are disposed of by the manager and accountant of the fund, upon the instruction of the election subject. The manager and accountant are also responsible for the proper use of the election campaign fund.
3. The rules for appointment (election), by an election bloc, of the manager and accountant of the election campaign fund, are determined by the bloc's charter.
4. The election campaign fund manager is obliged to transfer illegally received contributions to the state budget; to inform on the monthly basis the appropriate election commission in compliance with the regulations of the Central Election Commission of Georgia of the source and amount of the contribution and the date of receipt, and after the completion of the elections to submit the report to the fund within the time limit prescribed by the law. The responsibility of a manager and an accountant of the election campaign fund for receiving and concealing financial and material contributions shall be determined by the law of Georgia. [16.12.2005]
5. The manager of an election campaign fund processes documents on all transactions. If any expense cannot be documented, it must be processed through a bilateral Act.
6. No later than one month after the publication of election results, the election subject shall submit to the relevant election commission a report on the funds used for elections, together with the audit report (of the audit company), with a statement of the source of the funds deposited to the election campaign fund. The election subjects, which, according to preliminary data, receive the necessary number of votes established by this Law, must do

the same, not later than 8 days after the election day. An audit examination can be carried out by an auditor (audit company) functioning on the territory of Georgia. [16.12.2004]

7. Election subjects, who do not submit a report on the election campaign fund, are banned from the right to take part in elections, including the relevant next elections.

8. Election subjects who receive the necessary number of votes determined by this Law and do not submit an election campaign fund report within the established deadline, or in violation of the requirements of paragraphs 2, 3, 4, 5 and 7 of Article 46 of this Law, paragraphs 4 and 5 of Article 47, paragraphs 4, 5 and 6 of this Article, is proven, the relevant district/municipal court considers and decides the issue of the consolidation of the results of the elections without taking into account the votes received by these election subjects. Provided the election campaign fund report submitted by the election subject contains inaccurate data, the responsibility of the election subject and the managers of the election campaign fund shall be determined by the legislation of Georgia. [16.12.2005]

9. The election subject is obliged to close the account of election campaign fund not later than 20 days after the consolidation of the final results of the elections. Remaining funds on the account are returned to the contributing persons and legal entities, in proportion to the funds contributed.

10. The form of the report on used funds used for elections is determined by an ordinance of the Central Election Commission of Georgia.

10<sup>1</sup>. With the purpose of monitoring the resources used for elections by election subjects a financial monitoring group consisting of public representatives, lawyers and licensed auditors shall be created under the Central Election Commission of Georgia (CEC) on the basis of a resolution passed by the CEC.[16.12.2005]

11. Information about election contributions is open, public and accessible. The Central Election Commission of Georgia is obliged to provide all interested persons with the information on the amount, source and date of deposited funds existing in election campaign funds, as well as to ensure publication of this information on corresponding website [23.06.06].

## **CHAPTER VII. POLLING**

### **Article 49. Time and Place of Voting**

1. Voting shall be held at a polling place from 8:00 a.m. till 8:00 p.m. on election (polling) day.

2. The PEC notifies voters of the time and place of voting not later than 2 days prior to election day, by delivering voter invitation cards to voters.

3. No closing of a polling place, suspension or termination of polling shall be allowed during the period of voting, except for the cases when it becomes impossible to ensure universality and equality of the elections and free expression of the will of voters. The decision on the temporary closing of a polling place or suspension of voting (as well as the decision on re-opening of the polling place and continuation of voting) shall be made solely by the PEC Chairperson, who shall bear full responsibility for making such decisions. Immediately after the polling place is temporarily closed or voting is suspended, the PEC shall make a decision to confirm or cancel the decision of the PEC Chairperson. After the suspension of voting, the PEC shall have the right to make a decision on termination of voting and closing of the polling place. Such decisions shall be made by the relevant ordinance specifying the reasons for, and the time of the temporary closing and/or suspension or termination of voting. Immediately after the reason for closing of the polling place or suspension of voting is resolved, the polling place shall be reopened and voting shall be renewed by an ordinance issued by the PEC Chairperson. When polling is declared terminated, it shall not

be renewed. The PEC shall have the right to change the ordinances issued by the PEC Chairperson under this paragraph by issuing an ordinance to that effect.

4. Voters may be present at the polling place only for the time necessary for voting.

5. On the election day, at the election precincts formed in military units, hospitals and other in-patient institutions, as well as on ships being at sea and in those places hard to access, the PEC shall declare voting as finished at any time before 8:00 pm if all voters on the lists of voters have participated in the polling.

6. It is forbidden to conduct voting before or after election day, except for the cases envisaged by this Law.

7. Voting by mobile ballot box shall commence at 09:00 a.m. and finish at 19:00 p.m. on election day. [12.10.2004]

### **Article 50. Arrangements at the Polling place**

1. Bodies of State authority and local self-governance and government transfer to the election commissions the buildings and facilities necessary for the preparation and conduct of elections for a period of time, temporarily, free-of-charge.

2. No PEC shall be located and no place for voting shall be allocated in a building where the office(s) of any party (parties) is (are) located. No PEC shall be located and no place for voting shall be allocated in a building where the central government bodies and local self-government and administration authorities are located, except for those cases when there is no other building on the territory of the election precinct suitable for conducting voting in accordance with this Law. The relevant decision shall be made by the DEC. wherever possible, any and all places for voting shall be located on the first floor of the building. At the request of any PEC, the authorities specified under paragraph 1 of this Article shall (provided, that the relevant ordinance of such PEC was handed over no later than 20 days prior to election day) ensure temporary and simple adaptation of the polling place if there are disabled voters using wheelchairs in the election precinct who filed the relevant applications with the PEC not later than the 25<sup>th</sup> day prior to election day.

2<sup>1</sup>. The responsibility for any failure to comply with the requirements prescribed under paragraphs 1 and 2 of this Article shall be determined according to the procedures established by the legislation of Georgia.

3. In the polling place:

- a) Booth shall be set up for secret voting. One side of the booth shall be open at ½ of its height, and the upper part should be covered by a curtain. No less than one booth and one registration desk shall be envisaged for each 500 **[23.06.06]** voters, and there shall be one pen in each booth; [12.10.2004]
- b) Places shall be allocated for the registration of voters and placement of special envelopes **[23.06.06]**;
- c) The transparent ballot box must be placed in a conspicuous place;
- d) The lists of voters, lists of parties and lists of candidates, as well as the rules established by the CEC for the filling in of ballot papers, statement about invalidation of a ballot (a statement must be placed at the entrance of the polling building) **[23.06.06]**, and the Public display protocol for displaying the election and voting results (this protocol is of A2 format and shows the same data as provided in the summary protocol of the election and voting results of the PEC) shall be displayed in a conspicuous **[23.06.06]** place. [12.10.2004]

4. If any of the election subjects included on the ballot paper is no longer taking part in the elections, a statement about this must be posted in a conspicuous place, both at the

polling place and in the voting booth.

5. Responsibility for the preparations for voting, ensuring free expression of the will of voters, ensuring the secrecy of voting and the maintenance of the polling place in accordance with the requirements of this law, is laid upon the Chairperson of the PEC.

#### **Article 51. A Ballot Paper and Special Envelope**

1. A ballot paper shall be printed on the basis of the ordinance issued, and in accordance with the sample established by the CEC, in the Georgian language, and in Abkhazia – in the Abkhazian language, and if necessary – in any other language understandable for the local population.
2. In preparing ballot papers for the election precincts where disabled persons with eyesight problems are voting, the CEC shall ensure the use of such technology that will enable such voters to fill in the ballot papers independently **[23.06.06]**.
3. Printing of ballot papers and manufacturing of ballot boxes (both, main and mobile) shall be ensured by the CEC, while for the elections of local government authorities (except for that of Tbilisi City Sakrebulo) the relevant DEC is responsible for the accuracy of the date to be put on the ballot paper **[23.06.06]**. Ballot papers shall be printed under the permanent supervision of the persons and observers duly authorized by the CEC and DEC for this purpose. Two members appointed by ordinance of the relevant election commission and no more than three observers named by the organizations registered as observers in accordance with this Law and acting on the basis of a relevant agreement shall have the right to exercise supervision over the process of printing such ballot papers (at each place of printing).
4. Within 2 days after the receipt of the relevant ordinance, the relevant election commission shall publish information on the place where ballot papers and ballot boxes are to be printed and made, as well as the data on the persons responsible for printing and making such ballot papers and boxes.
5. Each contractor assigned to print ballot papers shall be personally responsible to ensure that the number of printed ballot papers delivered to the relevant election commission is equal to, and exactly corresponds to the number ordered and that no additional ballot papers are printed by such contractor.
6. The Chairperson and Secretary of each election commission shall be personally responsible for the safekeeping and distribution of ballot papers by the election commission.
7. For the purpose of exact registration of ballot papers, all types of ballot papers shall be numbered consecutively (a number shall be marked on the counterfoil of each ballot paper; such ballot paper and its counterfoil shall be separated from each other by perforation) and shall be bound in the form of a book containing 50 **[23.06.06]** ballot papers each. Such books, separate from each type of ballot paper **[23.06.06]**, shall also be numbered consecutively. Each book shall have its cover page printed with the type of ballot paper, columns for specifying the number of such book, numbers of ballot papers contained in the book, numbers and names of election district and election precinct, as well as allocated spaces for names and signatures of the PEC Chairperson and the PEC member (registrar) to whom such book is delivered, and a space for specifying the number of unused ballot papers **[23.06.06]**. [12.10.2004]
8. The number of special envelopes delivered to each PEC shall be equal to the total number of voters in the relevant election precinct, and the number of ballot paper books shall be equal to the total number of voters in the election precinct divided by 50 **[23.06.06]** and rounded up to next whole number. [12.10.2004]
9. The CEC shall, no later than the 2<sup>nd</sup> day prior to election day, deliver to the DEC the

ballot paper books and special envelopes, and each DEC shall, no later than 12 hours before the commencement of voting, deliver such ballot paper books and special envelopes to the PECs.

10. The number of ballot papers and special envelopes shall be subject to strict registration. When delivering the ballot paper books and special envelopes from the CEC to the DEC and from the DEC to the PEC, two copies of the Acceptance and Delivery Act shall be executed specifying the names of the Commissions accepting and delivering the ballot papers and special envelopes, the number of special envelopes, types of ballot papers, number of books of ballot papers (with the numbers of such books and of the ballot papers recorded therein), names of the persons authorized to accept and deliver such ballot papers and special envelopes. The Act shall be signed by the persons accepting and delivering these documents (one copy of the Act shall be kept by the Commission delivering, and the other shall be given to the Commission accepting such special envelopes and ballot papers). The election commission representative, to whom the special envelopes and ballot papers are handed over, shall request one copy of the Acceptance and Delivery Act to be delivered to the relevant DEC/PEC. The Acceptance and Delivery Act shall constitute public information.

11. The front side of a ballot paper shall specify:

- a) The type and date of elections;
- b) The name and number of the election district;
- c) The number of the election precinct (on the counterfoil of such ballot paper and on the ballot paper itself);
- d) For proportional elections – the sequence number and name of each party/election bloc participating independently in the elections (for an election bloc – the parties incorporated therein shall also be specified); for majoritarian elections - the sequence number, first name, family name of each candidate (including reserve candidate) **[23.06.06]** and name of the party/election bloc nominating them; and, if such candidate is nominated by a voters' initiative group, the candidate shall be specified as "independent";
- e) The rules for filling in the ballot paper(s).

12. The reverse side of the ballot paper shall provide a place for:

- a) The signature of the PEC member who is the registrar;
- b) Space for the stamp of the PEC member-registrar **[23.06.06]**.

13. If any of the election subjects is removed from the elections, at the time of issuing the ballot paper, the stamp "Removed" shall be affixed opposite the name of such election subject.

14. A ballot paper shall be the property of the State and it shall in no way be withdrawn or taken out from the polling place or be destroyed.

15. Ballot papers shall be printed on special paper and the CEC shall have the exclusive right to order and purchase such paper.

16. Any non-compliance with the prohibition prescribed under paragraphs 14 of this Article, as well as making, spreading and using false ballot papers and the special paper as provided for under paragraph 15 of this Article shall be qualified as criminal offence and be punishable in accordance with the procedures established by law.

## Articles 51<sup>1</sup>. Summary Protocols of Voting and Election Results

1. Voting and election results shall be recorded in the PEC, DEC and CEC summary protocols of voting and election results.

2. A summary protocol shall be a legal Act which provides evidence of the voting and election results. All counterparts of such protocols and the Xerox copy of the PEC protocol N02 which is registered according to the rules prescribed by this law [23.06.06] shall be equally binding.

3. No corrections whatsoever shall be made to the data entered in the summary protocol and a protocol so amended shall be deemed null and void. In order to correct any mistakes made in completing the summary protocol, the word "corrected" shall be inserted immediately opposite the relevant data in the summary protocol and the election commission shall draw up a statement of the case specifying the correction made to the data entered into the summary protocol as well as the date and time of drawing up the statement of the case. The statement of such case shall be duly signed by all Commission members attending the session, with the seal of the Commission affixed thereto, after which it shall be noted in the register of the Commission and attached to the summary protocol to which the correction was made.

4. Each type of summary protocol (PEC summary protocol of voting and election results and DEC summary protocols of voting and election results) shall be bound in the form of a book. The books, bound separately for each type of protocol, shall be numbered consecutively beginning from 00001 for the PEC protocols and from 001 for the DEC protocols. The protocol itself shall be separated from its counterfoil by a perforated line. The pages of each book shall be numbered consecutively beginning from 01. Each book shall have a cover, the front page of which shall specify the type of election, the year of holding the general elections, type of protocols, number of such book, columns for specifying the number and name of the election district, number of the PEC, date of accepting such book by the DEC and PEC and the signatures of the persons authorized to deliver and accept such books. The reverse page of the cover shall be the PEC's own summary protocol, which shall be sealed together with the front page of the cover, blank protocols and other documents of the election commission after the summarization of the voting and election results at the election precinct and election district, accordingly. [12.10.2004]

5. The summary protocols shall be subject to strict registration and printing thereof shall be ensured by the CEC. The protocols shall be printed under the permanent supervision of the persons and observers duly authorized by the CEC. Each contractor assigned to print such protocols shall be personally responsible to ensure that the number of printed protocols delivered to the CEC is equal to, and exactly corresponds to, the number ordered and that no additional protocols are printed and spread by such contractor.

6. The Chairperson of each election commission shall be responsible for the safekeeping and distribution of the protocols by the election commission.

7. The DEC shall deliver the books of all types of protocols for the election precinct to the precinct election commission [23.06.06]. The book consists of 2 [23.06.06] pages consecutively numbered from N01 to N02 and PEC protocol [23.06.06]. [12.10.2004]

8. Deleted. [12.10.2004]

9. The summary protocols shall be printed on special paper and the CEC shall have the exclusive right to order and purchase such paper.

## **Article 51<sup>2</sup>. Election Day Record Book**

1. The voting process in each election precinct and any claims, complaints and remarks made in connection with voting procedures and voting processes shall be entered in the election day record book (hereinafter referred to as "Record Book").

2. A Record Book, together with ballot papers, shall be delivered to each PEC.

3. A Record Book shall be made in the form of so called 'stringed book'. The string shall be sealed, the paper to be sealed shall be signed by the DEC Secretary and the seal of the

DEC shall be affixed thereto. All pages of the Record Book shall be numbered and the numbers of the relevant election district and election precinct shall be specified on each page.

4. A Record Book shall be opened immediately after the opening of the election precinct. All persons authorized to be inside the polling place at the time of opening the Record Book shall sign on the first and second pages thereof. [12.10.2004]

4'. On the third page of the record book, by casting lots, commission secretary writes the results of division of responsibilities among the members of the commission. [12.10.2004]

4''. On the 4<sup>th</sup> page the commission secretary indicates the number of unused ballots, number of ballots in the ballot box after completion of voting, ballots are given to the commission members accompanying the mobile ballot box and number of special ballots. [12.10.2004]

4'''. On the 5<sup>th</sup> page of the record book, the commission secretary indicates the information about temporary delegation of the commission members' functions to another commission member, which is determined by casting the lots. [12.10.2004]

- a) The Record Book shall be given to the Secretary of the relevant election commission, who shall enter in the Record Book all procedures of election day and the times at which such procedures were carried out.
- b) Deleted. [12.10.2004]
- c) When summarizing the voting results, immediately after the ascertainment of each data to be entered into the summary protocol, the election commission Secretary shall enter such data into the Record Book (for this purpose the 6th to 9th pages shall be used) and the protocol for public display of voting results. [12.10.2004]
- d) On election day, any and all persons entitled to be inside the polling place shall have the right to enter their claims, complaints and remarks made in connection with election procedures (for this purpose, the 10th and following pages shall be used) and specify the names of witnesses (if any). The person making such records shall specify his/her first name, family name and address (according to their registration card). [12.10.2004]
- e) No person shall have the right to prevent any person entitled to be inside the polling place from making such records in the Record Book
- f) After summarizing the voting and election results the Record Book shall be sealed and delivered to the higher level DEC together with the other sealed documents of the PEC.

## Article 52. Opening of Election Precincts

1. Each election precinct shall be opened at 7:00 a.m. on election day and the higher level DEC, shall be notified immediately. Voting shall commence at 8:00 a.m. After the opening of the election precinct, the PEC Chairperson shall, in the presence of the PEC members and the persons entitled to be inside the polling place, shall by the casting of lots, elect from the PEC members (PEC Chairperson, PEC Secretary and PEC Deputy Chairperson shall not participate in the casting of lots **[23.06.06]**):

- a) The PEC member who shall regulate voter flow into the voting room and verify the marking of voters;
- b) The PEC members - the registrars of voters (at least one member for each 500 voters **[23.06.06]**), who shall also hand out ballot papers after affixing their signatures on the place provided for this purpose on the reverse side of each ballot paper;
- c) The PEC member who shall exercise supervision over the ballot box and envelopes **[23.06.06]**

- d) The PEC member **[23.06.06]** who shall take out the mobile ballot box (when necessary).
- 1<sup>1</sup>. A decision regarding the remuneration for the commission member who appeared at the commission after the casting of lots shall be taken by DEC and the function to such member shall be assigned by the PEC Chair. The PEC member who did not show up on the Election Day could be replaced by the reserve candidate nominated by the same election subject. The allocation of functions defined under this paragraph also concerns the reserve members. The issue of the remuneration for the reserve candidates is decided by DEC **[23.06.06]**.
2. Before the casting of lots, the PEC Chairperson shall check that the seal on the package with the special seal of the PEC in it is not broken and shall open the same. Then, on uniform pieces of paper and with the same pen, shall specify the functions of PEC members as provided for under paragraph 1 of this Article. Each paper shall be certified by the special seal of the PEC and folded so that it is impossible to read the text written thereon. The PEC Chairperson shall place the certified papers and some blank papers in the mobile box and mix them. The total number of blank and filled in papers shall be equal to the number of PEC members participating in the casting of lots. The PEC members participating in the casting of lots shall, one after another, take a paper out of the box. When the casting of lots is finished, the PEC secretary shall enter the results of the allocation of functions by the casting of lots into the Record Book.
3. If, on the day of voting, the number of commission members proves to be one less than the number of functions to be assigned, then the PEC secretary performs the functions of registrar. If such number proves to be two less, the function of the commission member regulating the voter flow shall be performed by the deputy chairperson of PEC. If such number proves to be three less, the function of the commission member assigned to supervise the ballot box and envelopes shall be transferred to the commission Chair. If such number proves to be four less, the number of the registrars is decreased. The function of a commission member determined by casting of lots can be temporarily transferred to the other member of the commission only with the permission of the commission chairperson, which shall be written down in the log book (indicating time) **[23.06.06]**.
- 3<sup>1</sup>. If the number of the PEC members is less than 5 the precinct shall not be open.
4. After the casting of lots, the PEC Chairperson does the following:
- a) Announces the number of voters according to the general and special lists, as well as the Supplement (mobile ballot box); [12.10.2004]
  - b) Inspects that the packages of election ballots and special envelopes are intact and announces the number of ballot papers and special envelopes received;
  - c) Deleted;
  - d) Inspects and seals individually main and mobile election boxes according to the rules set by the Central Election Commission.
  - e) Checks and according to the rule established by the CEC – seals the main and mobile ballot boxes with a string having an individual number.
5. The PEC Secretary shall immediately enter the data specified under sub-paragraphs (a) and (b) of paragraphs 4 of this Article into the voting and election results summary protocols the protocol for public display of the voting results and the Record Book.
6. Main and mobile ballot boxes shall be sealed and control sheets shall be thrown therein by the PEC Chairperson after the first voter has arrived. Each control sheet shall be completed in triplicate and signed by the first voter and all PEC members present. The control sheets shall specify the exact time of their placement into the ballot box and the name, family name, place of registration, number of their Georgian Citizen's Identity Card

and the personal number of the first voter. One copy of each control sheet shall be kept by the PEC in order to compare it with the control sheets taken out from the ballot boxes after opening thereof.

- 6<sup>1</sup>. The PEC Chairperson keeps and is responsible for the authenticity and security of the control sheet which is kept with the Precinct election commission for reconciliation purposes **[23.06.06]**.
7. Each registrar of voters shall be given one book of all types of ballot papers that shall be certified by the PEC Chairperson and registrar by affixing their signatures on the cover page of such book. When all ballot papers from the book have been issued, another book shall be given to the registrar and etc.
8. The Chairperson of the PEC hands over the special stamps defined by casting of lots to each registrar. The code of each stamp is entered in the book of records **[23.06.06]**.

### **Article 52<sup>1</sup>. Marking of Voters**

1. Voter inking will take place in all election precincts. The application of the chemical ink which is invisible and harmless to human health shall be made to the nail of the thumb or index finger of the right hand of each voter (if such action cannot be taken – to the nail of any other fingers of the hand, and if it is also impossible to take such action – the same procedure shall be applied to the left hand).

2. When entering into the polling place, each voter shall pass the testing procedure for marking to be conducted by the relevant PEC member, who shall screen the place of marking by the use of special equipment and after such member makes herself/himself certain that such voter has no such mark, he/she shall allow the voter to participate in voting. If the equipment detects that any of the voters have already been marked, such voter shall be prohibited from participating in voting at the precinct and their name shall be entered in the Record Book.

3. All voters who pass the testing procedure for marking shall move forward to the registration desk, where the voter shall be marked by registrar and given a ballot paper (ballot papers). If a voter refuses to pass the marking procedure he/she shall not have the right to participate in voting and shall not be given a ballot paper (ballot papers) **[23.06.06]**.

4. If any PEC member, observer and/or election subject who are in the polling place casts doubt on the marking or testing procedure for marking, he/she shall have the right to request that the procedure provided under paragraphs 2 and/or 3 of this Article be held repeatedly. Such persons shall have the right to request a proper response to any violation of the marking procedure.

5. No marking procedure shall be applied to ships at sea, pre-trial detention places, hospitals and other in-patient centers (to the patients), as well as to voters participating in voting by mobile ballot box.

6. Any voter, who has already passed the marking procedure and has participated in voting, shall have no right to vote again in the same or any other election precinct.

7. Any person violating the requirements prescribed under this Article shall be punishable by the law of Georgia.

### **Article 53. Issue of Ballot Papers and Special Envelopes**

1. Each PEC shall issue a ballot paper(s) and special envelope(s) on the basis of the list of voters and presentation of a Georgian Citizen's Identity Card (Georgian Citizen's Passport).

2. On election day each voter is issued with one special envelope and the appropriate number of ballot papers.

3. When issuing a ballot paper(s), the voter's Personal Number **[23.06.06]** shall be specified in the relevant columns of the list of voters. The election commission member who is the registrar shall confirm the issuing of such ballot paper(s) by affixing his/her signature to the list of voters.
4. Deleted.
5. Each voter shall confirm the acceptance of a ballot paper(s) by affixing his/her signature to the list of voters.
6. The PEC Secretary shall, twice on election day, at 12:00 a.m. and 17:00 p.m., shall count the number of voters participating in the election by counting the signatures on the list of voters and shall, specifying the relevant time, enter this number in the public display protocol, the summary results protocols and the Record Book.

