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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ELECTION CODE OF GEORGIA

General Section
PART I

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall establish the legal basis for the preparation and conduct of elections of the President of Georgia, the Parliament of Georgia, the local self-government representative body – *sakrebulo* (local council), of *gamgebel* (head of local government) and of a mayor. The Law shall also define the rights and guarantees of the election participants, the rules for forming the Election Administration and the competencies thereof, as well as the regulations for dispute resolution in the cases provided by this Law.

Article 2. Legal Basis of Elections

The legal basis for preparing and conducting elections of the President of Georgia, the Parliament of Georgia, the of local self-government representative body (local council) – *sakrebulo*, *gamgebeli* and mayor, shall be the Constitution of Georgia, universally recognised 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

For the purposes of this Law, the terms used herein shall have the following meaning:

- a. *(14.08. 2003β. N 2965-ÒÓ)* **Elections** – for the purposes of this Law elections shall mean the election process aiming at and resulting in the election of the members of representative bodies of public authorities and public officials through universal elections;
- b. **Elections conducted through proportional electoral system** – election of members of Parliament and the local self-government representative body – *sakrebulo*, based on Party Lists;
- c. **Elections conducted through majoritarian (first pass the post) electoral system** – election of the members of parliament, election of *sakrebulo* members, of *gamgebelis* and mayors, by single-mandate or multi-mandate election districts;
- d. **Right to vote** – active and passive voting right;
- e. *(14.08. 200. N 2965-ÒÓ)* **Active electoral right/suffrage** – the right of a citizen to participate, through voting, in universal elections and a referendum held for electing people’s representatives in public representative bodies and public officials;
- f. *(14.08. 2003β. N 2965-ÒÓ)* **Passive electoral right/eligibility** – the right of a citizen to be a candidate for the membership in a public representative body and run for the public office;

- g. (14.08. 2003 β . N 2965- \AA \text{\AA}) **Electoral registration** – the registration by the relevant Election Commission of the parties, electoral blocs, initiative groups of voters and candidates with the purpose of their participation in elections;
- h. (14.08. 2003 β . N 2965- \AA \text{\AA}) **Election subject** – a candidate nominated for a membership in a public representative body or a candidate for holding a public office, as well as the party, the election bloc and the initiative group of voters registered by the relevant Election Commission;
- i. **Election Administration** – the Central Election Commission of Georgia (CEC), the District Election Commissions (DEC) and the Precinct Election Commissions (PEC);
- j. **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;
- k. **Election bloc** – a union of 2 or more Parties registered by the Central Election Commission of Georgia;
- l. **Electoral campaign** – a set of the measures undertaken by the candidates to becoming election subjects and by election subjects, for the purpose of participating in and winning elections;
- m. **Election agitation** – the action of Georgian citizens and election subjects calling upon the voters to support or to vote against election subjects;
- n. **Candidate for the Presidency of Georgia** – a citizen of Georgia, nominated by a Party registered by the Central Election Commission of Georgia, or by an initiative group of voters, as a candidate to run for the Presidency of Georgia;
- o. **Party List Candidate** – a citizen of Georgia included on a party list registered by the Central Election Commission of Georgia with the purpose of taking part in the Parliamentary and local representative body – *sakrebulo* - elections;
- p. **Majoritarian (first pass the post) candidate** – a citizen of Georgia, nominated by the party (election bloc) or by the initiative group of voters (registered by the relevant Election Commission) in a specific electoral district as a candidate to run for the membership in the Parliament of Georgia or in the local government representative body – *sakrebulo*, or run for the office of a **gamebeli or a mayor**;
- q. **Candidate for the position of *gamebeli*** – a citizen of Georgia nominated by a Party (election bloc) or by an initiative group of voters for the office of a *gamebeli*;
- r. **Candidate for the position of a mayor** – a citizen of Georgia nominated by a Party (election bloc) or by an initiative group of voters for the mayor's office;
- s. (14.08. 2003 β . N 2965- \AA \text{\AA}) **General elections** – the regular or off-year universal elections held with the purpose of electing a public representative body or public officials and in which, all voters established by this law as the voters for a representative body or voters to elect the public official, can participate;
- t. (14.08. 2003 β . N 2965- \AA \text{\AA}) **Regular elections** – the general elections to be held due to the expiration of the term of office of a public representative body or a public official within the timeframes established by the Constitution of Georgia, this Law, the Constitutions of the Abkhazia and Adjara autonomous republics and respective laws;

- u. (14.08. 2003β. N 2965-ÒÓ) **Off-year elections** – the general elections to be held due to the early expiration of the term of office of a public representative body or a public official;
- v. (14.08. 2003β. N 2965-ÒÓ) **Mid-term elections** – the elections to be held with the purpose of filling up the vacancies in the public representative body;
- w. **By- elections** – the elections to be held on the entire territory of Georgia as regular elections in the event:
 - a. the returns of the proportional elections held throughout Georgia have been invalidated and the law does not provide for the conduct of by-elections;
 - b. the returns of the majority (first pass the post elections) held in the entire election district have been invalidated or returns were accepted, but no-one has been elected and the law does not provide for the conduct of the second round of elections;
 - c. the elected individual has failed to present before the Central Election Commission a narcological (drug) test certificate and the elections returns were invalidated by the relevant decision of CEC;
 - d. the election returns have been declared void by the court ruling (12.10.2004. #448);
- x. (14.08. 2003β. N 2965-ÒÓ) **Repeated ballot** – the voting to be repeatedly held in those electoral precinct(s), where the ballot returns were declared void, or in the entire multi-mandate district based on the party lists, where no party/election bloc has won a mandate;
- y. **Second round of elections** – voting to be held in the cases and within the timeframes established by this Law in the event the first round of elections has not identified a winner;
- y¹. (14.08. 2003β. N 2965-ÒÓ) **End of elections** – the date of publication of the summary protocol of final election returns (including second-round elections and repeated ballots) as approved by the appropriate Election Commission;
- y². (14.08. 2003β. N 2965-ÒÓ) **Election day** – the day of holding general, mid-term or by-elections;
- y³. (14.08. 2003β. N 2965-ÒÓ) **Polling day** – the day of holding elections, second ballot or second round of elections;
- z. **Election documents** – applications, complaints, letters, working papers, protocols, ballot papers, special envelopes, legal Acts of the Election Administration, voting licenses, control sheets, registration logs, voter lists, voter cards and other documents incoming to and outgoing from the Election Commissions; (12.10.2004. N488);
- z¹. (14.08. 2003β. N 2965-ÒÓ) **Packaging of documents** – wrapping or packing the documents in a bale or in a box and sealing it so that it becomes impossible to remove or insert the documents from or into the bale/box without damaging the seal;
- z². (14.08. 2003β. N 2965-ÒÓ) **Seal** – a strip of paper attached to the places of opening of a voting device, document box, registration log, polling day record book, indicating the date and time of sealing and signed by individuals defined by this Law;
- aa. **Representative body of local self-government** – *sakrebulo* – the *sakrebulo* (the local council) of a village, community, township, city and the city out of the rayon (district) subordination;

- ab. (14.08. 2003β. N 2965-ÒÓ) **Local constituency/electoral district** – the part of an election district formed with the purpose of holding local self-government elections provided that the constituency comprises more than one local self-government unit; The local constituency comprises entire territory of the respective local self-government unit.”

Article 3¹. Calculation of Timeframes Prescribed by this Law (14.08. 2003β. N 2965-ÒÓ)

1. All periods prescribed by this Law, including the timeframes from the beginning until the completion of elections, the time-limits for lodging applications before and making ruling by courts shall be counted by calendar days (including the days off and holidays as prescribed by the Labour Code of Georgia).
2. In the expression "in N days after the elections", the words "after the elections" shall mean that counting of the days shall start from the end of elections.
3. In the expressions: "in N days from a given day", " within N days from the given day", "no later / no earlier than within N days from the given day ", " no earlier/no later than N days from the given day" counting of the days shall start from the next day of an indicated day.
4. In the expressions “N days prior to the given day”, “no earlier/no later than N days prior to the given day”, no earlier/no later than on the Nth day prior to the given day”, the days shall be counted in a reverse mode starting 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 (14.08. 2003β. N 2965-ÒÓ)

1. The elections established by this Law shall be universal:
 - a. Any citizen of Georgia that by the date of elections had attained his/her 18th year or is attaining 18th year on the day of elections and satisfies all conditions set forth by this Law shall have an active electoral right, with the exception of those, whose active electoral right has been limited by the Constitution of Georgia and/or by this Law (Articles: 10, 56, 110) stemming from the Constitution;
 - b. The passive electoral right shall be granted to all citizens of Georgia satisfying conditions set forth by this law, with the exception of those, whose passive electoral right has been limited by the Constitution of Georgia and/or by this Law (Articles: 73, 76, 78, 80, 92, 94, 98, 110), stemming from the Constitution.
2. An individual, found incompetent or convicted and deprived of liberty by the court ruling, shall not have the right to participate in elections and referendums.

Article 6. Equal Suffrage

1. Every voter taking part in elections is equal;
2. Every voter in the same election district shall have 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 local self-government representative body (Council) – *sakrebulo*, as well as *gamgebelis* and mayors, shall be directly elected by voters.

Article 8. Secret Voting and Expression of Free Will of Voters

1. Elections in Georgia shall be held by secret ballot.
2. Any intervention, restricting the possibility to freely express the will of voters and any control thereof shall be prohibited.

Article 8¹. Publicity of Elections (14.08. 2003β. N 2965-rs)

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. Openness and publicity of elections shall be provided for the electoral legislation.

Article 8². Electoral Right Guarantees (14.08. 2003β. N 2965-ÒÓ)

1. No normative act shall be adopted/issued that restricts the voter's right to free expression of his will or infringes upon the equality of voters. Such a normative act may be appealed in the Constitutional Court of Georgia.
2. Violation of the election legislation may be appealed in the Constitutional Court or court of laws of Georgia in accordance with the terms and procedures prescribed by this Law and other legislative acts.
3. Those violating the election legislation shall bear administrative or criminal responsibility.

CHAPTER II
REGISTRATION OF VOTERS

Article 9. General List of Voters and its Compilation Regulations (14.08. 2003β. N 2965-ÒÓ)

1. The general list of voters shall be a list of individuals enjoying an active electoral right and registered as prescribed by law, being divided by the electoral precincts.

2. The general list of voters shall include the following data:
 - a. Last name, first name (*12.10.2004. N488*);
 - b. Date of birth (day, month, year);
 - c. Place of registration (permanent residence address);
 - d. ID Number and personal number of the citizen of Georgian;
 - e. Actual place of residence (the temporary residence address shall be indicated for an internally displaced person; the statement - "on a consular record" shall be made those abroad, or "is abroad" if such a person is not on a consular record).

3. The voter's data shall be entered in the general list according to the place of his/her registration. Internally displaced persons shall be entered in the general list of voters at their actual place of residence. (*22.04.2005 N 1427*).

4. The Central Election Commission shall be responsible for computer processing of the general list of voters and for ensuring internet access to the part thereof eligible for public disclosure (family name, first name, father's name, date of birth, place of registration and also the place of actual residence for internally displaced persons).

5. The general list of voters shall be drawn up based on:
 - a. the data available in territorial organs of the Ministry of Internal Affairs of Georgia concerning the persons registered on the corresponding territory, including those to attain to 18 years of age by the day of elections;
 - b. the data available at the relevant organs of the Ministry of Justice of Georgia (data on the deceased, those in pre-trial detention and in prisons);
 - c. the data available to the local self-government and/or government bodies;
 - d. the data on internally displaced persons delivered by the Ministry of Refugees and Settlement of Georgia or by its territorial organs;
 - e. the data delivered by the Ministries of Defence, Internal Affairs, and State Security, the State Department of State Border Protection and the Special State Protection Service concerning the fixed-term and contractual servicemen of the Georgian Military Forces and formations, whose service conditions require their location at the address other than their permanent place of residence, which belongs to another settlement and correspondingly to another election district;
 - f. the data delivered by the Georgian Consulate Services abroad concerning the voters being on a consular record.

6. With the purpose of keeping the general list of voters updated, the institutions mentioned in paragraph 5 of this Article shall, on February 1 and August 1 of each year, furnish the Central Election Commission of Georgia with updated or new data on the persons enjoying the right to vote. CEC shall ensure updating of the electronic database of voters based on this information.

7. The party registered for elections, a monitoring organisation defined by Article 68 of this Law and a voter, shall be entitled to access the publicly disclosed version of the general list of voters available at the Central, District and Precinct Election Commissions (provided that the voter shall have the right to access only the data concerning himself and his family members and to make changes thereto) and if any inaccuracy is found, to request no later

than 23 days prior to the elections day, to make relevant changes in the information and the voter list. The data shall become accessible and a copy shall be issued according to the regulations established by law.

8. The Election Administration shall, on its own initiative and based on the application provided in paragraph 7 of this Law, review the general list of voters. The District Election Commission shall consider results of the revision and take an appropriate decision within 5 days after the submission of the application, but no later than 20 days prior to the elections. The Commission's refusal to make amendments to the voters' data/lists shall be well-founded and shall be delivered to the applicant on the next day after issuing the order.

9. The District Election Commission's order to make amendments to the voters' data/lists shall be delivered to the Central Election Commission and the relevant Precinct Election Commission within 2 days.

10. The District Election Commission's refusal to amend the voters' data/lists can be challenged before the respective district/city court within 3 days after the refusal order is issued. Where court decides for the applicant, the court ruling shall, within 3 days, but no later than 13 days prior to the elections day, be delivered to the District Election Commission, which shall immediately furnish the relevant information to the Central Election Commission and the relevant District Election Commission. The Election Commissions shall make immediate corresponding changes to the voter lists.

11. The Precinct Election Commission shall, no later than on the day of its first meeting, be furnished with 2 copies of the general list of voters signed by the Chairman and a secretary of the District Election Commission, as well as with 2 copies of the final version of the amended lists (versions designated for the Election Commission and public inspection) no later than 10 days prior to the elections day. The publicly open version of the voter list shall be immediately and prominently displayed in the precinct Election Commission.

12. No amendments to the voter lists shall be made within the last 10 days prior to the elections day, while in the period between the 19th and the 10th days prior to elections day, the list can be amended based on the court ruling only.

13. The Central Election Commission and respective Election Commissions shall ensure publicity and accessibility of the general list of voters under the procedures established by Georgian legislation.

Article 9¹. Determination and Publication of the Total Number of Voters (14.08. 2003 β . N 2965- \O)

1. The total number of voters for the parliamentary, the presidential and the local elections (except for the regular presidential elections), as well as for a referendum, shall be determined based on the latest available information at the moment of announcing the date of elections/referendum, while for the presidential elections, the number shall be determined based on latest available information as of March 1 of the election year.

2. When holding parliamentary, presidential and local elections (except for the regular presidential elections) as well as for a referendum, the Central Election Commission shall, no later than on the 10th day after the announcement of the date of elections/referendum, and in

case of the Presidential elections - no later than on March 10 of the elections year, shall publicize via media and internet the total number of voters in the entire Georgia and in each electoral district. However, within the following 10 days, the District Election Commission, through the local media, shall publicize the total number of voters in the electoral district (also in local electoral districts in case of local elections) and in each electoral precinct.

3. When holding the mid-term parliamentary elections, the Central Election Commission shall, upon announcement of the elections date, make public, through media and Internet, the total number of voters (according to the latest available information) in the relevant electoral district. However, within the following 10 days, the District Election Commission, through the local media, shall publicize the total number of voters in the electoral district (also in local electoral districts in case of local elections) and in each electoral precinct.

4. When holding general parliamentary and presidential elections, as well as a referendum, the Central Election Commission shall, no later than 5 days prior to the elections/ the referendum day, publicize through media and the Internet the corrected total number of voters in Georgia and in each electoral district of Georgia, while the District Election Commission shall, within the same timeframes, publicize through local media the corrected total number of voters in the electoral district, as well as in every electoral precinct.

5. When holding the mid-term parliamentary elections, the Central Election Commission shall, no later than 5 days prior to the elections day, publicize through media and Internet the corrected total number of voters in the relevant electoral district, while the District Election Commission shall, within the same timeframes, publicize through local media the corrected total number of voters in that electoral district and in every electoral precinct.

6. When holding the local elections, the Central Election Commission shall, no later than 5 days prior to the elections day, publicize via Internet the corrected total number of voters in those electoral districts that do not comprise local electoral districts, as well as the corrected number of voters in local electoral districts, while the District Election Commission shall, within the same timeframes, publicize through local media the corrected total number of voters in that electoral district, which does not comprise a local electoral district or the total number of voters in the local electoral districts, as well as in every electoral precinct.

Article 10. Special List of Voters (14.08. 2003 β . N 2965- \O O)

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

- a. The Election Administration officers that due to performing their work in the Election Commission on the polling day can not vote on the place of their registration (they shall be entered into the list of the electoral precinct preliminarily defined by the corresponding district Election Commission);
- b. The voters that on the polling day are under the hospital treatment or in other inpatient facility;
- c. The voters that on the polling day are in the pre-trial detention;
- c¹. Fixed-term and contractual military servicemen of the Georgia military forces and military formations;
- d. The voters being in a sea on the elections day (they are put on the list at the port of registration of the vessel);

- e. The voters that, on the elections day, are abroad and are on the Georgian consular registry, as well as the voters who are not on the consular registry but, that no later than 21 days prior to the elections day, registered themselves at the Precinct Election Commission established in a state other than Georgia or at the Georgia's Consulate in a foreign state.
2. The list of the persons defined in subparagraph (a) of paragraph 1 of this Article shall have been drawn up by the relevant District Election Commission by no later than 5 days prior to the polling day.
3. A head of the relevant medical institution shall compile the list of the persons defined in subparagraph (b) of paragraph 1 of this Article and shall have delivered the list to the relevant District Election Commission by no later than the 12 days prior to the elections day.
4. A head of the relevant penitentiary facility shall compile the list of the persons specified in subparagraph (c) of paragraph 1 of this Article and shall have delivered it to the relevant District Election Commission by not later than 12 days prior to the elections day.
- 4¹. A head of the relevant military formation (unit) shall compile a list of the persons defined in sub-paragraph C¹, paragraph 1 of this article and shall have it delivered to the relevant District Election Commission no later than 6 days prior to the polling day (*12.10.2004. N488*).
5. A master of the relevant ship shall compile a list of the persons defined in subparagraph (d) of paragraph 1 of this Article and shall have it delivered to the relevant District Election Commission by no later than 15 days prior to the elections day.
6. A head of the relevant consular institution shall compile a list of the persons specified in subparagraph (e) of paragraph 1 of this Article and shall have it delivered to the Central Election Commission by no later than 20 days prior to the polling day. In the period of parliamentary and presidential elections, started from the announcement of the elections day until 21 days prior to the elections day, the voter shall be exempt from the payment of the fee otherwise payable for consular registration.
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 on persons specified in paragraphs 2 to 6 of this Article, the District Election Commission shall, no later than 3 days prior to the polling day, compile the special lists and shall, no later than on the next day after drawing up the lists, deliver them to the relevant subordinated Precinct Election Commissions. The District Election Commission shall, no later than within 2 days after the receipt of the data to be entered into the special lists, deliver these data to the District Election Commissions of those districts, in which the voters to form the special lists, have been registered. These District Election Commissions shall be obligated to make a corresponding notation in the general voter lists of the election district and the electoral precinct. (*12.10.2004. N488*).
9. In case a voter is put on a special list, a corresponding notation shall be made in the general voter list of the electoral precinct and this notation shall be certified by the signatures of the Chairman and the secretary of the Precinct Election Commission.

10. The voter, put on the special list, shall take part:
 - a. in both the majoritarian (first pass the post) 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 the parliamentary elections held under the proportional system, as well as in the presidential and local elections if he/she votes on the territory of another electoral district.

Article 11. Voter List Supplement (Mobile Ballot Box List)

1. The voter list supplement (hereinafter – the Supplement) shall be drawn up on the basis of the general and special lists of voters in the event:
 - a. a voter can not visit the polling station because of his disability or deteriorated health condition;
 - b. a voter is in the pre-trial detention facility;
 - c. a voter is either in a hospital or in another inpatient facility, where no polling precinct is opened;
 - d. a voter is a military serviceman, serves in a military formation located at the state border, which is far from the electoral precinct and where no polling precinct is open;
 - e. a voter is on the territory of the electoral precinct, but the area is hardly accessible.
2. The Supplement shall include only those disabled voters who are not in a position to visit the Election Commission unattended.
3. If a voter is entered in the Supplement, the grounds for the voter's entry in the Supplement shall be indicated in the general and special voter lists and shall be certified by the signatures of the chairman and the secretary of the Precinct Election Commission.
4. The Supplement shall include the same data on the voter as the general voter list and shall, in addition, specify voter's number in a general or a special list.

Article 12. Deleted. (14.08. 2003β. N 2965-ÒÓ)

Article 13. Voter Lists and Supplement Publishing (14.08. 2003β. N 2965-ÒÓ)

1. On the day of its first meeting, the Precinct Election Commission shall be obliged to prominently display the voter list and the text of regulations for lodging a complaint in relation to the lists, as well as the supplement (upon its compilation) at the Precinct Election Commission premises and the polling stations. Responsibility for not complying with this requirement shall be placed on the Chairman of the Precinct Election Commission.
2. In the lists indicated in paragraph 1 of this Article, after the examination of the data entered in these lists within the timeframes 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, there shall be indicated - “on consular registry”;
 - b. is abroad, but not on the Georgian consular registry, there shall be indicated - “abroad”;

- b¹. is performing a fixed or contractual military service in the Georgian military forces and formations, there shall be indicated – “in military service”, *(12.10.2004. N488)*;
- c. is on the special list, there shall be indicated - “the commission member”, “in hospital”, “in pre-trial detention” or “at sea”;
- d. is entered in the Supplement, there shall be indicated - “entered in the supplement”.

Article 14. Voter Invitation Card

1. No later than 2 days prior to the polling day the Precinct Election Commission shall deliver to all the voters registered on the territory of an electoral precinct and being on the voter lists, a voter invitation card to contain the following:
 - a. the date and the time of polling;
 - b. address of the polling station, the floor and the room numbers;
 - c. number of the voter in a voter list;
 - d. regulations for writing and submitting an application by a voter with the request to allow him /her participate in voting via the mobile ballot box due to his health condition or other reasons, as well as the telephone (fax) numbers of the Precinct Election Commission and other relevant information;
 - e. number of the electoral precinct; *(12.10.2004. N488)*;
 - f. last and first names of the voter, date of birth (day, month, year); *(12.10.2004. N488)*;
 - g. place of registration of the voter. *(12.10.2004. N488)*.
2. Not receiving a voter invitation card shall not be considered a ground for restricting a right to vote.

CHAPTER III ELECTION DISTRICTS AND ELECTORAL PRECINCTS

Article 15. Election Districts

1. There shall be 85 single-mandate election districts established for the Parliamentary elections in Georgia, out of which 10 – in the city of Tbilisi and 75 in view of the administrative-territorial division of the country.
2. *(14.08. 2003β. N 2965-ÒÓ)* For the purposes of local self-government elections, the Central Election Commission of Georgia shall form local electoral districts on the territory subordinated to the respective electoral district provided that the electoral district covers more than one local self-government unit. Every local electoral district shall cover the entire territory of the corresponding local self-government unit.
3. *(14.08. 2003β. N 2965-ÒÓ)* For the purposes of local self-government elections, the city of Tbilisi shall be treated as one local electoral district covering all ten electoral districts of Tbilisi.

4. *(14.08. 2003β. N 2965-ÒÓ)* For the purposes of local self-government elections, the cities of Batumi, Rustavi, Sukhumi, Kutaisi and Tskhinvali, shall each be considered a single local election district covering entire territory of a respective city.

5. Deleted. *(14.08. 2003β. N 2965-ÒÓ)*.

6. *(14.08. 2003β. N 2965-ÒÓ)* Electoral districts, their boundaries, names and numbers shall be established by the Central Election Commission no later than 105 days prior to the expiration of the powers of the Parliament of Georgia. The commission shall within 5 days publicize the relevant information including the district boundaries. The boundaries of electoral districts shall be adjusted no later than 75 days prior to the expiration of the Parliamentary powers and relevant information shall be made public within 3 days after the boundaries are finally adjusted.

Article 16. Electoral precincts

1. For the purposes of polling and counting the votes, an election district shall be divided into electoral precincts.

2. *(14.08. 2003β. N 2965-ÒÓ)* An electoral precinct shall be formed for a minimum of 20 and maximum of 2000 voters. The relevant District Election Commission shall form electoral precincts, establish 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 specifying the precinct boundaries within 5 days. The District Election Commission, based on the data from local self-government and government bodies, shall compile and revise a list and addresses of all residential buildings in the area covered by the electoral precinct, as well as the list and addresses of those premises that can be used by the Election Administration for the purposes of elections.