#### **Article 54. Conduct of the Poll**

1. Each voter votes personally. It is forbidden to vote instead of another person.
2. Voting shall be conducted in compliance with the following rules and sequence:
  - a) Before entering into the polling place, each voter shall pass the testing procedure for marking;
  - b) If such voter is not marked, he/she shall be entitled to vote. The PEC member regulating the voter flow shall allow such voter to enter into the polling place only if no **[23.06.06]** more than two voters are standing at the registration desk;
  - c) The voter entering into the polling place shall come to the registration desk to which the first letter of his/her family name in the voters list is assigned, present his/her Georgian Citizen's Identity Card (or a Georgian Citizen's Passport) to the registrar. In case where the voter is listed on the voters list, the register performs marking of this voter, after which the voter confirms receipt of ballot paper(s) by her/his signature once his/her Personal Number is entered on the voters list. **[23.06.06]** When issuing such ballot paper(s) the registrar shall affix her/his signature in the relevant column on the back side of the ballot paper(s) and to the list of voters and certifies the ballot with a special seal **[23.06.06]**;
  - d) After verification of the ballot paper(s), the voter shall enter the voting booth and fill in the ballot paper(s), in secret, according to the procedures established by this Law. After filling in the ballot paper(s), the voter shall fold the ballot paper(s) so that it is impossible to identify who she/he voted for;
  - e) The voter shall carry the folded ballot paper(s) to the table, standing next to the commission member, responsible for polling box and envelopes, and collects a special envelope independently. Only the voter is authorised to place ballot into the special envelope; the commission member does not have the right to open certified ballot(s) and/or violate the secrecy of the vote in any other way **[23.06.06]**.
  - f) No more than one voter shall be allowed to come to the ballot box at one and the same time. [12.10.2004]
  - g) The PEC member assigned to supervise the ballot box and envelopes shall be permanently present at the ballot box. Such member shall keep the special envelope insertion slot closed and shall open the same only after he/she makes himself/herself sure that the voter has only one envelope in his/her hand;
  - h) The slot for inserting the envelopes in the ballot box shall be sealed after voting has finished.
3. When filling in the ballot paper(s), no other person shall be present. Any voter who is unable to independently fill in the ballot paper shall have the right to invite to the voting

booth any person to help him/her fill in the ballot paper, other than any of the:

- a) PEC members;
  - b) Candidates;
  - c) Representatives of the election subject;
  - d) Observers.
4. If any of the voters or PEC members spoil a ballot paper or special envelope, he/she shall inform the PEC Chairperson to that effect, surrender the spoiled ballot paper/special envelope and receive a new one. The edge of such spoiled ballot paper/special envelope shall be cut off in the presence of the voter, the word "Spoiled" shall be written thereon, and after it has been signed by the PEC Chairperson, the spoiled ballot paper shall be kept separately.
  5. The PEC members and the persons authorized to be into the polling place shall have the right to request from any voter, before such voter enters the voting booth and before inserting the ballot paper(s) into the special envelope, to show the number of ballot paper(s) and special envelopes held by such voter to make themselves sure that the number thereof is equal to the number established by this Law. The voter shall be obliged to follow such requests.
  6. If the ballot box seal has been broken the PEC Chair suspends voting and decides by issuing an ordinance, on sealing the ballot box anew and continuation of voting.
  7. The polling place shall be closed at 20.00 pm. The electors standing in the line have the right to participate in the voting. Under the instruction of the PEC Chairperson, one of the PEC members shall enter the names of the electors standing in the line in the registration book and inform the PEC Chairman of the number of such persons. The PEC Chairperson shall consequently announce that only the electors standing in the line are entitled to vote **[23.06.06]**.

#### **Article 55. Observing Order in the Polling Place on Election Day**

1. The PEC Chairperson supervises and is responsible for the maintenance of order in the polling place on election day.
2. Carrying out the decisions taken by the PEC Chairperson for the purpose of maintaining order in the polling place is obligatory for election commission members, all the persons who have the right to be present in the polling place and for all voters.
3. It is forbidden for armed persons to enter the polling place.
4. If a threat to the conduct of the election in accordance with the requirement of this Law arises in the polling place, or on its adjacent territory, or to safe movement of election documents, the PEC Chairperson may summon police employees, who may remain present on the adjacent territory of the polling place. Immediately upon having prevented any violation of public order, and with the consent of the PEC Chairperson, the police employees will leave the polling place and its adjacent territory.

#### **Article 56. Voting by Means of Mobile Ballot Box**

1. The persons specified under paragraph 11 of this law shall be entitled to vote by mobile ballot box.
2. Any voter unable to come to the polling place on election day shall, no later than 2 days before **[23.06.06]** the election day, apply to the PEC with a request for voting by mobile ballot box. The DEC shall furnish the PEC with information on any voter being in an in-patient centre on election day no later than the 2<sup>nd</sup> **[23.06.06]** day prior to election day. The

name of such voters shall be entered in the Supplement (mobile ballot box list) after:

- a) The PEC Secretary has registered a written, or verbal statement made by the voter by phone in the registration journal and confirmed it by his/her signature, specifying the exact time of receiving the telephone message and the respective telephone number **[23.06.06]**.
  - b) The transfer of the voter to the Supplement (mobile ballot box list) shall be recorded in the general or special list of voters, which will be certified by the signatures of the PEC Chairperson and Secretary. [12.10.2004]
3. After 09 am on election day, the PEC Chairperson instruct the PEC member assigned to accompany the mobile ballot box to conduct the poll at the addresses of the voters, and hands to him/her the mobile ballot box list (the Supplement [12.10.2004]), the necessary number of ballots and special envelopes certified by the Registrar's signature and a special seal **[23.06.06]**.
  4. The persons participating in conducting the voting at the voters' addresses shall include a PEC member assigned as a result of casting lots at PEC and the persons authorized to be present at the polling place at their wish **[23.06.06]**.
  - 4<sup>1</sup>. In case of using a car while conducting the voting by a mobile ballot box, the Precinct Election Commission shall provide room in the car for two observers identified among the persons authorized to be present at the polling place through casting of lots **[23.06.06]**.
  5. In order to organize voting in accordance with the addresses of the voters, one transparent mobile ballot box shall be used. The PEC Secretary shall specify in the Record Book the number of ballot papers issued to the PEC members accompanying the mobile ballot box. At the end of voting for the elections, the number of blank ballot papers which were not used by PEC members accompanying such mobile ballot box shall be counted for the propose of reconciliation. After completion of the aforementioned procedure, remaining unused ballots and special enveloped shall be cut at the corner, "spoiled" should be written, signed by the chair of the commission and kept separately. [12.10.2004]
  6. If, in cases envisaged by paragraph 1 of this Article, the place of registration and the place of actual location of a voter are in the same election district, the voter is given the right to take part in both proportional and majoritarian elections and he/she is issued with the appropriate ballot paper(s) and special envelope. Otherwise, the voter is given only the right to take part in proportional elections. The procedure for voting is conducted by the PEC, on the territory of the military compound, hospital or other inpatient treatment center, or penitentiary, where the voter is located.
  7. Voting by means of a mobile ballot box ends at 7pm on election day. At the end of voting, the mobile ballot box is sealed in such a way which makes it impossible to open it, without damaging the seal. The sealed mobile ballot box must be immediately returned to the PEC, but not later than 8pm on election day .

#### **Article 57. Procedures to be Carried Out Before Opening of the Ballot Box**

1. After the completion of voting, the PEC Chairperson shall, in the presence of the persons entitled to be into the polling place, choose at least 3 counting officers from the members participating in the casting of lots as specified in paragraph 1 of Article 52 of this Law, in accordance with the procedures established under paragraph 2 of the same Article, and the observers shall agree and elect no more than two supervisors from the observers (if the observers fail to reach agreement, the PEC Chairperson shall elect two supervisors from the observers by the casting of lots).
2. The counting officers shall count, in consecutive order, the total number of voters who

participated in voting according to the general and special lists of voters and the Supplement. The PEC Secretary shall immediately enter the results into the relevant summary protocol of voting and election results, the public display protocol and the Record Book, and then, shall separately pack and seal the general and special lists of voters and the Supplement.

3. The counting officers shall, in consecutive order, count and pack:

a) Unused ballot papers, the number of which shall be immediately entered by the PEC Secretary in the relevant summary protocol of voting and election results (on the back page of the ballot book), in the demonstration protocol and record book. The number of blank ballot papers and special envelopes shall be specified on the pack **[23.06.06]**;

b) Spoiled ballot papers, the number of which shall be immediately entered by the PEC Secretary in the relevant summary protocol of voting and election results (on the back page of the ballot book), in the demonstration protocol and in record book. The number of spoiled ballot papers shall be specified on the pack **[23.06.06]**.

4. On each package must be written the title and number of the election precinct, type of ballot papers, quantity of unused and spoiled ballot papers.

5. Packages must be sealed and signed by the counting officers and the PEC Chairperson.

6. After the completion of voting in election precincts in military compounds, the PEC seals the ballot box, list of voters, unused and spoiled ballot papers and special envelopes. The ballot box, list of voters and the sealed unused and spoiled ballot papers and special envelopes are immediately transferred to the PEC which has been determined beforehand by the DEC. The PEC then follows the procedures in accordance with the rules established for mobile ballot boxes. The results of these two precincts are processed through one protocol.

### **Article 58. Opening of Ballot Box**

1. The PEC Chairperson, in presence of commission members and the persons who have the right to be present in polling place, inspects the seal on the ballot box to ensure it is not broken.

2. If the seal turns out to have been violated, but the PEC deems that this has not caused a violation of the requirements of this Law, by an ordinance of the PEC, the procedure for the consolidation of the results of voting continues. Otherwise, the ballot box is sealed and the ordinance of the PEC and the sealed ballot box are immediately transferred to the DEC.

3. The counting officers shall carry the ballot boxes to the table placed separately and occupy the place in a way that ensures that PEC members and the persons authorised to be in the polling place are standing on the opposite side of and one meter from the table. The two supervisors elected from the observers shall stand next to such counting officers.

4. The PEC opens the mobile ballot box first. The counters place the special envelopes available in the ballot box on the table, check the existence of the control sheet in the mobile ballot box and compare the sheet to the control sheet kept at the PEC for reasons of comparison reasons. In case of determining the difference between the control sheets, the counting officers shall count the special envelopes, the number of the special envelopes should coincide with the number of signatures in the supplement list (mobile ballot box list). If the number of the special envelopes, where the ballots are placed, exceeds the number of signatures in the supplement list, all special envelopes and ballot papers shall be packed separately, "invalid" shall be written on it and after the vote counting procedure is over at the election precinct, the aforementioned pack shall be submitted to the DEC. The same rule applies if the difference is detected between the control sheets or in case of absence of the control sheet. After the completion of the

forementioned procedure, the counters open up the main ballot box. [12.10.2004]

5. The counters place the special envelopes and ballots found in the ballot box, on the separate table, check the existence of the control in the ballot box and compare it to the control sheet kept by the DEC. If the difference is detected between the control sheets, or the control sheet is not available, all special envelopes and ballots shall be packed, sealed, the appropriate protocol shall be drawn up and submitted to the superior DEC. If all is in order, the counters mix the special envelopes fallen from the main and mobile ballot boxes and start counting the ballots. . [12.10.2004]

### **Article 59. Counting of Votes**

1. The PEC counts the ballot papers while observing the following rules:
  - a) The first counting officer takes the ballot papers out of the special envelope, announces to whom the vote was given and transfers the ballot papers of one type to the second counting officer, the ballot papers of the second type to the third counting officer, etc, while placing special envelopes separately. Counting officers sort the ballot papers separately, according to the votes given to each election subject;
  - b) Unofficial ballot papers and the ballot papers deemed invalid by the counting officers are placed separately. The ballot papers whose authenticity causes doubt, are placed separately;
2. One of the two supervisors elected from the observers stands next to the second counting officer as specified under sub-paragraph (a) of paragraph 1 of this Article, and the second supervisor stands next to the third counting officer as specified under the same subparagraph. They shall have the right to observe the entire procedure of counting, make remarks on any error observed, request rectification of such error and, unless such a request is satisfied, appeal against the action of the PEC before the higher level DEC; then in the court. The persons authorized to be inside the polling place shall have the right to request that the counting officer set aside the ballot papers whose authenticity is in doubt. The counting officer shall satisfy such a request.
3. A ballot paper is deemed invalid only in the following cases:
  - a) Ballot paper is not confirmed with the signature of the registrar and special seal **[23.06.06]**;
  - b) It is impossible to determine to which election subject the voter marked their vote for;
  - c) The number of ballots in a special envelope exceeds the determined number;
  - d) The Special envelope is not in the approved official form;
  - e) A ballot paper in the ballot box is not in a special envelope;
  - f) A ballot paper was intended for another election precinct.
4. After all ballot papers are sorted according to categories; the ballot papers whose authenticity is of doubt are inspected. The issue of authenticity of each ballot paper is decided by the PEC. Ballot papers that are deemed valid are added to the pile of valid ballot papers, while ballots that are deemed invalid are added to the pile of invalid ballot papers.
5. After the completion of the procedure described in paragraph 4 of this Article, the ballot papers that have been deemed invalid are counted, "invalid" is written upon them and signed by the counters and the PEC chairman. Then, the aforementioned ballots are bound separately and the quantity of those is indicated in the summary protocol "(on the reverse side of the protocol book's cover), in the public display protocol and the Record Book. Invalid ballots belonging to the different precinct are packed separately and their

quantity is entered in the Record Book only. [12.10.2004]

6. Deleted. [12.10.2004]
7. Each set of ballot papers shall be packed and sealed. The number of the election precinct, type and number of ballot papers shall be specified on each package.
8. After the procedure specified in paragraph 7 of this Article has been completed, the number of votes cast for each election subject shall be counted and the ballot papers shall be packed according to the procedure provided for under paragraph 9. The pack of ballot papers cast for the each election subject shall be separately packed and sealed. The number of votes obtained by each election subject shall be immediately entered by the PEC Secretary in the relevant summary protocol (on the back of the cover of the book of protocols), in the public display protocol and in the Record Book.
9. Every 10 ballot papers are bound with a metal staple and on each pack, complete as well as incomplete, is inscribed the number of ballot papers bound. These packs are bound into a single pack. On these packs of ballot papers should be inscribed the title and number of the election precinct, information on the election subject (subjects) (title, first and last name) and the number of votes received by the election subject (subjects), as well as the number of ballot papers in the pack.

#### **Article 60. Summary Protocol of Voting and Election Results**

1. After completion of the procedures described in Articles 57-59 of this Law the PEC Secretary shall fill in 2 **[23.06.06]** copies (NN 01-02) of the summary protocol of voting and election results according to the consolidated protocol intended for the PEC.
2. Two **[23.06.06]** summary protocols shall be compiled during the election of the Parliament of Georgia and elections of a representative body of local self-governance – Sakrebulo. One protocol shall be compiled according to the results of vote under the proportional electoral system and the other protocol shall be compiled according to the results of vote under the majoritarian electoral system. [23.12.2005] During elections of the President of Georgia and representative body of Tbilisi self-government – Sakrebulo – one summary protocol shall be compiled **[23.06.06]**.
3. The summary protocol of the voting and election results shall include: [12.10.2004]
  - a) The title and number of the election district and the election precinct number
  - b) The type of elections
  - c) The date of the election (in case of a second ballot or the second round of election to be mentioned thereon)
  - d) The number of the PEC and registrar's seals **[23.06.06]**;
  - e) The number of voters on the general list of voters;
  - f) The number of voters in the special list;
  - g) Total number of voters (sum of the voters registered in the general and special lists of voters**[23.06.06]**);
  - h) Number of voter signatures for 12:00pm and 17:00pm;
  - i) Total number of voter turnout (according to the signatures in the list);
  - j) Number of received ballots;
  - k) Number of unused ballots;
  - l) Number of spoiled ballots;

- m) Number of invalid ballots;
  - n) Names of the election subjects, number of votes for the election subjects and against all.
  - o) Number of valid ballots (sum of the votes for the election subjects and voted against all);
  - p) Time and date of protocol approval;
  - q) The protocol data, which caused the dissenting opinion of the commission member (this information is filled in by the commission member in the column "dissenting opinion and signed);
  - r) The protocol registration number, date and time (indicated at the time of issuing the protocol) **[23.06.06]**.
  - s) For the elections of Tbilisi City Council – Sakrebulo, the name of the political party/election bloc nominating the election subject and its sequential number shall be entered into the PEC summary protocol of the voting results **[23.06.06]**.
3. PEC, by the ordinance adopted by the majority of the present commission members, but no less than 1/3 of the full composition, certifies the summary protocol. [12.10.2004]
4. All members of the Precinct Election Commission are obliged to sign the protocol, by which is confirmed their presence at the election precinct. The protocol is approved by the PEC seal.
  5. If a PEC member does not agree with the data entered in the protocol, he/she has the right to attach to the protocol a dissenting opinion in writing.
  6. If there is a dissenting opinion, the PEC member is still obliged to sign the summary protocol of the voting and election results.
  7. Pages N01 and N02 of the summary protocol of voting and election results (enclosed with the dissenting opinions of the commission members) together with the sealed books of ballot papers and list of voters shall be immediately handed over to the higher level DEC, which shall hand over page N01 of the protocol together with DEC protocol to CEC **[23.06.06]**.
  8. PEC is responsible for placing protocol on a visible place for public acknowledgement. The xerocopy of PEC N02 protocol (enclosed with the dissenting opinions of the commission members) shall be immediately handed over to the representatives of parties/election blocs/voter's initiative groups and observers. The xerocopy of the protocol must be certified by PEC stamp and signatures of PEC chairperson and secretary (those protocols shall have force equal to the force of protocols NN01-02) if requested. The representatives of election contestants and observers confirm receipt of the PEC N02 protocol by a signature in the PEC book of records. The representatives of election subjects and observers can receive the xerocopies of PEC N02 protocols on the day following the Election Day in the district election commissions. DEC's hand over the xerocopies of PEC N02 protocols, certified with DEC stamp and signatures of DEC chairperson and secretary (those protocols shall have force equal to the force of protocols NN01-02). Representatives/observers confirm the receipt of a xerocopy by a signature in the DEC book of registration **[23.06.06]**.
  9. Together with the summary protocol of voting and election results the DEC shall be forwarded the list of voters with the signatures of the voters who participated in the election. The DEC in turn shall forward those lists to the CEC who shall sort and keep them in the archives.

## **Article 61. Applications and Complaints Regarding Violation of Procedures of Voting and Counting of Votes**

1. An application/complaint regarding an observed violation against voting procedures shall be filed upon detection of violations of this Law, from 7:00am on election day until the opening of the ballot box.
2. In the application/complaint shall be included the following:
  - a) Date and time of filing the application/complaint;
  - b) First name, last name and address of the applicant/complainant;
  - c) Number and address of the election precinct;
  - d) A description of the violation and the time when it was committed;
  - e) In case of the existence of a witness – the first name, last name and place of registration of the witness;
  - f) In case of having determined the person who violated the Law - his/her data, which was possible to obtain; [28.11.2003]
  - g) Explanatory notes given by the person who violated the Law (in case of existence of such);
  - h) Other additional information.
3. An application/ complaint on observed violations against voting procedures before the opening of the ballot-box shall be handed to the precinct election commission Chairperson, Deputy Chairperson or Secretary, who will register it in the Record Book and will provide the applicant/complainant with a Notice indicating the date and time the application/complaint was accepted at the commission in accordance with paragraph 16 of Article 22 of this Law.
4. The PEC Chairperson is obliged to immediately make an appropriate reaction to the application/complaint and eliminate any existing violation. If the chairman cannot or will not eliminate the violation, or refuses to react to the appeal/complaint in any other way, appellant/claimant, or in case of an authorized organization – party/election block – its representative has the right to immediately lodge the appeal to the superior DEC. [12.10.2004]
5. An application/ complaint on observed violations against vote counting and summing up of election results procedures, claiming revision or invalidation of the election results shall be filed before the approval of the summary protocols of the voting and election results and shall include the following:
  - a) The date and time of filing the application/complaint;
  - b) First name, last name and address of the applicant/complainant;
  - c) Number and address of the election precinct;
  - d) A description of the violation and the time when it was committed;
  - e) In case of the existence of a witness – the first name, last name and place of registration of the witness;
  - f) In case of having determined the person who violated the Law - his/her data, which was possible to obtained; [28.11.2003]
  - g) Explanatory notes given by the person who violated the Law (if such exists);
  - h) Other additional information.
6. The application/complaint mentioned in paragraph 5 of this Article shall be registered by

the PEC Secretary in the Record Book and shall be forwarded by the PEC to the higher level DEC by 18:00pm of the day following election day. In case the results are not summed up by this time, by 18:00pm of the day following the day the summary protocol of the voting and election results is completed. The application/complaint can be delivered to the DEC directly by the applicant/complainant within the same period.

7. The PEC Record Book is closed with the signatures of the commission Secretary and commission members and is approved with the PEC seal.
8. The PEC Record Book and any applications/complaints received are sealed separately and bound into a single package.
9. The seal of the PEC is sealed in a separate package. The package is signed by the PEC Chairperson, Secretary and other members of the Commission.

### **Article 62. Adjudication of Application/Complaints on the Consolidation of the Election Results**

1. The application/complaint mentioned in paragraph 5 of Article 61 of this Law shall be registered by the DEC Secretary in the DEC Record Book upon its acceptance at the DEC. The commission will adjudicate the application/complaint and decide on it not later than the 3<sup>rd</sup> day following the registration of the application/complaint at the DEC. The decision of the DEC shall be made by ordinance.
2. An application/complaint filed against an observed violation of the procedures established by paragraphs 1-3, 5 and 6 of Article 61 of this Law will not be considered.

### **Article 63. Consolidation of Voting and Election Results at District Election Commission**

1. Based on the summary protocols of the PEC, the DEC in consideration of the findings of the adjudication of violations of the election Law, shall, no later than the 4<sup>th</sup> day after election day, consolidate the voting results for the elections for the Parliament of Georgia (according to party lists), Presidential Elections and the elections for Tbilisi City Sakrebulo, consolidates the results for the elections for the Parliament of Georgia and local self-government and approve the summary protocols of the voting and election results held in the election district. [23.12.2005]
2. The summary protocol of voting and election results shall include: [12.10.2004]
  - a) The title and number of the election district;
  - b) The type of elections;
  - c) The date of the election (for second ballot or the second round of elections to be mentioned thereon);
  - d) The total number of voters in the election district
  - e) The voter turnout in the election district
  - f) The number of accepted ballots
  - g) The number of unused ballots
  - h) The number of spoiled ballot-papers
  - i) The number of invalid ballot-papers
  - j) The names of the election subjects and the number of votes received by them and against all
  - k) The number of valid ballots (the sum of the ballots for election subjects and against

- all)
- l) Time and date of certification of the protocol
  - m) The number of the election precinct where the district election commission invalidated the election results, the total number of voters in that precinct and the grounds for invalidation of the results
  - n) The number of ballot papers issued to voters in those precincts where the election results were invalidated;
  - o) The protocol data, which is not agreed to by a commission member (the commission member shall put this record in the column "dissenting opinion" and sign thereunder).
  - p) The registration number and registration date of the protocol (to be filled at the issue of the protocol);
- 2'. DEC approves the summary protocol by ordinance. [12.10.2004]
3. The summary protocol of election results shall include the data mentioned in paragraph 2 of this Article as well as the identity of the elected person(s), identity of the candidates who participated in the second round of elections, the votes received by them in the second round, the identity of those elected in the second round. [12.10.2004]
4. If the DEC invalidates the election results in any election precinct(s) and the total number of voters in this election precinct(s) is so inconsiderable that it will not have any effect on the recognition of the elections as valid or on the selection of the person(s) elected in the election district or the candidate(s) in the second round of elections, the DEC will determine the elected person(s) or candidate(s) participating in the second round not taking this precinct(s) into consideration.
5. All DEC members who attended the commission session shall sign the summary protocol of the voting and election results. The protocol shall be affixed with the seal of the DEC.
6. If any member of the DEC does not agree with the data entered in the protocol he/she shall have the right to state the grounds thereof in the protocol and enclose his/her written dissenting opinion with the protocol.
7. The DEC Secretary immediately upon establishment of the data mentioned in this Article shall put that data in the public display protocol, which is to be displayed in a conspicuous place at the DEC.
8. Pages N01 of the summary protocol of the voting and election results of the district and precinct election commissions (enclosed with any dissenting opinions of the commission members) as well as the DEC ordinance (if any) on changing the DEC protocols shall be immediately handed over to the CEC. [12.10.2004]
9. The xerocopy of PEC N02 protocol (enclosed with the dissenting opinions of the commission members) shall be immediately handed over to the representatives of parties/election blocs/voters' initiative groups and observers. The xerocopy of the protocol must be certified by DEC stamp and signatures of DEC chairperson and secretary (those protocols shall have force equal to the force of protocols NN01-02) if requested. Representatives/observers confirm the receipt of a xerocopy by a signature in the DEC book of registration [23.06.06].