3. *(14.08. 2003β. N 2965-ÒÓ)* In exceptional cases (a military unit with more than 50 voters (military servicemen), a hospital and other inpatient medical facilities with more than 50 voters each, a ship at sea on the elections day, etc), an electoral precinct may be established no later than 15 days prior to the polling day. While the hospitals (inpatient facilities), military units (formations) with no more than 50 voters (servicemen, patients) shall, under the District Election Commission decree, be attached to the closest electoral precinct. However, a reasonable and well-founded request to be submitted by the head of a respective military unit in written shall serve a basis for the creation of an electoral precinct even in such military units (formations), where number of voters (servicemen) does not exceed 50.

4. *(14.08. 2003β. N 2965-ÒÓ)* No later than 50 days prior to the elections day, the District Election Commission, based on the data and checking made by the self-government and government bodies of corresponding districts, cities and districts inside the city, shall correct (adjust) the boundaries of electoral precincts and the list and addresses of the buildings within the boundaries of the electoral precinct. The adjusted boundaries shall be publicized within 3 days after the adjustment has been completed..

5. On the ships sailing on the elections day, as well as in the military formations, the electoral precincts shall be established in accordance with the regulations prescribed by this

Law, in view of the location of the port assigned to the vessel and location of the military formations.

6. *(14.08. 2003β. N 2965-ÒÒ)* In other states, electoral precincts shall be established by the Central Election Commission no later than 30 days prior to the elections day based on the data of the Ministry of Foreign Affairs. These electoral precincts shall be assigned the Election District # 01.

7. The District Election Commission shall, no later than within 5 days, and in cases provided by paragraph 3 of this article – within 2 days after forming an electoral precinct, publicize, through the press and other media, the precinct Election Commission numbers, addresses, telephone and fax numbers and other information thereof.

CHAPTER IV ELECTION ADMINISTRATION

Article 17. Status and Structure of Election Administration of Georgia *(14.08. 2003β. N 2965-ÒÒ)*

1. The Election Administration of Georgia is a public legal entity, established in accordance with this Law and exercising public competencies within the limits prescribed by the same Law.

2. The Election Administration shall discharge the obligations vested with it by electoral legislation and shall ensure the conduct of a referendum/plebiscite, holding of general elections of members of public representative bodies and public officials and full enjoyment by the referendum participants of their legitimate rights. The Election Administration shall, within the limits of its competencies, carry out supervision over the implementation of the election legislation and shall ensure its uniform application. *(22.04.2005 N 1427)*.

3. The Election Administration, within the limits of its competencies, shall be independent from other governmental bodies.

4. The Election Administration shall be a centralised system composed of the Central Election Commission of Georgia (CEC), the Central Election Commissions of Abkhazian and Adjarian Autonomous Republics and the Commission Staff thereof, District Election Commissions (DECs) and Precinct Election Commissions (PECs). The Central Election Commission of Georgia is the highest body of the Election Administration of Georgia. CEC shall direct and exercise control over the activities of Election Commissions of each level throughout the entire territory of Georgia. *(22.04.2005 N 1427)*.

5. The regulations for establishing the Election Commissions (except for the Central Election Commissions of) and their competencies are provided by this Law. As for the Election Commissions of Abkhazia and Adjara Autonomous Republics, the regulations for establishing Election Commissions thereof shall be prescribed by respective legislations of these republic and their competencies shall be defined by this law and the autonomous republic legislation.

6. The Central Election Commission shall be accountable before the Parliament of Georgia. Within 60 days after the end of elections, the Central Election Commission shall submit before the Parliament of Georgia the report to highlight the violations of electoral legislation in the course of elections, the public officials having breached the law, the cases brought before the Prosecutor's Office by the Central Election Commission and District Election Commissions, the complaints lodged by the commissions before the courts and the court rulings thereof.

7. The Temporary Commission of the Parliament of Georgia shall have the right to check the legality of the Election Administration activities, provided that the parliamentary majority does not make up more than half of the Commission members and in the absence of parliamentary majority, the commission shall have equal number of representatives of those parliamentary coalitions and the factions not being part of any coalition, as well as independent MPs, provided that they have not joined any faction or coalition and they are no less than 10 in number. In the event the signs of violating electoral legislation are found, the commission shall be authorized to file an appeal before the court of law, while in the event of finding the signs of a crime, the commission shall bring the case before the Prosecutor-General's Office of Georgia.

Article 18. Composition of Election Administration (22.04.2005 N 1427)

1. The Election Commission consists of the commission Chairman, Deputy Chairman, commission secretary and other members.

2. Members of the Election Commission and its staff shall be election administration officers.

3. A member of the Election Administration shall not join a party, and in cases he/she was a party member, he/she shall be obliged to leave the party.

4. The members and staff of the Central Election Commission of Georgia, Highest Election Commissions of Abkhazia and Adjara and members of the District Election Commissions, except auxiliary and not on the staff employees, shall be public servants. They shall fall under the category to which article 61 and 64 of the Law on Public Service and paragraphs 1, 3, 6 and 9 of article 13 of the Law on Conflict of Interests and Corruption in Public Service are applicable, therefore shall be affected by the activity restrictions and official inconsistency requirements. The Election Administration Officer shall not be an employee of any public body or agency of another state.

5. Only voters may be appointed/elected as members of the Central Election Commission and District Election Commission, except for:

- a. the person, who has not been awarded the Election Administration officer's certificate;
- b. the person, who has been dismissed, by the Election Commission or by court, from his/her position in the Election Commission for violating electoral legislation;
- c. the person, whose violation of electoral legislation has been acknowledged by the court;

- d. the person, who had been convicted of criminal offence (save in the circumstances when penalty (fine) was applied against the person) and who had not been cleared of a criminal record;
- e. heads and deputy heads of the departments / divisions of executive bodies;
- f. heads and deputy heads of the local government and self-government bodies;
- g. employees of the Ministry of Internal Affairs, the Ministry Defence and the Special State Security Service;
- h. judges and assistants to judges;
- i. employees of the Prosecutor's Office;
- j. election subjects and their representatives;
- k. local and international observers.

6. Upon being elected as an Election Administration officer, the person shall, within 7 days thereafter, comply with the activity restriction and official inconsistency requirements prescribed by paragraphs 3 and 4 of this Article.

Article 19. Rights and Responsibilities of Election Commission Members

1. A member of the Election Commission shall be obliged to take part in the Commission activities upon his/her appointment (election) as a commission member.

2. A member of the District or Precinct Election Commission shall sign the summary protocol of voting or election returns and, in the event he/she disagrees with the data included in the protocol, he/she shall have the right to make an appropriate note on the same line with the signature and attach his/her dissenting opinion, in written, to the protocol.

3. *(14.08. 2003β. N 2965-ÒÒ)* A member of the Election Commission shall not represent the subject (body) having appointed/elected him. He/she shall be independent in his activities and shall be guided only by the Constitution of Georgia and the Law. Any action to influence the Election Commission member or intervene in his/her activities with the purpose of influencing the decision-making process shall be prohibited and punishable by law.

Article 20. Term of Office of Election Commission Member/Head (22.04.2005 N 1427)

1. The term of office of Central and District Election Commission chairmen / members shall be 6 years.

2. The term of office of a PEC member shall commence on the day of the first meeting of the newly established commission and shall expire upon the completion of all procedures, provided by this Law, in the electoral precinct.

3. The term of office of an Election Commission member shall be terminated upon the election of his successor (substitute) Commission member.

4. The first meeting of a newly established Precinct Election Commission shall be held no earlier than 40 days before and no later than 35 days before the date of general or mid-term elections. In exceptional cases and in cases of electoral precincts created in other countries, the first meeting of the precinct election commission shall be held no later than 3 days after the establishment of the commission. The first meeting of the PEC shall be convened by the Chairman of this commission. There is an exception with regard to the PEC

created in other states – the first meeting of such PECs shall be convened by the Chairman of the Central Election Commission.

5. One and the same person shall not be elected a member/chairman of the Central and District Election Commission during 6 years after the termination of his/her term of office.

Article 21. Early Termination of the Term of Office of Election Commission Member / Head (22.04.2005 N 1427)

1. The term of office of an Central Election Commission member/chairman shall be terminated by the resolution of the Parliament, while the District or Precinct election Commission members' term of office shall be terminated under the ordinance of the superior Election Commission. The term of office of the Deputy Chairman and Secretary of the CEC, as well as chairmen of DEC and PEC, their deputies and secretaries, shall be terminated ahead of time by the ordinance of the relevant Election commission in the following cases:

- a. Upon resignation from office:
 - aa. an application regarding the resignation of the CEC Chairman or the termination of the terms of office of the CEC member shall be submitted to the Parliament of Georgia;
 - ab. the application regarding the resignation of a Deputy Chairman of CEC or the secretary thereof, shall be submitted to the Central Election Commission;
 - ac. the application regarding the resignation of a Chairman or Deputy Chairman or Secretary of the District or Precinct Election Commission shall be submitted to the superior Election Commission;
 - ad. the application regarding the termination of the terms of office of a member of the District or Precinct Election Commission shall be submitted to the superior Election Commission.
- b. If a commission member has failed to cease inconsistent activity and/or office-holding within 7 days after being elected a commission member;
- c. If a commission member has assumed the office incompatible with his/her status under this law;
- d. If it is found that the commission member is involved in the activities inconsistent with the status of a commission member;
- e. If the data contained in the applications, decisions and the annexes thereof, mentioned in paragraph 6 of article 28, paragraph 7 of article 33 and paragraph 9 of article 37, are found to be incorrect – from the date when this incorrectness is found;
- f. If a commission chairman/member does not discharge his/her duties for an unreasonable excuse for two months successively or has failed to attend the commission meetings 3 times successively;
- g. If the person has been found guilty or if the violation of an election legislation has been established by court by– provided that the court judgement becomes effective;
- h. Upon prohibition or liquidation of the party (unless the liquidation was effected due to merging with the party which had not been entitled to nominate a commission member; in such case, the party, which the previous party merged with shall be considered a successor of the liquidated party), which has appointed a commission member – provided that the court decision on the

- party liquidation becomes effective, and in the event of the party liquidation – provided that the court makes ruling on liquidation;
- i. Upon recall of a member of the Precinct Election Commission by the appointing party – in the event the party submits the statement of recall to the relevant District Election Commission;
 - j. If the status of a commission member, as of a voter, has been revoked;
 - k. In case the election legislation and/or election administration rules of procedure have been systematically or grossly violated, or if other relevant grounds, provided by the Law on Public Service, have been in place.
2. The request to dismiss the Chairman / Deputy Chairman / Secretary of the Election Commission from the office, as well as the issue of early termination of their terms of office, shall not be raised twice successively within 6 months.
3. In the event one of the grounds mentioned in paragraph 1 of this article has been in place, the issue regarding the resignation of the election commission chairman/deputy chairman/secretary or the early termination of the terms of office of a commission member shall be considered and decided upon: 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 regulations that applied to their election process.
4. In the event the application, requesting resignation /termination of the terms of office, has not been satisfied within the timeframes established by this article, the chairman /deputy chairman / secretary of the election commission shall be considered resigned and the term of office of the election commission member shall be terminated from the second day after this time-limit elapses.
5. The precinct election commission member may not be recalled after the day, which is 7 days prior to the polling day.

Article 22. Election Commission Activity Regulations (Rules for Work of Election Commission)

1. The Election Commissions activity regulations shall be determined by this Law and by the rules of procedure of a relevant commission. These rules of procedure shall be adopted by the Central Election Commission through a Decree.
2. Deleted (*14.08. 2003β. N 2965-ÒÓ*).
3. In the absence of the Election Commission Chairman, or if tasked by the Chairman, the latter's duties shall be assumed by the Deputy Chairman.
4. The frequency of Election Commission sessions shall be determined by the relevant commission. If the need be, an ad-hoc session may be convened by a Chairman or a Deputy Chairman.
5. #5 is absent in Georgian Text (translator's remark);
6. The session shall be considered authorized if attended by majority of the members (active roll) of the commission (*22.04.2005 N 1427*).

7. The commission decision shall be considered taken if it is supported by the majority of those attending the session (unless higher quorum is required by this law), but by no less than one third of all members. *(22.04.2005 N 1427)*.
8. In the event the votes are equally divided, the Session Chairman's vote shall be decisive.
9. Personnel-related issues shall be decided at the session by majority of all members of the commission. *(22.04.2005 N 1427)*.
10. Minutes of the session shall be drawn up and signed by the session's Chairman and the commission secretary.
11. The Minutes of a session shall be formalized (executed) within 2 days after the session.
12. The Election Commission member, disagreeing with the commission decision, shall have the right to express his/her dissenting opinion in written form, to be attached to the Minutes of the session. In addition, the dissenting member shall be obliged to respect and abide by the decision made by the commission. He/she shall not have the right to prevent, through his actions, the execution of this decision.
13. Deleted *(22.04.2005 N 1427)*.
14. Deleted *(14.08. 2003β. N 2965-ÒÓ)*.
15. Election Commission shall accept, issue and register documentation until 6 p.m. on working days, save in the cases established by this Law.
16. Upon acceptance of an application (complaint), the date and time of its acceptance shall be entered into the registration log of the commission. The commission shall consider the application (complaint) and make an appropriate decision.
- 16¹. *(14.08. 2003β. N 2965-ÒÓ)* The applicant shall confirm receipt of any document from the commission by putting his signature into the registration log.
17. An Election Commission shall be authorized not to consider the application (complaint) if the deadline and submission procedure have not been observed.

Article 22¹. Electing the Chief Administrative Officers/members of Election Commissions
(22.04.2005 N 1427)

1. Chairman of the Election Commission (except the CEC Chairman), deputy chairman/secretary, shall be elected by the relevant commission from the commission members upon the vacancy formation at the very first meeting of the Commission through voting by the majority of the all commission members for a term of office applicable to a commission member.
2. The right to nominate chief officers of a commission shall be provided to:

- a. no less than 2 members of the commission – for nominating the candidates for the chairmanship of the district and precinct election commissions;
 - b. chairman of a commission – for nominating deputy chairman of the commission;
 - c. Commission chairman or no less than 2 members of the commission – for nominating a secretary of the commission.
3. One and the same candidate can be nominated only twice.
 4. In the event the commission Chairman/Deputy Chairman/Secretary has not been elected within the established timeframe, his/her duties shall be assumed by that member of a commission, who has received the largest number of votes. If votes are equally divided, such a member shall be elected by casting lots.
 5. If the Chairman and Deputy Chairman of an election commission concurrently, or the Commission Secretary, temporarily, can not discharge the duties prescribed under this Law and meanwhile, this Law requires taking such actions that fall under the special competences of a Chairman or a Secretary, the commission shall, in accordance with the regulations provided by paragraphs 1 and 2 of this article, immediately elect among its members an acting Chairman/Secretary. The acting Chairman's term of office shall be terminated as soon as the Chairman or the Deputy Chairman can exercise his/her powers. The term of office of the acting Secretary shall be terminated as soon as the Secretary can discharge his/her duties.
 6. In the event the commission has neither a Chairman, nor a Deputy Chairman, the commission the Secretary of the commission shall convene and chair the session to elect the Chairman until the latter is elected. In the event the commission does not have a Secretary either, the commission session shall be convened and chaired (before electing a Chairman) by the oldest member of the commission.

Article 23. Remuneration for Members of Central Election Commission of Georgia

1. The Chairman, Deputy Chairman, secretary and other members of the Central Election Commission of Georgia shall be paid salaries from the State Budget of Georgia for the entire term of their office.
2. *(14.08. 2003β. N 2965-ÒÓ)* Manning table (staff list) of the CEC shall be approved by the CEC, upon submission by the Chairman, while the commission budget, shall be approved by the Parliament of Georgia, upon submission by the CEC.
3. Non-working hours and the overtime work of the members of the Central Election Commission of Georgia shall be remunerated in the amount established by the Central Election Commission, from the funds allocated for the conduct of elections.

Article 24. Remuneration for Members of District and Precinct Election Commissions

1. The Chairman, Deputy Chairman, Secretary and other members of the District Election Commission shall paid a salary from the State budget for the entire term of their offices. *(22.04.2005 N 1427).*
2. Deleted *(22.04.2005 N 1427).*

3. *(14.08.2003β. N2965-ÒÓ)* The PEC Chairman, Deputy Chairman and commission Secretary shall receive a salary from the funds allocated for the conduct of elections during the whole period of preparing and holding elections, and other commission members (under the decree of the superior DEC commission Chairman) shall receive the salary during 30 days prior to the polling day and/or in the case the second round elections, they shall also receive a salary during the period from the 4th until the 2nd days prior to polling.
4. The remuneration payable to the members of District or Precinct Election Commissions shall be determined by the Central Election Commission of Georgia.
5. Non-working hours and overtime work of the members of District or Precinct Election Commissions shall be remunerated in the amount established by the Central Election Commission of Georgia.

Article 25. Legal Acts of Election Administration of Georgia *(14.08. 2003β. N 2965-ÒÓ)*

1. The legal acts of the Election Administration of Georgia shall be as follows:
 - a. Decrees and ordinances of the CEC, ordinance of the CEC Chairman, ordinance of the CEC Secretary;
 - b. Ordinance of the DEC, ordinance of the DEC Chairman, ordinance of the DEC Secretary;
 - c. Ordinance of the PEC, ordinance of the PEC Chairman, ordinance of the PEC Secretary.
2. A decree of the CEC shall be a by-law, which can be adopted only in the cases explicitly provided by this Law. A Decree may also be adopted in exceptional circumstances in the period from the commencement until the completion of elections, provided that it becomes necessary to address the issues required for the conduct of elections and not provided by this Law. A decree may be also adopted to establish instructions for the conduction of individual election procedure, however such a decree shall not contain the norm, which is new or different from the one established by this Law, and shall contain only a comprehensive description of the procedures provided by this Law.
3. The CEC Decree shall be considered adopted if supported by at least two-third of all members of the commission. The decree shall be signed by the Chairman of the relevant CEC session and the commission Secretary. THE CEC Decree shall become effective at midnight (12 p.m.) of the day of its publication in the official Georgian gazette "Sakartvelos Sakanonmdeblo Matsne" (Georgian Legislation News), unless the decree provides for a later time. A Decree may not be adopted earlier than 4 days prior the polling day *(22.04.2005 N 1427)*.
4. Ordinance of the Election Commission, its Chairman and a Secretary shall be individual legal acts to be adopted/issued in the cases and within the limits prescribed by this Law and the CEC decree. A Commission ordinance shall be signed by the Chairman of the relevant Commission session and the Commission Secretary, other ordinances shall be signed by the persons issuing them. Unless other quorum is prescribed by this Law, the commission ordinance shall be considered adopted if supported by majority of the attending members attending the session, but by no less than one third of all members of the commission *(22.04.2005 N 1427)*.

5. Decisions taken by the Central, District and Precinct Election Commissions of Georgia and the officials thereof, within the limits of their competences, shall be binding on the entire territory: of Georgia, of the election district and the electoral precinct respectively.

Article 26. Composition of Election Commission (22.04.2005 N 1427)

1. The Central Election Commission shall consist of a chairman and 6 members. The Chairman of CEC shall also be a commission member during the term of his/her office. Termination of the CEC Chairman term of office shall at the same time mean termination of his membership. The District Election Commission shall consist of 5 members, while the Precinct Election Commission shall be composed of no less than 5 and no more than 9 members to be appointed/elected by the subjects and within the timeframes and in accordance with the procedures prescribed by this Law.

Article 27. Formation of the Central Election Commission of Georgia (22.04.2005 N 1427)

1. The Chairman and 6 members of the Central Election Commission shall be elected by the Parliament of Georgia upon the nomination by the President of Georgia.

2. Candidates for the chairmanship / membership of CEC shall be selected through the open competition process.

3. No later than 60 days prior to the expiration of the chairman's /member's term of office, the President of Georgia shall issue an ordinance on the conduct of the competition and formation of the Competition Commission.

4. A candidate for the chairmanship/membership of CEC shall be a non-party person with higher education, fluent in the state language of Georgia, enjoying good public reputation, with no less than 3-year working experience and holding the election administration officer's Certificate.

5. Any mentally competent citizen of Georgia, who has attained to the age of 25 years, meeting the requirements prescribed by paragraph 5 of article 18 of this Law, paragraph 4 of this article and article 17 of the Law of Georgia on Civil Service shall have the right to participate in the competition. The competition documentation shall be submitted no later than within 14 days after the announcement of the competition.

6. The competition application shall specify the name, last name, education (higher), profession, academic degree (if applicable), address (as per the Georgian citizen ID), place of work and position of the candidate, as well as the contact address and telephone number(s) (if applicable). The application shall be signed by the candidate and it shall be attached with the following:

- a. 2 photos of the candidate;
- b. copy of the Georgian citizen's ID;
- c. Curriculum Vitae (Labour Biography) of the candidate and his experience in holding elections (if applicable).

7. In the event less than 2 candidates submit the application within the timeframes established by this law, the competition shall be extended until the time, when no less than 2 candidates submit an application per vacancy.

8. The list of candidates shall be publicized within 2 days after the deadline for nominating the candidates.

9. No later than within 5 days after the deadline for the nomination of candidates, the Competition Commission shall present before the President of Georgia no less than 2 and no more than 3 candidates per each vacancy in the CEC. The President shall select a candidate for the chairmanship of CEC. No later than within 7 days after the selection/nomination of candidates, the President of Georgia shall select the candidates and present before the Parliament of Georgia the candidate for the chairmanship of CEC and 2 candidates for a single vacancy of the CEC membership.

Article 28. Appointment/Election of the Chairman/ Member of the Central Election Commission of Georgia (22.04.2005 N 1427)

1. No later than within 14 days after the President of Georgia nominates the CEC chairman/members before the Parliament of Georgia, the Parliament shall, through the roll-call voting, elect the chairman/members. Each candidate shall be put to voting separately. The CEC chairman/member shall be considered elected if supported by the majority of the nominal roll (list) of MPs. If the number of elected individuals turns out to be higher than the vacancies, the best 6 candidates (with the best returns) shall be considered elected. In the event a winner can not be identified due to the equal number of votes, these candidates shall be immediately put to voting until the identification of a winner.

2. In the event the polling has failed to fill in all vacancies, the rest of the candidates shall be put to voting repeatedly. In the event the vacancy is empty again, another voting shall be conducted. If the vacancy still remains unfilled, the President of Georgia, shall within 3 days, nominate before the Parliament of Georgia 2 candidates out of the other candidates participating in the competition, for each unfilled vacancy. If the vacancy still remains empty, an additional competition shall be announced no later than within 3 days and the procedure of submitting the nominations shall start again.

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

4. After the early termination of the CEC term of office, in order to fill the commission up to 7 members, the President of Georgia shall, within the nearest parliamentary session week, re-nominate before the Parliament those candidates that received no less than majority of the MP list, or shall, no later than within 3 days, appoint a competition. The same regulation applies to the situation, when such a candidate does not exist.

5. The resolution of the Parliament of Georgia on electing the CEC chairman / member shall be submitted to the CEC within 7 days after the adoption thereof.

6. The resolution mentioned in paragraph 5 of this article shall specify the name and the last name of the person elected as a chairman/member. The resolution shall be attached with the competition documentation submitted in accordance with paragraph 6 of article 27 of this

Law and with the statement, signed by the above person, indicating that he/she meets the requirements prescribed by paragraph 5, article 18 of this Law.