#### **Article 64. Consolidation of Election Results at the Central Election Commission of Georgia**

1. No later than 18 days after election day, the CEC, based on the protocols received from the DEC and PECs, consolidates the results of parliamentary and presidential elections at

its session and approves the summary protocol of the election results by its ordinance.

- 1<sup>1</sup>. It is forbidden for the CEC to summarize the election results before the completion of the court disputes related to the elections and without the complete consideration of the court decisions. [28.11.2003]
2. In case of the existence of an application/complaint and/or a dissenting opinion of an election commission member, the CEC can consolidate the results of the elections based on the PEC protocols.
3. The CEC consolidates the results of the elections and determines:
  - a) The total number of voters;
  - b) The turnout of voters;
  - c) The number of ballots deemed invalid;
  - d) The number of [12.10.2004]votes for the election subjects; [12.10.2004]
  - e) The number of votes against all. [12.10.2004]
- 3<sup>1</sup>. In parallel with the entering of the summary protocols of election results from election precincts, the CEC shall ensure the data from those protocols is placed on the web-site. Election administration officers shall be prohibited from making announcements on the preliminary results of the elections, if those results are not placed on the web-site under the established procedures.
4. Deleted.
5. Deleted.
6. The summary protocol of election results is signed by the CEC Chairperson and Secretary. One copy of the protocol is kept at the CEC, the second copy is transferred to the agencies defined by this Law. Copies of the protocol are transferred to all interested persons.
7. Immediately upon consolidation of the final results of the elections, the CEC shall ensure those results are placed on the web-site precinct by precinct [23.06.06], and hand them over to the press and other mass media, no later than the next day.

## **CHAPTER VIII. TRANSPARENCY OF PREPARATION AND CONDUCT OF ELECTIONS**

### **Article 65. Transparency of Elections**

1. The process of preparation and conduct of elections in Georgia shall be transparent.
2. Derived from the goals of this Law, the activities of election commissions, election subjects, State authorities and bodies of governance, of unions (associations) and foundations registered in accordance with the legislation of Georgia, is carried out openly and publicly.
3. Representatives of election subjects, domestic and foreign observer organizations, of press and other mass media, have the right to be present in polling places on election day and to observe election and voting processes.

### **Article 66. Transparency of Preparation and Conduct of Elections**

1. For the purpose of ensuring the transparency of the preparation and conduct of elections, the election commissions publish the following information:
  - a) Their activities;

- b) Establishment of election districts and precincts;
  - c) Composition, location and working hours of election commissions;
  - d) Election subjects.
2. Election commissions, in the buildings allocated to them, post in conspicuous places the following:
- a) Lists of Voters and the rules and timeframes for appealing against inaccuracies in these lists;
  - b) Lists of election subjects;
  - c) Election programs of election subjects (if these are submitted to the election commission), which will be taken down before midnight on the day prior to election day;
  - d) Decisions of the CEC and of the relevant DEC, which concern the activities of the commission in question.
3. Relevant election commissions make public through press and other mass media the following:
- a) Party lists of the parties and election blocs taking part in the elections;
  - b) Deleted;
  - c) Decisions of the CEC;
  - d) Summary protocol of the final results of the elections.
4. Election documents are accessible to all persons. An election commission is obliged to provide all interested persons with the election documents and information on elections, within 2 days of being requested, and in case of a request for copies, the relevant election commission may establish a fee for the amount necessary for producing the copies, in accordance with the rules determined by the legislation of Georgia.
5. When making public the information mentioned in paragraphs 1 and 3 of this Article via the public TV broadcasting (a legal entity of the Public Law **[23.06.06]**), the public TV broadcasting shall provide acquaintance with the sounding speech of those persons with limited ability for their diminished hearing through the use of gesture-translation and/or using the appropriate special technology.

**Article 67. Transparency of Election Commission Sessions: Persons who are authorized to be Present in the Polling Place.**

- 1) The election commission session shall be open. The right to attend the election commission session shall be given to: members of the higher-level election commission, staff members of the relevant and higher-level election commission, one representative from each election subject, one representative from each international organization (with translator) registered in CEC and domestic observing organization registered by appropriate commission, and accredited representatives of the press and other mass media if the space of the building does not permit attendance of more representatives of election subjects and observers. Where a person is creating disorder and preventing the commission from operating, the election commission Chairperson has the right to remove the person who breaches the order of the session. This fact shall be noted in the session protocol **[23.06.06]**.
- 2) The following persons have the right to be present in the polling place:
  - a) Members of the CEC, DEC and PECs;

- b) Representatives of the CEC and of DEC;
  - c) Representatives of election subjects;
  - d) Representatives of the press and other mass media;
  - e) Observers.
3. All persons having the right to stay at the polling place shall wear a nametag (identity card) with their identity and status: Chairperson, Deputy Chairperson, Secretary, Member of the CEC, the number of the DEC or PEC, or the title of party/election bloc and the word "representative", or the first and last names of the candidate and the word "representative", or the name of the organization and the word "observer", or the name of the mass media and the word "representative".

### **Article 68. Domestic and Foreign Observers**

1. The right to observe elections shall be provided to those domestic and international observation organizations, which comply with the provisions of this Law, and will pass registration at the CEC or appropriate DEC.
2. A domestic observation organization may be a local union (association) or foundation, registered in accordance with Georgian legislation no later than 2 years prior to election day, the charter or provision of which, at the time of undergoing registration, includes election monitoring and/or protection of human rights and who is registered at the CEC or a relevant DEC for the purpose of observing elections.
3. A domestic observation organization shall implement observation of the elections through its representative - a domestic observer. One organization shall have the right to have no more than one observer at an election precinct simultaneously.
4. A domestic observer of a domestic observation organization may be any citizen of Georgia above the age of 18, except for the following:
  - a) Persons occupying State-political positions;
  - b) Members of the Parliament of Georgia;
  - c) Members of the representative bodies of local self-governance – *sakrebulo*;
  - d) Heads and Deputy Heads of the bodies of local governance;
  - e) Judges;
  - f) Staff of the Ministries of Internal Affairs and Defence of Georgia, Special Services of Foreign Intelligence and State Security **[23.06.06]**;
  - g) Officials of the Prosecutor's Office;
  - h) Election subjects and their representatives;
  - i) Election commission members.
5. An international observer organization may be a representative of another State, organization registered in another State or an international organization, the founding document of which includes monitoring of elections and/or protection of human rights and which is registered at the CEC for the purpose of observing elections.
6. An international observer organization observes elections by means of the organization's 2 **[23.06.06]** representatives – international observers.
7. International observers may be accompanied by an interpreter, who undergoes registration at the CEC together with the international observers.

## Article 69. Registration of Observation Organizations

1. An international observation organization as well as domestic observation organizations, which implement observation at the elections in more than one election district, shall be registered by the CEC.
2. A domestic observation organization which implements observation within one election district shall be registered by the appropriate DEC.
3. To be registered, a domestic observation organization shall apply to the appropriate election commission no later than 30 days prior to election day and provide a notarized copy of its charter. The application shall include the name of the election district(s) where the organization will conduct its observation. The election commission will decide on the registration of the organization within 5 days following the acceptance of the application.
4. To be registered an international organization shall apply to the CEC no later than the 7<sup>th</sup> day prior to election day and provide a copy of its constituent document. If the observer (group of observers) represents the authority of another country, he/she shall provide an application and proxy certificate only. The CEC will decide on the registration of the organization, observer (group of observers) mentioned in this paragraph within 2 days following the acceptance of the application.
5. The election commission is not entitled to dismiss the application for registration of the observation organization, if this organization complies with the provisions of this law. The election commission decree on the dismissal of an application for registration shall include the reasons for dismissal of the application and shall be served upon the organization no later than the next day following the making of the decision. The commission ordinance can be appealed in the court within 2 [23.06.06] days following its adoption. The court decision shall be made within 2 [23.06.06] days.
6. No later than the 2<sup>nd</sup> day prior to election day the international organization registered with the CEC shall provide to the CEC Secretary the list of observers with their identity details (first name, last name, place of registration) indicating the election districts where they will observe the elections.
7. No later than the 5<sup>th</sup> day prior to election day, a domestic observation organization registered by CEC shall provide to the CEC Secretary the list of observers appointed to the CEC, and to the DEC Secretary, the list of observers appointed to the district and subordinate PEC. A domestic observation organization registered by the DEC shall in the same period provide to the DEC Secretary the list of observers appointed to the PECs. The list shall indicate the observers' identity (first name, last name, place of registration) and the election district and election precinct(s) where they will observe the elections.
8. The election commission Secretary shall, no later than the 2<sup>nd</sup> day following the submission of the observers list, register the observers submitted in compliance with this Law and issue to the observation organization the observer's certificate which simultaneously is the badge to be worn by the observer.
9. In the observer certificate should be included:
  - a) The first and last name of the observer;
  - b) Title of the domestic or international organization which presented the observer;
  - c) The name and number of the election district and precinct(s) where the observation shall be implemented.

## Article 70. Rights of Observers

1. An observer has the right to:

- a) Attend and observe election commission sessions;
  - b) Be present in the polling place at any time on election day, move on the precinct territory unrestrictedly and observe all stages of the polling process from any spot of the precinct; [12.10.2004]
  - c) Replace, at any time on election day, another registered representative of the organization (in cases where such a representative exists);
  - d) Take part in the inspection of ballot boxes, before they are sealed and after they are opened;
  - e) Observe registration of voters on the voters' lists, issue of ballot papers and special envelopes and their approval, without disrupting the polling process;
  - f) Attend the procedures of counting of votes and of consolidation of results;
  - g) Observe the process of voting by means of a mobile ballot box;
  - h) Observe the counting of votes in such conditions which ensure visibility of the ballot papers;
  - i) Observe the process of the election commission compiling the summary protocol of election results and other documents;
  - j) Address the DEC Chairperson with an application/complaint regarding issues related to the procedures of voting and polling, by which he/she demands reaction in case of registering a particular violation;
  - k) Request a voter to show how many ballot papers and special envelopes he/she holds;
  - l) Make appeals regarding actions of an election commission to a higher level election commission, or court;
  - m) Observe the ballot box, inserting of special envelopes into the ballot box, opening of the ballot box, counting of ballot papers and compiling of protocols;
  - n) Become familiar with the summary protocols of voting and election results, compiled by election commissions.
2. An observer does not have the right to:
- a) Interfere in the functions and activities of election commissions;
  - b) Exert influence upon the free expression of the will of the voters;
  - c) Agitate in favour or against an election subject;
  - d) Wear symbols or signs of any election subject;
  - d') Be without a badge at the polling station on the election day. [12.10.2004]
  - e) Violate other requirements of this Law.

### **Article 71. Representatives of Election Subjects and Their Authority**

1. A representative of an election subject (a party participating independently in the election, election bloc, voters' initiative group) represents an election subject in relations with the appropriate election commission.
2. A party, election bloc, voter initiative group (in the case of the Presidential elections only) participating independently in the elections, shall be entitled to appoint two representatives at every election commission, while a voters' initiative group representing a candidate in single [deleted 23.12.2005] election districts shall have the right to appoint two representatives in each of the appropriate districts and subordinate PECs.

3. An election subject as mentioned in paragraph 2 of this Article, shall notify the appropriate election commission about the appointment of a representative. When providing complete information, the officer of the election commission specified under this Law, shall register the representative within 24 hours and provide him/her with a representative's certificate, which is also the badge to be worn by the observer.
4. The application for the appointment of a representative of an election subject shall be signed by the leader of a party/election bloc or his/her authorized person; application for appointment of a representative of a voter's initiative group is made to the higher level election commission, and shall include the representative's first and last names, year of birth, address, contact telephone number (if any).
5. The election subject's single representative shall have the right to attend the election commission sessions, to request to speak, express his/her opinion, make decision on various topics and enjoy other rights envisaged by this law. The representative enjoys the rights envisaged by Article 70 of the present Law unrestrictedly. [12.10.2004]
6. An election subject shall have the right to call back and/or substitute a representative at any time by notice sent to the appropriate election commission.

#### **Article 72. Representatives of Press and Other Mass Media**

1. Representatives of the press and other mass media, accredited at the relevant election commission, have the right to attend election commission sessions and to be present in the polling place on election day.
2. Accreditation of representatives of the press and other mass media operating on the territory of several election districts shall be implemented by the Secretary of the CEC or by the Secretaries of the appropriate DEC's, while accreditation of the mass media representatives operating on the territory of one election district, by the Secretary of the appropriate DEC.
3. Applications on accreditation of representatives of the press and other mass media are submitted to the relevant election commission, no later than 3 days prior to election day.[12.10.2004]
4. Within 1 days of filing an application, the Secretary of the appropriate commission shall decide on the accreditation of the representatives of the press and other mass media and shall issue to the accredited representatives the appropriate certificate within 1 day. In case of the dismissal of the application for accreditation, the Secretary shall provide the appropriate ordinance (the reasons for the dismissal of the application shall be duly stated in the ordinance) in the same time period. [12.10.2004]
5. On election day, the one organization of the press and other mass media has the right to have no more than 3 representatives in an election precinct at the same time.

#### **Article 73. Election Campaign (Agitation)**

1. Election agitation begins at the time of the announcement of the elections. Candidates, on becoming election subjects, enjoy equal rights as of this day.
2. Any person, with the exception of those, listed in the paragraph 5 of the present article, has a right to perform and take part in pre-election agitation **[23.06.06]**
3. Agitation via the press and other mass media after 24:00 on the day prior to election day is prohibited.
4. In the case of appointment of the second round of elections, second ballot, [deleted – 23.12.2005] by-elections, the election campaign (agitation) will be renewed from the day of the announcement of the elections.

5. The following persons and entities do not have the right to take part in election agitation:
- a) Members of election commissions;
  - b) Deleted **[23.06.06]**
  - c) Judges;
  - d) Public officials of the Ministries of Internal Affairs and Defence, Special Service of Foreign Intelligence and State Security, Office of Public Prosecutor **[23.06.06]**;
  - e) deleted **[23.06.06]**
  - f) Foreign citizens and organizations;
  - g) Charity and religious organizations;
  - h) Public officials of bodies of State and local governance, when they are carrying out the duties related to their office and work responsibilities.
6. Election agitation may be carried out through the mass media, through holding of mass events (assemblies and meetings with citizens, public debates and discussions, rallies and manifestations), publication and dissemination of printed agitation materials, use of public address systems, or in other ways, in accordance with the rules established by Georgian legislation.
7. As of the day of the announcement of elections, candidates, on becoming election subjects, have the right to produce election slogans, statements, inscriptions, leaflets, photo materials, etc. It is forbidden to prevent their dissemination and to expropriate them, as well as to expropriate automobile transport and other means used for agitation purposes, or to prevent their use for election agitation purposes.
8. Commanders of military compounds shall provide for all election subjects adequate conditions for meetings with voters within the military compound. In cases of necessity, and by ordinance of the Minister of Defense, campaigning may be limited or banned in some military compounds, with immediate notice of such a ban or limitation being provided to the CEC. The CEC shall publish this information and disseminate it to all DEC's within 2 days.
9. From the moment of publication of the relevant legal Act that announces the elections until the publication of the final results of the elections, it is prohibited to:
- a) for election subjects and their representatives to personally, or through someone else, transfer to voters monetary funds, gifts and other items of material value, to sell them goods at discounted prices, to supply or disseminate free-of-charge any goods (except for agitation materials envisaged by this Law), as well as to raise the interest of voters by promising to transfer them money, securities and other items of material value;
  - b) Using private personal funds and/or the election campaign funds by a physical or a legal person for the purposes of performing such works or providing such services (except for works and services defined under the Georgian law on state procurement), which are under the competence of Georgian State and/or local self-governance bodies, according to the Georgian legislation **[23.06.06]**.
- 9<sup>1</sup>. In the event of such facts, (defined under article 9) being proved in a court, registration of the election subject, who has personally, or with the help of the representative, or through any other physical or legal person acting in subject's interests, performed either of the forbidden actions listed above, is cancelled by court decision. **[23.06.06]**
10. It is forbidden to conduct election campaigning in buildings of the following institutions:
- a) Deleted **[23.06.06]**

- b) Government and sub-agency departments of executive authority of Georgia;
  - c) Courts and bodies of the Prosecutor's Office.
11. Any betting related to the elections shall be prohibited.
12. From the moment of the announcement of the elections until the publication of the final results of the elections by CEC and during one month from this day, it is necessary to indicate while publishing the results of the opinion polls related to the elections, the person who ordered the polls, (Name according to the public or election registration and legal address, if legal entity or state body ordered the conduct of the polls. First name, last name and address according to the ID card if a physical person ordered the conduct of the polls) whether it was paid or free of charge, organization who conducted the polls, (name according to the public or election registration, legal address), the date of the conducting polls, methods used, the exact formulation of the questions, the possible margin of errors. The publication of the public opinion polls, except for the possible number of voters and the number of the voters who participated in the elections, is prohibited during the 48 hours before the elections and before 20:00 o'clock of the Election Day. **[23.06.06]**
13. Public broadcasting company is obliged to provide two hours of their airtime on daily television and radio free of charge, for election campaign and political advertisement purposes for at least the last 30 days prior to Election Day. Those airtime hours shall be distributed according to the rules prescribed under this law. **[23.06.06]**
14. Starting from the 50<sup>th</sup> day prior to election day until the approval of the final election results by the CEC, owners of broadcasting license and a public broadcasting authority shall abide by the following terms: [16.12.2005]
- a) If allocating air time for election campaigning and political advertising, the TV and radio companies must announce publicly and submit weekly to the CEC the following information (regional television and radio broadcasting companies submit this information to a relevant district election commission): the start and end date and frequency of the allocated air time; duration and timetable of the allocated daily air time; the air time tariff; provided service. [16.12.2005]
  - b) Paid airtime allocated by a TV or radio broadcaster shall not exceed 15 % of the total daily broadcasting time per day; no election subject shall be allocated more than one-third of this time;
  - c) When broadcasting political advertising via TV, the screen corner shall display the inscription "Paid political advertising" or "Free political advertising";
  - d) For the period provided for in this paragraph, no [deletion – 16.12.2005] placement of political advertisement, may be made other than at the times and space allocated for this purpose.
15. Beginning from the 50<sup>th</sup> day prior to the Election Day until the approval of the final election results by the Central Election Commission, [16.12.2005] newspapers, other than the newspapers of political parties, shall abide by the following terms:
- a) If allocating newspaper space for election campaigning and political advertising, the newspaper must publish in its newspaper and submit weekly to the CEC the following information (regional newspapers submit the information to a relevant district election commission) : the start and end date and frequency of the allocated newspaper space; the size of space allocated in one newspaper issue; if providing newspaper space free of charge, the share of the free space in the total space allocated for political advertising; the space tariff; provided service; [16.12.2005]
  - b) No election subject shall be allocated more than one-third of the newspaper space in one newspaper issue or over a period of one week;

[deletion – 16.12.2005]

- c) The space tariff shall be the same for all election subjects;
  - d) When publishing a campaign article or political advertising, above the heading of the article and in the corner of the advertisement, shall be made the inscription "Paid political advertising" or "Free political advertising";
  - e) Must not publish [deletion – 16.12.2005]political advertising which violate the provisions of this paragraph during the period stated herein. [24.12.2004]
- 15<sup>1</sup>. The forms of the information to be presented in the election commission according to subparagraph "a" of the paragraphs 14 and 15 of the present article shall be determined by a resolution of the Central Election Commission of Georgia; [16.12.2005]
- 16. Subject to paragraphs 14-15, a newspaper, has the right to allocate free of charge air time/space for political advertising to an election subject. [24.12.2004]
  - 17. If any election subject fails to use its share of air time or newspaper space, the TV, radio broadcasting company or newspaper shall have the right to distribute this time or space equally among the other election subjects. [24.12.2004]
  - 18. If an election subject uses any free air time provided by a TV and/or radio-broadcasting company and free space in a newspaper as provided for in Article 66 of this Law and paragraphs 13 and 16 of this Article, he/she shall record this in the election fund account as a donation made by a TV or radio-broadcasting company or newspaper, for the amount equal to the cost of paid use of such time/space. [24.12.2004]
  - 19. A person who violates paragraphs 3, 5, 7, 9, 15 and 18 of this article shall bear responsibility determined by the law. [16.12.2005]

Article 73<sup>1</sup>. Informational Support (provision) of Pre-Election Campaign **[23.06.06]**

- 1. The requirement of this law concerning the equal allocation of airtime hours, creating equal conditions for participating in the debates and election advertising refers to only qualified election subjects and to broadcaster defined by this article's paragraphs 2 and 3.
- 2. A general broadcaster as well as a broadcaster that allocates time to election advertising are obliged to allocate free time without discrimination for every qualified subject, taking into consideration that the free time has to be not less than 90 seconds in 3 hours.
- 3. A public broadcaster as well as a community broadcaster that allocates time to election advertising are obliged to allocate time not less than 60 seconds in one hour for the election advertisement of qualified subjects.
- 4. A broadcaster is obliged to determine as qualified election subject a political party or block which:
  - a) Is represented by a faction in the parliament;
  - b) Received not less than 4% of the votes of voters in the last elections based on the proportional system.
- 5. A local broadcaster is entitled to declare as qualified election subject, a political party which according to the public opinion polls, conducted on the whole territory of Georgia, based on the conditions prescribed under this law, has gained not less than 4 % of the votes of voters in not less than 5 public opinion polls held on the election year, or in an opinion poll held a month before the elections. It is inadmissible to use the results of the sociological research in a discriminating manner.
- 6. local broadcaster is obliged to determine as qualified election subject a political party which:
  - a) Complies with the requirements mentioned in paragraph 2 of this article
  - b) Whose candidate has won in the last parliamentary elections in the corresponding majoritarian election district, has passed in the second round of the elections or gained

- not less than 25% of the votes.
- c) Gained not less than 25% of the votes in the local elections.
7. Local broadcaster is entitled to declare as qualified election subject, a political party which according to the public opinion polls, conducted on the territory of its zone of service, based on the conditions prescribed under this law, has gained not less than 25 % of the votes of voters in not less than 4 public opinion polls held at a time on the election year.
8. For the purpose of this law the public opinion polls have to comply with the following requirement:
- a) Must be based on the scientific methodology of representative random selection, which provides 95% accurate results and the margin of errors is not more than 3%.
  - b) Must be published after checking the reliability of the public opinion polls methodology and objectiveness of the results.
  - c) It must be possible to provide reliable scientific explanation In case there are significant differences or changes in the same or other related public opinion polls.
  - d) It should not constitute the means of manipulating with public opinion of recruiting finances, should not be conducted via telephone, post or/and internet.
  - e) Must be based on transparent methodology, which enables to conduct verification of the results independently.
  - f) While publishing the results it is obligatory to indicate:
    - f. a. The organization which conducted public opinion poll;
    - f. b. Who ordered or financed the opinion poll;
    - f. c. The exact formulation and sequence of the questions used for opinion polls;
    - f. d. The time of conducting field opinion polls;
    - f. e. The number of the researched persons and the rule for selecting them;
    - f. f. In which areal or category of people the selection was conducted;
    - f. g. whether research is based on the opinion of all researched people;
    - f. h. The number of respondents, who refused to participate in the research, did not answer the question, or who could not be questioned;
    - f. i. The size of the selection;
    - f. j. Margin of errors;
    - f. k. Information on any other important factors, which might have caused significant impact on the results.
7. If the parliamentary faction consists of the representatives of several parties and the relevant subjects decide to participate in the elections separately, than rights prescribed in subparagraph a) of the paragraph 2 of this article does not refer to them.
8. The public broadcaster is obliged to allocate free air time for pre election agitation and pre election advertising, between all election subjects, taking into consideration that free air time allocated to qualified election subjects must be 5 times more that the air time allocated for other election subjects.
9. In case of allocation of free air time for pre election agitation, election advertising and election debates, all other broadcasters except for public broadcaster are obliged to equally allocate free air time only among the qualified election subjects.