Article 29. Competencies of the Central Election Commission of Georgia (14.08. 2003 β . N 2965- $\ddot{O}\ddot{O}$)

1. The Central Election Commission of Georgia:
 - a. shall, within the limits of its authority, ensure the conduct of elections and referendums, monitor the implementation of the election legislation and guarantee its uniform application throughout Georgia; (22.04.2005 N 1427);
 - b. shall, by decree, adopt the Rules of Procedure of the Election Administration;
 - c. In exceptional cases, where the requirements/timeframes prescribed by this Law can not be reasonably observed, may, through a decree, set new activities and timeframes for the conduct of elections/polling, as well as propose, if necessary, to the President of Georgia, setting of a new date for the elections (12.10.2004. N488);
 - d. shall, through the decree, determine the rules for the participation and usage of the governmental and non-governmental media in the election process and monitor implementation thereof in compliance with this Law and other Georgian laws;
 - e. shall, by ordinance, establish election districts and define their boundaries;
 - f. if necessary and for the purpose of resolving some particular issues, may, by ordinance, to be passed by at least two-thirds of the total number of all members, set up a special group, define the limits of its competencies (authorities) and the term of validity thereof (operations deadline);
 - g. in the event a lower-level Election Commission does not or cannot perform the obligations vested with it by law, CEC may, by ordinance to be passed by at least two-thirds of the total number of all members, terminate the terms of office of such a commission and set up a temporary group and task it with discharging the commission's duties until the commission is set up anew;
 - h. shall, by decree, determine the rules for the distribution and usage of the funds allocated by the state for the conduct of elections and referendums; (22.04.2005 N 1427);
 - i. shall, through ordinance, define the form of the election/referendum/plebiscite ballot papers; the texts of the ballots designated for the Parliamentary, Presidential and Tbilisi City Council elections of and the texts of the referendum/plebiscite ballots; types of the ballot boxes, electoral envelopes and seals of Election Commissions; the types of election-related documentation not defined by this Law, but required for the conduct of elections (22.04.2005 N 1427);
 - j. shall ensure the production of the election-related documents, ballot boxes, special envelopes and seals for Election Commissions and delivery to DEC's;
 - k. shall, through ordinance and in accordance with the timeframes prescribed by this Law, set a timetable for the election activities;
 - l. shall, through ordinance, appoint off-year, by-elections and mid-term elections, second (repeated) ballots and second round of elections;
 - m. shall, on its own initiative or in response to the application/complaint, inspect the legality of the decisions taken by Election Commissions and the officials thereof and upon finding a violation, shall, through ordinance, invalidate or change such decisions; shall, through the ordinance, decide to open the

- packages from a relevant PEC and request re-counting of the electoral ballots / special envelopes / voter lists; *(12.10.2004. N488)*;
- n. shall, based on the summary protocols of election results of the DEC and PEC, establish the returns of the Parliamentary (party lists), Presidential and Tbilisi City Council elections and of a referendum/plebiscite and shall, by ordinance, approve the summary protocol of the CEC; *(22.04.2005 N 1427)*;
 - o. shall, by ordinance, approve the DEC ordinance concerning the election of a Member of the Parliament of Georgia (according to the single-mandate district), the election of the Council (Sakrebulo) members – the local self-government representative body (other than that of Tbilisi City Sakrebulo), and the election of a gamgebeli/mayor, unless the DEC ordinance has been altered by court decision;
 - p. shall ensure computer processing of the voting/election returns delivered by DEC's and their immediate placement on the Internet and in the event of taking the decision mentioned in subparagraph (m) of this paragraph, it shall also ensure its placement on the Internet;
 - q. shall, by ordinance, grant the election/referendum/plebiscite Observer Status to the union (association) and foundation prescribed by this law, as well as to the international organisation, the organisation registered in another state, a group of the government representatives of another state; *(22.04.2005 N 1427)*;
 - r. shall lead the activities of DEC's and regularly hear their reports;
 - s. shall exercise control over the premises, communication facilities and transportation means to be provided to the election commissions, shall resolve other logistical issues faced by election administration;
 - t. shall ensure publication and dissemination of information materials;
 - t¹. shall, by decree, establish the regulations for the certification of the election administration officer and the CEC staff employees, as well as the conditions of the DEC member selection competition. *(22.04.2005 N 1427)*;
 - u. shall ensure conduct of seminars and training courses aiming at improving qualification of the Election Administration officers;
 - v. shall, as provided by this law, consider election-related applications and complaints and take the appropriate decisions within the limits of its authority;
 - w. shall be responsible for the formation of the general list of voters, computer processing thereof and placement on the Internet of the part open to public (the family name, the first name, father's name, date of birth, registration address and the actual residence address of IDPs);
 - x. shall exercise other competencies prescribed by this Law.

2. All CEC decrees shall be published in the Georgian Official Gazette (Sakartvelos Sakanonmdeblo Matsne) and may also be published by other media. The CEC ordinance concerning the issues mentioned in subparagraphs (e) to (g), (k) to (o), and (q), as well as the CEC Chairman's ordinance concerning the matters provided by subparagraphs (e) and (f) of paragraph 2 of Article 30 of this Law, shall be published within 3 days after their issuance.

3. The Central Election Commission of Georgia shall also have the right to pass a decree on the other issues concerning election procedures not provided by this Law.

Article 30. Competencies of the Chairman, Deputy Chairman and Secretary of the Central Election Commission of Georgia (14.08. 2003β. N 2965-ÒÓ)

1. The CEC Chairman shall be the highest official of the Election Administration.
2. The CEC Chairman shall:
 - a. exercise complete administrative functions of the CEC;
 - b. chair the CEC sessions;
 - c. dispose of the funds of the CEC;
 - d. task the Deputy Chairman, Secretary, other CEC members and staff employees as per the Rules of Procedure of the Election Administration;
 - e. register the parties and electoral blocs participating in elections, initiative groups of voters (for the presidential elections), their representative in CEC and issue relevant certificates thereto;
 - f. register candidates running for the Presidency of Georgia, as well as the party lists (for the Parliamentary and Tbilisi City Council elections), candidates nominated by the party/electoral blocs for single-mandate districts (for parliamentary elections) and shall issue relevant certificates to the candidates mentioned in this sub-paragraph;
 - g. issue the appropriate warrant to the elected President of Georgia, members of the Parliament of Georgia, members of the Tbilisi City Council; and in case of the early termination of the terms of office of any MP elected through party list or of the member of Tbilisi City Council – to the successors thereof;
 - h. deliver to the Interim Credentials Commission of the newly elected Parliament of Georgia and after setting up the relevant Standing Committee, to such Standing Committee, the documentation necessary for verifying credentials of those elected as MPs;
 - i. in case of an early termination of the term of office of any member of the Commission elected by the Parliament and therefore, reduction in the number of the Commission members to less than 7, shall, on the following day after the termination of the term of office, notify to that effect the Parliament;
 - j. exercise other competencies granted thereto under Election legislation.
3. The CEC Deputy Chairman shall:
 - a. discharge the duties assigned to the CEC Chairman if the CEC has no such Chairman or if he/she is unable to perform the work;
 - b. exercise particular duties of the CEC Chairman based on the ordinance issued by such CEC Chairman 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. distribute election documents and correspondence delivered to the CEC;
 - b. register the representatives in the District Election Commissions of the party/election bloc independently participating in the parliamentary and local self-government elections in Georgia, as well as of the parties or initiative groups of voters nominating candidates for presidency (for the Presidential Elections of Georgia) and shall issue the relevant certificates thereto;
 - c. register observers to the CEC appointed by the union/foundation/international organization having the status of the election/referendum observer, observers

- delegated by other state authorities and issues observer's certificate thereto (12.10.2004. N488);
- d. by ordinance provide accreditation to the media representatives and issue relevant accreditation cards thereto (12.10.2004. N488);
 - e. draw up the election summary protocols;
 - f. exercise other competencies as provided by election legislation.

Article 31. Office of the Central Election Commission of Georgia

1. The Office of the Central Election Commission of Georgia shall be established for the purpose of ensuring organizational, legal and technical support to the elections.
2. The Office structure, work regulations and the competencies thereof shall be prescribed by the Rules of Procedure of the Central Election Commission.
3. Only those, granted the CEC Officer Certificate by the CEC, shall be eligible to work in the Office, except for the auxiliary and technical staff.

Article 31¹. Competencies of the Central Election Commissions (CECs) of Abkhazia and Adjara Autonomous Republics (16.09.2004 N 420)

1. The CECs of Abkhazia and Adjara Autonomous Republics shall, according to this Law and applicable laws of the Autonomous Republics, organize holding of general elections in the state representative bodies and shall ensure unimpeded exercise by the voters of their legitimate rights. In the course of elections, the CECs of the Autonomous Republics shall, within the scopes of their competences, ensure enforcement and uniform application of the Election legislation throughout the Autonomous Republic territory.
2. When holding elections specified in this Article, the District Election Commissions set up on the territory of any of the Autonomous Republics in accordance with this Law, shall be subordinated to the CEC of the relevant Autonomous Republic.

Article 32. Composition of District Election Commission (22.04.2005 N 1427)

3. Members of the District Election Commission (DEC) shall be elected by the CEC, by the majority of its members.
4. Chief administrative officers of the DEC shall be elected by the DEC from its midst, by the majority of all members of the DEC.
5. From the day of appointing elections until the completion thereof, the DEC shall have the right to hire auxiliary and technical staff, but no more than 5 persons.

Article 33. Election of DEC Chairman/Member (22.04.2005 N 1427)

4. The DEC member shall be elected by the CEC no earlier than 20 and no later than 10 days prior to the expiration of the DEC member's term of office. Executive Officers of the DEC shall be elected within the same timeframes.

5. In the event of an early termination of the DEC member's term of office, its successor shall be elected by CEC within 15 days (and within 7 days after the appointment of elections). The same regulation applies to the early termination of the DEC Executive Officer's terms of office. Such information shall be publicized as required by this law.
6. Selection of the candidates of the DEC membership shall be carried out through the open competition process.
7. No later than 60 days prior the expiration of the DEC member's term of office or no later than within 3 days after the early termination of the DEC member's term of office, the CEC shall announce about holding a competition.
8. A candidate for the DEC membership shall be a non-party person with higher education, fluent in the state language of Georgia and holding the election administration officer's Certificate.
9. Any mentally competent citizen of Georgia, who has attained to the age of 21, meeting the requirements prescribed by paragraph 5 of article 18 of this Law, paragraph 5 of this article and article 17 of the Law of Georgia on Civil Service shall have the right to participate in the competition. The deadline for the submission of the competition documentation shall be:
 - a. in the event of expiry of terms of office - no later than within 14 days after the announcement of the competition;
 - b. in the event of an early termination of terms of office - no later than within 10 days after the announcement of the competition and if elections are appointed – within 2 days after the announcement of the competition.
10. The competition application shall specify the name, last name, education (higher), profession, academic degree (if applicable), address (as per the Georgian citizen ID), place of work and position of the candidate, as well as the contact address and telephone number(s) (if applicable); number and the name of the election district, where he/she would like to be a DEC member; The application shall be signed by the candidate and it shall be attached with the following:
 - a. 2 photos of the candidate;
 - b. copy of the Georgian citizen's ID (registration card);
 - c. copy of the Election Administration Officer's Certificate;
 - c. Curriculum Vitae (Labour Biography) of the candidate and his experience in participating in elections (if applicable).
11. Candidates for the DEC membership shall submit the competition documentation indicated in paragraph 7 of this article to the CEC.
12. In the event the submitted documentation does not meet the requirements prescribed by this article, the CEC Chairman, shall within 2 days, notify the candidate to this effect by specifying the nature of incompliance. The corrected documents shall be re-submitted to the CEC within 2 days.
13. Within 5 days after the deadline for the submission of applications the CEC shall publicize the list of candidates.

14. Members of the DEC shall be elected by CEC through the roll-call voting. Each candidate shall be put to voting separately. The person shall be considered elected if supported by the majority of all members of the Commission. If the number of elected individuals turns out to be higher than the vacancies, the candidates with the best returns shall be considered elected. In the event a winner can not be identified due to the equal number of votes, these candidates shall be immediately put to voting until the identification of a winner. In the event a winner is not identified again, another voting shall be conducted. If the vacancy still remains empty, an additional competition shall be announced.

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

16. The ordinance on electing the DEC member shall specify the first and last names of the elected individual, as well as the name of that DEC in which he/she has been elected as a chairman/member. The ordinance shall be attached with the competition documentation defined in paragraph 7 of this article and the application signed by that person and specifying that he/she meets the requirements set in paragraph 6, article 18 of this law.

17. CEC shall public the list of elected commission members.

Article 34. Competencies of District Election Commission (14.08. 2003. N 2965-ÒÓ)

18. The DEC shall be a permanent territorial entity of the Election Administration of Georgia, set up in accordance to the regulation provided by Article 32 of this Law (22.04.2005 N 1427).

19. The DEC shall:

- g. within the limits of its competences, ensure conduct of elections and referendums/plebiscite in the election district, exercise control over compliance with the election Law and ensure the uniform implementation thereof (22.04.2005 N 1427);
- h. delimit and adjust the boundaries of electoral precincts by ordinance;
- i. in the event the subordinated Precinct Election Commission (PEC) does not or can not discharge its duties prescribed by Law, the DEC shall have the right to raise before the CEC the issue concerning the termination of this PEC competencies;
- j. determine, by ordinance, the text of ballot papers for the local self-government elections to be held in the election district;
- k. on its own initiative or based on the application/complaint, verify the lawfulness of the decisions made by the PECs and the officials thereof and, in case of finding a violation, cancel or change such decisions by ordinance;
- l. based on the application/complaint (if such an application/complaint has been filed according to the procedure and within the timeframes prescribed by this law), or on its own initiative, examine the lawfulness of the actions and decisions taken by PECs and the officials thereof on the elections day (including the accuracy of the election participants registration, counting of election ballots, etc.) and in case of finding a violation, shall take an appropriate decision (including, on changing the data provided in the summary protocol of the PEC or invalidating the voting results in the electoral precinct). In the event the violation results in a change of the person elected in a single-mandate district or of the candidate gone to the second round of elections, or a

- change of the persons elected in a multi-mandate district (in the course of local self-government elections), or if the violation affects the decision as to whether the elections shall be deemed held or not (for single-mandate districts and for local self-government elections), and if such an examination doesn't provide for the establishment of a lawful result, the DEC shall declare the voting results void and raise the question before the CEC on the appointment of the second ballot;
- m. based on the ordinances and summary protocols of polling submitted by the PECs, and in view of the findings made after considering violations of the election Law, shall consolidate the results for the election district for the Parliamentary elections of Georgia (by party lists), for the Presidential elections of Georgia, for the Tbilisi City Council elections, as well as for referendums/plebiscites, and shall approve, by ordinance, the final summary protocol of the DEC;
 - n. based on the ordinances and final summary protocols submitted by PECs, and in view of the findings made after considering the violations of electoral legislation, establish for the election district the election returns for the Parliamentary Elections of Georgia (by single-mandate district), for the local self-government elections (except for that of Tbilisi City) and shall approve, by ordinance, the final summary protocol of the DEC;
 - o. by relevant ordinance, grant the elections/referendum's local observer status to the local union/foundation mentioned in this law;
 - p. direct activities of PECs, periodically hear the reports of such commissions;
 - q. ensure conduct of off-year elections, by-elections and mid-term elections, as well as of second ballots and the second round of elections;
 - r. shall exercise control over the premises, communication facilities and transportation means to be provided to the electoral precincts, shall resolve other logistical issues faced by election administration;
 - s. ensure that PECs are provided with the ballot boxes, special envelopes, PEC seals and election documents necessary for PECs;
 - t. hear the information provided by local self-government and government bodies, public institutions and organizations, state and local self-government owned media concerning fulfilment of the obligations prescribed by the election legislation and exercise control over the fulfilment of such obligations; and control the allocation by the self-government and government bodies of the places for posting and displaying election posters;
 - u. exercise control over the fulfilment of the "regulations on the participation and usage of the media in the elections";
 - v. ensure release and publication of the election-related information;
 - w. facilitate organization of the electorate meetings with the parties/electoral blocs/candidates;
 - x. consider applications and complaints concerning the election process and make relevant decisions within the scope of its competence;
 - y. immediately notify the CEC on the receipt of the application for the withdrawal of the MP candidate nominated by the initiative groups of voters;
 - z. assist in compiling the voter list in accordance with the procedures established by this Law and ensure publication and accessibility thereof;
 - t¹. with the purpose of improving the qualification of the candidates to the PEC membership, ensure conduct of seminars and training courses and submits to the CEC candidates for the certification (22.04.2005 N 1427);

aa. exercise other powers and competences provided by this Law.

20. The DEC ordinance concerning the matters provided in sub-paragraphs (b), (e) - (i) of paragraph 2 of this Article, as well as the ordinance of the DEC Chairman concerning the matters provided in sub-paragraphs (f) and (g) of paragraph 1 of Article 35 of this Law, shall be published within 5 days.

Article 35. Competencies of the Chairman, Deputy Chairman and Secretary of District Election Commission

21. The DEC Chairman shall:

- bb. carry out all administrative functions in the DEC;
- cc. chair the DEC sessions;
- dd. deleted (*22.04.2005 N 1427*);
- ee. dispose of the DEC funds;
- ff. task the Deputy Chairman, Secretary, other DEC members and staff as per the Rules of Procedure of the Election Administration;
- gg. register the initiative groups of voters (for all elections, except for the presidential one), their representative in DEC and issue relevant certificates thereto.
- hh. register candidates nominated by the initiative groups of voters in single-mandate districts (for the Parliamentary Elections), the candidates nominated by a party/election bloc or initiative groups of voters for the Local Self-Government elections and issue relevant certificates thereto;
- ii. issue the relevant certificates to the elected members of the Sakrebulo (except for the Tbilisi City Council) and, in case of an early termination of powers - to the successors thereof;
- jj. submit to the CEC documentation necessary for verifying the authorities (credentials) of the persons elected in local council (Sakrebulo) and any other election documents as required by the election legislation;
- kk. in the event of an early termination of the DEC member's term of office, as soon as on the following day notify the CEC to that effect;
- ll. exercise other competencies as provided by the election legislation.

22. The DEC Deputy Chairman shall:

- mm. discharge the duties assigned to the DEC Chairman if the DEC has no Chairman or if he/she is unable to perform the work;
- nn. exercise particular duties of the DEC Chairman based on the ordinance issued by such DEC Chairman (such ordinance shall specify the scope and term of the competencies so assigned).

23. The DEC Secretary shall:

- oo. distribute election documents and correspondence delivered to the DEC;
- pp. register the representatives in the Precinct Election Commissions of the party/electoral blocs independently participating in the elections, as well as of the initiative groups of voters and shall issue the relevant certificates thereto;
- qq. register the observers in the DEC and PECs appointed by the union/foundation/international organizations enjoying the status of the election/referendum observer and issue observer's certificate thereto (*12.10.2004. N488*);

- rr. by ordinance provide accreditation to the media representatives and issue relevant accreditation cards thereto (12.10.2004. N488);
- ss. draw up the minutes of the election commission meeting, including the final summary protocols of elections and polling;
- tt. exercise other competencies provided by election legislation.

Article 36. Formation of the Precinct Election Commission (22.04.2005 N 1427)

1. The 3 members of a Precinct Election Commission (PEC) shall be elected by the DEC - by the majority of all members (save in the circumstances provided in paragraph 3 of this article).
2. The 3 members of the PEC established in a foreign state shall be elected by the CEC – by the majority of all its members.
3. The parties that during the previous parliamentary elections in Georgia occupied the first three places and were independently participating in elections or were part of an election bloc and were ahead of others on the list of the bloc members (if the first on the list party waves the right to appoint the commission member, this right shall go to the second party and so on and so forth) shall appoint 2 members each.
4. If the subjects enjoying, as provided by this article, the right to appoint the PEC members, fail to appoint PEC member(s) within the timeframes and according to the regulations established by article 37, it (the subject) shall be deprived of the right to appoint the PEC member and if this results in the lower number of the PEC members compared to what is established by this law, the superior DEC shall have the right to fill the composition of this PEC as per the regulations provided by this law. (Exception to that is the PEC established in a foreign state – such a PEC shall be filled by the CEC).

Article 37. Appointment/Election of the Precinct Election Commission Member (22.04.2005 N 1427)

1. The 3 member of PEC shall be elected by the DEC no earlier than 50 and no later than 46 days prior to the elections day. In case of the commissions set up in exceptional circumstances – no earlier than 10 days and no later than 9 days prior to the elections day.
2. The 3 members of the PEC in a foreign country shall be elected by CEC not earlier than 24 days and no later than 20 days prior to the elections day.
3. The party authorized to appoint a PEC member under paragraph 4, article 36 of this law, shall inform the relevant DEC on its decision to appoint the PEC member no earlier than 60 days and no later than 46 days prior the elections day; When appointing a member of the PEC established in exceptional circumstances, these timeframes shall be – no earlier than 14 days and no later than 9 days prior the elections day, while for the PECs in foreign states - the decision on the appointment of such PEC member shall be communicated to the CEC after the creation of the PEC no later than 20 days prior the elections day.
4. The list of PEC members shall be published by the relevant DEC no later than 35 days prior to the elections day; In case of the PECs established in exceptional circumstances

– no later than 5 days prior the elections day, while for the foreign-state PECs – the list shall be published by CEC no later than 10 days prior to the elections day.

5. In the event by the 4within 5 days prior to the elections day, in case the PECs established in exceptional circumstances –by within 8 days prior the elections day and for the foreign-state PECs by the 19th day, the number of PEC members had turned out to be less than the established number, the superior DEC (in the first two cases) and the CEC (in the third case) shall have the right to elect PEC members within 3 days.

6. The decision of any authorized party to recall a PEC member and appoint a successor thereof shall be submitted to the relevant PEC and a superior DEC and in case of the PECs set up in a foreign state – to the CEC.

7. In the event, after the early termination of the PEC member’s term of office the party, entitled to appoint the successor thereof, waives this right, also in case of an early termination of the term of office of the commission member elected by the CEC or DEC that resulted in the insufficient number of the commission members, respectively the DEC or CEC shall have the right to elect a new member of the commission to fill up its composition within 5 days after the deadline for nominating new candidates.

8. Members of the PEC shall be elected by DEC and CEC through the roll-call voting. Each candidate shall be put to voting separately. The person shall be considered elected if supported by the majority of all members of the Commission. If the number of elected individuals turns out to be higher than the vacancies, the candidates with the best returns shall be considered elected. In the event a winner can not be identified due to the equal number of votes, these candidates shall be immediately put to voting until the identification of a winner. In the event a winner is not identified again, it shall be chosen by throwing lots. If, as a result of voting the any vacancy remains unoccupied, the procedure for the nomination of candidates shall be started anew.

9. The decision on electing the PEC member shall specify the first and last names of the elected individual, as well as the number of that PEC in which he/she has been elected/appointed. The party decision shall be attached with the following:

- a. information containing the education (higher), profession, academic degree (if applicable), address (as per the Georgian citizen ID), election district and election precinct, where he had been registered as a voter; working place and position, contact address and telephone number (if applicable);
- b. copy of the Georgian citizen’s ID;
- c. the statement, signed by the above person and stating that he/she agrees to act as the election commission member and meets the requirements established by paragraph 5, article 18 of this law;
- d. copy of the election administration officer’s certificate;

10. A nominated person shall not be considered a Commission member if the deadline for the submission of the documentation, set by this article, has not been met or if the presented documentation is either incomplete or inaccurate, or if the existing flaws have not been corrected within the required timeframes. In the event the submitted documentation does not meet the requirements prescribed by this article, respectively the DEC or PEC Chairman, shall within 2 days, notify to this effect the person, who appointed/elected the commission member. The corrected documents shall be re-submitted to the DEC or CEC within 2 days.

Article 38. Competencies of the Precinct Election Commission (14.08. 2003. N 2965-ÒÒ)

1. The PEC shall be a permanent territorial entity of the Election Administration of Georgia, set up from the subject provided in Article 36 of this Law, the persons appointed/elected by the Central Election Commission and a superior DEC. (22.04.2005 N 1427);
2. The PEC shall:
 - a. within the limits of its competences, ensure conduct of elections and referendums/plebiscite on the territory of its Electoral Precinct, exercise control over the compliance with the election legislation and adherence to the polling procedure established by election legislation, enjoyment and protection of the voters, representatives and observers' rights guaranteed by the Georgian Constitutions and this law (22.04.2005 N 1427);
 - b. check accuracy of the voter lists, considers complaints concerning the lists and if an inaccuracy or mistake is found, shall, no later than the next day, lodge a proposal before the superior DEC to change the lists;
 - c. based on the application/complaint shall compile the Supplement to the voter list (the portable box list) (12.10.2004.N488);
 - d. establish polling results in the PEC and approve, by ordinance, final summary protocol of the voting;
 - e. authorized to raise an issue before the superior DEC on invalidating results of the elections in that election precinct;
 - f. issue voter invitation cards to voters;
 - a. be responsible for posting up the information prescribed by the election legislation and for the proper preparation of the area, where voting and counting of ballots shall take place, shall ensure public order in the electoral precinct;
 - b. exercise control over the allocation by local self-government and government authorities of the places for posting and displaying the election posters;
 - c. facilitate in organizing meetings of voters with the parties/electoral blocs/candidates participating in the elections;
 - d. consider the applications and complaints concerning the elections process and preparation of polling and shall, within the limits of its authority, take appropriate decisions;
 - e. ensure unconditional exercise of the electoral rights by voters on the elections day and shall bear full responsibility for the protection thereof;
 - f. cancel the decision of the PEC Chairman on temporary closing of a polling premises, suspension of polling, re-opening of the polling station and continuation of polling;
 - g.. exercise other competencies provided by election legislation.
3. All ordinances issued by the PEC and the Chairman thereof shall be displayed at the electoral precinct on the date immediately following the date of issuing the ordinance.