#### **Article 74. Pre-Election Rallies and Manifestations**

1. Holding of rallies and manifestations during the pre-election period is regulated by this Law.
2. If a rally or manifestation may disrupt movement of people and transport, the organizers must notify, in writing, the relevant bodies of local self-governance and government beforehand, about the date and location of holding the indicated event. They, on their part, must ensure the safety of such planned events.
3. It is prohibited to forbid and stop rallies and manifestations, except for cases when there

are slogans calling to violate human rights and liberties, independence and the territorial integrity of the country, to instigate national, ethnic, provincial, religious and social strife, to overthrow the constitutional system and replace it through violence, as well as to propagate war and violence.

4. Bodies of local self-governance and government are obliged to support election subjects in organizing and holding meetings and assemblies with voters, public debates and discussions, rallies and manifestations and to ensure the safety of these events.

5. For the purpose of holding mass election events, buildings under the management of the bodies of State or local self-governance and government are provided free-of-charge to election commissions.

6. The DEC, on the basis of the list of buildings and structures allocated by local self-governance and administration bodies for election subjects, shall, in coordination with the election subjects draw up a timetable of election campaign activities (if the activities coincide in time and the election subjects have failed to agree on a timetable, the sequence of activities will be determined by the casting of lots).

7. Deleted.

8. Deleted.

9. Deleted.

10. From the expiration date for the registration of election subjects until the end of election day, it is forbidden to transfer senior officials of the bodies of local government and self-governance, police and the Prosecutor's office, except until their authority expires and/or in cases when they have violated the law.

#### **Article 75. Agitation Materials**

1. The CEC and DEC, together with the appropriate State authorities, shall ensure the publication and dissemination of information materials which are required to be produced by election commissions, no later than the 10<sup>th</sup> day prior to election day, and no later than the 5<sup>th</sup> day prior to polling day in the case of a second ballot. Dissemination of the party list and the lists of candidates nominated for single-mandate election districts is obligatory.

2. Election subjects and their supporters have the right to present a program of further activity. The election program must not contain propaganda of war and violence, of overthrowing the existing State and social system or replacing it through violence, of violating the territorial integrity of Georgia, of calling to instigate national strife and enmity, religious and ethnic confrontation.

3. Printed agitation materials may be displayed on buildings and premises and other objects, with the consent of the owners or possessors of such buildings, premises and objects.

4. It is forbidden to post election posters on religious (cult) buildings, on the interior and exterior of buildings of State authorities, local self-governance and government, courts, the Prosecutor's office, military compounds and police, as well as on traffic signs. *Sakrebulo*s of village, community, *daba* and city may forbid posting of posters on certain buildings, but only proceeding from considerations of protection of monuments of architecture and culture. A list of such buildings is published no later than 50 days prior election day. Bodies of local self-governance and government are obliged to allocate places and/or install stands for posting and displaying election posters. The stand must be of such a size that all election subjects can be provided with equal conditions for the display of election posters. Removal, tearing down, covering up or damaging of election posters is inadmissible and punishable in accordance with the law, unless they are posted in forbidden places.

5. On printed campaign materials must be indicated the names and addresses of the

organizations that have ordered and produced them, as well as information on the number of copies printed and date of issue. Dissemination of printed agitation materials without indicating this information is forbidden. An election subject is obliged to indicate a respective number on printed registration material only after obtaining this number. [16.12.2005]

6. Copies of printed agitation materials must be submitted to the election commission, at which the election subject underwent election registration.
7. Within 15 days of official publication of the final results of the elections, the relevant election subject is obliged to ensure removal of agitation materials, otherwise the election subject is held responsible as envisaged by the legislation of Georgia.

#### **Article 76. Prohibition on Use of Official Position during Election Agitation and Campaign**

1. It is forbidden to use the material and technical resources of those organizations that are being funded from the State budget of Georgia, for election agitation and campaign
2. Candidates taking part in the elections, who occupy positions in the bodies of the State or local authority, do not have the right to use their official position or office accommodation for the purpose of supporting or opposing any Party (election bloc), or candidate.
3. Use of an official position or office accommodation implies:
  - a) Involving office subordinates or other dependent persons, during their work hours, in activities which facilitates nomination and/or election of a candidate;
  - b) Use of buildings occupied by bodies of State authorities and local self-governance and government, as well as by organizations that are funded from the State budget of Georgia, for the purposes of activities which facilitate nomination and/or election of a candidate, when other election subjects do not have the opportunity to use the same building on the same terms;
  - c) Use of the means of communication, information services and various equipment intended for bodies of State authorities and local self-governance and government, as well as for organizations that are funded from the State budget of Georgia, for purposes of activities which facilitate nomination and/or election of a candidate;
  - d) Free-of-charge use or use on privileged terms of the means of transportation owned by the bodies of State authorities and local self-governance and government, for purposes of activities which facilitate nomination and/or election of a candidate;
  - e) Collection of signatures and conducting election agitation by officials of bodies of State authorities and local self-governance and government, during business trips (funded by bodies of State authorities or local self-governance and government).
- 3<sup>1</sup>. It is inadmissible to conduct pre election campaign in favour or against any party, election bloc, and candidate by state or local authorities while performing their official working duties towards the office subordinates. **[23.06.06]**
4. A registered candidate who is an officer of any state, local self-government or administration authority and to whom is not extended the official incompatibility with the candidate status, shall not have the right to enjoy the advantage of his/her official position for the election campaign, namely, he/she has the right to campaign during his/her spare time. This restriction shall not apply to the use of time allocated for the election campaign by TV and radio-broadcasting companies. This restriction does not concern the state political authorities **[23.06.06]**.
5. If a registered candidate violates the provisions of this Article and the violation is proved

before Election Day, the candidate's registration will be cancelled by a decree of the relevant election commission, which is passed by a majority of the current members (active roll of the commission). The issue of a candidate for President and a candidate on a party list (if he/she is also a majoritarian candidate) shall be decided by the CEC, and the issue of a majoritarian candidate nominated by initiative group shall be decided by appropriate DEC and should be immediately notified to the CEC (if this candidate is in a party list he/she shall be removed from the list). The election commission is entitled to prohibit participation of the candidate in the next elections if the relevant application is filed at the commission no later than the 30th day prior to Election Day or if the commission itself detected the breach, within the same period. The election commission ordinance prohibiting participation of the candidate in the next elections and cancellation of the election registration or the stated grounds of alleged breach may be appealed against in court within 2 days of the issue of this ordinance. [23.06.06]

## **CHAPTER IX. ADJUDICATION OF DISPUTES**

### **Article 77. Timeframes and Procedures for Consideration of Disputes (amended [23.06.06])**

1. A breach of election law may be appealed against at the appropriate election commission or in a court of law. If the dispute refers to the constitutional nature of the elections - also at the Constitutional Court of Georgia.
2. The decision of the election commission may be appealed against at a higher level election commission or in court; of a decision of the CEC – in a court, within 3 calendar days of the decision being made unless the present Law provides another timeframe. The court shall consider the decision of the election commission within 2 calendar days, unless the present Law provides an alternative timeframe. Prolongation of the timeframe for submission of appeals and consideration of the dispute as provided for by this Law is prohibited.
3. The timeframe for appealing the court decision on election disputes not considered by this Article should be 2 days.
4. Lodging appeals to the court does not suspend the effect of the appealed decision.
5. Appeal is considered to be lodged to the appropriate election commission/court from the moment of its registration.
6. In case of absence of the party during the court hearing on the dispute, the decision can be made on the basis of investigating the materials existing in the case, and according to the provisions of Articles 4 and 19 of the Administrative Procedural Code of Georgia.
7. The appeals lodged by the persons other than those determined by the sub-paragraph "a" of the Paragraphs 7-13, Paragraph 14, subparagraph "a" of Paragraphs 15-28 of this Law, shall remain unconsidered by the court.
8. The timeframe and procedures for placing an election related application/complaint, the timeframe and procedure for consideration and decision-making by the election commission, are determined under this Law and the regulations of the election administration. The issues not covered in this Law shall be determined under the General Administration Code of Georgia. If the abovementioned normative acts do not provide the timeframe for placing application/complaint, they may be placed at any time, but no later than 30 days after Election Day, and the election commission shall consider this application/complaint and make its decision within 10 calendar days.
9. The group of possible appellants, the timeframes and procedures for placing an appeal in a court against decisions of election commissions and violations of election law are determined by the procedural legislation of Georgia, unless the present Law provides another timeframe and/or procedure.
10. The timeframes for lodging and the consideration of constitutional appeals related to the appointment or non-appointment of an election as provided for by this Law are determined by the Organic Law of Georgia "On Constitutional Court of Georgia" and the Law of Georgia "On Constitutional Legal Proceedings". The term of appeal related to the constitutional nature of

the elections shall be determined within 10 days following the announcement of the decision made on the approval of the election results by the appropriate election commission, and the term of consideration of the constitutional appeal is determined by the laws listed in this paragraph.

11. Regarding the voters' lists:

a) The right to lodge an appeal to the court is provided to a representative of a party/election bloc/voters' initiative group having election registration at the appropriate election commission; to an organization with election observer status, to a member of the appropriate district or precinct election commission, to a citizen whose application for enrolment on the voters' list was rejected by the election commission;

b) An appeal shall be lodged with the appropriate district/city court, which will consider the appeal and make its decision within 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute

12. Regarding formation of election districts:

a) The right to lodge an appeal to the court within the timeframe provided for under this Law is granted to the representative of a party/election bloc having election registration in the CEC, to an organization with election observer status, to a CEC member;

b) An appeal shall be lodged with the appropriate district/city court, which will consider the appeal and make its decision within 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 3 calendar days. The decision of the Appellate court is final and is not subject to further dispute

13. Regarding formation of election precincts:

a) The right to lodge an appeal to the court within the timeframe provided for under this Law is granted to the representative of a party/election bloc having election registration at the district election commission, to an organization with election observer status, to a member of the appropriate district election commission;

b) An appeal shall be lodged to the appropriate district/city court, which will consider the appeal and make its decision within the 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute

14. Regarding appointment/election of a member of the CEC and DEC:

a) The right to lodge an appeal to the court is granted to a person specified under Georgian legislation in the timelines specified under this law;

b) An appeal shall be lodged to the appropriate district/city court, which will consider the appeal and make its decision within 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute

15. Regarding appointment/election of a member of the PEC:

a) The right to lodge an appeal to the relevant election commission is granted to representative of an election party/bloc with election registration in the DEC, an observer organization, member of the relevant district or precinct election commission;

b) An appeal shall be lodged to the appropriate district/city court, which will consider the appeal and make its decision within the 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not

subject to further dispute

16. Regarding the ordinance of an election commission and its chairperson on the pre-term termination of the authority of an election commission member or officer as well as regarding the failure to take a decision of the pre-term termination of the authority an election commission member or officer (in accordance with the grounds provided by Article 21 of this Law):

- a) The right to lodge an appeal to the court within the timeframe provided for under this Law is granted to the representative of a party/election bloc having election registration in the CEC, to an organization with election observer status, the member of the relevant or upper-level election commission whose authority was dismissed under this ordinance;
- b) An appeal shall be lodged to the appropriate district/city court, which will consider the appeal and make its decision within the 2 calendar days following lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

17. Regarding an ordinance of the CEC on the pre-term termination of the authority of a subordinate election commission, as well as regarding the failure to take a decision on the pre-term termination of the authority of the subordinate election commission:

- a) The right to lodge an appeal to the court is granted to a CEC member, representative of a party/election bloc having election registration in the CEC, to an organization with election observer status, more than half of the members of the commission whose authority was dismissed under this ordinance;
- b) An appeal shall be lodged to the appropriate district/city court, which will consider the appeal and make its decision within the 2 calendar days following lodgment of the appeal. The decision of the court could be appealed within 2 calendar days in Appellate court that will make a decision within 2 calendar days. The decision of the Appellate court is final and is not a subject for further dispute.

18. The right to appeal to the appropriate district/city court regarding the failure to transfer funds allocated for the elections from the State budget of Georgia to the CEC account within the timeframe provided for under this Law is granted to the CEC. The appeal must be lodged within 10 calendar days of the expiration of this term. The court will consider the appeal and make its decision within 2 calendar days of lodgment of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

19. Regarding election registration of a party, election bloc, voters' initiative group and registration of their representatives:

- a) The right to lodge an appeal to the court is granted to:
  - aa) a party/election bloc, representative of a voters' initiative group in the CEC (for elections for the President of Georgia), if the CEC has not registered this party/election bloc/voters' initiative group or their representatives or has cancelled their registration;
  - bb) a representative of a voters' initiative group in a DEC (for all elections other than elections for the President of Georgia), if the DEC has not registered this initiative group or its representative or has cancelled their registration;
  - cc) An election bloc party participating independently in the elections, representative of a voters' initiative group in the CEC (for elections for the President of Georgia), at least 2 persons having election observer status (accredited as observers by the CEC), if they deem that the party, election bloc or voter initiative group was registered in violation of the provisions of the election law;
  - dd) A party/election bloc participating independently in the elections, representative of a

voters' initiative group in a DEC (in all elections other than elections for the President of Georgia), at least 2 persons having election observer status (accredited as observers by the DEC), if they deem that a voters' initiative group was registered in violation of the provisions of the election law;

b) An appeal against the CEC chairperson's ordinance shall be lodged with the appropriate district/city court within 2 days after the issue of the decree, if the matter concerns registration of a party/election bloc, initiative group or their representative; The court will consider the appeal and makes its decision within 2 calendar days; The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

c) An appeal against the decree of the chairperson of a DEC shall be lodged to the appropriate district/city court within 2 days after the issue of the decree. The court will consider the appeal and make its decision within 2 calendar days of placing of the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

20. Regarding the ordinance of the election commission chairperson on registration of a candidate for the Presidency of Georgia, the party lists presented by the party/ election blocs, candidates of the party list and candidates nominated in single-mandate election district:

a) The right to lodge an appeal to the court is granted to: a party/election bloc, majoritarian candidate, representative of a voters' initiative group in the CEC (for the elections for the President of Georgia), if the CEC has not registered a candidate for the presidency of Georgia, the party list presented by a party/election bloc, candidates of the party list and candidates nominated for single-mandate election districts and the DEC has not registered the candidates nominated by the party/election bloc for the local self-government elections or an election commission has cancelled their registration; majoritarian candidate, a representative of a voters' initiative group in a DEC (in all elections other than the elections for the President of Georgia), if the DEC has not registered the candidate nominated by this initiative group or has cancelled his/her registration; a party participating independently in the elections and having election registration, the registered election bloc, a representative of a registered voters' initiative group in the CEC (for the elections of the President of Georgia), at least 2 persons having election observer status (accredited as observers by the CEC), if they deem that the party/election bloc lists, majoritarian candidates or candidates from the party/election bloc lists were registered in violation of the provisions of the election law or if the majoritarian candidates or the candidates from party/election bloc lists do not comply with the provisions of the Georgian constitution and legislation. Party participating independently in the elections and having election registration, a registered election bloc, representative of a registered voters' initiative group at the DEC (in all elections other than the elections for the President of Georgia), at least 2 persons having election observer status (accredited as observers by the DEC), if they deem that the DEC has registered party/election bloc lists, majoritarian candidates or candidates from the party/election bloc lists in violation of the provisions of the election law or if the majoritarian candidates or the candidates from party/election bloc lists do not comply with the provisions of the Georgian constitution and legislation.

b) An appeal against the decree of the chairperson of the CEC or a DEC shall be lodged to the appropriate district/city court within 2 days after the issue of the decree. The court will consider the appeal and make its decision within 2 calendar days of placing the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

21. Regarding a CEC ordinance on registration of domestic and international observer organizations:

a) The right to lodge an appeal to the court is granted to: the above mentioned organizations, if the CEC has not passed them through registration; a party/election bloc having election registration, a representative of a registered voters' initiative group in the CEC, a registered organization having observer status, if they deem that the observing organization was registered in violation of the election legislation;

b) An appeal shall be lodged to the appropriate district/city court within 2 days after the issue of the decree. The court will consider the appeal and make its decision within 2 calendar days of placing the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

22. Regarding an ordinance of the DEC on registration of a domestic observation organization:

a) The right to lodge an appeal to the court is granted to: the above mentioned organizations, if the DEC has not passed the organization through registration; a representative of a party/election bloc, registered voters' initiative group in the DEC, a registered organization having observer status, if they deem that the observing organization was registered in violation of the election legislation;

b) An appeal shall be lodged to the appropriate district/city court within 2 days after the issue of the decree. The court will consider the appeal and make its decision within 2 calendar days of placing the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

23. Regarding an ordinance of the election commission Secretary on accreditation of representatives of the press and other mass media:

a) The right to lodge and appeal to the court is granted to representative of press and media, whose application over accreditation was not satisfied by an election commission, also representative of the initiative group of voters in this election commission, representative of party/election bloc with election registration and the organization holding an observer status;

b) An appeal against the decree of the secretary of the CEC or a DEC shall be lodged to the appropriate district/city court within 2 days after the issue of the decree. The court will consider the appeal and make its decision within 2 calendar days of placing the appeal. The decision of the court can be appealed within 2 calendar days in the Appellate court with a decision within 2 calendar days. The decision of the Appellate court is final and is not subject to further dispute.

24. Regarding violation of the election campaign procedure established by paragraph 9 of the Article 73 of this Law:

a) The right to lodge an appeal to the court is granted to:

aa) a party, election bloc, representative of a voters' initiative group in the CEC (for elections for the President of Georgia), an organization with election observer status, election commission, if the appeal concerns violation of the abovementioned procedure by a party/election bloc or a candidate for the Presidency of Georgia;

bb) to the party, election bloc, majorityarian candidate, organization with election observer status, election commission, if the appeal concerns violation of the abovementioned procedures by the candidate nominated to the single- or multi-mandate election district;

b) An appeal shall be lodged with the appropriate district/city court if the matter concerns violation of the aforementioned rule by a party, an election bloc or the candidate for the Presidency of Georgia. The court will consider the appeal and make its decision within 2 calendar days. The decision of the district/city court may be appealed within 2 calendar days to the Appellate court, which will make its decision within 2 calendar days of placing of the appeal. The decision of the Appellate court is final and not subject to further appeal.

c) An appeal shall be lodged at the appropriate district/city court if the matter concerns violation of the abovementioned procedures by a candidate nominated to a single- or multi-

mandate election district. The district/city court will consider the appeal and make its decision within 2 calendar days following lodgement of the appeal. The decision of the district/city court can be appealed against within 2 days to the appellate court which will pronounce its judgment within 2 calendar days following acceptance of the appeal. The decision of the Appellate court is final and not subject to further appeal.

25. Regarding violations by the press and other mass media of the provisions of paragraphs 11 and 13-17 of Article 73 of this Law:

a) The right to lodge and appeal at the court is granted to a person specified by Georgian legislation;

b) An appeal shall be lodged to the appropriate district/city court. The court will consider the appeal and make its decision within 2 calendar days of lodgment of the appeal. The decision of the district/city court can be appealed against within 2 days to the appellate court which will pronounce its judgment within 2 calendar days following acceptance of the appeal. The decision of the Appellate court is final and not subject to further appeal.

26. Regarding an ordinance of the election commission in cases where there are violations of the provisions of Article 76 of this Law:

a) The right to lodge an appeal to the court is granted to: the party nominating the candidate and the candidate about whom the ordinance has been issued; other parties with election registration, election bloc, representative of a voters' initiative group in the CEC (for elections for the President of Georgia), organization with election observer status, representative of the voters' initiative group in the DEC (if the matter concerns a majoritarian candidate), unless the commission proves the abovementioned breach;

b) An appeal shall be lodged to the appropriate district/city court. The court will consider the appeal and make its decision within 2 calendar days of lodgment of the appeal. The decision of the district/city court may be appealed to the Appellate court within 2 calendar days, which will make its decision within 2 calendar days of lodgment of the appeal. The decision of the Appellate court is final and not subject to further appeal;

27. Regarding actions and decisions of a PEC and its members during polling and tabulation of the voting results (other than drawing up of the summary protocol of voting results and its approval):

a) The right to appeal to the court is granted to: a representative of a party, election bloc, voters' initiative group at the precinct or higher level DEC, an observer from an organization with election observation status at the precinct or higher level DEC, higher level election commission and its chairperson;

b) An appeal shall be lodged to the appropriate district/city court no later than the next day of elections and the court will make its decision no later than the next day of lodgment of the appeal. The decision of the district/city court may be appealed to the Appellate court no later than the next day, which will make its decision on the next day of lodgment of the appeal. The decision of the Appellate court is final and not subject to further appeal.

28. Regarding the summary protocol of the PEC and PEC ordinance on the approval of the summary protocol (after appealing against this ordinance at the higher level district election commission) as well as regarding the relevant ordinance of the higher level district election commission:

a) The right to lodge an appeal at the court is granted to: a representative of a registered party, election bloc, voters' initiative group in a relevant election commission and the organization holding an observer status;

b) The appeal shall be filed at the appropriate district/city court within 2 calendar days following the issue of the ordinance by the DEC. The district/city court will consider the appeal and make its decision within 2 calendar days following lodgement of the appeal. The decision of the regional/city court can be appealed against within 2 days to the Appellate

court, which will pronounce its judgment within 2 calendar days. The decision of the Appellate court is final and not subject to further appeal.

c) When an appeal is lodged at a court, the court shall immediately notify the DEC about the acceptance of the appeal and, after pronouncement of its judgment, about the judgment. If the court allows the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day.

29. Regarding an ordinance of the DEC on invalidation of the election results at the election precinct or failure to invalidate the election results:

a) The right to appeal to the court is granted to: a representative of a party, election bloc, voters' initiative group, a majoritarian candidate, an observer from an organization with election observation status at the appropriate DEC as well as to the CEC;

b) The appeal shall be lodged at the appropriate district/city court within 2 days following the issue of the ordinance by the DEC. The district/city court will consider the appeal and make its decision within 2 calendar days following lodgement of the appeal. The decision of the district/city court can be appealed against within 2 days to the Appellate court, which will pronounce its judgment within 2 calendar days. The judgment of the Appellate court is final and not subject to further appeal;

c) When an appeal is lodged at a court, the court shall immediately notify the DEC about the acceptance of the appeal and, after pronouncement of its judgment, about the judgment. If the court allows the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day. The judgment of the district court, if it allows the appeal, shall be served upon the appellant by 12:00 on the next day.

30. Regarding a CEC ordinance on the determination that elections were held or not held:

a) The right to appeal to the court is granted to: a party/election bloc participating independently elections, representative of a voters' initiative group in the CEC (for elections for the President of Georgia), representative of a voters' initiative group at the DEC (if the matter concerns the election district), majoritarian candidate and an organization with election observation status;

b) The appeal shall be lodged at the appropriate district/city Court within 2 calendar days following the issue of the CEC decree. The court will make its decision within 2 calendar days of lodgement of the appeal. The decision of the district/city court can be appealed to the Appellate court within the 2 calendar days, which shall make a judgment within 2 calendar days following the appeal;

c) When an appeal is lodged at a court, the court shall immediately notify the CEC about the acceptance of the appeal and after pronouncement of its judgment, about the judgment. If the Supreme Court allows the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day.

31. Regarding the summary protocol of DEC and DEC ordinance on its approval:

a) The right to appeal to the court is granted to: a party/election bloc participating independently in the elections, representative of a voters' initiative group in the DEC, majoritarian candidate and an organization with election observation status;

b) An appeal shall be lodged to the appropriate district/city court within 2 calendar days after the issue of the DEC decree. The court shall make its decision within 2 calendar days of lodgement of the appeal; The decision of the district/city court could be appealed to Appellate court within 2 calendar days of making the decision that will make its decision in 2 days after placing a request. The decision of the Appellate court is final and is not subject to further disputes.

c) When an appeal is lodged at a court, the court shall immediately notify the relevant election commission and the CEC about the acceptance of the appeal and after

pronouncement of its judgment, about the judgment. If the court allows the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day.

32. Regarding summary protocol of CEC and ordinance on its approval:

a) The right to appeal to the court is granted to: a party/election bloc participating independently in the elections, representative of voters' initiative group in the appropriate district election commission, representative of voters' initiative group in the CEC (for elections for the President of Georgia) majoritarian candidate and an organization with election observation status;

b) The appeal shall be lodged at the appropriate district/city Court within 2 calendar days following the issue of the CEC decree. The court will make its decision within 2 calendar days of lodgement of the appeal. The decision of the district/city court can be appealed to the Appellate Court within the 2 calendar days, which shall make the judgment within 2 calendar days following the appeal; the decision of the Appellate court is final and is not subject to further disputes

c) When an appeal is lodged at a court, the court shall immediately notify the CEC about the acceptance of the appeal and after pronouncement of its judgment, about the judgment. If the Supreme Court allows the appeal the judgment shall be served upon the appellant by 12:00 noon on the next day.

## SPECIAL SECTION

### PART II

#### **CHAPTER X. ELECTIONS FOR THE PRESIDENT OF GEORGIA**

##### **Article 78. Elections for the President of Georgia**

The President of Georgia is elected by the citizens of Georgia for a term of 5 years. One and the same person may be elected the President of Georgia only twice in a row.

##### **Article 79. Holding of Regular Elections for the President of Georgia**

1. The first round of regular elections for the President of Georgian is held on the 2nd Sunday of April of the 5th year after the holding of the previous elections.
2. Elections for the President of Georgia are not held during martial law or wartime.

##### **Article 80. Right to Passive Vote**

1. A citizen of Georgia by birth, who has the right to vote, is above 35 years of age, has lived in Georgia for at least 15 years and is living in Georgia on the day of appointment of elections, may be elected as the President of Georgia.
2. A candidate for election as the President of Georgia may not be a citizen who has not lived in Georgia during the last 2 years and is not registered by the consular office of Georgia in any country.

##### **Article 81. Right to Nominate Candidate for the Presidency of Georgia**

1. A political union (party) of citizens or a 5–person group of voters has the right to nominate a candidate for election as the President of Georgia.
2. The nomination of a candidate for election as the President of Georgia must be confirmed

by the signatures of no less than 50,000 voters.

### **Article 82. Rules for Nominating Candidates for the Presidency of Georgia**

1. A party or voters' initiative group registered at the CEC has the right to nominate one candidate for election as the President of Georgia.
2. For the purpose of nominating a candidate for the Presidency of Georgia, a party or voters' initiative group must address the CEC with an application, no later than 50 days prior to the poll, after which they have the right to collect signatures of supporting voters.
3. In the application must be indicated the following information regarding the candidate for the Presidency of Georgia:
  - a) First name, last name;
  - b) Date of birth;
  - c) Profession;
  - d) Position (activity);
  - e) Place of employment;
  - f) Place of registration;
  - g) Party affiliation;
  - h) Period of residence in Georgia;
  - i) Name of the nominating party, first names, last names, numbers of the Georgian Citizens of Identity Card (passport of Citizen of Georgia), place of registration, contact telephone and other information (if such exists) on members of the voters' initiative group and their representative.
4. Attached to the application must be the written consent of the person nominated as a candidate for the Presidency of Georgia, to take part in the elections, a copy of his/her birth certificate and three photographs.
5. The application is signed by the Head of the party or by all members of the voters' initiative group.

### **Article 83. Lists of Supporters of Candidates for the Presidency of Georgia**

1. For the purpose of registering a candidate for the Presidency of Georgia, representatives of the party or voters' initiative group, must submit to the CEC a list of supporters of the candidate, no later than 40 days prior to election day.
2. In the list of supporting voters there must be signatures of no less than 50,000 voters.

### **Article 84. Registration of Candidate of Presidency of Georgia**

1. A candidate for the Presidency of Georgia undergoes registration by ordinance of the CEC chairperson, no later than the 30<sup>th</sup> day prior to election day.
2. Within 3 days of registration, the CEC chairperson shall provide the relevant certificate to the candidate for the President of Georgia.
- 2'. The CEC chairperson will not pass a candidate for the Presidency of Georgia through registration if:
  - a) The data provided in paragraphs 3-5 of Article 82 of this Law is incomplete or incorrect;

- b) The list of supporting voters has less than 50 000 signatures;
  - c) The timeframes determined by paragraph 1 of Article 83 of this Law are not complied with.
3. The CEC, no later than the 6<sup>th</sup> day after registration of a candidate for the President of Georgia, makes public, through press and other mass media, a notice about the registration of a candidate for the Presidency of Georgia, including the first name, last name, year of birth, employment (activity), place of residence and place of employment.
  4. A candidate for the Presidency of Georgia can withdraw his/her candidature until 12:00 of the day before election day, by written application to the CEC. If a candidate withdraws their candidacy for the Presidency of Georgia, the name of this withdrawn candidate shall be stamped with the round seal "Withdrawn" on the ballot paper

### **Article 85. Guarantees of Activity of Candidates for the Presidency of Georgia and Their Representatives**

1. As of the moment of registration at the CEC, candidates for the Presidency of Georgia take part in the election campaign based on equality. They enjoy equal rights to use of the press and other mass media on all the territory of Georgia.
2. During the election campaign, candidates for the Presidency of Georgia and their representatives may not be dismissed from office or transferred to another job or another position without their consent.
3. A candidate for the presidency of Georgia shall not be detained, arrested or searched before the official publication of the final election results by the CEC, unless the request from the General Prosecutor of Georgia is agreed to by the CEC. An exception is the case of being caught at the scene of the crime, of which the CEC must be notified immediately. If the CEC issues the relevant ordinance, the detained or arrested candidate for the Presidency of Georgia must be released immediately.
4. A CEC ordinance on providing the consent as mentioned in this Article shall be voted on within 3 calendar days after receipt of the request from the General Prosecutor of Georgia.

### **Article 86. Consolidation of the Results of Elections**

1. deleted [23.06.06]
2. The candidate, who receives more than half of the votes of those voters taking part in the elections, is considered elected.
3. If the elections are declared to have been held and none of the candidates has managed to obtain the necessary number of votes, a second round of elections is appointed.
4. If the elections are not declared to have been held, or have been held, but in the first round only one candidate took part and he/she did not receive the necessary number of votes, or if the President of Georgia is not elected in the second round – by-elections are held.
5. No later than the 18<sup>th</sup> day after election day, the CEC, at its session, shall sum up the election results according to election districts and draw up the relevant summary protocol to be approved by a CEC ordinance.
- 5<sup>1</sup>. The CEC summarizes election results in accordance with DEC protocols, while in case of the statement/appeal or a commission member's decent opinion, results in a certain district are summarized on the base of PEC protocols.
- 5<sup>2</sup>. PECs and then DEC's are obliged to transfer to the CEC sealed packages of voter lists along with polling and election results summarizing protocols. [28.11.2003]

Within 5 days of the consolidation of the results, the CEC publishes a notice about the results of the elections through the press and other mass media.

## **CHAPTER XI. SECOND ROUND OF ELECTIONS FOR THE PRESIDENT OF GEORGIA, BY-ELECTIONS FOR PRESIDENT OF GEORGIA, EXTRAORDINARY ELECTIONS FOR THE PRESIDENT OF GEORGIA**

### **Article 87. Second Round of Elections**

1. If the elections are declared as having been held and no candidate could get the necessary votes the second round of elections shall be appointed.
2. The second round shall be appointed by ordinance of the CEC. The second round shall be held two weeks after the general elections (first round).
3. The two candidates who have the best results in the first round have the right to take part in the second round of elections.
4. The second round is considered to have been held, if at least 1/3 of the total number of voters take part in it.
5. The candidate who receives the most votes, but no less than 1/5 of the total number of voters, is considered elected.
6. In case of a tied result in the second round of elections, the candidate who receives more votes in the first round is considered elected.

### **Article 88. By-Elections**

1. By-elections for the Presidency of Georgia are held if:
  - a) Elections were not declared to have been held;
  - b) Elections were held, but only one candidate took part in the first round and he/she did not receive the necessary number of votes;
  - c) President was not elected in the second round of elections.
2. By-elections are held within 2 months time after the general elections (first round).
3. By-elections are appointed by the Parliament of Georgia.
4. The notice about appointment of the by-elections is publicized through the press and other mass media.
5. The by-elections shall be held under the procedures established for general elections by this Law and within the timeframe determined by the CEC, but no later than 2 months following the general elections.

### **Article 89. Extraordinary Elections for the President of Georgia**

1. If the authority of the President of Georgia is terminated prior to its expiration, extraordinary elections are held no later than the 45<sup>th</sup> day after such termination of authority.
2. If the termination of authority of the President of Georgia, prior to its expiration, coincides with Parliamentary holidays or a non-session week, the Parliament of Georgia meets no later than 48 hours after the termination of authority of the President of Georgia.
3. The date of extraordinary elections of the President of Georgia is appointed by the Parliament of Georgia, no later than 72 hours after the termination of authority of the President of Georgia.

4. Holding of extraordinary elections for the President of Georgia is ensured by the Parliament of Georgia, by means of the CEC.
5. For the purpose of nominating a candidate for the President of Georgia, a party or voters' initiative group must address the CEC no later than the 40<sup>th</sup> day prior to the extraordinary elections.
6. For the purpose of registering a candidate for election as the President of Georgia, a representative of a party or voters' initiative group, must submit to the CEC, no later than the 30<sup>th</sup> day prior to the extraordinary elections, a list of no less than 50,000 voters supporting the candidate.
7. Candidates for the Presidency of Georgia are registered by the CEC, no later than the 25<sup>th</sup> day prior to the extraordinary elections.
8. For snap-elections of the President of Georgia the poll shall be held within 45 days following the termination of the authority of the President of Georgia prior to the expiration of the Presidential term, under the general elections procedure established by this Law.

## PART III

### **CHAPTER XII. ELECTIONS FOR PARLIAMENT OF GEORGIA**

#### **Article 90. Appointment of Elections for the Parliament of Georgia**

1. Elections for the Parliament of Georgia are held no later than 15 days before the expiration of its authority.
2. The date of the elections is appointed by the President of Georgia, no later than 60 days prior to the elections.
3. If the time for elections coincides with martial law or wartime, elections are held no later than 60 days after the abolition of the state of emergency or wartime.

#### **Article 91. Term of Authority of the Parliament of Georgia: Composition of Parliament**

1. The Parliament of Georgia is elected for a term of 4 years.
2. 100 [23.12.2005] members of the Parliament of Georgia are elected through party lists based on the proportional election system, while 50 [23.12.2005] are elected based on the majoritarian election system.

#### **Article 92. Right to Passive Vote**

1. Any citizen of Georgia over 25 years of age, who has permanently resided in Georgia for at least 10 years and knows the Georgian language, enjoys the right to a passive vote and may be elected a member of the Parliament of Georgia.
2. A citizen who has not resided in Georgia during the last 2 years and is not registered by the consular office of Georgia in any country, may not be elected as a member of the Parliament of Georgia.
3. A drug-addict or drug-user shall not be elected a member of the Parliament of Georgia. If such person has been announced elected by the appropriate election commission, the Parliament of Georgia has no right to validate his/her authority.

#### **Article 93. Right to Take Part in Elections for the Parliament of Georgia**

Parties, election blocs and majoritarian candidates, registered at the appropriate election commission, have the right to take part in elections for the Parliament of Georgia.

#### **Article 94. Incompatibility of Office with Status of Candidate for the Parliament of Georgia**

Persons holding the following offices must be released (resign) before applying to the appropriate election commission, no later the 42<sup>nd</sup> day prior to election day, for the purpose of being registered as a candidate for the Parliament of Georgia:

- a) The President of Georgia;
- b) Ministers of Georgia and autonomous republics, heads and deputy heads of governmental and state departments and departmental institutions;
- c) Members of the Security Council of Georgia;
- d) Members of the Board of the National Bank of Georgia;
- e) The chairperson and vice-chairpersons of the Chamber of Control of Georgia;

- f) The Head of Staff of the Parliament of Georgia;
- g) The authorized representatives of the President of Georgia and their deputies;
- h) Head of the local self-governance bodies **[23.06.06]**
- i) Officers of the Ministry of Interior of Georgia and Ministry of Defense of Georgia as well as Special Services of Foreign Intelligence and State Protection; **[23.06.06]**
- j) Public Defender and Deputy Public Defender of Georgia;
- k) Members of the advisory body to the President of Georgia (who are not MPs);
- l) Assistants to the President of Georgia;
- m) Members of the Board for Auditing Activity;
- n) Members of the National Security Commission of Georgia, Commission for Accounting Standards, Georgian National Energy Regulatory Commission and other national regulatory commissions;
- o) Chairperson and deputy chairpersons of the Informational Bureau of Property and Financial Status of Officials;
- p) Prosecutors, deputy prosecutors, assistants to prosecutors, and investigators.

**Article 94<sup>1</sup>. Number of Ballot Papers to be Issued for the Parliamentary Elections [23.06.06]**

For the parliamentary elections the voters shall be issued two ballot papers – for the majoritarian and for proportional elections.

**CHAPTER XIII. REGISTRATION OF ELECTION SUBJECTS TAKING PART IN ELECTIONS FOR THE PARLIAMENT OF GEORGIA**

**Article 95. Election Registration of Parties and Election Blocs**

1. To obtain the right to participate in the elections for the Parliament of Georgia, a party shall apply with the relevant application signed by its leader(s), to the Chairperson of the CEC:
  - a) After appointment of the parliamentary elections, but no later than the 57<sup>th</sup> day prior to election day, if at the date of appointment of the elections the party has a representative in the Parliament of Georgia;
  - b) From January 1 until August 1 of the parliamentary election year, if the party has no representative in the Parliament of Georgia.
2. The application shall be enclosed with the party's registration certificate and charter or notarized, certified copies of those documents.
3. The application shall include the following information about the party:
  - a) Its name, short and/or abbreviated name (if applicable) under which the party participates in elections;
  - b) First name, last name, address (according to the place of registration), telephone number and the sample of signature of the party leader(s);
  - c) First name, last name, address (according to the place of registration), telephone number and limits of authority of the party representative;
  - d) If there are several leaders - the limits of authority of each leader in the period related

- to the election process.
4. The name, short and abbreviated name of the party mentioned in subparagraph (a) of paragraph 3 of this Article shall not coincide with:
    - a) The official name, short and abbreviated name of another party registered by the Ministry of Justice of Georgia (if the names coincide the second party will not have the right to use this name);
    - b) The name, short and abbreviated name of an election bloc participating in the elections, if the application of this bloc was filed at the CEC earlier (if the names coincide the party will not have the right to use this name);
    - c) The name, short and abbreviated name used by another party/election bloc in the last parliamentary elections, unless the consent of that party/election bloc is available.
  5. In the case specified by subparagraph (b) of paragraph 1 of this Article the appropriate CEC department will provide the party representative with a sample of the list of supporters.
  6. The appropriate CEC department will check the application and enclosed documents and will provide its conclusion to the CEC Chairperson no later than the next day after the day of filing of the application at the Commission.
  7. In the case specified by subparagraph (a) of paragraph 1 of this Article, the CEC chairperson shall, no later than the next day after providing the conclusion mentioned in paragraph 6 of this Article:
    - a) Pass the party and its representative through election registration, if the filed application and enclosed documents meet the requirements of this Law;
    - b) Notify, in writing, the party representative of the non-compliance of the application and enclosed documents, with the provisions of this Law (indicating the areas of non-compliance) if such non-compliance exists, the party shall, within 3 days, correct the non-compliance in the application and documents.
  8. The corrected application and documents as specified in subparagraph (b) of paragraph 7 of this Article shall be checked and the decision on election registration shall be made within 2 days after their submission. If the corrected application and documents meet the requirements of this Law, the CEC chairperson shall pass the party and its representative through registration; otherwise he/she, within the same period, will issue an ordinance on dismissal of the application for election registration (the ordinance shall state the exact reasons for dismissal of the application for registration and the provisions of this Law that it did not comply with). Notification of the ordinance shall be provided immediately to the party representative and served upon request.
  9. In the case specified in subparagraph (b) of paragraph 1 of this Article, no later than the 3<sup>rd</sup> day after providing the conclusion mentioned in paragraph 6 of this Article, the CEC Chairperson shall notify in writing the party representative of the noncompliance of the application and enclosed documents with the provisions of this Law (indicating the areas of noncompliance), if such noncompliance exists. The corrected application and documents shall be returned to CEC chairperson within 3 days.
  10. A party which has no representative in the Parliament of Georgia, shall, within 60 days following the acceptance of the sample form of the list of supporters, but no later than August 15, submit to the CEC a list of at least 50,000 voters supporting the participation of the party in the elections for the Parliament of Georgia. The appropriate CEC department shall check the list of supporters in accordance with the procedures and within the timeframe established by Article 42 of this Law.
  11. If the application, with enclosed documents (or the corrected application and documents)

and the list of supporters specified in this Article, are submitted within the period provided for by this Law and meet the requirements of this Law, the CEC chairperson, based on the conclusion provided by the appropriate CEC department, will pass the party and its representative through election registration within 10 days of receiving the conclusion, but no later than the 59<sup>th</sup> day prior to election day. Otherwise, he/she, within the same period, will issue an ordinance on dismissal of the application for election registration (the ordinance shall state the exact reasons for dismissal of the application for registration and the provisions of this Law which caused the dismissal of the application). Notification of the ordinance shall be provided immediately to the party representative and served upon request.

12. The parties registered by the CEC chairperson have the right to constitute election blocs and to leave election blocs. To register an election bloc, the CEC chairperson shall be provided with the application and the election bloc charter signed by the authorized leaders of all parties constituting the bloc, no later than the 43<sup>rd</sup> day prior to the forthcoming elections.
13. The application shall include the following information about the election bloc:
  1. Its name, short and/or abbreviated name (if applicable) under which the bloc participates in the elections and the list of all parties integrated in the bloc;
  2. First name, last name, address (according to the place of registration), telephone number of the leader(s);
  3. First name, last name, address (according to the place of registration), telephone number and limits of authority of the party representative;
  4. If there are several leaders - the limits of authority of each leader in the period related to the election process.
14. The name, short and abbreviated name of the election bloc mentioned in subparagraph (a) of paragraph 13 of this Article shall not coincide with:
  1. The official name, short and abbreviated name, of another party (except a party-member of the same bloc) registered by the Ministry of Justice of Georgia (if the names coincide the election bloc will not have the right to use this name);
  2. The name, short and abbreviated name, of another election bloc participating in the elections, if the application for this bloc was filed at the CEC earlier (if the names coincide the bloc will have no right to use this name);
  3. The name, short and abbreviated name, used by an election bloc in the last parliamentary elections, unless the consent of that election bloc is available.
15. The election bloc charter signed by the leaders of all the parties constituting the election bloc shall include:
  1. The name, short and/or abbreviated name (if applicable) of the election bloc under which the bloc participates in the elections;
  2. List of all parties integrated in the election bloc;
  3. The administering body (if any) of the election bloc, administrators and their authority;
  4. The procedure for decision-making by the election bloc, including adoption of new members in the bloc, resignation and withdrawal of a party from the bloc, nomination of candidates for the representative body by the bloc and cancellation of nomination;
  5. The person(s) having the right to sign bloc documents;
  6. The rules for using the seal of a party integrated in the bloc in the period related to election activities;

7. The rules for appointment of the manager and accountant of the election campaign fund;
8. The rules for making amendments to the election bloc charter.
16. A party integrated in the election bloc shall not integrate into another election bloc or independently participate in one and the same elections.
17. Upon acceptance of the application and charter mentioned in paragraph 12 of this Article the CEC will provide the bloc representative with the document certifying acceptance.
18. The appropriate CEC department will check the application and charter mentioned in paragraph 12 of this Article and will provide its conclusion to the CEC chairperson no later than the next day after the day of filing of the application at the Commission. The CEC chairperson shall, no later than the next day after receiving the conclusion, pass the election bloc and its representative through election registration, if the submitted documents meet the requirements established under paragraphs 12-16 of this Article. If the submitted documents do not meet the abovementioned requirements, the CEC Chairperson will notify the election bloc representative, in writing, on the noncompliance of the documents, with the provisions of this Law (including the areas of noncompliance) if such noncompliance exists. The election bloc shall, within 2 days, correct the defects in the application and documents. The corrected documents shall be returned to the CEC no later than the 2<sup>nd</sup> day following the notice. The final decision on registration shall be made by the CEC chairperson within 2 days after the acceptance of the corrected documents. If the corrected documents meet the requirements of this Law, the CEC chairperson shall pass the election bloc and its representative through registration; otherwise he/she will issue an ordinance on dismissal of the application for registration (the ordinance shall state the exact reasons for dismissal of the application for registration and the provisions of this Law which have caused the dismissal). The ordinance shall be immediately notified to the election bloc representative and served upon request. The procedures described in this paragraph shall be completed on the 37th day prior to election day.
19. A party which has undergone election registration has the right to integrate with a registered election bloc until the expiration of the period for registration of election blocs, under proper application and consent of the election bloc, provided to the CEC chairperson.
20. Upon registration of the election bloc by the CEC Chairperson's ordinance, the authorities of the representatives of the party-members of the bloc in all election commissions are terminated and the bloc obtains the right to appoint its representative in each election commission.
21. In case of resignation or withdrawal of a party (parties) from the election bloc up to expiration of the period for nomination of party lists/candidates, each party will have the right to continue to participate in the elections. If for this reason only one party remains in the bloc, the election registration of the bloc will be cancelled, by ordinance of the CEC chairperson and the parties previously integrated in it will have the right to continue to participate in the elections.
22. In case of resignation or withdrawal of a party (parties) from the election bloc after the expiration of the period for nomination of party list/candidates, the election registration of this party is cancelled by ordinance of the CEC Chairperson. If for this reason only one party remains in the bloc, the election registration of the bloc will be cancelled by ordinance of the CEC Chairperson and the remaining party will be the legal successor of the bloc.
23. A party/election bloc registered according to this Article will have the right on the basis of its application to take part in elections at all levels, which are held until the following parliamentary elections. A party integrated in the election bloc will have the right to

participate either independently or in composition with another election bloc in the elections of all levels, which are held until the forthcoming parliamentary elections [deleted – 23.12.2005].

24. No later than the 30<sup>th</sup> day prior to election day the CEC through the press and other mass media will make public the list of registered parties and election blocs according to the sequence of filing of their applications, as well as the list of those parties and blocs whose applications for registration were dismissed or whose registrations have been cancelled including the reasons thereof.