Article 39. Competencies of the Chairman, Deputy Chairman and Secretary of Precinct Election Commission (14.08. 2003β. N 2965-ÒÒ)

1. The PEC Chairman shall:

- a. carry out all administrative functions in the PEC;
 - b. chair the PEC sessions;
 - c. receive and distribute electoral documentation and correspondence addressed to the PEC;
 - d. bear personal responsibility for the safekeeping and adequate distribution of ballot papers, special envelopes, PEC seals, summary protocols and other election documents;
 - e. assign tasks to the deputy chairman, secretary and other members of the commission according to the rules of procedure of the election administration;
 - f. on the elections day, organize the distribution of functions among PEC members by the casting lots;
 - g. be responsible for keeping order at the polling station and on the territories adjacent thereto on the elections day;
 - g¹. shall ensure that the individuals, enjoying the right to be in the polling building, bear relevant badges, otherwise they shall not stay in the building (12.10.2004. N488);
 - h. submit all appropriate electoral documentation to the relevant superior DEC immediately after the summarization of the results has been completed;
 - i. exercise other competencies as provided by the election legislation.
2. The PEC Deputy Chairman shall:
- j. discharge the duties assigned to the PEC Chairman if the PEC has no Chairman or if he/she is unable to perform the work;
 - k. exercise particular duties of the PEC Chairman based on the ordinance issued by such PEC Chairman (such ordinance shall specify the scope and term of the competencies so assigned).
3. The PEC Secretary shall:
- l. distribute election documents and correspondence delivered to the PEC;
 - m. be responsible for the issuance of public information;
 - n. draw up the minutes of the election commission meetings, including the final summary protocols of polling;
 - o. exercise other competencies provided by election legislation.

Article 39¹. Deleted (22.04.2005 N 1427)

CHAPTER V REGISTRATION OF ELECTION SUBJECTS AND SUPPORTER LISTS

Article 40. Registration of Election Subjects

1. For the purpose of obtaining the right to take part in elections, the election subjects shall be registered by the relevant Election Commission, in accordance with the regulations established by this Law.
2. In order to undergo the registration, the election subjects shall apply to the relevant Election Commission and shall submit appropriate documentation as required by this Law.

3. *(14.08. 2003β. N 2965-ÒÓ)* The appropriate Service of the Election Commission shall, within the timeframes prescribed by this law, shall examine the submitted documents and deliver conclusion to the Election Commission Chairman, who shall take a decision concerning registration thereof. If the submitted documents fail to meet the requirements established hereunder, the Election Commission Chairman shall, within 2 days (unless otherwise provided by this Law), give notice to that effect (specifying the inconsistencies) 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. Submitted documentation shall be examined and the decision concerning the registration shall be taken within 2 days (unless otherwise provided for by this Law) after the submission thereof. If the application for registration is rejected, the Election Commission shall immediately notify this 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. Supporter Lists

1. The initiative of an election subject to take part in the elections shall be confirmed by voters by signing the Supporter List Form.
2. A sample of the Supporter List Form shall be established by the ordinance of the Central Election Commission.
3. The Supporter List Form shall contain the following:
 - a. first and last names;
 - b. date of birth (year, month and day);
 - c. number of the Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal numbers;
 - d. place of registration (according to the registration card);
 - e. date of signature;
 - f. signature.
4. The form should indicate the first and the last names and the place of registration (according to the registration card) and the contact telephone number of the person responsible for collecting the signatures, as well as the date of filling up the form and shall bear a signature for approval.
5. The upper left corner of the form shall indicate the name (first and last name) of the election subject, whose initiative to take part in elections has been supported by voters.

Article 42. Inspection of Supporter Lists

1. *(14.08. 2003β. N 2965-ÒÓ)* The Party or Presidential Candidate's Supporter shall be examined by CEC, while the Supporter Lists for any other candidates – by relevant DEC.
2. *(14.08. 2003β. N 2965-ÒÓ)* An Election Commission shall, randomly and inconsistently, examine the authenticity of 20% of the number (established by law) of the listed supporters. If more than 10% thereof is invalidated, the Election Commission shall additionally examine the same number of supporters under the same regulation and if during the additional examination, more than 10% is invalidated, the entire list shall be invalidated

and the registration application of the election subject shall be rejected by the relevant ordinance of the Election Commission Chairman.

3. The signature of a voter on a supporters list shall be deemed invalid, if:
 - a. the first and the last names 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 (settlement, 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 timeframes for drawing up the list of supporters established by this Law;
 - e. there is no signature or the signature has been made by another person, provided that this fact is confirmed in writing by the voter instead of whom the signature was made;
 - f. the list of supporters for the candidate nominated in the election district contains the voter registered in another election district;
 - g. *(14.08. 2003β. N 2965-ÒÓ)* in his/her application submitted to the relevant Election Commission, the signatory confirms that his signature was made as a result of deceit, intimidation or under pressure, and his/her signature to this application is notarized;
 - h. the number of the Georgian Citizen Identity Card (number of the Georgian Citizen Passport) and a personal number are indicated incompletely or incorrectly.

4. *(14.08. 2003β. N 2965-ÒÓ)* the signature shall be deemed invalid if made on the Form not duly endorsed by the person responsible for collecting the signatures, or the Form does not at all or does partially contain the data required under paragraph 4 of Article 41 of this Law.

5. *(14.08. 2003β. N 2965-ÒÓ)* A list of supporters shall be checked (examined) according to the procedures established by the CEC. Checking of the list of party supporters shall be finished within 30 days after the submission thereof, but not later than within 10 days after the deadline for the submission of the list; while the list of the candidate supporters shall be checked within 15 days after the submission thereof, but no later than within 8 days after the deadline for the submission of the lists.

6. A representative of election subjects shall have the right to attend the process of checking the list of supporters.

7. Only the CEC and relevant DEC members and appropriate Service staff of the CEC, and in the event of lodging a complaint before court – the court as well, shall have the right to inspect and have access to the Supporter Lists. The Supporter Lists shall be destroyed within 10 days after the deadline for lodging a suit concerning the electoral registration.

CHAPTER VI ELECTION FUNDING

Article 43. Funding for Preparation and Conduct of Elections (14.08. 2003 β . N 2965- \O O)

1. The costs incurred by the Election Administration: in connection with the preparation and conduct of elections (except for the elections for the high representative bodies of Abkhazia and Adjara Autonomous Republics and highest public officials), and for carrying out the activities thereof within the term of its office shall be financed from the State budget of Georgia.
2. The CEC shall, on annual basis and according to the procedures established by law, submit draft budget of the Election Administration for the next year that shall serve as the basis for determining the budgetary financing for the next year.
3. Deleted (12.10.2004. N488).
4. If the budgetary allocations for preparation and conduct of elections are not transferred to the account of the CEC within the timeframes established hereunder, the latter shall have the right to file an application before the Supreme Court of Georgia.
5. The timeframes of the forcible execution established by Article 92¹ of the *Law of Georgia on Enforcement Procedure* shall not apply to the execution of the court decisions provided under paragraph 14 of Article 77 of this Law. In the course of the forcible execution of the sentence in relation to the allocation of funds to the CEC, the funding shall not be obtained from the *Fund for Execution of Court Decision* financed from the State budget of Georgia.
6. The Election Administration, in the person of CEC, shall have the right to receive grants from persons duly authorized by law. The grant shall be used in accordance with the agreement entered into by CEC and an authorized individual (12.10.2004. N488).

Article 44. Finances Necessary for Elections

1. No later than 55 days prior to polling, CEC shall submit to the Ministry of Finance the financial plan for the preparation and conduct of elections.
2. The Ministry of Finance of Georgia shall, no later than 55 days prior to polling, based on the above plan, transfer the funds allocated by the state budget of Georgia for elections to the CEC account.
3. CEC shall, by decree, establish the regulations governing the distribution and usage of election funds by Election Commissions.
4. No later than 45 days prior to polling, the CEC shall transfer the funds allocated for DEC to their current accounts.

Article 45. Disposal of Election Funds

1. The Commission Chairman and Accountant shall dispose of, on behalf of the Commission, and bear responsibility for reasonable spending of the funds.
2. The DEC shall, no later than within 30 days after polling, cease making any payments to organizations and individuals and shall, within 10 days, transfer the amount remaining on its account to the CEC account. Within 2 weeks after the above transfer, the DEC shall submit financial report to CEC.
3. The DEC report form, to provide consolidated expenses for elections, shall be determined by the CEC ordinance.
4. The CEC shall submit to the Ministry of Finance a consolidated financial statement (report) of the electoral expenses.
5. The proper and reasonable usage of the electoral funds shall be audited by the Chamber of Control of Georgia.

Article 46. Electoral campaign Fund

1. An electoral campaign fund shall be the aggregate of all funds intended for the electoral campaign of an election subject.
2. Setting up of an electoral campaign fund shall be compulsory for any and all subjects of elections. Any majoritarian (first pass the post) candidate for the Parliamentary membership, nominated by an initiative group of voters or a party/election bloc, shall have the right not to set up such an electoral campaign fund (in such a case such candidate shall have no right to use, in the course of the campaign, any funds other than the funds of the nominating such candidate Voter Initiative Group's or the party/election bloc's electoral campaign funds). A candidate running for the membership in the local of self-government of a community or village – Sakrebulo (council), may set up such a campaign fund on a voluntary basis (*12.10.2004. N488*).
3. The funds raised by the election subject shall be transferred to the account of the electoral campaign fund to be opened with the National Bank of Georgia or with commercial bank, or with the relevant branch office thereof, within 5 days after the registration of the election subject at the relevant Election Commission. The account shall be opened in the national currency only.
- 3¹. The parties/ the election blocks registered during general or by-elections shall, for the mid-term or by-elections in a single-mandate electoral district for which the timeframes are different from those of the by-elections to be held under the proportional electoral system, as well as in the event of nominating a parliamentary candidate or if participating in the local self-government elections (to elect a council, gamgebeli or a mayor), open the electoral campaign fund no later than 45 days prior to elections (*22.04.2005 N 1427*).
4. Within 2 days after the opening of the electoral campaign fund, the election subject shall submit to the relevant Election Commission the document issued by the bank, which certifies that the electoral campaign fund has been opened and shall also deliver to the

Commission the account number of the Fund and the identity and address of the Fund manager and accountant.

5. The personal account of the voter initiative group, of a party, a candidate for the Presidency of Georgia or a majoritarian (first pass the post) candidate, may not be used as the electoral campaign fund account. The electoral campaign fund shall not have more than one bank account (*12.10.2004. N488*).

6. When opening the electoral campaign fund's account with the bank or in the course of any banking operations, the Party shall have the right to use the Party seal (stamp), and upon agreement with the Parties in the same election bloc – to use the seal (stamp) of one of the Parties in the bloc, which shall be determined by the statute of the election bloc.

7. The funds raised by the electoral campaign fund shall comprise both the funds deposited to the account of the electoral campaign fund and all donated goods or services delivered free-of-charge (at market prices).

Article 47. Donations to the Electoral campaign Fund

1. Donations to the electoral campaign fund shall 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. The legal entity donating to the electoral campaign fund shall be obliged to indicate its title and legal address, while natural persons shall indicate the first and last names, address, number of the Georgian Citizen Identity Card (Passport of a Georgian citizen) and personal numbers.

3. No funds shall be deposited to the electoral campaign fund without declaring the information required by paragraph 2 of this Article. Anonymous contributions shall be transferred to the State budget of Georgia.

4. The election subject shall not use, for the election purposes, any funds other than the funds in the electoral campaign fund.

5. The electoral campaign fund shall not accept any donations from the following:

- a. another state;
- 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 with no state-participation (share).

Article 48. Rules for Disposal of Electoral campaign Funds

1. For the purposes of effective use and disposal of electoral campaign funds, an election subject shall appoint (elects) a manager and accountant of the electoral campaign fund.

2. The electoral campaign fund shall be disposed of by the manager and accountant of the fund under the instruction of the election subject. They shall be responsible for the proper use of the electoral campaign fund.
3. The regulations governing the appointment (election), by an election bloc, of the manager and accountant of the electoral campaign fund, shall be determined by the bloc's charter.
4. The Manager of the electoral campaign fund shall, within the scopes of his/her competencies, check the legitimacy of the funds transferred to the fund; and deliver to the appropriate Election Commission the fund account (report?) and indicated the source, amount and date of receipt of the donation. *(25.04. 2002 N1380 Georgian Legislation News N9)*.
5. The manager of the electoral campaign fund shall document any operation. If any expense cannot be documented, it shall be formalized through the bilateral Act.
6. No later than within one month after the publication of election results, the election subject shall submit to the relevant Election Commission the report on the funds used for elections, with a statement of the source funding deposited to the electoral campaign fund. The election subjects that according to preliminary data, receive the necessary number of the votes established by this Law, shall do the same, not later than within 8 days after the elections day.
7. Election subjects that do not submit a report on the electoral campaign fund, shall be deprived of the right to take part in elections, including next elections.
8. The election subjects that have collected the number of votes required by this Law and have not submitted the electoral campaign fund report within the required timeframes, or have acted in violation of the requirements of paragraphs 2, 3, 4, 5 and 7 of Article 46, paragraphs 4 and 5 of Article 47, paragraphs 4, 5 and 6 of this Article, shall be treated by the relevant Election Commission in the following manner: the Commission shall consider the issue and take decision to aggregate (sum up) election results without taking into account the votes received by these election subjects.
9. The election subject shall be obliged to close the account of the electoral campaign fund no later than within 20 days after the aggregation of the final results of elections. The amount remaining on the account shall be returned to the donators pro rata with the amount of donations.
10. The form of the report on the election fund spending shall be established by the ordinance of the Central Election Commission of Georgia.
11. The information on the election contributions shall be open, public and accessible. The Central Election Commission of Georgia shall be obliged to provide to any interested individual or legal entity the information on the amount and sources of funding, as well as the date of depositing the funds to the electoral campaign fund account.

CHAPTER VII POLLING

Article 49. Time and Place of Polling

1. *(14.08. 2003β. N 2965-ÒÓ)* Polling shall take place at the polling station from 8:00 a.m. till 8:00 p.m. on the elections (polling) day.
2. The PEC shall, no later than 2 days prior the elections day, notify the voters of the time and place of voting by delivering the voter invitation cards to them.
3. *(14.08. 2003β. N 2965-ÒÓ)* Closing of a polling station, suspension or termination of the polling process shall not be allowed in the course of voting, save in the circumstances, when it becomes impossible to ensure universal and equal election process and free expression of the voter will. The decision to temporary close a polling station or suspend voting (as well as the decision to re-open the polling station and resume of voting) shall be taken solely by the PEC Chairman, who shall bear full responsibility for taking such decisions. Immediately upon temporary closing of the polling station or suspending the voting, the PEC shall take a decision on whether to approve or cancel the decision of the PEC Chairman. The above decisions shall be taken through the ordinance specifying the reasons for and the time of temporary closing and/or suspension or termination of voting. As soon as the circumstances that served a reason for closing of the polling station or suspending the polling cease to exist, the polling station shall be reopened and voting shall be renewed by the ordinance issued by the PEC Chairman. When polling is declared terminated, it shall not be renewed. The PEC shall have the right to change the ordinances issued by the PEC Chairman under this paragraph by issuing the ordinance to that effect.
4. Voters may be present at the polling station only for the period of time necessary for voting.
5. *(14.08. 2003β. N 2965-ÒÓ)* On the elections day, at the electoral precincts formed in military units, hospitals and other in-patient institutions, as well as on ships being at sea and in the difficult-to-access places, the PEC shall declare voting 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 the elections day, except for the cases provided by this Law.
7. Voting by mobile ballot boxes shall commence at 11:00 a.m. and finish at 19:00 p.m. on the elections day *(12.10 2004 N488)*.

Article 50. Arrangements at the Polling station

1. The State authorities and local self-government and government bodies shall temporarily transfer to the Election Commissions free-of-charge the buildings and inventory needed for the preparation and conduct of elections.
2. *(14.08. 2003β. N 2965-ÒÓ)* No PEC shall be placed and no place for voting shall be allocated in the 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 the building, where the central

government bodies and local self-government and government bodies are located, save in the circumstances, when no other adequate building is available on the territory of the electoral precinct as prescribed by this Law. The relevant decision shall be made by the DEC. Wherever possible, the places for voting shall be located on the first floor of the building. At the request of a PEC, the bodies mentioned in paragraph 1 of this Article shall (provided that the relevant ordinance of such PEC was delivered to them no later than 20 days prior to the elections day) make basic temporary adaptation of the polling stations if in the area covered by the electoral precinct there are disabled voters using wheelchairs that had applied to the PEC with such request no later than 25 days prior to the elections day.

2¹. (14.08. 2003β. N 2965-ÒÓ) The responsibility for the failure to comply with the requirements prescribed under paragraphs 1 and 2 of this Article shall be determined according to the procedures established by Georgian legislation.

3. In the polling station:

- a. voting booths shall be arranged. One side of the booth shall be closed up to the half of a voter's height and the upper part shall be covered with curtain. No less than one booth and one registration desk shall be arranged per 400 voters. There shall be one pen in each booth (12.10.2004. N488);
- b. (14.08. 2003β. N 2965-ÒÓ) places shall be allocated for the registration of voters and verification of the ballot papers;
- c. the transparent ballot box shall be placed in a noticeable place;
- d. The lists of voters, lists of parties and lists of candidates, as well as the CEC rules for the filling up ballot papers and the Polling Returns Demonstration Protocol (this protocol is of A2 format and shows the same data as provided in the summary protocol of voting of the PEC) shall be displayed in a visible place (12.10.2004. N488).

4. If any election subject, included in the ballot paper, is no longer taking part in the elections, the relevant note to this effect shall be displayed in a visible place, both at the polling station and in the voting booth (room).

5. The PEC Chairman shall bear the responsibility for preparing the polling process, ensuring free expression of the voter will, ensuring secret voting and arranging the polling station as required by this Law.

Article 51. Ballot Paper and Special Envelope (14.08. 2003β. N 2965-ÒÓ)

1. A ballot paper shall be printed in Georgian language based on the ordinance issued, and in accordance with the sample established by, the CEC, and in Abkhazia – in Abkhazian language as well, and if necessary – in any other language comprehensible by local population.

2. When preparing ballot papers for the electoral precincts covering the areas with disabled persons with vision impairment, CEC shall apply such technologies that enables such voters to fill in the ballot papers alone, provided that the persons having such information submits to CEC the names and addresses of this category of voters no later than 45 days prior to the elections day.

3. CEC shall ensure printing of ballot papers and manufacturing of ballot boxes (both, main and mobile), while for the local self-government elections (except in Tbilisi), this shall be the responsibility of the relevant DEC. 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 the relevant Election Commission ordinance and maximum three observers named by the organizations registered as observers under this Law and having reached agreement among themselves, shall have the right to observe 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 the information on where the ballot papers and ballot boxes shall be produced, as well as names of the persons responsible for producing such ballot papers and boxes.

5. Any contractor to print ballot papers shall be personally responsible for making sure that the number of printed ballot papers delivered to the relevant Election Commission is equal to the number ordered by the Commission, so that to avoid printing and dissemination of additional ballot papers by such contractor.

6. The Chairman and Secretary of each Election Commission shall be personally responsible for the safekeeping and distribution of ballot papers by the Election Commission.

7. With the purpose of accurate registration of the ballot papers, all types of ballot papers shall be numbered consecutively (the number shall be shown on the counterfoil of each ballot paper; there shall be a perforated line between the ballot paper and its counterfoil and they shall be wrapped in a bundle as a book so that there are 100 ballot papers in each. The books shall also be numbered consecutively. Each book shall have its cover page showing the type of the ballot papers inside, columns for writing in the book numbers, numbers of the ballot papers inside, numbers and names of election districts and electoral precincts, the dates, when the ballot papers have been received by DEC and PEC, the first and last names and positions of the persons authorized by CEC, DEC and PEC to issue and receive ballot papers, columns for signatures of the PEC Chairman and the PEC member (registrar) to which the book shall be delivered, as well as the column for writing the number of unused ballot papers (*12.10.2004. N488*).

8. The number of special envelopes delivered to each PEC shall be equal to the total number of voters in the relevant electoral precinct, and the number of ballot paper books shall be equal to the total number of voters in the electoral precinct divided by 100 and rounded up to next whole (integer) number (*12.10.2004. N488*).

9. CEC shall, no later than 2 days prior to the elections day, deliver to DEC the ballot papers and special envelopes, and on its hand, the DEC shall, no later than 12 hours before the commencement of voting, deliver such ballot papers and special envelopes to the PECs.

10. The number of ballot papers and special envelopes shall be accurately registered. When handing over the ballot papers 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 receiving and delivering the ballot papers and special envelopes, the number of special envelopes, types of ballot papers, number of books of ballot papers (by indicating the book numbers and the ballot paper numbers), 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 delivering Commission and the other shall be given to the Commission accepting such special envelopes and ballot papers). The Election Commission representative, whom the special envelopes and ballot papers are handed over to, shall request one copy of the Acceptance and Delivery Act to delivered it to the relevant DEC/PEC. The Acceptance and Delivery Act shall be considered a public information.

11. The front side of a ballot paper shall specify:
 - a. The title and the date of elections;
 - b. The name and number of the election district;
 - c. The number of the electoral precinct (on the counterfoil of such ballot paper and on the ballot paper itself);
 - d. For proportional elections – the sequence number and the name of each party/election bloc independently participating in the elections (for an election bloc – the parties incorporated therein shall also be specified); for majoritarian (first pass the post) elections - the sequence number, first name, family name and patronymic of each candidate, name of the party/election bloc nominating each candidate and, if such candidate is nominated by a voters' initiative group, the candidate shall be stated 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. the signature of the PEC member who is the authenticator;
 - c. the special seal of the PEC.
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 along the name of such election subject.
14. A ballot paper shall be the property of the State and on the polling day it shall in no way be withdrawn or taken out from the polling station 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 51¹. Summary Protocols of Voting and Election Results
(14.08. 2003β. N 2965-ÒÓ)

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 the legal Act confirmatory of the voting and election results. All copies of such protocols shall have the same legal effect.

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 along the relevant data in the summary protocol and the Election Commission shall draw up a protocol specifying the correction made to the data entered into the summary protocol, as well as the date and time of drawing up this protocol. The protocol shall be duly signed by all Commission members attending the session, with the seal of the Commission affixed thereto, after which it shall be registered in the in the Commission's registration log and be attached to the summary protocol to which the correction was made.

4. Each type of a summary protocol (PEC summary protocol of voting and election results and DEC summary protocols of polling and election results) shall be bound in the form of a book. The books, separate 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 title of elections, the year of holding the general elections, type of protocols, number of such book, columns for specifying the number and the name of the election district, number of the PEC, date of accepting such book by DEC and PEC and the signatures of the persons authorized to deliver and accept such books. The back cover shall be the PEC's own summary protocol, which shall be sealed together with the front cover, blank protocols and other documents of the Election Commission after the summarization of the polling/voting results at the electoral precinct and election district, accordingly. (12.10.2004. N488).

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 extra protocols are printed and disseminated by such contractor.

6. The Chairman and the Secretary of each Election Commission shall be personally responsible for the safekeeping and distribution of the protocols by the Election Commission.

7. The DEC shall deliver one book of each type of summary voting and election results protocol to each PEC. The book shall consist of 10 pages numbered consecutively from #01 to #10 and the PEC protocols (12.10.2004. N488).

8. Stricken out (deleted) (12.10.2004. N488).

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 51². Election Day Record Book (14.08. 2003 β . N 2965- $\ddot{O}\ddot{O}$)

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

2. One Record Book, together with ballot papers, shall be delivered to each PEC.
3. The Record Book shall be made in the form of the so called 'string-bound book'. The string shall be sealed, the paper to be sealed shall be signed by the DEC Secretary and the seal (stamp) 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 electoral precinct shall be specified on each page.
4. The Record Book shall be opened immediately upon the opening of the electoral precinct. All persons authorized to be inside the polling station at the time of opening the Record Book shall sign the first page thereof. *(12.10.2004. N488)*.
- 4¹. The Commission secretary shall enter into the page 3 of the Record Book the results of casting the lots aimed at distributing functions among commission members *(12.10.2004. N488)*.
- 4². The Commission secretary shall enter into the page 4 of the Record Book the numbers of the ballot papers and special envelopes handed over the persons accompanying the mobile box, as well as of those found in mobile boxes after the completion of polling and the number of unused ballot papers and special envelopes *(12.10.2004. N488)*.
- 4³. The Commission secretary shall enter into the page 5 of the Record Book the information on the functions determined by casting the lots and temporarily delegated from one commission member to another. *(12.10.2004. N488)*.
5. The Record Book shall be delivered to the Commission Secretary, who shall enter in the Record Book all procedures of the elections day and indicate the times, when such procedures were carried out.
6. Stricken out *(12.10.2004. N488)*.
7. 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 3rd to 6th pages shall be used) and into the protocol for public display of voting results. *(12.10.2004. N488)*.
8. On the polling day, any person entitled to be inside the polling station shall have the right to enter their claims, complaints and remarks made in connection with election procedures (for this purpose, the 10th and the 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. N488)*.
9. No person shall have the right to prevent any person entitled to be inside the polling station from making such records in the Record Book
10. After summarizing the voting and election results the Record Book shall be sealed and delivered to the superior DEC together with other sealed documents of the PEC.