**Article 95<sup>1</sup>. Election Registration of Voters' Initiative Group** [Deleted – 23.12.2005]

**Article 95<sup>2</sup>. Cancellation of Election Registration of Party, Election Bloc and Voters' Initiative Group**

1. The election registration of a party will be cancelled by ordinance of the CEC chairperson under the following circumstances:
  - a) Based on their own request;
  - b) If the party has been suspended by the Constitutional Court of Georgia; [12.10.2004]
  - c) If the election registration of the election bloc has been cancelled in accordance with subparagraphs (c) or (d) of paragraph 2 of this Article;
  - d) If the party has left or been withdrawn from the election bloc after the expiration of the period for nomination of the party list by the bloc;
  - e) If it has failed to submit the party list or the submitted party list has not been registered;
  - f) If, no later than the 2<sup>nd</sup> day prior to election day the number of candidates in its party list is less than the minimum established by this Law;
  - g) If the party has failed to nominate its candidate for the President of Georgia or the candidate has failed to be registered, or if the election registration of its nominee for the Presidency has been cancelled.
2. The election registration of an election bloc will be cancelled by ordinance of the CEC Chairperson:
  - a) Based on its own request;
  - b) If the election bloc has broken up or because of resignations, withdrawals or cancellation of the election registration of the member-parties of this bloc, or only one party remains in the bloc;
  - c) If it has failed to submit the party list or the submitted party list has not been registered;
  - d) If, no later than the 2<sup>nd</sup> day prior to election day the number of candidates in the party list of the election bloc is less than the minimum established by this Law;
  - e) If the bloc has failed to nominate its candidate for the President of Georgia or this candidate has failed to be registered, or if the election registration of its nominee for the Presidency has been cancelled.
3. Deleted [23.12.2005]

**Article 96. Submission of Party Lists**

1. Parties taking part in the elections independently, and election blocs, have the right to submit party lists.

2. Each party taking part in the elections independently, and each election bloc has the right to submit one party list.
3. The number of candidates (for election to Parliament) in the submitted party lists must not be less than 100 or more than 200. [23.12.2005]
4. If a candidate is included in a party list, and has been nominated for a multi-mandate election district, there must be an indication on the party list that the candidate is nominated for a multi-mandate [23.12.2005] election district.
5. It is forbidden to include in a party list, the persons who are, at the same time, members of another party taking part in the elections, except for the parties united in one election bloc.
6. It is forbidden to include one and the same person in different party lists.
7. Rules for compiling the party lists are determined by parties and election blocs.
8. The list must be compiled taking into account that as a result of the elections, the mandates received by a party/election bloc, are distributed in sequence, beginning from the top of the list.
9. The party list shall be submitted to the CEC after the election registration of the party/election bloc but no later than the 31<sup>st</sup> day prior to election day and shall be enclosed with the registration forms filled in and signed by every candidate for membership of the Parliament and photos of the candidates. If the candidate is simultaneously nominated for a multi-mandate [23.12.2005] election district, the registration form and photo shall be submitted in 2 copies; a copy of those documents shall be forwarded to the appropriate election commission within 2 days of their receipt.
10. The party list shall be authenticated with the signature of the person(s) authorized to sign on behalf of the party participating independently in the elections or the election bloc.
11. The party list shall include the following information about each candidate:
  - a) The first name and last name;
  - b) Date of birth (D/M/Y);
  - c) Address (according to their place of registration);
  - d) The number of their Georgian Citizen's Identity Card or Georgian Citizen's Passport and personal number;
  - e) Qualification (according to their education diploma/certificate);
  - f) Place of work (name of institution, organization, enterprise etc);
  - g) Title of job (if unemployed indicate - "Unemployed");
  - h) Party affiliation (if an independent candidate indicate - "Independent");
  - i) If the candidate is also nominated in a multi-mandate [23.12.2005] election district, indicate the name and number of this district.
12. The registration form shall include the following information for each candidate:
  - a) The first name and last name;
  - b) Date of birth (D/M/Y);
  - c) Gender;
  - d) Address (according to their place of registration);
  - e) The number of their Georgian Citizen's Identity Card or Georgian Citizen's Passport and personal number;

- f) Education (higher, incomplete higher, vocational, secondary, basic, primary);
  - g) Qualification (according to their education diploma/certificate);
  - h) Place of work (name of institution, organization, enterprise etc);
  - i) Title of job (if unemployed indicate - "Unemployed");
  - j) Party affiliation (if an independent candidate, indicate - "Independent");
  - k) Proof of permanent residence in Georgia for at least 10 years, if the candidate has not resided in Georgia for the last two years, there shall be indicated the Consulate of Georgia where he/she has been registered;
  - l) Confirmation of military service;
  - m) The name and number of the multi-mandate [23.12.2005] election district where the candidate is nominated (if applicable);
  - n) The candidate's consent to participate in the elections under the stated party list (if the candidate is nominated by party list, there shall be noted the name of the party participating independently in the elections/election bloc);
  - o) The candidate's consent to participate in the elections at the stated multi-mandate election district; [23.12.2005]
  - p) Whether the candidate was a Member of the Parliament of Georgia under the last elections;
  - q) Signature and date of signature.
13. Registration forms for registration in accordance with paragraph 9 of this Article will be provided to the representative of a party/election bloc by the Central Election Commission.
14. Deleted.

#### **Article 97. Nomination of Candidates in Multi-Mandate Election Districts**

1. The right to nominate a candidate for election as a Member of Parliament in a multi-mandate election district is granted to:
  - a) A party participating independently in the elections;
  - b) An election bloc;
  - c) Deleted [23.12.2005].
2. [22.04.2005] Any party or election bloc, which participates in the elections independently, has a right to nominate candidates [23.12.2005] for an MP to be elected in the majoritarian contest [23.12.2005] from its list in each [deleted] election district. The number of candidates shall comply with double number of the mandates for the election district envisaged by this Code. [23.12.2005]
3. The nomination of the majoritarian candidates in the election district by the independent party/election block is carried out in a way determined by Paragraphs 9 and 13 of the Article 96 of this law. [23.12.2005]
4. deleted. [22.04.2005]
4. Candidate nominated for majoritarian elections by the party and election block shall be incorporated in the main and reserve majoritarian lists. [23.12.2005]
5. Deleted [23.12.2005]
5. The amount of main and reserve majoritarian list is determined by the number of

mandates in the relevant election district.. [23.12.2005]

5<sup>1</sup>. Deleted [23.12.2005]

6. During the elections, beside each sequential number a ballot paper should indicate the names and surnames of the main majoritarian candidates and titles of the parties and election blocs, which have nominated the aforementioned candidates, the similar information regarding the reserve majoritarian candidates should be provided. [23.12.2005]
7. An application for nomination of a candidate for election as a Member of the Parliament in a multi-mandate election district by a party or election bloc, which has a relevant election registration and participates in the elections independently, shall include (for each candidate)::
  - a) The list of supporters with at least 1000 signatures of voters registered on the territory of the appropriate election district, except the cases when the nominated candidate was elected as an MP at the last election and his/her authority has not terminated before their expiry according to the grounds provided for by subparagraphs (b) or (f) of paragraph 2 of Article 54 of the Constitution of Georgia;
  - b) 2 registration forms filled in and signed by the candidate;
  - c) 2 photos of the candidate. [12.10.2004]
8. The DEC shall forward one copy of the documents mentioned in subparagraphs (b) – (c) of paragraph 7 of this Article to the CEC within 2 days following receipt of them.
9. The total numbers of forms signed by supporters and signed supporters shall be registered in the register of the DEC, [end deleted].

**Article 98. Verification of Party Lists and Documents of Candidates for MPs Submitted to Multi-Mandate Election Districts and Election Registration [23.12.2005]**

1. A party list and candidate nominated by a party/election bloc shall be registered by ordinance of the CEC Chairperson, provided that all the documents as specified under this Law comply with the requirements prescribed hereunder. No document for election registration shall be considered if the timeframes established hereunder for submission of such documents is violated.
2. The party list submitted by the party/election bloc shall be verified by the appropriate department of the CEC and within 10 days after the submission of the list, but no later than the 26<sup>th</sup> day prior to election day, the above department of the CEC submits its conclusion to the CEC Chairperson, who, within 3 days, but no later than the 25<sup>th</sup> day prior to election day, shall:
  - a) Register the party list and the candidates nominated by a party/election bloc, provided that the submitted party list and the documents attached comply with the requirements prescribed hereunder;
  - a. Give written notice to the representative of the party/election bloc on any inconsistencies, if any, between the requirements established by this Law and the data specified in the party list and the documents attached thereto (specifying such inconsistencies), and the representative of the party/election bloc shall be given 3 days to correct such inconsistencies detected in the party list and other documents.
3. The data corrected as specified in subparagraph (b) of paragraph 2 of this Article shall be verified and the question of election registration shall be resolved within 5 days after the submission thereof, but no later than the 20<sup>th</sup> day prior to Election Day. Provided the corrected data complies with the requirements of this Law, the CEC Chairperson shall register the party list or the part of such a list which complies with the requirements

prescribed hereunder (if the number of candidates in this part is not less than the established minimum) as well as the relevant candidates nominated for multi-mandate election districts, and shall issue, within the same period, the ordinance on dismissal of applications submitted by other candidates (such ordinance to specify the reason for dismissal of the application and the provisions of this Law which caused the dismissal of the application). If the number of other candidates in the party list, which complies with the requirements of this Law, proves to be less than the established minimum, neither the party list nor the candidates nominated by the party/election bloc shall be registered and the CEC Chairperson shall, within the period specified above, issue an ordinance on dismissal for registration of the party list (such ordinance to specify the reasons for such dismissal and the regulations specified hereunder, the noncompliance of which resulted in such dismissal). The representative of the party shall be immediately notified on the ordinance specified under this Paragraph; the ordinance shall be given to the party immediately upon the request.

4. No candidate standing for Parliament shall be registered, and the registration of any registered candidate shall be cancelled by ordinance issued to that effect by the CEC Chairperson, or by court decision, if the applications and documents submitted to the relevant election commission fail to comply with all the requirements provided hereunder, or other provisions of this Law are violated, in particular:
  - a) If the data specified in the applications and documents are incomplete or incorrect;
  - b) If the candidate included in the party list is a member of any other party participating in the elections;
  - c) If the candidate is included in more than one party list and there is, or was, the consent of such candidate for inclusion thereof in one or more lists simultaneously;
  - d) If the candidate included in the party list is nominated for a multi-mandate election district by any other party or an election bloc;
  - e) If, during the period of the elections for the Parliament of Georgia, another elections are held and there is, or was, the consent of such candidate for simultaneous participation in both elections as a candidate;
  - f) If the requirements established under paragraph 9 of Article 73 and/or Article 76 hereof are violated.
5. The ordinance of CEC chairperson on dismissal of applications for registration of party lists and candidates nominated by political party/election bloc can be appeal according to the rules prescribed by article 77. **[23.06.06]**

#### **Article 99. Determining Sequence of Election Subjects**

1. The sequence of the election subjects shall be established no later than the 14<sup>th</sup> day prior to election day.
2. The sequence of parties and election blocs taking part in the elections is determined according to the sequence of the parties and election blocs that took part in the last Parliamentary elections. If an election bloc, which took part in the last Parliamentary elections, does not take part in elections anymore, the right to participate under its number is sequentially awarded to the parties, named in the list of the election bloc. If an election bloc includes parties, that took part in the last elections separately, in the charter of the election bloc must be indicated, the right of which party included in the bloc will be used for awarding of the sequential number. In this case, the parties and election blocs that are next in the sequence will, respectively, move up.
3. The sequence of parties and election blocs, except for the parties and election blocs indicated in paragraph 2 of this Article, is determined by the casting of lots.

4. If the election registration of an election bloc is cancelled, the remaining parties and election blocs retain their sequential number on the ballot paper as awarded by the casting of lots.
5. A candidate nominated by a party or election bloc for a multi- mandate [23.12.2005] election district, is awarded the same sequential number as the party or election bloc that nominated him/her, while the sequence of other candidates is determined by the casting of lots.
6. For the purpose of the casting of lots, the Chairperson of the election commission writes on sheets of paper of the same shape and type, with the same writing instrument, the numbers corresponding to the quantity of parties, election blocs and majoritarian candidates. Each sheet must be approved by the commission seal. The sheet is folded in a way that makes it impossible to read the number written on it. The commission Chairperson places the filled out sheets into a transparent box, from which representatives of parties, election blocs and majoritarian candidates take the sheets, in turn. The number drawn becomes the sequential number of the candidate.
7. Registered party lists are published by the CEC in the press and other mass media, while information on candidates nominated for multi-mandate election districts, as it appears on a ballot paper, is published by the DEC, no later than 12 days prior to election day.. [23.12.2005]

#### **Article 100. Cancellation of Decision on Nomination of Candidate for Membership of the Parliament of Georgia**

1. A candidate for membership of the Parliament of Georgia, as well as the nominating party or election bloc, have the right, at any time, but no later than 2 days before election day, to refuse to take part in the elections or to cancel the decision on nomination of a candidate, for the purpose of which they have to apply to the relevant election commission.
2. Party, election bloc, participating independently in the elections, has a right to annul its decision on the nomination of a candidate for an MP/Sakrebulo, whose names remained on the party lists, after the recognition of the authorities of elected MPs/sakrebulo members. Party/election bloc can not annul its decision on nomination of candidates for MP/Sakrebulo, whose names remained on the party lists, when the authority of an MP/Sakrebulo member elected from this list is terminated, from the moment of termination of the authority until the recognition of the authority of his/her replacement. His/her candidacy will be removed by the decree of the chairperson of the CEC of Georgia based on the appeal signed by the head of the party, participating independently in the elections (the person determined by the Charter of the election bloc) within 3 days of the submission of the appeal. If the appeal is not satisfied in this term, the candidate for an MP/Sakrebulo will be deemed as removed from the party list from the next day after the expiration of this term. [23.06.06]
3. A candidate for membership of the Parliament may withdraw his/her candidature, no later than 2 days prior to Election Day, for which the candidate must apply to the relevant election commission.
- 3<sup>1</sup>. A candidate for an MP can remove his/her candidacy from the party list after the recognition of the authorities of MPs for which s/he shall address the CEC of Georgia with a relevant appeal. His/her candidacy will be removed by the decree of the chairperson of the CEC within 3 days of the submission of the appeal. If the appeal is not satisfied in this term, the candidate for an MP will be deemed as removed from the party list from the next day after the expiration of this term [22.04.2005]
4. The election commission immediately makes public through the press and other mass

media, the information on withdrawal of an election subject or a separate candidate from the elections.

**Article 101. Dismissal of Candidate for Membership of the Parliament of Georgia from Carrying Out Official Duties**

A candidate for membership of the Parliament of Georgia, based on his/her own application and presentation of the relevant license, is given a paid vacation for the period of the election campaign.

**Article 102. Immunity of Candidate for Membership of the Parliament of Georgia**

1. A candidate running for membership of the Parliament of Georgia, shall not be detained, arrested or searched before the official publication of the final election results by the CEC, unless the request from the General Prosecutor of Georgia is agreed to by the CEC. An exception is the case of being caught at the scene of the crime, of which the CEC must be notified immediately. If the CEC issues the relevant ordinance, the detained or arrested candidate for the Parliament of Georgia must be released immediately

2. The ordinance of the CEC on the approval as specified in this Article shall be voted on within three calendar days upon the receipt of the request from the General Prosecutor of Georgia.

**CHAPTER XIV. CONSOLIDATION OF THE RESULTS OF ELECTIONS FOR THE PARLIAMENT OF GEORGIA**

**Article 103. Counting of Votes at the Precinct Election Commissions**

1. The PEC sums up the results of the poll and enters them into the protocols of results of the elections held through the majoritarian and proportional systems.

2. The summary protocol of results of the election conducted in accordance with the proportional election system is compiled according to party lists, while the protocol of results of the election conducted in accordance with the majoritarian election system is compiled according to candidates nominated to multi-mandate election district.

[23.12.2005]

3. Deleted.

**Article 104. Consolidation of the Results of the Poll at District Election Commission**

1. The DEC, based on the protocols of the PECs, sums up at its session the results of polling and enters them into the protocols of results of voting held in accordance with the majoritarian and proportional systems.

2. If any application/complaint or dissenting opinion of any PEC member is submitted requesting for the revision or invalidation of voting results, the DEC shall, by its ordinance, decide for or against the opening of the packages and re-counting of the ballot papers received from the PEC, and if the precinct election results may affect the final election results, the DEC shall perform the aforementioned action.

3. Deleted.

**Article 105. Consolidation of the Results of the Elections at the Central Election Commission of Georgia**

1. The CEC, based on the protocols received from the DEC and PECs, not later than 18 days after election day (general elections) sums up, at its sessions, the results of the

elections for the Parliament of Georgia and enters them into the protocol.

2. One copy of the protocol is filed at the CEC; the second copy is transferred to the Parliament of Georgia, while copies confirmed by the seal of the CEC are transferred to representatives of the election subjects.

3. deleted [23.06.06]

4. deleted [23.06.06]

5. All candidates of one election subject in accordance with the district mandates, the list of which received more votes than others, but not less than those of 30% of the election participants, is considered to be elected in the multi-mandate election district. [23.12.2005].

6. Mandates of the Members of Parliament of Georgia are awarded only to the party list that receives no less than 7% of the votes of the voters.

7. For the purpose of determining the number of mandates received by a party list, the number of votes received by this list must be multiplied by 100 [23.12.2005] and divided by the total number of the votes received by such parties. The total number arrived at, as a result, represents the number of mandates received by the party list.

8. If the total number of mandates received by parties or election blocs turns out to be less than 100, [23.12.2005] each mandate from the undistributed mandates is awarded to each of those party lists that received a higher number of votes in the elections.

9. If the number of votes received by one or more party list turns out to be equal, the mandate is awarded to the list which was the first to undergo registration at the CEC.

10. If a candidate is elected both by a majoritarian system [23.12.2005] and through a party list, then he/she is considered to be elected based on the majoritarian system [23.12.2005] and is withdrawn from the party list and the candidates who are next on the list will move up one place on the list.

11. Those candidates for membership of the Parliament, whose sequential numbers in this list are less than or equal to the number of mandates received by the list, are considered to be elected through party lists. The number of MPs, elected according to this list, remains unchanged.

12. If, in any election district, because of gross violation of the Law, the voting results are deemed invalid in more than half of the election precincts or in some precincts, where the total number of voters is more than half of the total number of voters in the election district, the election results in the election district shall be deemed invalid and the CEC shall appoint by-elections.

12'. If during the proportional elections, due to the major violations of this Law, the results of the elections were deemed invalid in more than half of the election districts or number of districts, where the total number of voters is more than half of the total number of Georgian population, the results of the elections are deemed invalid and the CEC shall schedule re-run elections. [12.10.2004]

a) If any application, complaint or dissenting opinion of a DEC member is submitted requesting the revision or invalidation of voting results, the CEC makes a decision by passing an ordinance, for or against the opening of the packages and re-counting of ballot papers (special envelopes) received from the relevant PEC, or the CEC delegates the aforementioned activities to the relevant DEC/special group... [12.10.2004]

b) Where the election has been declared invalid in an election precinct, the CEC appoints the second ballot in this precinct, in cases where the difference between the votes of the candidates who have the best results is less than the total number of voters in this election precinct. In this case, if the results of the second ballot are cancelled, the results of the

elections are summed up without taking this precinct into account.

c) The second ballot may be appointed both after the first round and the second round of elections. Where necessary, the CEC is authorized to task the same or different composition of the PEC to hold the second ballot. The second ballot is to be held within 2 weeks after the first round (second round) of the elections.

d) The second ballot for elections held in accordance with the proportional system is appointed in those cases where the total number of voters in these precincts is more than 10% of the total number of voters of Georgia. In such cases, the second ballot is held within 2 weeks after the general elections. [12.10.2004]

e) If the elections held through the proportional election system are declared to have been held, but none of the parties or election blocs have managed to receive the required threshold, by ordinance of the CEC a second ballot is held within 2 weeks after the general elections.

f) Only those parties and election blocs, that received 2% of the votes in the general elections, have the right to take part in the second ballot. The party lists of the parties and election blocs that take part in the second ballot remain unchanged. Amendments may be introduced to them only in accordance with the general rules established by this Law.

g) In the summary protocol of the final results of the elections, must be indicated the titles and numbers of those election districts and precincts, in which elections were declared invalid, as well as the number of voters in them, the reason for declaring the elections invalid, the total number of voters in each election district, the turnout of election participants, the number of Members of Parliament elected and those elected listed alphabetically.

h) Within 5 days of the consolidation of the final results of the elections, the CEC makes public the summary protocol of election results through the press and other mass media.

13. In case there is an of application/appeal, demanding the revision of the voting results or its invalidation, CEC adopts decision by its ordinance to open the sealed packages submitted from the corresponding PEC and recount the ballot papers, or assigns corresponding DEC/special group to perform the above mentioned activity. In case of necessity CEC has the right to tabulate the election results based on the PEC protocols. [23.06.06]

#### **Article 106. Second Round of Elections, By-Elections [23.12.2005]. Procedure for Succession of MPs**

1. If members of Parliament are not elected in the first round of elections, the CEC shall appoint the second round of elections along with the approval of the results of the first round. The second round of elections shall be held no later than the 14<sup>th</sup> day after the [deleted – 23.12.2005] first round. The main majoritarian lists nominated by the election subject, that gained the best result in the first round, shall participate in the second round of elections. If more than two majoritarian lists gain an equal number of votes or some majoritarian lists named after the majoritarian lists with the best results gain an equal number of votes, all the above majoritarian lists [23.12.2005] shall participate in the second round of elections. [12.10.2004]
2. The candidates, whose majoritarian lists win [23.12.2005] more votes in the second round of elections than the others' lists shall be deemed elected. If the majoritarian lists receive equal number of votes, the candidates who had more votes in the first round shall be deemed elected. If the received votes still remain equal, a by-election shall be appointed.
3. If the elections are declared not held, and the election results are deemed invalid for a

- multi-mandate election district, by-elections shall be held [23.12.2005].
4. By-elections shall be held within two months after the declaration of elections as cancelled or after invalidation of the election results. By its ordinance, the CEC shall appoint the election day and timeframes for election arrangements, but no later than 7 days after the declaration of the election as cancelled or the invalidation of the election results.
  5. By its ordinance, the CEC shall appoint the by-election Election Day and timeframes for election arrangements for a multi mandate election district, no later than 2 months prior to Election Day. [23.12.2005]
  6. Deleted [23.12.2005]
  7. If a Member of the Parliament who resigns, was elected through the party list of a party participating independently in the elections, the seat of such MP shall be occupied by the candidate for Parliament named next in the same list within a period of 1 month, if such candidate agrees to be a member of the parliament within 15 days after the creation of the vacancy. Otherwise, the vacant seat shall be occupied by the candidate named next to such candidate in the list etc. If there is no other candidate named in the party list, this mandate of MP shall be deemed cancelled.
  - 7<sup>1</sup>. If a Member of the Parliament who resigns, was elected through the party list of an election bloc and it was specified in the party list that such member was the member of one of the parties of such election bloc, the seat of such Member shall be occupied within a period of 1 month by the candidate of the same party named next in the list, if such candidate agrees to be a member of the parliament within 15 days after the creation of the vacancy. Otherwise, the vacant seat shall be occupied by the candidate of the same party named next in the list etc. If it was not specified in the party list that such person was a member of one of the parties of the election bloc, his/her successor shall be appointed according to the procedure established by paragraph 7 of this Article.
  8. In the cases specified in paragraphs 7 and 7<sup>1</sup> of this Article, the CEC shall submit the relevant documents to the Parliament of Georgia.
  9. In the case of the withdrawal of a Member of Parliament elected for a multi-mandate election district, the aforementioned MP in a term of 1 month is succeeded by the next sequential candidate in the appropriate reserve list, if he/or she agrees to become an MP within 15 days following the creation of a vacancy. If not, the vacancy is filled by the next sequential candidate and etc. If there no longer is a selectable candidate in the majoritarian list, the aforementioned MP mandate shall be deemed abolished. [23.12.2005]
  10. After recognition of the authorities of MPs by the Parliament of Georgia, the status of candidate for MP shall be suspended for the remaining persons in the party lists.
  11. Immediately after the termination of the authority of an MP elected through a party list, before the expiration of the term determined for such authority, the status of the candidate for MP shall be reinstated to the person, who is a successor of such MP according to paragraphs 7 and 7<sup>1</sup> of this Article. Immediately after the termination of the authority of an MP elected through a multi-mandate district, before the expiration of the term determined for such authority, the status of the candidate for MP shall be reinstated to the person, who is a successor of such MP according to paragraphs 9 of this Article.[23.12.2005].

#### **Article 107. Registration of Elected Members of Parliament of Georgia**

Within 5 days of the final consolidation of the results of the elections, the CEC registers the elected Members of the Parliament of Georgia and issues to them temporary licenses as

elected MPs.

### **Article 107<sup>1</sup>. Drug Control over the Persons Elected as MPs of Georgia**

1. No later the 14<sup>th</sup> day after the Election Day the candidates for MPs elected in a single-mandate election districts and the candidates for MPs from the lists of those parties/election blocs, which have overcome the election threshold according to the preliminary results, shall submit to the CEC a certificate of drug test attesting that the candidate for an MP is not a drug addict or drug consumer. If a person elected as an MP does not submit the drug test certificate to the CEC or refuses to pass the drug test, if s/he was elected in a single-mandate election district, the parliament adopts a resolution on non-confirming the authority of the MP, based on which the CEC adopts a decree on the cancellation of the election results in the given election district and appoints repeated elections according to the terms set forth in paragraph 5 of Article 106 of this law, and if the person was elected as an MP from a list of a party/election bloc, the CEC determines his/her replacement according to the paragraphs 7 and 7<sup>1</sup> of Article 107 of this law. [22.04.2005]
2. The Parliament of Georgia shall have no right to recognize the authority of the person elected as MP, if the document mentioned in the first paragraph of this Article specifies that such person is a drug addict or drug user. Such person shall lose the passive election right until such person submits to the CEC documentary evidence that such person is healthy.
3. The document on drug control shall be submitted to the Parliament of Georgia after the approval of the summary protocol of election results by the CEC and, in the case provided under paragraph 8 of Article 106 hereunder - no later than the 14<sup>th</sup> day after the submission of relevant documents to the Parliament by the CEC. Otherwise, the election results shall be deemed invalid and by-elections shall be appointed. If the person was elected as an MP for a single-mandate election district, or by the CEC, the successor of such person shall be appointed according to Article 106, subparagraph 7 and 7<sup>1</sup> of this Law.
4. The drug control shall be provided only after the date of the [deletion – 23.12.2005]elections by a commission of a duly authorized institution. Such institution shall be selected jointly by the CEC and the Ministry of Labor, Health and Social Affairs of Georgia at least 30 days prior to the date of each general election. The right to provide such control as specified in this Article shall be granted by ordinance of the CEC Chairperson.

## **PART IV**

### ***Chapter XV Elections of Representative Body of Local Self-Government -- Sakrebulo***

#### **Article 108. Calling of Elections of Representative Body of Local Self-Government -- Sakrebulo.**

1. Elections of a representative body of local self-government -- Sakrebulo -- shall be held every four years.
2. Elections of a representative body of local self-government -- Sakrebulo -- shall be called by the Georgian president no later than 40 [23.06.06] days before the expiry of authority of Sakrebulo.
3. Elections of a representative body of local self-government -- Sakrebulo -- shall not be held during state of emergency or war. If the timeline for the elections falls during the state of emergency or war, the elections are held no earlier than 40 and no later than 60 days after this situation has passed. [23.06.06]
4. Information regarding the calling of Elections of a representative body of local self-

government -- Sakrebulo -- shall be disseminated through press and other media no later than three days after the elections are called.

5. In the event of early termination of authority of Sakrebulo, extraordinary elections of Sakrebulo shall be held within 45 days.

#### **Article 109. Active and Passive Electoral Rights**

1. A Georgian citizen who has reached the age of 21 years by the time of the election day and is registered on the territory of the relevant Sakrebulo according to the rule envisaged by the law may be elected member of a representative body of local self-government -- Sakrebulo. A citizen who has not lived in Georgia over the last two years may not be elected member of Sakrebulo.

2. A citizen of Georgia may not be a member of other representative bodies simultaneously.

3. Voters who permanently or temporarily reside abroad and voters who are on ships at sea on the day when elections are called may not take part in the elections of a representative body of local self-government -- Sakrebulo.

4. Military servicemen in mandatory military service and those serving under contracts shall take part in elections of a representative body of local self-government -- Sakrebulo -- according to the location of the military unit.

#### **Article 110. Term of Authority of Representative Body of Local Self-Government -- Sakrebulo**

The authority of new members of Sakrebulo shall commence and that of old members shall end upon the first assembly of newly-elected Sakrebulo.

#### **Article 111. Incompatibility of Status of Candidate for Membership of Representative Body of Local Self-Government -- Sakrebulo -- With Office.**

1. In case of being nominated as a candidate for Sakrebulo Membership the following individuals will have their work authorities stopped:

- a. President of Georgia
- b. Members of the Parliament of Georgia
- c. Ministers of Georgia as well as the Ministers of the Autonomous Republics, Leaders and deputies of government and state agencies
- d. Members of the Georgian Security Council
- e. Members of the Council of the National Bank of Georgia
- f. Chairman and deputy-chairmen of the Chamber of Control
- g. Head of the Staff of the Parliament of Georgia
- h. Representatives of the President of Georgian in the regions and their deputies
- i. Officers of the Ministry of Interior of Georgia and Ministry of Defense of Georgia as well as special services of foreign Intelligence and State Protection
- j. Judges
- k. Ombudsman and deputy-Ombudsman of Georgia
- l. Members of the Council of the President of Georgia (non-Parliament members)
- m. Assistants of the President of Georgia
- n. Members of the Auditing Activity Council
- o. Members of the National Security Commission of Georgia, Commission for Accounting Standards, Georgian National Energy Regulatory Commission and other national regulatory commissions;
- p. Chairperson and deputy chairpersons of the Informational Bureau of Property and Financial Status of Officials;

- q. Prosecutors, deputy prosecutors, assistants to prosecutors, and investigators.  
[23.06.06]

2. The authority of officials referred to in Paragraph 1 of this article shall be terminated before their nomination as candidates in the relevant electoral commission.  
3. deleted [23.06.06]

## ***Chapter XVI Electoral Districts and Electoral Precincts***

### **Article 112. Electoral Districts**

1. For the elections of the representative body of the local self-governance – the Sakrebulo, each independent self-governed unit constitutes one election district.
2. Within 2 days from announcement of the elections, the Central Electoral Commission publishes information on electoral districts indicating their borders through press and other mass media sources.
3. For the elections of the representative body of the local self-governance – the Sakrebulo local majoritarian election districts are delimited and borders are verified by appropriate district election commissions, within 2 days from announcement of the elections, taking into consideration territorial and administrative specifics of the relevant self-governance unit.
4. Within 3 days after announcement of the elections, the district election commission publishes information on local majoritarian election districts indicating their borders through press and other mass media sources. [23.06.06]

## ***Chapter XVII Elections of Sakrebulo of Municipalities and Self-Governing Cities***

### **Article 113. Electoral System**

Elections of a representative body of local self-government -- Sakrebulo -- shall be held under the proportional and majoritarian electoral systems.

### **Article 114. Voting Right**

During the elections of Sakrebulo of a municipality or a self-governing city, a voter is entitled to one vote under the proportional electoral system and one vote under the majoritarian electoral system.

### **Article 115. Composition of Representative Body of Local Self-Government -- Sakrebulo**

1. A municipality Sakrebulo comprises 10 members elected through the proportional system and one member from each community and city on the corresponding territory of the given district elected through the majoritarian system.
2. A self-governing city's Sakrebulo comprises five members elected through the majoritarian electoral system and 10 members elected through the proportional system. A self-governing city is divided into five local majoritarian districts. The CEC shall make a decision regarding the division of a self-governing city into five local majoritarian districts taking into account the number of voters.

## **Article 116. Right to Run in Sakrebulo Elections**

A party, an electoral bloc, and a candidate, nominated by a party, an electoral bloc, or an initiative group of voters, registered in the relevant electoral commission are entitled to run in Sakrebulo elections.

## **Article 117. Registration of Parties**

1. In order to participate in the elections a representative body of local self-government -- Sakrebulo, the Party (Bloc) registered during the last Parliamentary Elections should present a written statement of participation signed by its leader to the Chairman of the Central Election commission after appointment of the election date, but no later than 35<sup>th</sup> day before the Election Day.

2. Parties that have not been registered in the Central Election Commission during the last Parliamentary Elections should address the Central Election commission with application for participation in the elections a representative body of local self-government -- Sakrebulo after the appointment of the election date, but no later than 38 days before the election date.

3. The Party which has no representative in the Parliament of Georgia is given the template for the list of supporters by the Central Electoral Commission at the moment of presenting application, not later than 38 days before the election date. The Party needs to present signatures of 50,000 supporters to the CEC no later than 33 days before the election date. The lists shall be checked by the appropriate department of CEC within 2 days and present conclusion to the Chairman of CEC.

4. The application should include Party registration certificate and its charter or notary approved copies of these documents.

5. The application should include the following information on the Party:

- a. Name of the Party and its abbreviation and/or short form used during the elections
- b. Names of the leader(s), address (according to the registration place), phone numbers as well as facsimile(s)
- c. Name, address (according to the registration place), phone numbers and field of responsibilities of the representative
- d. If there are several leaders - the limits of authority of each leader in the period related to the election process.

6. Name, its short form and abbreviation indicated in Part 4-a of this article should not coincide with:

- a. Official name, short title or the abbreviation of the other Party registered by the Ministry of Justice (if it coincides, the party has no right to use it)
- b. Name, short title or the abbreviation of the electoral bloc that is used during the elections if this bloc has applied to the CEC earlier (if it coincides, the party has no right to use it)
- c. Name, short name of the abbreviation used by another party/election bloc during the last parliamentary elections, unless there is an agreement of that party/bloc on this use.

7. The appropriate department of CEC verifies application and the attached documents and presents its conclusion to the Chairman of CEC no later than the next day of application.

8. No later than the day after presenting conclusion, Chairman of CEC:

- a. Registers the Party and its representative if presented application and other documentation are in compliance with the requirements of the law

- b. Sends written notification to the representative of the party in case of incompliance (indicating examples) of the application and attached documents with the requirements of the law and gives 2 days for correcting the documentation
- c. In cases listed in part 3 of this article, the CEC chairman decides on the final registration of the party only after verifying list of supporters.

9. Verification of the corrected application and attached documents according to the paragraph b of the article 8 takes place no later than following day from its submission. If the corrected application and documents are in compliance with the requirements of this law, the Chairman of CEC registers the party and its representative (except in cases listed in part 3 of this article). If not, the Chairman issues an ordinance on rejecting the registration (precisely listing the reasons for rejection and regulations of the law that have caused this rejection) within the same timeframe. Representative of the party is informed about this decision immediately and ordinance is provided upon request. The above mentioned procedures must be finished not later than 30 days before the elections.

10. If the application mentioned in this article and the attached documents (or the corrected application and corrected documents) and the list of supporters are presented within the timeframe required by the law and they are in compliance with the provisions of this law, the Chairman of CEC based on the conclusion of the appropriate Department of CEC registers the party and its representative no later than the next day of presenting the application. In another case, the Chairman issues an ordinance on rejecting registration of the Party detailing reasons for rejection and relevant legal norms. Representative of the party is informed about this decision immediately and ordinance is provided upon request.

11. Parties registered by the Chairman of CEC have the right to constitute election blocs and to leave election blocs. To register an election bloc, the Chairman of CEC should be provided with the application signed by all authorized leaders of all constituting the bloc, no later than 28 days prior the election date.

12. The statement should include the following information on the electoral bloc:
- a. Name of the bloc and its short form or abbreviation used during the election and list of the parties united in the bloc;
  - b. Names of the leader, address (according to the registration place), phone numbers as well as field of responsibilities
  - c. If there are several leaders - the limits of authority of each leader in the period related to the election process.

13. Name of the electoral bloc, its short form and abbreviation indicated in Part 12-a of this article should not coincide with:

- a. Official name, short title or the abbreviation of the other Party registered by the Ministry of Justice (unless the party is the member of the bloc) (if it coincides, the party has no right to use it)
- b. Name, short title or the abbreviation of the electoral bloc that is used during the elections if this bloc has applied to the CEC earlier (if it coincides, the bloc has no right to use it)
- c. Name, short name of the abbreviation used by another electoral bloc during the last parliamentary elections, unless there is an agreement of that bloc on this use.

14. The election bloc charter signed by the leaders of all the parties constituting the election bloc shall include:

- 1. The name, short and/or abbreviated name (if applicable) of the election bloc under which the bloc participates in the elections;
- 2. List of all parties integrated in the election bloc;

3. The administering body (if any) of the election bloc, administrators and their authority;
  4. The procedure for decision-making by the election bloc, including adoption of new members in the bloc, resignation and withdrawal of a party from the bloc, nomination of candidates for the representative body by the bloc and cancellation of nomination;
  5. The person(s) having the right to sign bloc documents;
  6. The rules for using the seal of a party integrated in the bloc in the period related to election activities;
  7. The rules for appointment of the manager and accountant of the election campaign fund;
  8. The rules for making amendments to the election bloc charter.
15. A party integrated in the election bloc shall not integrate into another election bloc or independently participate in one and the same elections.
16. Upon acceptance of the application and charter mentioned in paragraph 11 of this Article the CEC will provide the bloc representative with the document certifying acceptance.
17. The appropriate CEC department will check the application and charter mentioned in paragraph 11 of this Article and will provide its conclusion to the CEC chairperson no later than the next day after the day of filing of the application at the Commission. The CEC chairperson shall, immediately after receiving the conclusion, pass the election bloc and its representative through election registration, if the submitted documents meet the requirements established under paragraphs 12-15 of this Article. If the submitted documents do not meet the abovementioned requirements, the CEC Chairperson will notify the election bloc representative, in writing, on the non-compliance of the documents, with the provisions of this Law (including the areas of non-compliance) if such non-compliance exists. The election bloc shall, not later than next day correct the defects in the application and documents. The corrected documents shall be returned to the CEC no later than next day following the notice. The final decision on registration shall be made by the CEC chairperson on the day of the acceptance of the corrected documents. If the corrected documents meet the requirements of this Law, the CEC chairperson shall pass the election bloc and its representative through registration; otherwise he/she will issue an ordinance on dismissal of the application for registration (the ordinance shall state the exact reasons for dismissal of the application for registration and the provisions of this Law which have caused the dismissal). The ordinance shall be immediately notified to the election bloc representative and served upon request. The procedures described in this paragraph shall be completed on the 26th day prior to Election Day.
18. A party which has undergone election registration has the right to integrate with a registered election bloc until the expiration of the period for registration of election blocs, under proper application and consent of the election bloc, provided to the CEC chairperson.
19. Upon registration of the election bloc by the CEC Chairperson's ordinance, the authorities of the representatives of the party-members of the bloc in all election commissions are terminated and the bloc obtains the right to appoint two representatives in each election commission.
20. In case of resignation or withdrawal of a party (parties) from the election bloc up to expiration of the period for nomination of party lists/candidates, each party will have the right to continue to participate in the elections. If for this reason only one party remains in the bloc, the election registration of the bloc will be cancelled, by ordinance of the CEC chairperson and the parties previously integrated in it will have the right to continue to participate in the elections.
21. In case of resignation or withdrawal of a party (parties) from the election bloc after the

expiration of the period for nomination of party list/candidates, the election registration of this party is cancelled by ordinance of the CEC Chairperson. If for this reason only one party remains in the bloc, the election registration of the bloc will be cancelled by ordinance of the CEC Chairperson and the remaining party will be the legal successor of the bloc.

22. No later than the 20th day prior to election day the CEC through the press and other mass media will make public the list of registered parties and election blocs according to the sequence of filing of their applications, as well as the list of those parties and blocs whose applications for registration were dismissed or whose registrations have been cancelled including the reasons thereof. **[23.06.06]**

### **Article 118. Presenting Party List**

1. In order to take part in elections of a representative body of local self-government - Sakrebulo -- through the proportional electoral system, parties that are running in the elections independently and electoral blocs shall present party lists to a corresponding district electoral commission no later than 24 days **[23.06.06]** before the vote.

2. Each party that is running in elections independently and electoral bloc is entitled to present one party list.

3. The number of candidates for Sakrebulo membership on the presented list shall not be lower than 10 and higher than 30.

4. A party list may only include a member of the given party or a person who is not a member of another party running in the elections. A party list presented by an electoral bloc may only include a member of party united in the given bloc or a person who is not a member of another party running in the elections.

5. The rule for compiling a party list shall be determined by parties and electoral blocks. When compiling a party list, it should be taken into account that the mandates acquired by a party or an electoral bloc on the basis of election results shall be allocated sequentially from the beginning of the list.

6. A party list shall provide the following for each candidate:

- a) name, surname;
- b) date of birth;
- c) profession;
- d) position (occupation);
- e) employment (shall be indicated "unemployed" if unemployed);
- f) party affiliation (in case of party membership; if nonpartisan, "nonpartisan" shall be indicated);
- g) number of a Georgian citizen's identity document (a Georgian citizen's passport) and personal number;
- h) place of registration
- i) number and the name of the local majoritarian election district (if submitted) **[23.06.06]**

7. A party list shall be authenticated by a signature of the head of the party running independently in the elections. A party list of an electoral bloc shall be authenticated by signatures of the heads of all parties united in the bloc.

8. A party list shall be presented together with two photos of each candidate and a registration card (two copies) signed by him or her and showing the date when it was filled it. Along with the candidate's personal details (name, surname, number of a Georgian citizen's identity document (a Georgian citizen's passport) and personal number, place of registration, date of birth), the registration card shall indicate that he or she has permanently resided in Georgia over the last two years and agrees to run through the given party list.

9. A corresponding district electoral commission shall give a representative of a party/electoral bloc the registration cards in advance for elections of a representative body of local self-government -- Sakrebulo. As soon as documents are received, a representative of

a party or electoral bloc is given a certificate of receipt of the documents indicating a date.

### **Article 119. Nominating Candidates for Sakrebulo Membership in Majoritarian Electoral District**

1. The following entities have the right to nominate candidates in a relevant electoral district during elections of a member of a representative body of local self-government -- Sakrebulo:

- a) an imitative group of at least five voters;
- b) a party running in the elections independently;
- c) an electoral bloc.

2. A party, an electoral bloc, and an initiative group of voters are entitled to nominate a person who has electoral right, provided he or she is supported by at least 50 voters who live on territory of the corresponding local majoritarian district **[23.06.06]**.

3. In order to nominate a majoritarian candidate in an electoral district, an initiative group of voters, a party running in elections independently, and an electoral bloc shall address the corresponding district electoral commission with an application no later than 24 days **[23.06.06]** before the election day and present the signatures of supporters.

4. The statement shall provide the following for the majoritarian candidate:

- a) name, surname;
- b) date of birth;
- c) profession;
- d) position (occupation);
- e) employment (shall be indicated "unemployed" if unemployed);
- f) number of a Georgian citizen's identity document (a Georgian citizen's passport)

and personal number;

g) place of registration;

h) the name of the electoral district where he or she is nominated as majoritarian candidate;

i) party affiliation (in case of party membership; if nonpartisan, "nonpartisan" shall be indicated).

5. The statement regarding the nomination of candidates for membership of a representative body of local self-government -- Sakrebulo -- shall be handed over to the corresponding electoral commission. It shall be authenticated by a signature of an authorized representative of a party or authorized representatives of all parties in an electoral bloc. A statement submitted by an initiative group of voters must be signed by all members of the group and provide the following for the members of the group and its representative: name, surname, number of a Georgian citizen's identity document (a Georgian citizen's passport) and personal number, place of registration, and telephone number.

6. The statement shall be submitted together with two photos of the candidate and two copies of the registration card signed by him or her which, along with his or her personal details (name, surname, number of a Georgian citizen's identity document (a Georgian citizen's passport) and personal number, place and date of registration, date of birth), shall indicate that he or she has permanently resided in Georgia over the last two years and agrees to run in the given electoral district.

7. The signatures of the supporters shall be collected according to the rule established by this code.

8. A majoritarian candidate nominated by a party/electoral bloc in an electoral district may, at the same time, be included on the party list of the corresponding party/electoral bloc.

### **Article 120. Registration of Candidates for Sakrebulo Membership Nominated Through Party Lists and in Majoritarian Electoral District (amended [23.06.06])**

1. Relevant DEC chairperson registers party list within 2 days from its submission
2. Candidates for membership of Sakrebulo nominated in an local majoritarian electoral district shall be registered by a corresponding DEC chairperson no later than 2 days from their nomination.
3. Registration of candidates for membership of a representative body of local self-government -- Sakrebulo -- shall end no later than 21 days before the vote.
4. Candidates for membership of representative body of local self-government -- Sakrebulo -- shall be given candidate certificates by the corresponding district electoral commissions within three days from their registration.
5. A candidate nominated in an electoral district shall be registered if the following is presented:
  - a) A candidate registration card indicating the fact that he or she has permanently resided in Georgia over the last two years;
  - b) A statement by an initiative group of voters;
  - c) A statement by a party/bloc;
  - d) A list of voters supporting the candidate;
  - e) Two photos;
  - f) candidate's consent to run.
6. Party list or the candidate presented by the party/election bloc will not be registered if the following is not indicated or is not indicated comprehensively in the registration card:
  - a) Name, surname;
  - b) Number of a Georgian citizen's identity document (a Georgian citizen's passport) and personal number;
  - c) Date of birth (year, month, day);
  - d) Place of registration;
  - e) a statement of nomination of a candidate authenticated by signatures of the heads of parties and electoral blocs;
  - f) Party affiliation (in case of party membership; if nonpartisan, "nonpartisan" shall be indicated);
  - g) Position and employment (shall be indicated "unemployed" if unemployed);
  - h) The fact of having permanently resided in Georgia over the last two years;
  - i) candidate's consent to run;
  - J) Number and name of the local majoritarian district where the candidate is nominated as majoritarian candidate
  - k) Date of filling in the registration card.
7. In case of violation of the requirements listed in paragraphs 5 and 6 of this article, DEC shall not register the candidate.
8. A party/electoral bloc is entitled to request permission to run in the elections under the same list number that it was given during the last parliamentary elections. It shall submit a relevant statement to the CEC no later than 22 days before the elections. If the sequential number in the parliamentary elections was given to an electoral bloc, the first party on the list of the bloc members is entitled to use the number and if it declines in writing, the right to use the aforementioned number is given to the next party on the list of the bloc members and so on. If the right envisaged by this paragraph is not used for the elections to be held through the proportional system, the order of electoral blocs and parties running in Sakrebulo elections independently shall be determined according to the results of the last elections of

the Georgian Parliament. If a bloc that took part in the last parliamentary elections is not running in Sakrebulo elections, the first party on the list of the bloc members shall be entitled to use its sequential number and if it declines, the right shall be given to the next one and so on. If parties that ran in the last parliamentary elections form a bloc for Sakrebulo elections, they should specify in the bloc's charter which party's sequential number they will use. If any party/electoral bloc does not use the right to use the sequential number, the parties/electoral blocs further down the list shall move upward.

9. Sequence of the parties, except those described in part 8 of this article, is defined through casting of lots described in 2-7 parts of article 99 of this law no earlier than 20 days before the elections and no later than 15 days before the election date. The sequential number of these parties/election blocs shall start at a number that is greater than the last sequential number of the entities referred to in Paragraph 8 of this article by one.

10. For the elections to be held with majority system candidates of parties and blocs are given the same number as their presenters. Sequence of the candidates presented by the initiative groups is defined in part 9 of this article.

11. If the registration of a party/electoral bloc is annulled after it was given a sequential number, the remaining parties/electoral blocs shall maintain the sequential numbers that they were given previously.

12. The information regarding the order of electoral subjects shall be published through press and other media no later than three days after the registration deadline. The list of subjects that were denied registration shall also be published within the same time frame.

#### **Article 121. Annuling of Decision To Nominate as Candidate**

1. After the registration, a party/electoral bloc is entitled to annul its decision to nominate a candidate no later than 10 days before the election [23.06.06].

2. A candidate may withdraw no later than 10 days [23.06.06] before the vote by presenting a relevant statement to a corresponding district election commission.

3. The corresponding district electoral commission shall publish the information regarding annulment of the decision to register or nominate a candidate immediately.

#### **Article 122. Ballot Paper**

A ballot paper for elections of a representative body of local self-government -- Sakrebulo -- through the majoritarian electoral system shall include the sequential numbers, names, and last names of all candidates nominated for the membership of the relevant Sakrebulo. A candidate nominated by an initiative group of voters shall have a note - "candidate of an initiative group" - next to his or her last name, while a candidate/candidates nominated by a party or an electoral bloc shall have the name of the corresponding party or electoral bloc next to his or her last name. The data on candidates shall be included on the ballot paper according to the order determined by the corresponding district electoral commission through the casting of lot, not earlier than 18 and not later than 14 days before the election day. [23.06.06]

#### **Article 123. Determining Results of Elections Held Through Proportional Electoral System**

1. deleted [23.06.06]

2. In order to determine the number of mandates acquired by a party list, the number

of votes received by a party list shall be multiplied by the number of mandates in the electoral district and divided by the total number of votes received by the parties/electoral blocs that received at least 5% of the votes cast in the elections. The whole part of the derived number is the number of mandates acquired by the list.

3. If the total number of mandates acquired by the party lists in an electoral district turns out to be smaller than the total number of mandates, each of the remaining mandates shall be given in succession: First to the party lists that did not acquire a mandate according to the rule established by Paragraph 2 of this article but received more than 5% of the votes cast in the elections and then to the party lists that already acquired one mandate at least. In this case, one mandate will be given sequentially to the party lists that received greater number of votes in the elections.

3<sup>1</sup>. If more than 10 subjects receive 5% or more votes of the voters participating in the elections, then rule of allocation described in part 2 of this article is not used and in this case all ten election subjects who received more votes than others receive one mandate each. **[23.06.06]**

4. If it turns out that two or more party lists received an equal number of votes, a mandate shall be given to the one that was first to register at the corresponding district electoral commission to run in Sakrebulo elections.