Article 52. Opening of Electoral precinct

1. *(14.08. 2003β. N 2965-ÒÓ)* Each electoral precinct shall be opened at 7:00 a.m. on the polling day and the superior DEC, shall be notified immediately. Voting shall commence at 8:00 a.m. After the opening of the electoral precinct, the PEC Chairman shall, in the presence of the PEC members and the persons entitled to be inside the polling station, by casting lots, elect from the PEC members (neither the PEC Chairman nor Secretary shall participate in casting lots, but if there is a sufficient number of PEC members, the PEC Deputy Chairman shall not participate in the lot-casting of either) the following:

- a. The PEC member who shall regulate voter flow into the voting room and verify the marking of voters;
- b. the registrars of voters (at least one member per 400 voters), 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 commission member, who shall verify each ballot paper signed by the registrar by affixing his/her signature on the place provided for this purpose on the reverse side of such ballot paper;
- d. The commission member who shall supervise the ballot box;
- e. The commission member, who shall hand out a special envelope, affix the special seal thereon and on the completed ballot paper, and ensure marking of voters;
- f. At least two PEC members who shall take out the mobile ballot box (when necessary).

2. *(14.08. 2003β. N 2965-ÒÓ)* Before casting the lots, the PEC Chairman shall check integrity of the sealed package with the PEC special seal inside and shall open it. 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. The 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 Chairman 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 casting of lots. The PEC members participating in casting the lots shall, one after another, take a paper out of the box. When casting the lots is finished, the PEC secretary shall enter into the Record Book the results of the allocation of functions through casting the lots.

3. The function assigned to any PEC member as a result of casting the lots may be temporarily delegated to any other PEC member with the consent of the PEC Chairman and with a relevant record made in the Record Book (specifying the time of such delegation). If, on the day of voting, the number of PEC members proves to be by one less than the number of functions to be assigned, the member regulating the voter flow shall be replaced with an observer elected as a result of casting the lots. If such number proves to be two less, in addition to the above procedure, the special seal shall be transferred to the PEC member specified in sub-paragraph (e) of paragraph 1 of this Article. If such number proves to be three less, in addition to the above procedures, the mobile ballot box shall be taken out by only one PEC member. If such number proves to be four less, in addition to the above procedures, the Record Book shall be transferred to the PEC Chairman and the Secretary shall perform the function of a PEC member. If necessary, the lists of voters shall be distributed among the registrars. The PEC Chairman may assign any function of the

commission member to any of the observer entitled to be inside the polling station by casting the lots, provided that they want to assume this function (22.04.2005 N 1427).

4. After casting the lots, the PEC Chairman shall do the following:
 - a. announce the number of voters according to the general and special lists of voters, as well as based on the Supplement (the mobile box list); (12.10.2004. N488);
 - b. inspect integrity of the election ballots and special envelopes and announce the number of ballot papers and special envelopes received;
 - c. deleted (14.08. 2003β. N 2965-ÒÓ);
 - d. inspect and seal with the numbered string, as per the regulation established by CEC, the main and mobile ballot boxes (28.11.2003 N 3124).

5. (14.08. 2003β. N 2965-ÒÓ) 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. (14.08. 2003β. N 2965-ÒÓ) Main and mobile ballot boxes shall be sealed and control sheets shall be thrown therein by the PEC Chairman 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 the Georgian Citizen's Identity Card and the personal number of the first voter. One copy of each control sheet shall be kept in the PEC to compare it with the control sheets taken out from the ballot boxes after opening thereof.

6¹. The PEC Secretary shall keep and be responsible for the safekeeping and authenticity of the control sheet kept at the PEC (28.11.2003 N 3124).

7. (14.08. 2003β. N 2965-ÒÓ) Each registrar of voters shall be given one book of all types of ballot papers to be certified by the PEC Chairman and registrar by affixing their signatures on the cover page of this book. When all ballot papers from the book have been issued, another book shall be given to the registrar and etc.

Article 52¹. Marking of Voters (14.08. 2003β. N 2965-ÒÓ)

1. The marking procedure shall be applied in all electoral precincts. The chemical invisible ink, which is harmless to human health, shall be applied on the nail of the thumb or index finger of the right hand of each voter (if such action cannot be taken – on the nail of any other finger of the right hand, and if it is also impossible– the same shall be applied to the left hand). (28.11.2003 N 3124).

2. When entering the polling station, each voter shall go through the marking testing process with the relevant PEC member, who shall screen the place of marking by special device and upon being convinced of no marking on the voter, he/she shall allow the voter to participate in polling. If the device detects that a voter has been already marked, such voter shall not be allowed to participate in voting and his/her name shall be entered in the Record Book.

3. The voter, who passes the marking testing procedure, shall move forward to the registration desk, where the voter shall be registered and given a ballot paper(s). When receiving a special envelope, upon completing the ballot paper(s), the PEC member shall mark the voter.

4. If any PEC member, observer and/or election subject, who are in the polling station, gets suspicious due to the marking or testing procedure, 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 taking of the adequate action in response to any violation of the marking procedure.

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

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 another electoral precinct.

6¹. The voter that has not gone through the marking procedure shall have no right to participate in voting. His/her ballot paper(s)/special envelope shall be cut off the corner, affixed with the word "faulty" and with the signature of the commission chairman and shall be kept separately. (12.10.2004. N488).

7. Any person acting in violation with the requirements prescribed under this Article shall be punished under the Georgian legislation.

Article 53. Issuing Ballot Papers and Special Envelopes

1. (14.08. 2003 β . N 2965- $\text{\textcircled{O}}$) Each PEC shall issue ballot paper(s) and special envelope(s) on the basis of the voter list upon the presentation of a Georgian Citizen's Identity Card (Georgian Citizen's Passport).

2. On the elections day, each voter shall be issued with one special envelope and the appropriate number of ballot papers.

3. (14.08. 2003 β . N 2965- $\text{\textcircled{O}}$) When issuing ballot paper(s), the voter ID number (or Georgian Citizen's Passport number) and the number (amount) of ballot papers issued thereto shall be entered in the relevant columns of the voter list. The Election Commission member - the registrar - shall confirm issuing of the ballot paper(s) by affixing his/her signature to the voter list.

4. Deleted. (14.08. 2003 β . N 2965- $\text{\textcircled{O}}$).

5. (14.08. 2003 β . N 2965- $\text{\textcircled{O}}$) Each voter shall confirm the receipt of ballot paper(s) by affixing his/her signature to the voter list.

6. The PEC Secretary shall, twice on the elections day, at 12:00 a.m. and 17:00 p.m., count the number of the voter signatures, participating in elections, on the voter list and shall, specifying the relevant time, enter this number in the public display protocol, the summary protocols and the Record Book.

Article 54. Conduct of Polling

1. Each voter shall vote personally. No vote shall be given on behalf of another person.
2. *(14.08. 2003β. N 2965-ÒÓ)* Voting shall be conducted according to the following rules and sequence:
 - a. prior to entering the polling station, each voter shall pass the marking testing procedure;
 - b. if the voter is not marked, he/she shall be entitled to voting. The PEC member regulating the voter flow, shall allow the voter to enter the voting room provided that no more than two voters are standing at the registration desk;
 - c. The voter, entering the polling station, shall approach the registration desk to which his/her serial number in the voter list is assigned, shall present his/her Identity Card of Georgian citizen (or the Georgian citizen passport) to the registrar and, after entering the card or passport number into the voter list, shall confirm the receipt of ballot paper(s) by putting her/his signature in the appropriate column of the reverse side of the ballot paper and on the voter list;
 - d. The voter shall take the ballot paper(s) to the table placed separately in a clearly visible place, where the PEC member authorized to verify ballot paper(s) shall verify the ballot paper(s) by affixing his/her signature thereto;
 - e. After the ballot paper(s) have been verified, the voter shall enter the voting booth and fill in the ballot paper(s) 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 his choice is not visible;
 - f. The voter shall take the folded ballot paper(s) to the table placed separately in a clearly visible place, where the PEC member, authorized to certify the ballot papers by affixing the special seal thereto, shall verify the presence of signatures on the back of the ballot paper(s) and, if such signatures are present, shall certify the same by affixing the special seal thereto, hand to the voter the special envelope with the same special seal affixed thereon and mark (ink) the voter; Only the voter shall have the right to fold the certified ballot paper and put it in the special envelope. The commission member shall not have the right to open the certified ballot paper(s) or act in violation of the secrecy of voting otherwise. *(12.10.2004. N488)*;
 - g. No more than one voter shall be allowed to approach the ballot box at the same time. *12.10.2004. N488)*;
 - h. The PEC member, assigned to supervise a ballot box, shall be permanently present at the ballot box. Such member shall keep the envelope insertion slot closed and shall open it only if convinced that the voter has only one envelope in his/her hand;
 - i. The envelope slot of the ballot box shall be sealed after completion of voting.
3. *(14.08. 2003β. N 2965-ÒÓ)* No other person shall be present at the moment of filling in the ballot paper(s). Any voter, not able to independently fill in the ballot paper, shall have the right to invite for assistance to the voting booth any person, other than any of the:
 - a. PEC members;
 - b. candidates;
 - c. the election subject representatives;
 - d. observers.

4. *(14.08. 2003β. N 2965-ÒÓ)* If any of the voters or PEC members spoil a ballot paper or a special envelope, he/she shall inform the PEC Chairman to that effect, hand over the spoiled ballot paper/special envelope to the Chairman and receive a new one. The edge (corner) of such spoiled ballot paper/special envelope shall be cut off in the presence of the voter, the word “faulty” shall be written thereon, shall be signed by the PEC Chairman and kept separately.
5. *(14.08. 2003β. N 2965-ÒÓ)* The PEC members and the persons, authorized to be into the polling station, shall have the right to request from any voter, before such voter enters the voting booth and inserts 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 sure that the number thereof is equal to the number established by this Law. The voter shall be obliged to follow such request.
6. If the ballot box seal has been broken, the PEC Chair shall suspend voting and decide, by issuing an ordinance, to seal the ballot box anew and resume (continue) voting.
7. The polling station shall be closed at 20.00 pm. The voters, standing in line at that moment, shall have the right to participate in voting. The member of the PEC, regulating the voter flow, shall mark in the Record Book the names of the voters standing in a queue and submit their number to the PEC Chairman, who shall announce that only the voters, standing in a queue, shall vote *(12.10.2004. N488)*.

Article 55. Public Order in the Polling station on the elections day

1. The PEC Chairman shall supervise and be responsible for the maintenance of order in the polling station on the elections day.
2. The decisions, taken by the PEC Chairman, in the interests of maintaining order in the polling station, shall be binding upon the Election Commission members, all the persons having the right to be present in the polling station and all voters.
3. No armed persons shall enter the polling station.
4. In the event any risk arises to holding of elections, as required under this Law, or if the safe movement of electoral documentation is threatened, either in the polling station or on its adjacent territory, the PEC Chairman may call police and the police officers may remain on the adjacent territory of the polling station. Immediately, upon the elimination of public disorder and with the consent of the PEC Chairman, the police officers shall leave the polling station and its adjacent territory.

Article 56. Voting by Means of Mobile Ballot Box

1. *(14.08. 2003β. N 2965-ÒÓ)* The persons, specified under paragraph 11 of this Article, shall have the right to vote by mobile ballot box.
2. Any voter, unable to come to the polling station on the elections day, shall, no later than at 6 pm of the day before the elections day, apply to the PEC to request voting by the mobile ballot box. The DEC shall, no later than 3 days prior the elections day, furnish the

relevant PEC with the information on any voter being in the in-patient facility on the elections day. The name of such a voter shall be entered in the Supplement after:

- a. the PEC secretary shall register and confirm by putting his signature into the registration log, either the receipt of a written application or verbal statement made by the voter by phone and shall indicate the exact time of the phone message and the relevant telephone number;
- b. Any transfer of the voter to the Supplement (mobile box list) shall be recorded in the general or special list of voters, to be certified by the signatures of the PEC Chairman and Secretary. *(12.10.2004.N488)*.

3. After 9 am on the elections day, the PEC Chairman shall assign the PEC members, to accompany the mobile ballot box, to conduct polling at the voter locations, and shall hand over to them the Supplement (mobile ballot box list), as well as the required number of ballot boxes and special envelopes affixed with the signatures of 2 commission members (a registrar and the commission member, certifying ballot papers with a signature) and with the commission seal *(12.10.2004.N488)*.

3¹. Stricken out *(12.10.2004.N488)*.

4. No less than 2 members of the PEC and the persons, enjoying the right to be present in the polling station and willing to do so, shall participate in carrying out the voting at the voter locations.

5. One transparent mobile ballot box shall be used for conducting the voting at the voter locations. The PEC Secretary shall enter into the Record Book the number of ballot papers and special envelopes issued to the PEC members accompanying the mobile ballot box. At the end of voting, the number of blank ballot papers and special envelopes, both found in the ballot box and unused shall be summed up for the comparison purposes. After completing this procedure, the rest of the unused ballot papers and special envelopes shall be cut off their corners, the word “faulty” and the commission Chairman’s signature shall be affixed thereto and be kept separately *(12.10.2004.N488)*.

6. If, in the cases provided in paragraph 1 of this Article, the place of registration and the place of actual location of a voter are in the same electoral district, the voter shall have the right to take part in both proportional and majoritarian (first pass the post) elections and be issued with the appropriate ballot paper(s) and a special envelope. Otherwise, the voter shall have the right to participate in proportional elections only. The polling procedure shall be conducted by the PEC covering the territory, where the military formation, hospitals or other inpatient medical, or penitentiary facilities, with the voter, are located.

7. Voting by means of a mobile ballot box shall be completed at 7pm on the elections day *(25.04. 2002 N1380 Legislation News N9)*. At the end of voting, the mobile ballot box shall be sealed so that it is impossible to open it, without damaging the seal. The sealed mobile ballot box shall be immediately, no later than by 8 pm of the elections day, returned to the PEC *(25.04. 2002 N1380 Legislation News N9)*.

Article 57. Procedures Before Opening of the Ballot Box

1. *(14.08. 2003β. N 2965-ÒÓ)* After the completion of voting, the PEC Chairman shall, in the presence of the persons entitled to be into the polling station, choose at least 3 counting

officers from the members participating in casting the lots under 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, based on the mutual agreement, select maximum two supervisors among observers (if the observers fail to reach agreement, the PEC Chairman shall choose two supervisors among observers by casting the lots).

2. *(14.08. 2003β. N 2965-ÒÓ)* The counting officers shall, in a consecutive order, count the total number of voters that 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, the public display protocol and the Record Book, and afterwards, shall separately pack and seal the general and special lists of voters and the Supplement.

3. *(14.08. 2003β. N 2965-ÒÓ)* The counting officers shall, in the below given order, count and pack the following:

- a. blank ballot papers and special envelopes, the number of which shall be immediately entered by the PEC Secretary into the relevant summary protocol of voting (into the back cover of the Protocol Book), into the Display Protocol and the Record Book. The number of the blank ballot papers and special envelopes shall be written on the pack;
- b. the number of spoiled ballot papers and special envelopes, to be immediately entered by the PEC Secretary into the relevant summary protocol of voting (into the back cover of the Protocol Book), into the Display Protocol and the Record Book. The number of the spoilt (faulty) ballot papers and special envelopes shall be written on the pack.

4. Each package shall be inscribed with the title and number of the electoral precinct, type of ballot papers, number of unused and faulty (spoilt) ballot papers and special envelopes.

5. The packages shall be sealed and signed by the counting officers and the PEC Chairman.

6. After the completion of voting in the electoral precincts opened in military formations, the PEC shall seal 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 shall be immediately transferred to the PEC, preliminarily determined by the DEC and the PEC shall carry out subsequent procedures according to the regulations applying to mobile ballot boxes. The results of these two precincts shall be executed through one protocol.

Article 58. Opening of Ballot Box

1. The PEC Chairman shall, in the presence of the commission members and the persons, having the right to be present in polling station, inspect integrity of the ballot box seal.

2. If the seal turns out to be damaged, but the PEC considers that this has not led to the violation of the requirements under this Law, the PEC Chairman shall issue a relevant ordinance to continue the procedure of summarizing election results. Otherwise, the ballot

box shall be sealed and the PEC ordinance and the sealed ballot box shall be immediately transferred to the DEC.

3. (14.08. 2003β. N 2965-ÒÓ) The counting officers shall carry the ballot boxes to the table placed separately and occupy the places in such a manner that PEC members and the persons entitled to being in the polling station stand in the opposite side of and in one meter from the table. The two supervisors, chosen among observers, shall stand next to the counting officers.

4. The PEC shall open a mobile ballot box first. The counting officers shall place the special envelopes, being in the box, on the table. They shall verify availability of the control sheet in the ballot box and compare it with the control sheet kept by the PEC. In the event of no discrepancy between the control sheets, the counting officers shall count those special envelopes in which the ballot papers are located. Number of special envelopes shall be the same as the number of signatures made to the Supplement (the mobile box list). If the number of the special envelopes, with ballot papers inside, turns out to be higher than the number of signatures to the Supplement (the mobile box list of voters), all special envelopes and ballot papers shall be packed in one package, inscribed with the word “void” and delivered to the superior DEC after the completion of polling and counting procedures in the said electoral precinct. The same regulation applies to the cases, when there is a discrepancy between the control sheets or a control sheet is not found in the mobile box. After the completion of this procedure, the counting officers shall open the main ballot box (12.10.2004. N488).

5. The counting officers shall place the special envelopes and ballot papers, being in the main box, on a separate table. They shall verify availability of the control sheet in the main ballot box and compare it with the control sheet kept by the PEC. If there is a discrepancy between the control sheets or if the control sheet is not found in the box, all special envelopes and ballot papers shall be packed, sealed, a relevant protocol shall be drawn up and immediately delivered to the superior DEC. If there is no discrepancy found, the counting officers shall mix up the special envelopes taken from the main and mobile boxes and start counting of the ballot papers. (12.10.2004. N488).

Article 59. Counting of Votes

1. The PEC shall count the ballot papers according to the following regulation:
 - a. The first counting officer shall take a ballot paper out of the special envelope, announce whom the vote goes to and hands over one type of ballot papers to the second counting officer, another type of the ballot papers - to the third counting officer, etc, while placing special envelopes separately. The counting officers shall place the ballot papers separately, according to the votes given to each election subject;
 - b. Unofficial ballot papers and the ballot, papers considered void by the counting officers, shall be placed separately. The ballot papers with a questionable authenticity, shall be also placed separately;
 - c. Stricken out. (12.10.2004. N488);
 - d. Stricken out. (12.10.2004. N488).

2. (14.08. 2003β. N 2965-ÒÓ) One of the supervisors, chosen from observers, shall stand next to the second counting officer as specified under sub-paragraph (a) of paragraph 1 of this Article, and the second supervisor shall stand next to the third counting officer as

required under the same subparagraph. They shall have the right to observe the entire process of counting, point to mistakes, request correction of the mistake and if the request is neglected, lodge a complaint against such action of the PEC, before the superior DEC and later - before court. The persons, entitled to be in the polling station, shall have the right to instruct the counting officer to set aside the ballot papers with questionable authenticity. The counting officer shall satisfy such a request.

3. An official ballot paper shall be considered invalid (void) only in the event:
 - a. the ballot paper has not been affixed with the PEC seal and the signatures of the two commission members certifying the ballot papers; *(28.11.2003 N 3124)*;
 - b. it is impossible to identify which election subject has been voted for by the voter;
 - c. the number of ballots in special envelope exceeds the established number;
 - d. the special envelope is not that of an 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 electoral precinct;
 - g. a special envelope is not certified by the PEC seal *(28.11.2003 N 3124)*.

4. After all ballot papers are sorted out, the ballot with questionable authenticity, shall be examined. Authenticity of every questionable ballot paper shall be decided by the PEC by voting. The ballot papers, found to be valid, shall be added to the pile of valid ballot papers, and the void ballots - to the pile of invalid ballot papers.

5. After the completion of the procedure, described in paragraph 4 of this Article, the PEC shall count the void ballot papers, inscribe them with the word "void" and put signatures of the counting officers and the PEC chairman. These ballot papers shall be packed in a package and their number shall be immediately entered into the summary protocol of voting (on the back cover of the Protocol Book)), as well as into the Display Protocol and the Record Book. The void documents intended for other PEC shall be packed in a separate package and their number shall be entered into the Record Book only. *(12.10.2004 #488)*.

6. Stricken out *(12.10. 2004. N488)*.

7. *(14.08. 2003β. N 2965-ÒÓ)* Each set of ballot papers shall be packed and sealed. The number of the electoral precinct, type and number of ballot papers shall be specified on each package.

8. *(14.08. 2003β. N 2965-ÒÓ)* After completion of the procedure specified in paragraph 7 of this Article, the number of votes given to each election subject shall be counted and the ballot papers shall be packed according to the procedure provided in paragraph 9 of this article. The pack of ballot papers for each election subject shall be separately packed and sealed. The PEC Secretary shall immediately enter the number of votes given to each election subject into the relevant summary protocol of voting, (on the back cover of the protocol book), into the public display protocol and the Record Book.

9. *(25.04. 2002 N1380 Legislation News N9)* Every 10 ballot papers shall be bound with a metal staple and on each pack, both complete and incomplete, shall be inscribed with the number of the ballot papers bound. Afterwards, these packs shall be bound into a single pack. The title and the number of the electoral precinct, information on the election subject

(subjects) (title, first and last names), as well as the number of votes received by the election subject(s) and the number of ballot papers therein shall be written on the pack.

Article 60. Summary Protocol of Voting and Election Results

1. *(14.08. 2003β. N 2965-ÒÓ)* After completion of the procedures described in Articles 57-59 of this Law, the commission Secretary shall fill in 10 copies (NN 01-10) of the protocol according to the consolidated protocol intended for the PEC.

2. When holding the Presidential elections of Georgia, the local self-government elections – of *sakrebulo*, *gamgebeli* or mayor, one summary protocol of voting shall be drawn up based on the returns of the majoritarian (first pass the post) elections. An exception shall be the elections for the Tbilisi City *Sakrebulo*, for which the summary protocol of voting shall be drawn up based on the proportional electoral system, and for the Parliamentary elections, 2 protocols shall be compiled: one protocol shall be drawn up based on results of the proportional elections and the other - according to the results of the majoritarian (first pass the post) elections.

3. The summary protocol of voting and election results shall include:

- h. the title and the number of election district, the electoral precinct number;
- i. the name of elections;
- j. the date of the elections (if these are the second ballot or the second round elections, it shall be also mentioned thereon);
- k. the number of the PEC seal;
- l. the number of voters on the general list registered prior to the polling day;
- m. the number of voters on a special list;
- n. the number of voters on the Supplement (mobile box list);
- o. number of voters registered on the polling day;
- p. total number of voters (number of the voters on the general list registered prior to the polling day plus the number of the voters registered on the polling day);
- q. number of signatures (at 12 and 5 p.m.) made by the voters participating in voting;
- r. total number of voters participating in elections (according to the signatures made to the voter lists);
- s. number of the received ballot papers;
- t. number of the unused ballot papers;
- u. number of the spoiled (faulty) ballot papers;
- v. number of the void ballot papers;
- w. names of the election subjects, number of votes received by them and number of votes given against all subject;
- x. the date and the time of approving the protocol;
- y. the protocol data which a commission member disagrees on (the commission member shall make such record in the column "dissenting opinion" and sign thereunder);
- z. the protocol registration number and registration date (to be noted when issuing the protocol) *(12.10.2004. N488)*.

3¹. The PEC shall approve the summary protocol of voting returns through the ordinance to be passed by the majority of the attending members, but by no less than one third of the listed members *(12.10.2004. N488)*.