5. The candidates whose sequential numbers on a party list are smaller or equal to the number of mandates acquired by the given party list shall be considered elected to Sakrebulo through the proportional electoral system.

6. if a candidate for Sakrebulo membership is elected both in a local majoritarian district and through a party list, he or she will be considered elected through the electoral district and removed from the party list, while the next candidate on the list shall move upward.

#### **Article 124. Determining Results of Elections Held Through Majoritarian Electoral System**

1. A candidate who receives more votes than others shall be considered elected to Sakrebulo through the majoritarian electoral system.

2. If two candidates running in elections receive an equal number of votes, the candidate who was first to register at the corresponding district electoral commission shall be considered elected.

#### **Article 125. Consolidation of Sakrebulo Election Results at District Electoral Commission**

1. A district electoral commission may annul vote results in an electoral precinct where this law was grossly violated. Election results shall not be consolidated at a district electoral commission before a decision is made on the appeals that might prompt annulling of vote results in a precinct.

2. Elections in an electoral district shall be declared invalid if the number of ballot papers declared invalid in the given district is more than half of the total number of voters who took part in elections in the district.

3. A district electoral commission shall determine election results and approve a protocol at its session.

4. In elections of a representative body of local self-government -- Sakrebulo, a district electoral commission shall determine the following on the basis of protocols received from precinct electoral commissions:

a) total number of voters;

- b) total number of those who took part in elections;
- c) number of unused and spoiled ballot papers **[23.06.06]**;
- d) number of valid ballot papers;
- e) number of invalid ballot papers;
- f) number of unofficial ballot papers;
- g) number of votes cast for an election subject.

5. District election commission compiles 3 copies of the summary protocols of the election results. N1 copy is submitted to CEC, N2 protocol remains with DEC and N3 protocol is submitted to the corresponding Sakrebulo mandate commission. **[23.06.06]**

6. The first copy of the protocol shall be sent to the Central Electoral Commission of Georgia no later than five days after the end of vote. The second shall be stored at the corresponding district electoral commission. The third shall be handed over to Sakrebulo's credentials committee. Other copies shall be handed over to representatives of parties, electoral blocs, and majoritarian candidates.

9. A district election commission is obliged to display immediately after the tabulation of the results the xerocopy of the second copy of the protocol at a visible location for public scrutiny. **[23.06.06]**

8. Within 10 days from the consolidation of election results, a district electoral commission shall publicize the information regarding results of Sakrebulo elections in the corresponding district through press and other media. The information shall also include the party affiliation of the elected Sakrebulo members (in case they are party members; if not, it shall say "nonpartisan"), year of birth, profession, primary occupation, employment).

#### **Article 125<sup>1</sup>. Convening the first session of newly elected local self government body – Sakrebulo [23.06.06]**

The first session of newly elected local self government body Sakrebulo is convened by the president of Georgia within 30 days after the consolidation of the final results of the elections on the whole territory of Georgia.

#### **Article 126. Repeat Voting. Repeat Elections. Extraordinary Elections**

1. If the vote in an electoral precinct is declared invalid, a corresponding district electoral commission shall call repeat voting that shall be held within two weeks from the general elections. Repeat voting is only held if the difference between the number of votes received by the last of the candidates to be elected to a representative body of local self-government -- Sakrebulo -- and the number of votes received by the next best candidate is less than the total number of voters in the given precinct or the precincts where the results have been declared invalid.

2. If the vote results in an electoral precinct are annulled during repeat voting, a corresponding district electoral commission shall consolidate election results in the electoral district without taking into account the vote results in that precinct.

3. If elections of a representative body of local self-government -- Sakrebulo -- are declared invalid in the election district, repeat voting shall be held within two weeks. **[23.06.06]**

#### **Article 126<sup>1</sup>. Registration of Elected Members of Representative Body of Local Self-Government -- Sakrebulo**

Within five days from consolidation of final election results, a corresponding district electoral commission shall register persons elected as member of representative body of local self-government -- Sakrebulo -- and provide them with relevant certificates.

### **Article 126<sup>2</sup>. Replacement of Sakrebulo Member**

1. In the event of early termination of authority of a Sakrebulo member, within two weeks, he or she shall be replaced in Sakrebulo by a successor:

a) In case of a member elected through the proportional electoral system: By the next candidate on the same party list if he or she consents to Sakrebulo membership within 10 days from the Georgian Central Electoral Commission's notification. If there are no more candidates on the party list that was presented, the mandate shall be annulled;

b) In case of a candidate elected through the majoritarian electoral system: By the candidate with the best result among those who failed to get elected as a Sakrebulo member according to the results of the elections held in the corresponding local majoritarian electoral district, if he or she consents to Sakrebulo membership within 10 days from the notification. Otherwise, he or she shall be removed from the list and replaced by the next candidate. If there is no such candidate, the mandate shall be annulled. candidate, the mandate is cancelled.

### **Chapter XVII<sup>1</sup> Election of Sakrebulo (City Council) of Tbilisi, the capital of Georgia**

[09.12.2005]

#### **Article 126<sup>3</sup>. General rules of electing Sakrebulo in Tbilisi, the capital of Georgia [23.06.06]**

1. The elections of Sakrebulo – the self-government body of Tbilisi, the capital of Georgia, (hereinafter Tbilisi Sakrebulo) – shall be conducted based on the norms established by the present law, unless otherwise provided by the norms of this chapter.
2. Elections of Tbilisi Sakrebulo shall be conducted based on a mixed system.
3. Tbilisi Sakrebulo consists of 37 members. Twenty five members of Tbilisi Sakrebulo shall be elected based on a majoritarian system in multi-mandate local election districts; and twelve members shall be elected based on a proportional system through summarizing the results of majoritarian elections conducted in 10 districts throughout Tbilisi.

#### **Article 126<sup>4</sup>. Right to vote**

Each voter has one vote in the elections of Tbilisi Sakrebulo.

#### **Article 126<sup>5</sup>. Election districts**

1. Ten multi-mandate local majoritarian districts shall be formed during the elections of Tbilisi Sakrebulo:

- e) Mtatsminda;
- f) Vake;
- g) Saburtalo;
- h) Krtsanisi;
- i) Isani;
- j) Samgori;
- k) Chughureti;
- l) Didube;
- m) Nadzaladevi;
- n) Gldani.

2. In order to ensure the proportional distribution of mandates in Tbilisi Sakrebulo, the

function of summarizing election results is implemented by Central Election Commission of Georgia (CEC)

**Article 126<sup>6</sup>. Determination of the number of mandates distributed in election districts during Tbilisi Sakrebulo elections based on a majoritarian system**

1. The number of mandates in an election district shall be determined based on the number of voters residing in that election district by January 1 of the election year.
2. The number of mandates in each local election district shall be determined by CEC based on the number of voters, so that five local majoritarian election districts are 3-mandate, and the other five are 2-mandate districts.
3. The Central Election Commission of Georgia shall determine the number of mandates no later than seven days from the appointment of the election day.

**Article 126<sup>7</sup>. The right to participate in Tbilisi Sakrebulo elections and registration**

1. A party, an election block, candidates representing parties or election blocks are allowed to participate in Tbilisi Sakrebulo elections if they are registered by the Election Commission determined by this article.
2. Only parties and election blocks are entitled to participate and obtain the mandates of Tbilisi Sakrebulo members in the elections conducted based on a proportional system.
3. Candidates representing parties and election blocks are entitled to participate in majoritarian elections in local majoritarian election districts only if the number of the candidates presented as one subject equals with the number of mandates in a respective election district.
4. Supporters list for majoritarian candidates is checked and reported to the CEC by DEC no later than on the following day. Candidates participating in the majoritarian elections and party list shall be registered by the CEC.

**Article 126<sup>8</sup>. Submission of party lists in order to obtain the mandates of Tbilisi Sakrebulo members based on a proportional system**

1. Parties and election blocks shall present the party lists to CEC at least 24 days [23.06.06] prior to the elections in order to obtain the mandates of Tbilisi Sakrebulo members based on a proportional system.
2. A party list of candidates to be elected to Tbilisi Sakrebulo based on a proportional system should consist of not more than [23.06.06] 50 candidates.
3. Party lists shall be composed of those candidates who are nominated for majoritarian elections. A party list may include only the members of that party or the persons who are not members of other parties participating in the elections; a party list of an election block may include only the members of the parties united in that block or the persons who are not members of other parties participating in the elections. A candidate can be nominated only in one local majoritarian election district.
4. The parties and election blocks shall determine the rules of composing party lists. While drawing up party lists they shall take into account that based on the election results the mandates received by a party, election block shall be distributed in sequence beginning from the first candidate on the list.
5. A party list shall include each candidate's:
  - a) First name, surname
  - b) Date of birth
  - c) Profession
  - d) Position (occupation);
  - e) Place of work (if unemployed, to be indicated "unemployed");
  - f) Party affiliation (in case of his/her being a member of the party, otherwise

"non-partisan");

g) Number of the identification card (passport of a citizen of Georgia) and personal number;

h) Place of registration;

i) The name of the majoritarian election district where he/she is nominated as majoritarian candidate-main/reserve. **[23.06.06]**

6. A party list shall be confirmed by a signature of the party leader independently participating in the elections; a party list of an election block shall be confirmed by signatures of the leaders of all parties united in the block.

7. Attached to a party list shall be two photos of each candidate and a registration card signed by each candidate (two copies) indicating the date of its completion. Along with the personal data (first name, surname, date of birth, number of the identification card (passport of a citizen of Georgia) and personal number, place of registration) a card shall contain the information on the candidate's having resided in Georgia for two **[23.06.06]** years and his/her consent to run the elections by a party list.

#### **Article 126<sup>9</sup>. Nomination of majoritarian candidates for Tbilisi Sakrebulo membership**

1. Majoritarian candidates for Tbilisi Sakrebulo membership can be nominated by:

- a) a party independently participating in elections
- b) an election block

2. A party/election block can nominate a person, having a right to run elections, whose candidacy is supported by no less than 200 voters residing in the respective local district. At the same time, twice more candidates than the number of the mandates allocated for the appropriate district should be presented as one subject, where the first parts are those who are the main candidates and the others are candidates in reserve. **[23.06.06]**

#### **Article 126<sup>10</sup>. Ballot**

1. During Tbilisi Sakrebulo elections one ballot shall be prepared for each local majoritarian district.

2. Following shall be indicated on the ballot: the ordering number, the candidates' names and surnames (including the reserve candidates), as well as the name of the nominating party/election block. **[23.06.06]**

3. The sequence of the candidates to be entered into ballot shall be determined under the rules prescribed by article 120 of this law. **[23.06.06]**

4. A voter participating in the election may circle only one number in a ballot.

#### **Article 126<sup>11</sup>. Determination of majoritarian elections results in local election district.**

1. deleted **[23.06.06]**

2. Candidates participating in the elections as one subject shall be considered elected to Tbilisi Sakrebulo if they receive more votes than others but no less than 30% of those who participated in election.

#### **Article 126<sup>12</sup>. Second round of elections**

1. If none of the subjects receives a sufficient number of votes in a local majoritarian election district, the second round of elections shall be appointed.

2. The second round of elections shall be appointed by the regulation of CEC. The second round of elections shall be conducted within one month after the general elections (the first round) **[07.2006]**.

3. Two subjects having the best results in the first round shall have the right to participate in the second round of elections.
4. Candidates running as one subject, who receive more votes, shall be considered a winner in the second round.

**Article 126<sup>13</sup>. The rule of distribution of mandates by a proportional system**

1. Mandates by proportional system are distributed after majoritarian election is conducted, based on the number of the votes received by election subjects.

**[23.06.06]**

2. For the purpose of distributing mandates by the proportional system, the number of votes received by the candidates nominated by party, election block in local election districts shall be summarized.

3. The mandates of Tbilisi Sakrebulo members through the proportional system shall be distributed only to those election subjects who receive no less than 4% of the total votes.

4. In order to determine the number of mandates received by an election subject the number of votes received by that subject shall be multiplied by 12 and divided by the total number of votes received by all subjects. The whole part of the received number is the amount of mandates received by the election subject.

5. If the total number of votes received by an election subject is less than 12, each mandate left undistributed will be given to those election subjects that received more votes.

6. If more than 12 election subjects received 4% or more votes of those voters who participated in elections, the rule of distribution prescribed in Paragraph 3 of the present article shall not be applied. In such case one mandate shall be given to those election subjects who received more votes.

**Article 126<sup>14</sup>. Registration of persons elected as member of Tbilisi Sakrebulo**

Within five days from summarizing the final results of the elections CEC of Georgia shall register the persons elected as member of Tbilisi Sakrebulo and gives them respective identification card.

**Article 126<sup>15</sup>. The rule of replacing the excluded members of Tbilisi Sakrebulo**

1. In case of terminating the authority of a Tbilisi Sakrebulo member elected by a majoritarian system, that member shall be replaced within two weeks by a reserve candidate nominated by the party/election block in the respective local majoritarian election district. If there is no such candidate, the mandate shall be cancelled.

**[23.06.06]**

2. In case of terminating the authority of a Tbilisi Sakrebulo member elected by a proportional system, that member shall be replaced by the candidate coming next in the party list of the respective party/election block.

3. The person expected to replace the excluded member of Tbilisi Sakrebulo shall give his/her consent on membership within 10 days from receiving a notification from CEC. Otherwise the vacant seat shall be taken by the candidate coming next according to the procedure established by Paragraphs 1 and 2 of the present article.

## **CHAPTER XVIII. TRANSITIONAL PROVISIONS**

**Article 127** Deleted [16.09.2004]

Article 127<sup>1</sup>.Deleted [22.04.2005]

Article 128.deleted. [22.04.2005]

Article 128<sup>1</sup>.deleted . [22.04.2005]

Article 128<sup>2</sup>.deleted. [22.04.2005]

Article 128<sup>3</sup>.deleted. [22.04.2005]

Article 128<sup>4</sup>. deleted. [22.04.2005]

Article 128<sup>5</sup>..Deleted [22.04.2005]

Article 128<sup>6</sup>.Deleted. [22.04.2005]

Article 128<sup>7</sup>.Deleted. [22.04.2005]

Article 128<sup>8</sup>.Deleted [22.04.2005]

Article 128<sup>9</sup>. Deleted [22.04.2005]

Article 128<sup>10</sup>. Deleted [22.04.2005]

Article 128<sup>11</sup>. Deleted [22.04.2005]

Article 128<sup>12</sup>. Deleted [22.04.2005]

**Article 128<sup>13</sup>. The terms of formation of central and district election commissions**  
[22.04.2005]

1. Because of the transition to the professional composition of the election administration, election commissions shall be formed according to different rule and terms than set forth in Chapter IV of this law.

2. With the purpose of forming the Central Elections Commission of Georgia the President of Georgia announces the competition by issuing an order before May 10<sup>th</sup> of 2005.

3. The candidates for the chairperson/members of the CEC are selected based on open competition.

4. The competition documents shall be submitted no later than 14 days after it is announced.

5. The list of candidates is published within 2 days after the expiration of the term of nomination of the candidates.

6. If at least 2 candidates are not nominated on each vacancy in the term established by this law, the competition shall be prolonged until there are at least 2 candidates nominated on each vacancy.

7. No later than 5 days after the expiration of the term of nominating the candidates, the President of Georgia makes the decision on selection of the candidates and nominates to the Parliament of Georgia one candidate of the CEC chairperson and 2 candidates for each vacant position of the CEC member.

8. The candidates submitted to the Parliament of Georgia are elected as chairperson/members of the CEC according to the rule and terms set forth in Articles 27 and 28 of this law.

9. The list of those elected is published within 3 days.

10. The President of Georgia calls the first session of the CEC within 10 days after the

election of the CEC members.

11. With the purpose of forming district election commissions the CEC shall issue a decree on holding a competition within 10 days after its first session.
12. District election commission members are selected upon an open competition.
13. The candidates of district election commission members shall be nominated to the CEC within one month after the first session of a new composition of the CEC.
14. Members of district election commissions shall be elected by the Central Election Commission no later than 20 days after expiration of the deadline for their nomination. If CEC fails to elect the members of district election commissions within this period, members shall be elected in accordance with the rules specified by the Paragraph 11, of Article 33 of the present law. [09.12.2005]
15. The CEC chairperson calls the first session of district election commission within 10 days after the election of the district election commission members.
16. At the first session of the central and district election commissions of Georgia, which were formed according to this law and in the terms set forth in this article, the authorities of the relevant election commission members, which existed before this article came into legal force, are terminated. The officials of the election commissions shall hand over the issues to the new compositions of the commissions.

**Article 128<sup>14</sup>. The deadlines of appointing the mid-term and by-elections that are to be held in 2005** [22.04.2005]

Because of the transition to the professional composition of the election administration, the mid-term and by-elections that are to be held in 2005 in single-mandate election districts shall be conducted in October-November of 2005

**Article 129**

1. The obligation to know the Georgian language as established under paragraph 1 of Article 92 shall enter into force after January 1, 2005.
2. Subparagraph "a" of paragraph 5 of Article 18 and paragraph 3 of Article 31 of this law, which concern the possibility of appointment/election into the election commission and its staff only the person, who has a certificate of election administration official granted by the Central Elections Commission, shall come into force from January 1<sup>st</sup> of 2006 for the CEC staff employees and district election commission members, and from July 1<sup>st</sup> of 2006 for the precinct election commission members. If the CEC staff employees and district election commission members do not receive the certificate of election administration officials, their authorities shall be terminated immediately after expiration of this term by the decree of the CEC chairperson. CEC shall establish the rule of certification and ensure certification of the CEC staff employees and district election commission members until January 1<sup>st</sup> of 2006 and certification of precinct election commission members - until July 1<sup>st</sup> of 2006. [22.04.2005]
3. Deleted [22.04.2005]
4. Provided that a problem related to the knowledge of the national language arises in the DEC and PECs, on the basis of the application of the DEC, the CEC shall provide an interpreter having appropriate qualifications.
5. The requirement of obligatory certification determined by this law does not apply to the CEC members elected in 2005 [22.04.2005]

**Article 129<sup>1</sup>. 2006 Elections of Representative Body of Local Self-Government -- Sakrebulo and Measures To Be Taken Before Elections**

1. Elections of a representative body of local self-government -- Sakrebulo -- shall be called by the Georgian president no later than 40 days before the elections. [23.06.06]

1<sup>1</sup>. The election of local self government body sakrebulo in 2006 are conducted in order to elect sakrebulo of Tbilisi, self governing cities, raions (municipalities), as well as Erdevi, Qurti, Tiagvi and Azhara communities. [23.06.06]

1<sup>2</sup>. The Sakrebulo of Erdevi, Qurti, Tiagvi and Azhara communities shall be composed of 14 members, 10 members elected through proportional system, 4 elected through majoritarian system. [23.06.06]

2. The local majoritarian districts for the elections of the representative body of local self-governance sakrebulo in 2006 shall be defined by CEC. In the municipalities the administrative units (or the union of administrative units) which were an independent self governing units until January 1, 2006 constitute local majoritarian districts. In self-governed cities the main criteria while defining local majoritarian districts is the equal allocation of the number of voters and the whole territory of the self-governed city. [23.06.06]

3. For the purpose of the elections of local self government body - Sakrebulo in 2006 the district election commissions formed for Sakrebulo elections shall perform the functions of DEC's defined by this law.

4. For the elections of local self government body sakrebulo in 2006 the authorities of local self government body who intend to participate in the elections and whose positions are not determined by the organic law of Georgia on local self governance have to resign from their positions. [23.06.06]

5. For participation of Tbilisi Mayor and members of Tbilisi sakrebulo in 2006 local self government body --Sakrebulo elections the requirement for termination and stopping the authority does not concern them. [23.06.06]

**Article 129<sup>2</sup>: Activities to be implemented before the Parliamentary elections [23.06.06]**

For the Parliamentary elections the CEC should ensure creation of election precincts for 1500 voters.

**Article 129<sup>3</sup>. Some activities for organizational provision of the elections of local self government body -- Sakrebulo in 2006 [07.2006]**

1. For the the elections of local self government body -- Sakrebulo in 2006 and with the purpose to update the voters' lists (checking/correcting the data in the general list of voters, removing deceased people who were not registered in the ministry of Justice and so on), based on the rules prescribed under this law for creation of the precinct election commissions, special groups shall be formed since 23 August, 2006.
2. For the purpose of electing three members of the special group District election commissions shall announce a competition, not later than 7 August, 2006.
3. The rules, timelines and conditions for competition shall be defined by CEC regulation, not later than 1 August, 2006.
4. The subjects authorized by Article 36 of this law shall submit its decision on the appointment of the members of the special groups and the relevant documentation required for appointment of the precinct election commission members to the corresponding district election commission no later than 17 August, 2006.

5. If the subjects specified by the article 36 do not appoint the member(s) of the special groups in the term and under the procedure established by this Article, it will lose the right to appoint the member. If for this reason the number of the members is less than the required (by article 26) by 18 August 2006, the right to fill up its composition shall be conveyed to the superior district election commission from among the candidates participating in the competition for special groups.
6. The chairperson, deputy chair and secretary of the special group can be nominated by at least two members of the group. The candidates for leading positions are considered to be elected if supported by more than half members of the group, but not less than three.
7. In order to implement the requirements prescribed under this article, the DEC's shall define under its ordinance the borders of the precincts according to the rules prescribed under this law not later than 4 August, 2006.
8. The first session of the special groups created according to this article is appointed by the DEC ordinance not later than be held 21 August 2006.
9. The first session of the special groups shall be held not later than 23 August 2006.
10. A decision regarding the remuneration for special groups created according to this article is defined under CEC decree.
11. The special groups created according to this article shall be assigned to conduct door to door checking of the data for each voter in the list and make relevant corrections based on the data of the citizens ID card.
12. The CEC will be assigned to create special forms according to which special groups shall remove the data of the deceased persons, who were not registered in the ministry of justice, from the general list of voters.
13. special forms shall be determined by CEC ordinance.
14. The voters' lists checked and updated by the special groups created according to this article, shall be signed by the chair of the group and secretary.
15. The corrections made by the special groups shall be approved by DEC ordinance after verification of the data in the relevant raion departments of the civil registry.
16. The local self government bodies shall be assigned to provide special groups with the relevant buildings.
17. The central election commission of Georgia shall define under its ordinance the budget (the rule for allocation and spending) from the finances allocated for the preparation and conduct of 2006 local self government elections. The budget shall also include the finances spent by CEC on pre election preparation before adoption of the ordinance.
18. Not later than 20 days before the elections CEC shall transfer money allocated for DEC's on their accounts.
19. The CEC will ensure the translation of the general list of the voters and ballot papers into Armenian, Azeri and Russian languages in order to enable voters in the ethnical minority regions (Akhalkalaki, Ninotsminda, Marneuli and Gardabani) to check themselves in the voters lists.
20. The CEC will provide trainings and seminars for political parties, local NGO's and representatives of press and mass media.
21. The local NGO's willing to observe the elections of local self government body sakrebulo in 2006 will have to pass repeated registration.
22. Not later than 1 September 2006 CEC will define by its ordinance the different rules and timelines (than described under chapter 8 of this law) for registration of the NGO's.

## **CHAPTER XIX. CONCLUSIVE PROVISIONS**

### **Article 130**

3. In connection with the enactment of this Law these shall be considered invalid:

- a) Organic Law of Georgia on Elections of Parliament of Georgia (Sakartvelos Parliamentis Utskebani, 1995, No.31-33).
- b) Organic Law of Georgia on Elections of President of Georgia (Sakartvelos Parliamentis Utskebani, 1995, No.31-33).
- c) Law of Georgia on Elections of Representative Bodies of Local Self-governance *Sakrebulos* (Parlamentis Utskebani, 1998, No.27-28).

### **Article 131. Enactment of the Law**

This Law shall come into force upon its publication.

Amendments:

28 September 2001 Law of Georgia 1074 Matsne 26, Article 108;  
12 February 2002 Law of Georgia 1274 Matsne 4, Article 15;  
12 February 2002 Law of Georgia 1268 Matsne 4, Article 16;  
10 April 2002 Law of Georgia 1380 Matsne 9, Article 41;  
5 August 2003 Law of Georgia 2932 Matsne 24, Article 173;  
12 August 2003 Law of Georgia 2934 Matsne 24, Article 174;  
14 August 2003 Law of Georgia 2925 Matsne 25, Article 186;