4. All members of the Precinct Election Commission shall be obliged to sign the protocol, to confirm their presence at the electoral precinct. The protocol shall be approved by the PEC seal.
5. If the PEC member does not agree with the data entered into the protocol, he/she has the right to attach a dissenting opinion to the protocol in writing.
6. If there is a dissenting opinion, the PEC member shall be still obliged to sign the summary protocol of voting and election results.
7. Pages N01 and N02 of the summary protocol of voting and (enclosed with the dissenting opinions of the commission members), together with the sealed packages of ballot papers and lists of voters, shall be immediately handed over to the superior DEC, which shall immediately deliver the page#01 of the protocol (with the copies of the members' dissenting opinions attached) to CEC (*12.10.2004. N488*).
8. Pages NN03-08 of the protocol shall be immediately handed over to the representatives of the those six parties/electoral blocs/voter initiative groups which have best results in the electoral precinct, while the pages N09 and N10 shall be handed over to two observers of the election observer organisations (if more than two observers wish to get those protocols, the two shall be chosen by casting the lots). If requested, other representatives and observers of the election subjects and observers, shall, on the day after the polling day, receive from the DEC copy of the consolidated protocol #02 of the PEC, affixed with the DEC seal and the signature of the DEC Chairman and Secretary (these protocols shall have the legal force equal to that of protocols NN01-10). The representative/observer shall confirm receipt of the protocol by his/her signature put in the DEC Registration Log (*12.10.2004. N488*).
9. (*14.08. 2003β. N 2965-ÒÓ*) In addition to the summary protocol of voting and election results, the voter lists with the signatures of those participating in the elections shall be delivered to the DEC. The DEC shall, in turn, forward those lists to the CEC that shall sort out and keep them in the archives.

Article 61. Applications and Complaints Concerning the Voting and Counting Violations

1. (*14.08. 2003β. N 2965-ÒÓ*) An application/complaint concerning the observed violation of the polling procedures shall be drawn up immediately upon noticing the violation of this Law, from 7:00am on the polling day until the opening of the ballot box.
2. The application/complaint shall state the following:
 - a. the date and the time of drawing up the application (complaint);
 - b. first name, last name and address of the applicant/complainant;
 - c. number and address of the electoral precinct;
 - d. nature of the violation and the time when it occurred;
 - e. if a witness is available – the first name, last name and the place of registration of the witness;
 - f. if the person breaching the Law has been identified - those personal data that have been obtained (*28.11.2003 N 3124*);
 - g. explanatory note given by the person, who violated the Law (if such exists);

h. other relevant additional information.

3. *(14.08. 2003β. N 2965-ÒÓ)* An application/ complaint concerning the observed violations of the voting procedures shall, before opening the ballot-box, be handed to the Election Commission Chairman, Deputy Chairman or the Secretary that shall register it in the Record Book and provide the applicant/complainant, in accordance with paragraph 16 of Article 22 of this Law, with the Note stating the date and time the application/complaint was received by the commission.

4. The PEC Chairman shall be obliged to immediately respond to the application/complaint and eliminate any existing violation. If the PEC Chairman does not or can not eliminate the violation or refuses to act in response to the application/complaint in any other manner, the complainant/applicant and the representative of an authorized organization, party/election bloc (if complaint is lodged by them), shall have the right to file a similar complaint/application before the relevant superior DEC *(12.10.2004. N488)*.

5. *(14.08. 2003β. N 2965-ÒÓ)* An application/ complaint, concerning the observed violations of the vote counting and summing up procedures and requesting revision or invalidation of the election results, shall be filed prior the approval of the summary protocols of voting and shall include the following:

- a. the date and the time of drawing up the application/complaint;
- b. first name, last name and address of the applicant/complainant;
- c. number and address of the electoral precinct;
- d. nature of the violation and the time it occurred;
- e. if a witness is available – the first name, last name and the place of registration of the witness;
- f. if the person breaching the Law has been identified - those personal data that have been obtained *(28.11.2003 N 3124)*;
- g. explanatory note given by the person, who violated the Law (if such exists);
- h. other additional information.

6. *(14.08. 2003β. N 2965-ÒÓ)* The application/complaint mentioned in paragraph 5 of this Article shall be registered by the PEC Secretary in the Record Book and shall have been delivered by the PEC to the superior DEC by 18:00pm of the day following the elections day, and if the results have not been summed up by this time - by 18:00pm of the day following the day when the summary protocol of voting was completed. The application/complaint can be delivered to the DEC directly by the applicant/complainant within the same period.

7. The PEC Record Book shall be closed by affixing the signatures of the commission Secretary and commission members and shall be approved with the PEC seal.

8. The PEC Record Book and any incoming applications/complaints shall be sealed separately and bound into a single package.

9. The seal of the PEC shall be sealed in a separate package. The package shall be signed by the PEC Chairman, Secretary and other members of the Commission.

Article 62. Handling the Application/Complaints concerning Counting and Summarization of the Polling Results (14.08. 2003 β . N 2965- $\ddot{O}\ddot{O}$)

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 receipt by the DEC. The commission shall consider the application/complaint and take appropriate decision no later than within 3 days after the registration of the application/complaint at the DEC. The decision of the DEC shall be taken through ordinance.
2. The application/complaint, filed in violation of the procedure established by paragraphs 1-3, 5 and 6 of Article 61 of this Law, shall not be considered.

Article 63. Consolidation of Voting and Election Results at District Election Commission (14.08. 2003. N 2965- $\ddot{O}\ddot{O}$)

1. Based on the PEC summary protocols and in view of the findings made after considering the alleged violations of the election legislation, the DEC shall, no later than within 4 days after the polling day, consolidate the voting results for the elections to the Parliament of Georgia (according to party lists), Presidential Elections and the elections of the Tbilisi City Sakrebulo, shall establish results for the elections to the Parliament of Georgia (by single-mandate election districts) and local self-government (other than the Tbilisi City Sakrebulo) and approve the summary protocols of polling and election returns for the election district.
2. The DEC summary protocol of voting and election results shall include:
 - a. the title and the number of election district, the electoral precinct number;
 - b. the name of elections;
 - c. the date of the elections (if these are the second ballot or the second round elections, it shall be also mentioned thereon);
 - d. the total number of voters in the Electoral District;
 - e. the total number of the voters participating in the elections in the Electoral District;
 - f. number of the received ballot papers;
 - g. number of the unused ballot papers;
 - h. number of the spoiled (faulty) ballot papers;
 - i. number of the void ballot papers;
 - j. names of the election subjects, number of votes received by them and number of votes given against all subject;
 - k. number of valid ballot papers (the number of the votes given to all election subjects plus the number of votes against everyone);
 - l. number of the Electoral Precinct, for which the polling results were invalidated by the DEC, total number of voter in that precinct and the grounds for the invalidation of the polling results;
 - m. number of the ballot papers in those Electoral Precincts, where the polling results have been invalidated;
 - n. the date and the time of approving the protocol;
 - o. the protocol data, which a commission member disagrees on (the commission member shall make such record in the column "dissenting opinion" and sign hereunder);

- p. the protocol registration number and registration date (to be noted when issuing the protocol) *(12.10.2004. N488)*.

2¹. The DEC shall approve the summary protocol of voting returns through the ordinance *(12.10.2004. N488)*.

3. The summary protocol of voting shall contain the data, listed in paragraph 2 of this article, as well as the identity of the elected person(s), identities of those gone to the second and third round of the elections.

4. If the DEC invalidates the election results in any electoral precinct(s) and the total number of voters in this electoral precinct(s) is so inconsiderable that it will not affect validity of elections or election of the person(s) elected in the election district or the candidate(s) in the second round of elections, the DEC shall establish the elected person(s) or the second round candidate(s) without taking this precinct(s) into consideration.

5. All DEC members, attending the commission session, shall sign the summary protocol of voting 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 attach his/her written dissenting opinion to the protocol.

7. The DEC Secretary shall, immediately upon the establishment of the data mentioned in this Article, put that data in the public display protocol, displayed in a clearly visible place at the DEC.

8. Page N01 of the DEC summary protocol of the voting results (attached with any dissenting opinion of the commission members), as well as the DEC ordinances, concerning the changes made in the PEC summary protocols (if such changes have been made), shall be immediately handed over to the CEC. *(12.10.2004. N488)*.

9. Pages NN02-08 of the protocol shall be immediately handed over to the representatives of the seven parties/electoral blocs/voters' initiative groups with the best outcome in the election district, while pages N09 and N10 shall be handed over to two observers of the election observer organizations (if more than two observers wish to get those protocols, the two of them shall be chosen by casting the lots). If requested, other representatives and observers shall be provided with copies of the protocol, completed in accordance with the summary protocol and signed by the commission Chairman and Secretary on the day following the elections day (those protocols shall have force equal to the force of protocols NN01-10). The representative/observer shall confirm receipt of the protocol with his/her signature made in the Registration Log of the Election Commission. *(12.10.2004. N488)*.

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

1. *(14.08. 2003β. N 2965-ÔÔ)* No later than within 18 days after the elections day and based on the protocols received from the DEC and PECs, CEC shall consolidate the results

of parliamentary and presidential elections at its session and approve the summary protocol of the election results by its ordinance.

1¹. CEC shall not consolidate election returns prior to the completion of the election-related disputes pending in court of laws and without giving full consideration to the court rulings *(28.11.2003 N 3124)*.

2. In the event an application/complaint and/or a dissenting opinion exists, CEC can consolidate the results of the elections based on the PEC protocols.

3. The CEC shall consolidate the results of the elections and establish:

- a. total number of voters;
- b. the voter turnout;
- c. the number of void ballots;
- d. the number of the votes received by election subjects.

3¹. *(14.08. 2003β. N 2965-ÒÓ)* Simultaneously to receiving the summary protocols of election results from electoral precincts, the CEC shall ensure placement of the data contained therein on the web-site. Election Administration officers shall be prohibited from making announcements on the preliminary results of elections, unless the results are adequately placed on the internet.

4. Stricken out *(14.08. 2003β. N 2965-ÒÓ)*.

5. Stricken out *(14.08. 2003β. N 2965-ÒÓ)*..

6. The summary protocol of election results shall be signed by the CEC Chairman and Secretary. One copy of the protocol shall be kept at CEC, the second copy shall be delivered to the agencies defined by this Law. Copies of the protocol shall be provided to all interested persons.

7. *(14.08. 2003β. N 2965-ÒÓ)* Immediately, upon the consolidation of the final results of elections, the CEC shall ensure placement of these results on the web-site, and shall deliver the information to media, no later than the next day.

CHAPTER VIII TRANSPARENCY OF PREPARATION AND CONDUCT OF ELECTIONS

Article 65. Publicity of Elections

1. The process of preparation and conduct of elections in Georgia shall be open and public.

2. Derived from the goals of this Law, Election Commissions, election subjects, State authorities and governance bodies, unions (associations) and foundations, registered in accordance with the legislation of Georgia, shall be carry out their activities in a manner ensuring openness and publicity.

3. Representatives of election subjects, local and foreign observer organizations, press and other media, have the right to be present at polling stations on the elections day and to observe election and voting processes.

Article 66. Publicity of Preparation and Conduct of Elections

1. For the purpose of ensuring the publicity of the elections preparation and holding process, the Election Commissions shall publish the information on:

- a. their activities;
- b. formation of election districts and precincts;
- c. composition, location and working hours of Election Commissions;
- d. election subjects.

2. Election Commissions, in the premises allocated to them, shall post up in clearly visible places the following:

- a. lists of Voters and the procedures and timeframes for appealing against inaccuracies in these lists;
- b. lists of election subjects;
- c. election programs of election subjects (if such are submitted to the Election Commission) that shall be removed before midnight on the day prior to the elections day;
- d. Decisions of the CEC and of the relevant DEC, concerning activities of the commission in question.

3. Relevant Election Commissions shall, through press and other media, publicize the following:

- a. Party lists of the parties and electoral blocs taking part in the elections;
- b. Stricken out; *(14.08. 2003β. N 2965-ÒÒ)*;
- c. decisions of the CEC;
- d. summary protocol of the final results of the elections.

4. Election documents shall be accessible to all everyone. An Election Commission shall be obliged to furnish all interested persons with the election documents and information on elections, within 2 days after being requested to do so, and in case of requesting the document copies, the relevant Election Commission may establish a fee in the amount necessary for producing the copies, in accordance with the rules determined by the legislation of Georgia.

5. *(14.08. 2003β. N 2965-ÒÒ* When making public the information mentioned in paragraphs 1 and 3 of this Article via the public TV broadcasting, the public TV broadcasting shall ensure application of gesture-interpretation and/or other special technologies for the persons with hearing disabilities.

Article 67. Publicity of Election Commission Sessions: Persons Authorized to Be in Polling station

1. The Election Commission session shall be open. The right to attend the Election Commission session shall be given to: the members of the superior Election Commission, staff members of the superior Election Commission, one representative of each election subject in the relevant commission, one observer, together with an interpreter, of the international organization registered at CEC, one representative (registered in the relevant

Commission) of the local observer organization, accredited (in relevant Commissions) representatives of the press and other media. Where a person is creating disorder and preventing the commission from operating, the Election Commission Chairman shall have the right to dismiss such a person from the session and this fact shall be entered into the minutes of the session. (12.10.2004. N488).

2. The following persons have the right to be present in the polling station:
 - 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 media;
 - e. observers.

3. (14.08. 2003β. N 2965-ÒÓ). All persons having the right to stay at in polling station shall wear a nametag with their first and last names and status: Chairman, Deputy Chairman, 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 media and the word "representative".

Article 68. Local and Foreign Observers

1. (14.08. 2003β. N 2965-ÒÓ) The right to observe elections shall be provided to those local and international Observer Organizations that comply with the provisions of this Law and have undergone registration at CEC or appropriate DEC.

2. A local Observer Organization shall be a local union (association) or foundation, registered in accordance with Georgian legislation no later than 2 years prior to the elections day, provided that its Statute or Regulations, at the time of registration, provided for the conduct of monitoring over elections and/or protection of human rights and it is registered at CEC or the relevant DEC for the purpose of observing elections.

3. (14.08. 2003β. N 2965-ÒÓ) A local Observer Organization shall observe the elections through its representative - a local observer. Each organization shall have no more than one observer at each electoral precinct at a time.

4. The local observer representing a local Observer Organization shall 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 local self-government representative bodies – *sakrebulo*;
- d. heads and deputy heads of the of local government bodies;
- e. judges;
- f. (14.08. 2003β. N 2965-ÒÓ) officers of the Ministries of State Security; Internal Affairs and Defence of Georgia, State Departments for State Border Protection and Intelligence Service of Georgia, Special State Guard Service;
- g. officials of the Prosecutor's Office;
- h. election subjects and their representatives;
- i. election Commission members.

5. An international observer organization shall be a representative of another State, the organization registered in another State or an international organization, the founding documents of which include monitoring of elections and/or protection of human rights and being registered at the CEC for the purpose of observing elections.

6. An international observer organization shall observe elections by means of the organization's representative – an international observer.

7. An international observer may be accompanied by an interpreter, who shall undergo registration at CEC together with the international observer.

Article 69. Registration of Observer Organizations

1. *(14.08. 2003β. N 2965-ÒÓ)* An international Observer Organization, as well as the local Observer Organizations, that observe elections in more than one election district, shall be registered by the CEC.

2. *(14.08. 2003β. N 2965-ÒÓ)* A local Observer Organization, which observes elections within one election district, shall be registered by the appropriate DEC.

3. *(14.08. 2003β. N 2965-ÒÓ)* To be registered, a local Observer Organization shall apply to the appropriate Election Commission no later than 30 days prior to the elections day and submit 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 shall decide on the registration of the organization within 5 days after the submission of the application.

4. To be registered, an international organization shall apply to CEC no later than 7 days prior to the elections day and provide a copy of its founding document. If the observer (group of observers) represent the state authorities of another country, he/she shall provide only the application and credentials. CEC shall decide upon the registration of the organization or observer (group of observers) mentioned in this paragraph within 2 days following the receipt of the application.

5. *(14.08. 2003β. N 2965-ÒÓ)* The Election Commission shall not be entitled to dismiss the application for registration of the Observer Organization, provided that this organization complies with the provisions of this law. The Election Commission's ordinance on the dismissal of an application for registration shall include the reasons for the dismissal and shall be served upon the organization no later than the next day following such decision. The commission ordinance can be appealed before the court within 3 days following its adoption. The court decision be made within 3 days.

6. *(14.08. 2003β. N 2965-ÒÓ)* No later than 2 days prior to the elections day, the international organization registered by CEC shall furnish the CEC Secretary with 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. *(14.08. 2003β. N 2965-ÒÓ)* A local Observer Organization, registered by CEC shall, no later than 5 days prior to the elections day, furnish to the CEC Secretary with the list of observers assigned to the CEC, and to the DEC Secretary - the list of observers assigned to

the district and subordinated PEC. A local Observer Organization, registered by the DEC, shall, within the same timeframes, deliver to the DEC Secretary the list of observers assigned to the PECs. The list shall indicate the observers' identity (first name, last name, place of registration) and the election district and electoral precinct(s) where they will observe the elections.

8. *(14.08. 2003β. N 2965-ÒÓ)* The Election Commission Secretary shall, no later than within 2 days after the submission of the observers list, register the observers submitted in compliance with this Law and issue to the Observer Organization the observer's certificate which shall at the same time serve as a the badge (nametag) to be worn by the observer.

9. Certificate of the observer shall be inscribed with:
- a. the first and last name of the observer;
 - b. title of the local or international organization, having nominated the observer;
 - c. the name and number of the election district and precinct(s) where the observation shall be carried out.

Article 70. Rights of Observers

1. An observer shall have the right to:
 - a. attend and observe Election Commission sessions;
 - b. be present in the polling station at any time on the elections day and observe all stages of the polling process;
 - c. replace, at any time on the elections day, another registered representative of the organization (if such representative exists);
 - d. take part in inspecting the ballot boxes before they are sealed and after they are opened;
 - e. observe registration of voters on voter lists, issuance of ballot papers and special envelopes and their validation, without disrupting the polling process;
 - f. attend the vote-counting of result-tabulation procedures;
 - g. observe the process of voting by means of a mobile ballot box;
 - h. observe counting of votes in the conditions guaranteeing 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 Chairman with an application/complaint concerning the issues arisen in relation to the of voting and polling procedures, and demand responsive action to particular violation;
 - k. *(14.08. 2003β. N 2965-ÒÓ)* request from a voter showing the ballot papers and special envelopes held by/him;
 - l. appeal against actions of an Election Commission to a superior Election Commission, or court;
 - m. observe the ballot box, the process of dropping the special envelopes into the ballot box, opening the ballot box, counting the ballot papers and compiling protocols;
 - n. avail himself of the summary protocols of voting and election results, compiled by Election Commissions.
2. An observer shall not have the right to:
 - a. interfere in the functions and activities of Election Commissions;

- b. intervene in 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.
- d¹. be present in the polling station without a badge (nametag) on the polling day (12.10.2004. N488);
- e. violate other requirements of this Law.

Article 71. Representatives of Election Subjects and Their Authority (14.08. 2003β. N 2965-ÒÓ)

1. A representative of an election subject (a party participating independently in the election, election bloc, voters' initiative group) shall represent an election subject in relations with the appropriate Election Commission.
2. A party participating independently in the elections, election bloc, voter initiative group (in the case of the Presidential elections only) shall be entitled to appoint two representatives at every Election Commission, while a voters' initiative group representing a candidate in single or multi-mandate 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 furnish 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 the party/election bloc or the authorized person thereof; application for appointment of a representative of a voter's initiative group shall be submitted to the superior 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 representative shall have the right to attend (only one representative from each election subject can be present at a time) the Election Commission sessions, to stay at the polling station and to attend all procedures related to voting, vote counting and tabulation of the voting results.
6. An election subject shall have the right to call back and/or substitute its representative at any time by notice to be sent to the appropriate Election Commission.

Article 72. Representatives of Press and Other Media

1. Representatives of the press and other media, accredited at the relevant Election Commission, have the right to attend Election Commission sessions and to be present in the polling station on the elections day.
2. Accreditation of representatives of the press and other 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, while accreditation of the media representatives operating on the territory of one election district, by the Secretary of the appropriate DEC.

3. (14.08. 2003β. N 2965-ÒÓ) Applications on the accreditation of representatives of the press and other media shall be submitted to the relevant Election Commission, no later than 3 days prior to the elections day. (12.10.2004. N488).

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 media and shall issue to the accredited representatives the appropriate certificate within 1 day after taking the decision. 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). (12.10.2004. N488).

5. On the elections day, the one organization of the press and other media shall have the right to have no more than 3 representatives in an electoral precinct at the same time.

Article 73. Electoral campaign (Agitation) (14.08. 2003β. N 2965-ÒÓ)

1. Election agitation shall begin at the time of the announcement of the elections. Candidates, on becoming election subjects, shall enjoy equal rights as of this day.

2. (14.08. 2003β. N 2965-ÒÓ) The voters, candidates, election subjects and their representatives shall be entitled to campaign for or against an election subject or a candidate for election subject (person not registered as election subject as yet).

3. Agitation via the press and other media after 24:00 on the day prior to the elections day shall be prohibited.

4. (14.08. 2003β. N 2965-ÒÓ) In the event the second round elections, second ballot, mid-term or by-elections are appointed, the electoral campaign (agitation) shall be renewed from the day of the announcement of the elections.

5. The following persons and entities shall not have the right to take part in election agitation:

- a. Members of Election Commissions;
- b. Heads of bodies of State executive authority;
- c. Judges;
- d. Public officials of the Ministry of State Security, the Ministries of Internal Affairs and Defense, the State Department of the State Border Protection of Georgia, the State Department of Intelligence and the Special Service of State Security;
- e. Heads of bodies of local governance;
- 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 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, shall 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. *(14.08. 2003β. N 2965-ÒÓ)* Commanders of military formations shall provide for all election subjects adequate conditions for meetings with voters within the military formation. In cases of necessity, and by ordinance of the Minister of Defense, campaigning may be limited or banned in some military formations, 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 concerning appointment of the elections until the publication of the final results of elections, the election subjects and their representatives shall not either personally, or through someone else, transfer to the voters money, gifts and other items of material value, sell them goods at privileged prices, supply free-of-charge or disseminate any goods, except for the agitation materials specified in this Law, as well as to cause the interest of voters by promising them money, securities and other items of material value. In the event such facts are established by court, registration of the election subject shall be cancelled by court decision.

10. It is forbidden to conduct electoral campaign in the buildings of the following institutions:

- a. Parliament of Georgia;
- b. Government and sub-agency departments of executive authority of Georgia;
- c. Courts and bodies of the Prosecutor's Office.

11. *(14.08. 2003β. N 2965-ÒÓ)* Any betting related to the elections shall be prohibited.

12. *(14.08. 2003β. N 2965-ÒÓ)* From the day of making announcement on appointing the elections until the day of publication of the final election results by the CEC and one month following the latter date, when making public the results of public opinion polls related to the elections, the identity of the customer shall be indicated (the name or title according to the public or election registry and legal address - if the customer is a legal entity, and the first name, last name and address according to the Georgian Citizen's Identity Card - if the customer is a natural person). There shall also be indicated whether the poll is paid or unpaid, the name of the polling organization (according to the public or election register), its legal address, the public opinion poll date, methodology used, exact wording of the questions, limits of permissible deviations. From 48 hours prior to the poll and until 24:00 on the elections day, publishing of election-related public opinion surveys other than the one on the potential election participants and on the number of election participants on the elections day shall be prohibited.

13. *(14.08. 2003β. N 2965-ÒÓ)* Public TV companies and radio broadcasters shall provide two hours of their airtime on daily television and radio free of charge, for electoral

campaign and political advertising purposes for at least the last 15 days prior to the elections day. Those airtime hours shall be equally distributed among the election subjects.

14. Beginning from the 50th day prior to the elections day until the approval of the final election results by the CEC, both the broadcasting license holders and public broadcasting companies shall abide by the following terms:

- a. If allocating air time for electoral campaigning and political advertising, the broadcasting companies shall announce publicly and submit to the CEC the following information: 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;
- b. Paid airtime allocated by a 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. Paid daily air time shall be equally allocated among the election subjects;
- d. The air time tariff shall be the same for all election subjects;
- e. When broadcasting political advertising via TV, the screen corner shall display the inscription "Paid political advertising" or "Free political advertising";
- f. For the period provided for in this paragraph, no electoral campaign statements and placement of political advertisement, shall be made other than at the times and space allocated for this purpose. (24.12.2004 N 789).

15. (14.08. 2003β. N 2965-ÒÓ) The day after the expiration of the term for electoral registration of parties and electoral blocs, newspapers, other than the newspapers of political parties, shall abide by the following terms:

- a. If allocating newspaper space for electoral campaigning and political advertising, the newspaper must publish in its newspaper and also provide to the CEC the following information: 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, how much of the total allocated space is being provided free-of-charge; the space tariff;
- 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;
- c. The paid space allocated in the newspaper in one issue or over the period of one week shall be equally distributed among all the election subjects;
- d. The space tariff shall be the same for all election subjects;
- e. 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";
- f. Must not publish electoral campaign materials and political advertising, which violate the provisions of this paragraph during the period stated herein.

16. Subject to paragraphs 14-15, a private TV, a radio broadcasting company or private newspapers shall have the right to allocate free of charge air time/space for political advertising to an election subject. (24.12.2004 N 789).

17. If any election subject fails to use its share of air time or newspaper space, a broadcasting company or newspaper shall have the right to distribute this time or space equally among the other election subjects. (24.12.2004 N 789).

18. If an election subject uses any free air time provided by a broadcasting company and free space in a newspaper as provided for in paragraphs 13 and 16, he/she shall record this in the election fund account as a donation made by the broadcasting company or newspaper, for the amount equal to the price of paid use of such time/space.

19. *(14.08. 2003β. N 2965-ÒÓ)* A person, in breach of paragraphs 11-18 of this Article, shall be held responsible for such violations under the law.

Article 74. Pre-Election Rallies and Manifestations

1. Holding of rallies and manifestations during the pre-election period shall regulated by this Law.

2. If a rally or manifestation may disrupt movement of people and transport, the organizers shall 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 electoral campaign activities (if the activities coincide in time and the election subjects have failed to agree on a timetable, the sequence of activities shall be determined by casting the 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, save in the circumstances when their authority has expired and/or they have violated the law. *(28.09.2001 N 1074)*.

Article 75. Agitation Materials

1. (14.08. 2003β. N 2965-ŌŌ) The CEC and DEC's, 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 10 days prior to the elections day, and no later than 5 days 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 shall 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 up 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 formations and police, as well as on traffic signs. *Sakrebulo*s of village, community, township and city may forbid posting up of posters on certain buildings, but only proceeding from considerations of protection of monuments of architecture and culture. A list of such buildings shall be 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 shall 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 agitation materials there shall 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.

6. Copies of printed agitation materials shall be submitted to the Election Commission, at which the election subject underwent electoral registration.

7. Within 15 days of official publication of the final results of the elections, the relevant election subject shall be obliged to ensure removal of agitation materials, otherwise the election subject shall be 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, shall 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).

4. *(14.08. 2003β. N 2965-ÒÒ)* A registered candidate, who is an officer of the state, local self-government or administration authority and to whom official incompatibility with the candidate status does not apply, shall not have the right to enjoy the advantage of his/her official position for the electoral campaign, namely, he/she shall have the right to campaign during his/her spare time. This restriction shall not apply to the use of time allocated for the electoral campaign by TV and radio-broadcasting companies.

5. If a registered candidate violates the provisions of this Article, the relevant Election Commission, by decision of a majority of the current members (active roll of the commission), no later within 7 days prior to the elections day, shall prohibit the participation of the candidate in the next elections of the same type; if the violation is proved prior to the elections day, the candidate's registration will also be cancelled. The issue concerning the candidate for Presidency and the candidate on a party list (if he/she is not also a majoritarian (first pass the post) candidate, shall be decided by the CEC, and the issue of a majoritarian (first pass the post) candidate shall be decided by the appropriate DEC subject to immediate notification to the CEC (if this candidate is on a party list he/she shall be removed from the list). The Election Commission shall be entitled to consider the issue mentioned in this paragraph, if the relevant application is filed before the commission no later the 30 days prior to the elections 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 electoral registration or the stated grounds of alleged breach may be appealed against in court within 3 days of the issue of this ordinance. *(12.10.2004. N488).*

CHAPTER IX ADJUDICATION OF DISPUTES

Article 77. Timeframes and Procedures for Consideration of Disputes (14.08. 2003β. N 2965-ÖÖ)

1. A breach of the election law shall 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 an Election Commission may be appealed against at the superior Election Commission or in the court; a decision of the CEC – in a court, within 3 calendar days after taking the decision, unless the present Law provides another timeframe. The court shall consider the decision of the Election Commission within 3 calendar days, unless the present Law provides another timeframe. Prolongation of the timeframe for the submission of appeals and consideration of the dispute as provided for by this Law shall be prohibited.
- 2¹. The court decisions concerning the electoral disputes, not provided by this articles, shall be appealed before the higher instances within 3 days. *(28.11.2003 N 3124)*.
3. Lodging appeals to the court does not suspend the effect of the appealed decision.
- 3¹. An application/complaint shall be considered lodged from the moment of its registration in a respective Election Commission or upon its registration in the court. *(28.11.2003 N 3124)*.
- 3². If a party fails to appear before court in the course of considering the dispute, the court may take decision based on the examination of the materials of the case and in view of articles 4 and 19 of the Administrative Procedures Code of Georgia. *(28.11.2003 N 3124)*.
- 3³. Applications, submitted to the court by others than those provided by sub-paragraphs (a) of paragraphs 7-13, paragraph 14, sub-paragraphs (a) of paragraphs 15-28 of this article, shall not be considered by court.
4. The timeframe and procedures for filing an election related application/complaint, the timeframe and procedure for consideration and decision-making by the Election Commission, shall be determined under this Law and the Rules of Procedure of the Election Administration. The issues, not provided for by this Law, shall be determined under the General Administration Code of Georgia. If the abovementioned normative acts do not provide the timeframe for filing an application/complaint, they may be filed before any time, but no later than within 30 days after the elections day, and the Election Commission shall consider this application/complaint and make its decision within 10 calendar days.
5. The group of possible appellants, the timeframes and procedures for filing an appeal in a court against decisions of Election Commissions and violations of the election law shall be determined by the procedural legislation of Georgia, unless the present Law provides another timeframe and/or procedure.

6. The timeframes for filing and considering the constitutional appeals concerning the appointment or non-appointment of elections as provided for by this Law shall be established by the Organic Law of Georgia "On the Constitutional Court of Georgia" and the Law of Georgia "On Constitutional Legal Proceedings". Applications concerning constitutionality of elections shall be lodged beforein 10 days following the publication of the Election Commission's decision regarding the approval (validation) of the election results, and the timeframes for considering the constitutional appeals shall be determined under the mentioned above laws.
7. Concerning the voter lists:
 - a. The right to lodge an appeal before the court shall be provided to a representative of a party/election bloc/voters' initiative group, having undergone the electoral registration with the appropriate Election Commission; to the organization with election observer's status, to a member of the appropriate district or precinct Election Commission, to a citizen whose application for enrolment on the voter list was rejected by the Election Commission;
 - b. An appeal shall be lodged to an appropriate rayon/city court, which shall consider the appeal and make decision within 3 calendar days following the lodgement of the appeal. The decision of the regional/municipal court shall be final and not subject to appeal.
8. Regarding formation of election districts:
 - a. The right to lodge an appeal before the court within the timeframe provided for under this Law shall be granted to the representative of a party/election bloc having electoral registration in the CEC, to an organization , having the election observer's status, to the CEC member;
 - b. An appeal shall be lodged before the Supreme Court of Georgia, which shall consider the appeal and make its decision within 5 calendar days after lodgement of the appeal. The decision of the Supreme Court shall be final and not subject to appeal.
9. In relation to the formation of electoral precincts:
 - a. The right to lodge an appeal before the court, within the timeframe provided for under this Law, shall be granted to the representative of a party/election bloc having electoral registration at the appropriate Election Commission, to an organization , having the election observer's status, to a member of the appropriate district Election Commission;
 - b. An appeal shall be lodged to the appropriate rayon/city court, which shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal. The decision of the rayon/city court shall be final and not subject to appeal.
10. In relation to the appointment/election of a member of the CEC and DEC's:
 - a. The right to lodge an appeal before the court shall be granted to a person specified under Georgian legislation;
 - b. An appeal shall be lodged to the appropriate circuit court, which shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal. The decision of the circuit court shall be final and not subject to appeal.

11. In relation to the appointment/election of a member of the PEC:
 - a. The right to lodge an appeal before the court shall be granted to a person specified under Georgian legislation;
 - b. An appeal shall be lodged to the appropriate rayon/city court, which shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal. The decision of the rayon/city court shall be final and not subject to appeal.

12. In relation to the the ordinance of an Election Commission and its chairman on the early termination of the authority of an Election Commission member or officer, as well as regarding the failure to take a decision on the early termination of the authority of 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 before the court, within the timeframe provided for under this Law, shall be granted to a party/election bloc, to an organization with an election observer's status, respective or superior commission member whose term of office was terminated through this ordinance; *(28.11.2003 N 3124)*;
 - b. The appeal shall be lodged before the appropriate circuit court, when the matter concerns a member of the CEC or DEC, and before the appropriate rayon/city court - when the matter concerns a member of a PEC. The court shall consider the appeal and make its decision within 3 calendar days after the appeal was filed. The decision of the district/rayon/city court shall be final and not subject to appeal.

13. In relation to the CEC ordinance on the early termination of the authority of a subordinate Election Commission, as well as regarding the failure to take a decision on the early termination of the authority of the subordinate Election Commission:
 - a. The right to lodge an appeal before the court shall be granted to the CEC member, representative of a party/election bloc, having electoral registration in the CEC, to an organization, having the election observers status, more than half of the members of the commission whose authority was terminated through this ordinance;
 - b. An appeal shall be lodged before the Tbilisi Circuit court, which shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal. The decision of the circuit court shall be final and not subject to appeal.

14. The right to appeal to the Supreme Court of Georgia 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 shall be granted to the CEC. The appeal shall be lodged within 10 calendar days after the expiration of this term. The Supreme Court of Georgia shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal.

15. In relation to the electoral registration of a party, election bloc, voters' initiative group and registration of their representatives:
 - a. The right to lodge an appeal before the court shall be granted to: 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; 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; a party participating independently in the elections/election bloc/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; a party participating independently in the elections/electoral blocs/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 chairman's ordinance shall be lodged before the Supreme Court of Georgia within 3 days after the issuance of the ordinance if the matter concerns registration of a party or initiative group; and within 2 days if the matter concerns registration of an election bloc. The Supreme Court of Georgia shall consider the appeal and makes its decision within 3 calendar days;
- c. An appeal against the ordinance of the chairman of a DEC shall be lodged to the appropriate rayon/city court within 2 days after the issuance of the ordinance. The court shall consider the appeal and make its decision within 3 calendar days after lodgement of the appeal. The decision of the rayon/city court shall be final and not subject to appeal.

16. In relation to the ordinance of the Election Commission chairman on registration of a candidate for the Presidency of Georgia, the party list presented by the party participating independently in the elections/electoral blocs, candidates that are on a party list and candidates nominated in a single-mandate election district:

- a. The right to lodge an appeal before the court shall be granted to: a party/election bloc, majoritarian candidate, representative of a voters' initiative group in the CEC (for the elections of the President of Georgia) if the CEC has not registered a candidate for the presidency of Georgia, the party list submitted by a party/election bloc or individual candidates on the list or a candidate nominated for a single-mandate election district and if the DEC has not registered the candidates nominated by the party/election bloc for the local self-government elections or the DEC Commissions have cancelled their registration; a t of Georgia), if the DEC has not registered the candidate nominated by this initiative group or has cancelled his/her registration; a majoritarian candidate, a representative of an initiative group of voters in the DEC (for all elections, save in the Presidential ones) if the DEC has not registered the candidate nominated by the initiative group or cancelled his/her registration; a party participating independently in the elections and having electoral registration, a registered election bloc, a representative of a registered voters' initiative group in the CEC (for the elections for the President of Georgia), at least 2 persons having election observer's status (assigned to observe CEC) if they deem that the party list or some candidates were registered by CEC in violation of the provisions of the election law; a party participating independently in the elections and having electoral registration, a

registered election bloc, representative of a registered voters' initiative group at the DEC (for all elections save in the Presidential ones), at least 2 persons having election observer's status (assigned to observe DEC) if they deem that the DEC has registered a candidate in violation of the provisions of the election law; (12.10.2004. N488);

- b. An appeal against the CEC Chairman's ordinance shall be lodged before the Supreme Court of Georgia; against the ordinance of a DEC Chairman - with the appropriate circuit court within 2 days following the issuance of the ordinance if the matter concerns registration of an election bloc. The Court shall make its decision within 3 calendar days. The decision of the Supreme Court of Georgia and the decision of the Circuit court are final and not subject to appeal.

17. In relation to the CEC ordinance on registration of local and international observer organizations:

- a. The right to lodge an appeal before the court shall be granted to: local and international organizations, if the CEC has not passed them through registration; a party/election bloc having electoral registration, a representative of a registered voters' initiative group in the CEC, a registered organization having observer status, if they deem that the observer organisation was registered in violation of the election legislation;
- b. The appeal shall be lodged before the Tbilisi Circuit court within 3 days following the issuance of the ordinance. The Circuit court shall make its decision within 3 calendar days following the lodgement of the appeal. The decision of the circuit court shall be final and not subject to appeal.

18. In relation to the ordinance of the DEC on registration of a local Observer Organization:

- a. the right to lodge an appeal before the court shall be granted to: local and international 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 observer organisation was registered in violation of the election legislation;
- b. The appeal shall be lodged before the appropriate circuit court within 3 days following the issuance of the ordinance. The circuit court shall make its decision within 3 calendar days following the lodgement of the appeal. The decision of the circuit court shall be final and not subject to appeal.

19. In relation to the ordinance of the Election Commission Secretary on accreditation of representatives of the press and other media:

- a. The right to lodge and appeal before the court shall be granted to the representative of a press or other media, whose application for the accreditation has been rejected by the Election Commission, to the party/electoral block, having an electoral registration, the representative of the initiative group of voters in the said election commission, the organization with an observer's status; (28.11.2003 N 3124);
- b. An appeal against the CEC Secretary's ordinance shall be lodged before the Tbilisi Circuit court; against the ordinance of a DEC - before the appropriate rayon/city court within 2 days following the issue of this ordinance. The court

shall consider the appeal and make its decision within 3 calendar days. The decision of the circuit court and rayon/city court shall be final and not subject to appeal.

20. In relation to the violation of the electoral campaign procedure established by Article 73 of this Law:

- a. The right to lodge an appeal before the court shall be granted to: a party, election bloc, the representative of a voters' initiative group in the CEC (for elections for the President of Georgia), an organization, having the election observer's 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; to the party, election bloc, majoritarian (first pass the post) candidate, organization, having the election observer's 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 before the appropriate circuit court if the matter concerns violation of the abovementioned procedures by a party, election bloc or a candidate for the Presidency of Georgia. The circuit court shall consider the appeal and make its decision within 3 calendar days following lodgement of the appeal. The decision of the circuit court can be appealed against within 3 days to the Supreme Court of Georgia which shall pronounce its judgment within 3 calendar days following acceptance of the appeal;
- c. An appeal shall be lodged before the appropriate rayon/city court if the matter concerns violation of the abovementioned procedures by a candidate nominated to a single- or multi-mandate election district. The rayon/city court shall consider the appeal and make its decision within 3 calendar days following lodgement of the appeal. The decision of the rayon/city court can be appealed against within 3 days to the appropriate circuit court which shall pronounce its judgment within 3 calendar days following acceptance of the appeal. The judgment of the circuit court shall be final and not subject to appeal.

21. In relation to the violations by press and other media of the provisions of paragraphs 11 and 13-17 of Article 73 of this Law:

- a. The right to lodge and appeal before the court shall be granted to a person specified by Georgian legislation;
- b. The appeal shall be lodged before the appropriate circuit court if the matter concerns the media, which disseminates information on the territory of one or several election districts, and to the Supreme Court of Georgia, if its information is disseminated over the whole territory of Georgia. The court shall consider the appeal and make its decision within 3 calendar days following lodgement of the appeal. The decision of the court shall be final and not subject to appeal.

22. In relation to the 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 before the court shall be granted to: the party nominating the candidate and the candidate about whom the ordinance has been issued; other parties with electoral registration, election bloc, representative of a voters' initiative group in the CEC (for elections for the

President of Georgia), organization , having the election observer's status, representative of the voters' initiative group in the DEC (if the matter concerns a majoritarian (first pass the post) candidate), unless the commission proves the abovementioned breach;

- b. The appeal shall be lodged before the appropriate circuit court if the matter concerns the CEC ordinance. The circuit court shall consider the appeal and make its decision within 3 calendar days following its lodgement. The decision of the circuit court can be appealed against within 3 days to the Supreme Court of Georgia, which shall pronounce its judgment within 3 calendar days following acceptance of the appeal;
- c. The appeal shall be lodged before the appropriate rayon/city court if the matter concerns the ordinance of a DEC. The rayon/city court shall consider the appeal and make its decision within 3 calendar days following the lodgement of the appeal. The decision of the regional/municipal court can be appealed against within 3 days to the circuit court, which shall pronounce its judgment within 3 calendar days following acceptance of the appeal. The judgment of the circuit court shall be final and not subject to appeal.

23. In relation to the 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 before the court shall be granted to: a representative of a party, election bloc, voters' initiative group at the precinct or superior DEC, an observer from an organization with election observer's status at the precinct or superior DEC, superior Election Commission and its chairman;
- b. The appeal shall be filed before the appropriate rayon/city court no later than on the next day after elections and the court shall take decision no later than on the next day after the application was lodged. The court decision shall be final and shall not be subject to appeal. (12.10.2004. N488)

24. In relation to the ordinance of the PEC on the summary protocol of this PEC and its approval (after appealing against this ordinance at the superior district Election Commission, as well as regarding the relevant ordinance of the superior district Election Commission:

- a. The right to lodge an appeal before the court shall be granted to: a representative of a party, election bloc, voters initiative group's representative in the respective electoral commission and an observer of an organization with election observer's status; (28.11.2003 N 3124);
- b. The appeal shall be filed before the appropriate rayon/city court within 2 calendar days following the issuance of the ordinance by the DEC. The rayon/city court shall consider the appeal and make its decision within 3 calendar days following lodgement of the appeal. The decision of the rayon/city court can be appealed against within 2 days before the circuit court, which shall pronounce its judgment within 3 calendar days. The judgment of the circuit court shall be final and not subject to appeal;
- c. When an appeal is lodged before court, the court shall immediately notify the DEC of the acceptance of the appeal and, after pronouncement of its judgment, of the judgment. If the court allows the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day.

25. In relation to the ordinance of the DEC on invalidation or validation of the election results at the electoral precinct:

- a. The right to appeal before the court shall be granted to: a representative of a party, election bloc, voters' initiative group, majoritarian candidate and an observer of the organization with election observer's status at the appropriate DEC, as well as to CEC; *(12.10.2004. N488)*;
- b. The appeal shall be lodged before the appropriate rayon/city court within 2 days following the issuance of the ordinance by the DEC. The regional/municipal court shall consider the appeal and make its decision within 2 calendar days following lodgement of the appeal. The decision of the rayon/city court can be appealed against within 2 days before the circuit court, which shall pronounce its judgment within 3 calendar days. The judgment of the circuit court shall be final and not subject to appeal;
- c. When an appeal is lodged before 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 circuit court, if it satisfied the appeal, shall have been served upon the appellant by 12:00 on the next day.

26. In relation to the CEC ordinance declaring elections to have taken place and valid or not to have taken place and invalid:

- a. The right to appeal before the court shall be granted to: a party participating independently in the election/election bloc, 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 observer's status; *(12.10.2004. N488)*;
- b. The appeal shall be lodged before the Supreme Court of Georgia within 2 calendar days following the issuance of the CEC ordinance. The Supreme Court shall pronounce the judgment within 3 calendar days following the appeal;
- c. When an appeal is lodged before 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.

27. In relation to the DEC the summary protocol and the DEC ordinance on the approval of this summary protocol:

- a. The right to appeal before the court shall be granted to: a party participating independently in the election/election bloc, representative of a voters' initiative group in the DEC, majoritarian candidate and an organization with election observer's status; *(12.10.2004. N488)*;
- b. The appeal shall be lodged before the appropriate circuit court within 2 calendar days following the issuance of the ordinance of the DEC. The circuit court shall pronounce its judgment within 3 calendar days following the appeal. The judgment of the circuit court shall be final and not subject to appeal;
- c. When an appeal is lodged before 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.

28. In relation to the CEC ordinance on the CEC summary protocol of the election results and its approval:

- a. The right to appeal before the court shall be granted to: a party participating independently in the election/election bloc, representative of a voters' initiative group in the CEC (for elections for the President of Georgia) and an organization with election observer's status;
- b. The appeal shall be lodged before the Supreme Court of Georgia within 3 calendar days following the issuance of the CEC ordinance. The Supreme Court shall pronounce its judgment within 5 calendar days after the submission of the appeal;
- c. When an appeal is lodged before court, the court shall immediately notify the CEC about the acceptance of the appeal and after pronouncement of its judgment - on the judgment. If the Supreme Court satisfies the appeal, the judgment shall be served upon the appellant by 12:00 noon on the next day. *(12.10.2004. N488).*

SPECIAL SECTION

PART II CHAPTER X

ELECTIONS FOR THE PRESIDENT OF GEORGIA

Article 78. Elections for the Presidency of Georgia

The President of Georgia shall be 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 Regular Elections for the President of Georgia

1. The first round of regular elections of the President of Georgia shall be held on the 2nd Sunday of April of the 5th year after the previous elections.
2. Elections for the President of Georgia shall not be 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 Presidency of Georgia shall 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 initiative group of voters shall have the right to nominate a candidate for the Presidency of Georgia.
2. The nomination of a Presidential candidate of Georgia shall 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, shall have the right to nominate one candidate for the Presidency of Georgia.
3. For the purpose of nominating a candidate for the Presidency of Georgia, a party or voters' initiative group, shall address the CEC with an application, no later than 50 days prior to the poll, after which they shall have the right to collect signatures of supporting voters.
3. In the application shall provide the following information regarding the candidate for the Presidency of Georgia:
 - a. First name, last name;
 - b. Date of birth;
 - c. Profession;
 - d. Position (occupation);
 - e. Place of employment;
 - f. Place of registration;
 - g. Party affiliation;
 - h. Period of residence in Georgia;
 - i. a name of the nominating party, first names, last names, numbers of the Georgian Citizens of Identity Cards (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 shall 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 shall be signed by the Head of the party or by all members of the voters' initiative group.

Article 83. Supporter Lists 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, shall submit to the CEC a list of supporters of the candidate, no later than 40 days prior to the election day.
2. In the list of voters, supporting a candidate, shall have no less than 50,000 signatures of the voters.

Article 84. Registration of Candidate for Presidency of Georgia

1. *(14.08. 2003β. N 2965-ÒÓ)* A candidate for the Presidency of Georgia shall undergo registration by ordinance of the CEC chairman, no later than 30 days prior to the elections day.
2. *(14.08. 2003β. N 2965-ÒÓ)* Within 3 days after the registration, the CEC chairman shall deliver the relevant certificate to the candidate for the Presidency of Georgia.
- 2'. *(14.08. 2003β. N 2965-ÒÓ)* The CEC chairman shall not register a candidate for the Presidency of Georgia in the events:
 - a. the data, provided in paragraphs 3-5 of Article 82 of this Law, are incomplete or incorrect;
 - b. the list of supporting voters has less than 50 000 signatures;
 - c. the timeframes, specified by paragraph 1 of Article 83 of this Law, are not complied with.
3. The CEC shall, no later than within 6 days after the registration of a candidate for the President of Georgia, make public, through press and other 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. *(14.08. 2003β. N 2965-ÒÓ)* A candidate for the Presidency of Georgia may withdraw his/her candidacy until 12:00 of the day prior to the elections day, by written application to be submitted to CEC. If a candidate withdraws his/her candidacy for the Presidency of Georgia, a stamp - "Withdrawn from Elections" – shall be placed along the name of such candidate on the ballot paper.

Article 85. Guarantees for Activities of Candidates for the Presidency of Georgia and Their Representatives

1. As of the moment of registration at CEC, candidates for the Presidency of Georgia shall take part in the electoral campaign based on the principle equality. They shall enjoy equal rights to use press and other media on the entire the territory of Georgia.
2. In the course of an electoral campaign, candidates for the Presidency of Georgia and their representatives shall not be dismissed from office or transferred to another job or another position without their consent.
3. *(14.08. 2003β. N 2965-ÒÓ)* A candidate for the presidency of Georgia shall not be detained, arrested or searched prior to the official publication of the final election results by CEC, unless CEC agrees on the Prosecutor General's submission. An exception shall be the case of the candidate being caught at the scene of the crime, of which the CEC shall be notified immediately. If CEC issues the relevant ordinance, the detained or arrested candidate for the Presidency of Georgia shall be released immediately.
4. *(14.08. 2003β. N 2965-ÒÓ)* The CEC ordinance, concerning the consent mentioned in this Article, shall be put to voting within 3 calendar days after the receipt of the submission of the Prosecutor General of Georgia.

Article 86. Consolidation of the Results of Elections

1. Elections for the President of Georgia shall be considered to have taken place, if the majority of the total number of voters took part in the elections.
2. Elected shall be considered the candidate, who receives more than half of the votes of the voters taking part in the elections.
3. If the elections are declared to have taken place and none of the candidates has received the necessary number of votes, a second round of elections shall be appointed.
4. If the elections are declared to have not taken place, or have taken place, but in the first round only one candidate was participating 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 shall be held.
5. *(14.08. 2003β. N 2965-ÒÓ)* CEC, shall no later than within 16 days after the election day, at its session, sum up the election results according to electoral precincts and formalize a relevant summary protocol to be approved by the CEC ordinance.
- 5¹. CEC shall sum up election results based on the DEC summary protocols of voting and in the event of filing an application/complaint or dissenting opinion of a commission member, results of respective districts shall be summed up by CEC based on the PEC summary protocols.
- 5². PECs and later DEC's shall be obliged to furnish CEC with the sealed packages of voter lists in addition summary protocols of voting and election results. *(28.11.2003 N 3124)*
6. CEC shall, within 5 days after the consolidation of the results, publicize, through the press and other media, a notice about the results of the elections.

CHAPTER XI

SECOND ROUND OF ELECTIONS FOR THE PRESIDENCY OF GEORGIA, BY-ELECTIONS FOR PRESIDENCY OF GEORGIA, OFF-YEAR ELECTIONS FOR THE PRESIDENCY OF GEORGIA

Article 87. Second Round of Elections

1. *(14.08. 2003β. N 2965-ÒÓ)* If the elections are declared as have taken place and no candidate could get the necessary votes the second round of elections shall be appointed.
2. *(14.08. 2003β. N 2965-ÒÓ)* The second round shall be appointed by the CEC ordinance. 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, shall have the right to take part in the second round of elections.

4. The second round shall be considered to have taken place, if at least 1/3 of the total number of voters take part in it.
5. The candidate who receives majority of the votes, but no less than 1/5 of the total number of voters, shall be 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 shall be held if:
 - a. Elections were not declared to have taken place;
 - b. Elections took place, 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 shall be held within 2 months after the general elections (first round).
3. By-elections shall be appointed by the Parliament of Georgia.
4. The notice about appointment of by-elections shall be publicized through the press and other media.
5. *(14.08. 2003β. N 2965-ÕÕ)* By-elections shall be held under the procedures established for general elections by this Law and within the timeframes determined by CEC, but no later than within 2 months following the general elections.

Article 89. Off-year elections for the President of Georgia

1. In the event the authority of the President of Georgia is terminated prior to its expiration, off-year elections shall be held no later than within 45 days after such termination of the authority.
2. In the event the early termination of authority of the President of Georgia coincides with the Parliamentary holidays or a non-session week, the Parliament of Georgia shall meet no later than within 48 hours after the termination the President's term of office.
3. The date of the off-year elections of the President of Georgia shall be appointed by the Parliament of Georgia, no later than 72 hours after the termination of the term of office of the President of Georgia.
4. Holding of off-year 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 40th th day prior to the off-year elections.

6. For the purpose of registering a candidate for the Presidency of Georgia, a representative of a party or voters' initiative group, shall submit to the CEC, no later than 30 days prior to the off-year elections, a list of no less than 50,000 voters supporting the candidate.

7. Candidates for the Presidency of Georgia shall be registered by CEC, no later than 25 days prior to the off-year elections.

8. *(14.08. 2003β. N 2965-ÒÓ)* For off-year elections of the President of Georgia, polling shall be held within 45 days after the termination of the authority of the President of Georgia 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 shall be held no later than 15 days prior to the expiration of its authority.
2. The date of the elections shall be appointed by the President of Georgia, no later than 60 days prior to the elections.
3. If the time for elections coincides with the martial law or wartime, elections shall be held no later than 60 days after the cancellation of the state of emergency or completion of the wartime.

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

1. The Parliament of Georgia shall be elected for a term of 4 years.
2. 150 members of the Parliament of Georgia shall be elected through party lists based on the proportional electoral system, while 85 shall be elected based on the majoritarian (first pass the post) electoral system.

Article 92. Right to Passive Vote

1. *(14.08. 2003β. N 2965-ÒÓ)* Any citizen of Georgia having attained to the age of 25 years, who permanently resided in Georgia for at least 10 years and knows the Georgian language 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 a member of the Parliament of Georgia.
3. *(14.08. 2003β. N 2965-ÒÓ)* 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 shall not have the right to validate his/her authority.

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

Parties, electoral blocs and majoritarian (first pass the post) candidates, registered at the appropriate Election Commission, shall have the right to take part in elections for the Parliament of Georgia.

Article 94. Incompatibility of Occupation by Person of Office with Status of Candidate for Parliament of Georgia (14.08. 2003 β . N 2965- $\ddot{O}\ddot{O}$)

In order to be registered a candidate for the membership of the Parliament of Georgia, the persons, holding the following offices, shall resign and be released from their positions before submitting the relevant application to the appropriate Election Commission, but no later within 42 days prior to the elections day:

- 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 chairman and vice-chairmen of the Chamber of Control of Georgia;
- f. The Chief of Staff of the Parliament of Georgia;
- g. The authorized representatives of the President of Georgia and their deputies;
- h. Heads and deputy heads of the local self-government and government bodies of a rayon, city and city districts;
- i. Officers of the Ministries of Internal Affairs, Defence and State Security of Georgia, State Departments of Intelligence Service and National Border Protection of Georgia and Special Service of State Guard;
- j. Judges;
- k. Public Defender and Deputy Public Defender of Georgia;
- l. Members of the Advisory Body (Deliberation Body) at the President of Georgia (that are not MPs);
- m. Assistants to the President of Georgia;
- n. Members of the for Auditory Council;
- o. Members of the National Securities Commission of Georgia, Commission for Accounting Standards, Georgian National Energy Regulatory Commission and other national regulatory commissions;
- p. Chairman and deputy chairmen of the Informational Bureau of Property and Financial Status of Public Officials;
- q. Prosecutors, deputy prosecutors, assistants to prosecutors and investigators.

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

Article 95. Electoral registration of Parties and Electoral blocs
(14.08. 2003 β . N 2965- $\ddot{O}\ddot{O}$)

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 Chairman of CEC:
 - a. After appointment of the parliamentary elections, but no later than 57 days prior to the elections day, if at the date of appointing 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 copies of those documents.

3. The application shall include the following information about the party:
 - c. Its name, short and/or abbreviated name (if applicable) under which the party participates in elections;
 - d. First name, last name, address (according to the place of registration), telephone number and the sample of signature of the party leader(s);
 - e. First name, last name, address (according to the place of registration), telephone number and limits of authority of the party representative;
 - f. 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 party shall 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 before 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 shall provide the party representative with a sample of the list of supporters.

6. The appropriate CEC department shall check the application and enclosed documents and shall provide its conclusion to the CEC Chairman no later than the next day after the day of filing the application to the Commission.

7. In the case specified by subparagraph (a) of paragraph 1 of this Article, the CEC chairman shall, no later than the next day after providing the conclusion mentioned in paragraph 6 of this Article:

- a. register the party and its representative for elections, 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 electoral registration shall be made within 2 days after their submission. If the corrected application and documents meet the requirements of this Law, the CEC chairman shall pass the party and its representative through registration; otherwise he/she, within the same period, shall issue an ordinance on dismissal of the application for electoral 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 within 3 days after providing the conclusion mentioned in paragraph 6 of this Article, the CEC Chairman 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 chairman 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 Supporter List Form, but no later than August 15, submit to 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 chairman, based on the conclusion provided by the appropriate CEC department, will pass the party and its representative through electoral registration within 10 days of receiving the conclusion, but no later than 59 days prior to the elections day. Otherwise, he/she, within the same period, will issue an ordinance on dismissal of the application for electoral 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 chairman shall have the right to constitute electoral blocs and to leave electoral blocs. To register an election bloc, the CEC chairman 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 43 days prior to the forthcoming elections.

13. The application shall include the following information about the election bloc:
 - a. 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;
 - b. First name, last name, address (according to the place of registration), telephone number of the 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.

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:
 - a. 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);
 - b. The name, short and abbreviated name, of another election bloc participating in the elections, if the application for this bloc was filed before the CEC earlier (if the names coincide the bloc will have no right to use this name);
 - c. 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:
 - a. The name, short and/or abbreviated name (if applicable) of the election bloc under which the bloc participates in the elections;
 - b. List of all parties integrated in the election bloc;
 - c. The administering body (if any) of the election bloc, administrators and their authority;
 - d. 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;
 - e. The person(s) having the right to sign bloc documents;
 - f. The rules for using the seal of a party integrated in the bloc in the period related to election activities;
 - g. The rules for appointment of the manager and accountant of the electoral campaign fund;
 - h. The rules for making amendments to the election bloc charter.

16. A party integrated in the election bloc shall not join 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 shall provide the bloc representative with the document certifying acceptance.

18. The appropriate CEC department shall check the application and charter mentioned in paragraph 12 of this Article and shall provide its conclusion to the CEC chairman no later

than the next day after the day of filing of the application at the Commission. The CEC chairman shall, no later than the next day after receiving the conclusion, pass the election bloc and its representative through electoral 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 Chairman shall 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 within 2 days following the notice. The final decision on registration shall be made by the CEC chairman within 2 days after the acceptance of the corrected documents. If the corrected documents meet the requirements of this Law, the CEC chairman 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 the elections day.

19. A party, which has undergone electoral registration, shall have the right to join a registered election bloc until the deadline for registration of electoral blocs, under proper application and consent of the election bloc, provided to the CEC chairman.

20. Upon registration of the election bloc by the CEC Chairman's ordinance, the authorities of the representatives of all parties, being members to the bloc, shall be terminated in all Election Commissions and the bloc shall have the right to appoint 2 representatives in each Election Commission. *(12.10.2004. N488)*.

21. In case of resignation or withdrawal of a party (parties) from the election bloc prior to the deadline for nominating the party lists/candidates, each party shall have the right to continue to participate in the elections. If for this reason, only one party remains in the bloc, the electoral registration of the bloc shall be cancelled, by ordinance of the CEC chairman and the parties previously integrated in it shall 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 deadline for the nomination of party list/candidates, the electoral registration of this party is cancelled by ordinance of the CEC Chairman. If for this reason only one party remains in the bloc, the electoral registration of the bloc shall be cancelled by ordinance of the CEC Chairman and the remaining party shall be the legal successor of the bloc.

23. A party/election bloc, registered under this Article, shall have the right on the basis of its application to take part in elections at all levels, which shall be held until the following parliamentary elections. A party, integrated in the election bloc, shall have the right to participate either independently or in composition with another election bloc in the elections of all levels, which shall be held until the forthcoming parliamentary elections, other than the mid-term parliamentary elections.

24. No later than 30 days prior to the elections day, the CEC through the press and other media, shall make public the list of registered parties and electoral 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 95¹. Electoral registration of Voters' Initiative Group (14.08. 2003 β . N 2965- \O O)

1. To obtain the right to participate in the elections and nominate a candidate, the voters' initiative group shall undergo registration under the procedures and in the period established by this Law:

- a. at the CEC - for Presidential elections;
- b. at a district Election Commission - for all other elections.

2. For the electoral registration of a voters' initiative group (except the elections for the President of Georgia), the Group shall, no earlier than 60 and no later than 55 days prior to the elections day, submit to the district Election Commission an application signed by all members of the voters' initiative group (must have at least five members) of the same election district. The application shall include 2 photos of the representative, sample of his/her signature and shall indicate the following:

- a. The name of elections the voters' initiative group is applying for electoral registration to participate in, and the name of the election district where it intends to nominate the candidate;
- b. First name, last name, date of birth (D/M/Y), number of their Georgian Citizen's Identity Card or Georgian Citizen's Passport and personal number, address (according to the place of registration) of all members of the initiative group;
- c. First name, last name, number of their Georgian Citizen's Identity Card or Georgian Citizen's Passport and personal number, address (according to the place of registration), contact telephone numbers and/or fax of the representative of the voters' initiative group as well as the limits of his/her authority.

3. The Secretary of the DEC shall check the documents mentioned in paragraph 2 of this Article and no later than the next day after the receipt of the documents shall deliver its conclusion to the Commission Chairman, who shall decide upon the registration of the voters' initiative group and its representative. The Commission Chairman shall, no later than the next day following receipt of the conclusion, pass the initiative group and its representative through registration, if the submitted documents comply with the provisions of this Law. Otherwise, within the same period the Chairman shall notify, in writing, the initiative group's representative of the areas of noncompliance (indicating the defects) and shall give to the initiative group one day for correcting these defects. The corrected documents shall be returned to the DEC no later than the next day following such notification.

4. The corrected documents specified in paragraph 3 of this Article shall be checked and the decision on electoral registration shall be made no later than on the next day after their submission. If the corrected documents meet the requirements of this Law, the Commission Chairman shall pass the initiative group and its representative through registration; otherwise, he/she, within the same period, will issue an ordinance on dismissal of the application for electoral registration (the ordinance shall state the exact reasons for dismissal of the registration and the provisions of this Law which are the with which have caused the

dismissal). Notification of the ordinance shall be made immediately to the initiative group representative and served upon request. The procedure described in this paragraph shall be completed within 51 days prior to the elections day.

5. Upon registration of the initiative group, the DEC shall furnish the representative with the initiative group with a sample of the list of supporters form and 2 registration cards as mentioned in paragraph 12 of Article 96 of this Law.

Article 95². Cancellation of Electoral registration of Party, Election Bloc and Voters' Initiative Group (14.08. 2003 β . N 2965- $\dot{O}\dot{O}$)

1. The electoral registration of a party shall be cancelled by ordinance of the CEC chairman under the following circumstances:

- a. based on their own request;
- b. if the party's activities have been banned or suspended by the Supreme Court of Georgia;
- c. if the electoral 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 deadline for the submission 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 within 2 days prior to the elections day, the number of candidates on its party list is less than the minimum established by this Law;
- g. if the party has failed to nominate its candidate for the Presidency of Georgia or the candidate has failed to be registered, or if the electoral registration of its nominee for the Presidency has been cancelled.

2. The electoral registration of an election bloc shall be cancelled by ordinance of the CEC Chairman:

- a. Based on its own request;
- b. If the election bloc has broken up or because of resignations, withdrawals or cancellation of the electoral 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 2 days prior to the elections day the number of candidates on a 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 electoral registration of its nominee for the Presidency has been cancelled.

3. The electoral registration of a voters' initiative group shall be cancelled by ordinance of the DEC Chairman:

- a. Based on its own request;
- b. If it has failed to nominate a candidate or if its candidate has not been registered, or the electoral registration of its nominee has been cancelled.

Article 96. Submission of Party Lists

1. Parties taking part in the elections independently, and electoral blocs, shall have the right to submit party lists.
2. Each party independently taking part in the elections, and each electoral bloc shall have 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 and more than 235.
4. If a candidate is on the party list, and has been nominated for a single-mandate election district, it shall be indicated on the party list that the candidate is nominated for a single-mandate election district.
5. It is forbidden to put on a party list, the persons that are, at the same time, members of another party taking part in the elections, except for the parties united in one electoral bloc.
6. It is forbidden to include one and the same person in different party lists.
7. Rules for compiling the party lists shall be determined by parties and electoral blocs.
8. The list shall be compiled by taking into account that as a result of the elections, the mandates received by a party/electoral bloc, shall be distributed in sequence, started from the top of the list.
9. *(14.08. 2003β. N 2965-ÒÓ)* The party list shall be submitted to CEC after the electoral registration of the party/electoral bloc, but no later than 31 days prior to the elections day and shall be enclosed with the registration cards filled in and signed by every candidate for membership of the Parliament and the photos of the candidates. If the candidate is simultaneously nominated for a single-mandate election district, the registration card and photo shall be submitted in 2 copies; a copy of those documents shall be forwarded to the appropriate Election Commission within 2 days after their receipt.
10. *(14.08. 2003β. N 2965-ÒÓ)* The party list shall be validated with the signature of the person(s) authorized to sign on behalf of the party participating independently in the elections or the electoral bloc.
11. *(14.08. 2003β. N 2965-ÒÓ)* 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. Profession (according to their education diploma/certificate);
 - f. Place of work (name of institution, organization, enterprise etc);
 - g. Position (if unemployed indicate - "Unemployed");
 - h. Party affiliation (if non-party indicate - "no party affiliation");

- i. If the candidate is also nominated in a single-mandate election district, indicate the name and number of this district.
12. *(14.08. 2003β. N 2965-ÒÓ)* The registration card 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);
 - d. The number of their Georgian Citizen's Identity Card or Georgian Citizen's Passport and personal number;
 - e. Education (higher, incomplete higher, vocational, secondary, basic, primary);
 - f. Profession (according to their education diploma/certificate);
 - g. Place of work (name of institution, organization, enterprise etc);
 - h. Position (if unemployed indicate - "Unemployed");
 - i. Party affiliation (if a non-party candidate, indicate - "no party affiliation");
 - j. 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;
 - k. Military service experience (attitude); **(Georgian text says: "attitude" and not "experience". Translator's remark).**
 - l. The name and number of the single-mandate election district where the candidate is nominated (if applicable);
 - m. 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/electoral bloc);
 - n. The candidate's consent to participate in the elections at the stated single-mandate election district (if the candidate is nominated by an initiative group or party/electoral bloc);
 - o. Whether the candidate was a Member of the Parliament of Georgia under the last elections;
 - p. Signature and date of signature.

(14.08. 2003β. N 2965-ÒÓ) Registration cards for the registration in accordance with paragraph 9 of this Article shall be furnished to the representative of a party/electoral bloc by the Central Election Commission.

13. Deleted. *(14.08. 2003β. N 2965-ÒÓ)*

Article 97. Nomination of Candidates in Single-Mandate Election Districts
(14.08. 2003β. N 2965-ÒÓ)

1. The right to nominate a candidate for the Membership of the Parliament in a single-mandate election district shall be granted to:
 - a. the party independently participating in the elections;
 - b. an electoral bloc;
 - c. the voters' initiative group for the relevant election district.
2. Any party or electoral bloc, which participates in the elections independently, shall have the right to nominate one candidate for an MP from its list in each single-mandate

election district. The exceptions shall be the mid-term elections of the Parliament of Georgia as well as the by-elections appointed in the single-mandate district, the dates of which do not coincide with the dates of the repeated proportional elections, at which a person outside the list can be nominated as a candidate according to paragraphs 9-13 of Article 96 of this law. *(22.04.2005 N 1427)*.

3. A voters' initiative group for a single-mandate election district shall have the right to nominate one candidate for an MP for that election district.

4. Deleted. *(22.04.2005 N 1427)*.

5. The initiative group, having undergone the electoral registration, shall, no later than 41 days prior to the elections day, submit to the appropriate district Election Commission an application for nomination of a candidate for an MP of Georgia, signed by the initiative group representative. The application shall include the name and number of the election district where the candidate is nominated, the candidate's last name, first name, date of birth, address (according to their place of registration), number of their Georgian Citizen's Identity Card or passport of a Citizen of Georgia and personal number, party affiliation (if the candidate is non-party indicate - "no party affiliation"), as well as the total number of the forms signed by supporters and the supporters having signed the application.

5¹. At the mid-term elections of the Parliament of Georgia and the by-elections appointed in a single-mandate election district a party/electoral bloc participating independently in the elections shall, no later than 41 days before the elections day, submit to the CEC a statement signed by the person/persons authorized to sign on behalf of the party/electoral bloc, with the data listed in paragraph 5 of this article, about the nomination of a candidate for an MP. The documents indicated in subparagraphs b) and c) of paragraph 6 of this article shall be enclosed with the statement. The list of supporters determined in subparagraph a) of the same paragraph shall be submitted to the relevant district election commission. *(22.04.2005 N 1427)*.

6. The application submitted by: the independently participating party with the electoral registration, the registered electoral bloc, registered initiative group of voters to nominate the candidates of an MP shall be attached with the following:

- a. the list of supporters with at least 1000 signatures of voters registered on the territory of the appropriate election district, save in the cases when the nominated candidate was elected as an MP during the last elections and his/her authority has not terminated prior the elapse of the term of office on to the grounds provided for by sub-paragraphs (b) or (f) of paragraph 2 of Article 54 of the Constitution of Georgia;
- b. 2 registration cards filled in and signed by the candidate;
- c. 2 photos of the candidate. *(12.10.2004. N488)*.

7. The DEC shall forward one copy of the documents mentioned in subparagraphs (b) – (c) of paragraph 6 of this Article to the CEC within 2 days following receipt of them.

8. The total numbers of forms signed by supporters and signed supporters shall be registered in the register of the DEC and the representative of the voters' initiative group shall be provided with the proper certificate.

Article 98. Verification and Electoral registration of Party Lists and Documents of Candidates for MP Submitted to Single-Mandate Election Districts
(14.08. 2003β. N 2965-ÒÓ)

1. A party list and the candidate nominated by a party/electoral bloc for a single-mandate election district, shall be registered by ordinance of the CEC Chairman, and a candidate nominated by a voters' initiative group – by ordinance of the DEC Chairman, provided that all the documents, as specified under this Law, comply with the requirements prescribed hereunder. No document for electoral registration shall be considered if the timeframes established hereunder for submission of such documents is violated.

2. The party list submitted by the party/electoral bloc shall be verified by the appropriate department of the CEC within 10 days after the submission of the list, but no later than the 26th day prior to the elections day, and submit its conclusion to the CEC Chairman, who, within 3 days, but no later than the 2nd within 5 days prior election day, shall:

- a. Register the party list and the candidates nominated for single-mandate election districts by a party/electoral bloc, provided that the submitted party list and the documents attached comply with the requirements prescribed hereunder;
- b. Give written notice to the representative of the party/electoral bloc on any inconsistencies, if any, between the requirements established by this Law and the data specified on a party list and the documents attached thereto (specifying such inconsistencies), and the representative of the party/electoral bloc shall be given 3 days to correct such inconsistencies detected on a 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 electoral registration shall be resolved within 5 days after the submission thereof, but no later than 20 days prior to the elections day. Provided the corrected data complies with the requirements of this Law, the CEC Chairman shall register the party list or the part of such 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 nominating for single-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 on a 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/electoral bloc shall be registered and the CEC Chairman 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 and shall be delivered the same immediately upon the request.

4. The documents of a voters' initiative group, as specified in paragraphs 5 and 6 of Article 97 of this Law shall be verified by the DEC according to the procedures established by the CEC and the conclusion on all documents, except for the supporters' list, shall be submitted to the DEC Chairman within 3 days after the receipt of such documents, and the conclusion on the supporters' list shall be submitted within a period of 15 days, but not later than within 8 days prior to the deadline for submission of such lists. If the above documents,

except the supporters' list, fail to comply with the requirements prescribed hereunder, the DEC Chairman shall, not later than the 2nd day after the receipt of the conclusion, notify, in writing, the representative of such initiative group on any inconsistencies detected (specifying such inconsistencies) who shall be given 3 days for correction of such inconsistencies.

5. The corrected documents specified in paragraph 4 of this Article shall be verified and the decision for or against the registration shall be made within 5 days after the submission thereof, but not later than within 31 days prior to the elections day. Provided the supporters' lists and the corrected documents comply with the requirements prescribed hereunder, the DEC Chairman shall register the candidate, otherwise, the DEC Chairman shall, within the same period of time, issue an ordinance on rejection of the application for electoral registration (such ordinance shall state the reasons for the rejection and provisions of the law which caused the rejection of the application). Notification of this ordinance shall be provided immediately to the representative of the voters' initiative group and shall be delivered forthwith upon request.

6. 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 Chairman, or by the ordinance of the DEC Chairman (if the registration of such candidate was ensured by the DEC Chairman), 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 on a 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 on a party list is nominated for a single-mandate election district by any other party, electoral bloc or voters' initiative group;
- e. If, during the period of the elections for the Parliament of Georgia, another election is 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.

7. Electoral registration of any party list and of the party, electoral bloc and any other parties incorporated into such bloc shall be cancelled if no later than 2 days prior to the elections day, the number of candidates on a party list proves to be less than the established minimum as provided hereunder.

Article 99. Determining Sequence of Election Subjects

(14.08. 2003β. N 2965-ÖÖ)

1. The sequence of the election subjects shall be established no later than 14 days prior to the elections day.

2. The sequence of parties and electoral blocs, taking part in the elections, shall be determined according to the sequence of the parties and electoral blocs in the last

Parliamentary elections. If the electoral 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 electoral bloc. If an electoral bloc includes the parties that took part in the last elections separately, the charter of the electoral bloc shall indicate which party's right shall be used for assigning the sequential number. In this case, the parties and electoral blocs that are next in the sequence shall respectively move up.

3. The sequence of parties and electoral blocs, except for the parties and electoral blocs indicated in paragraph 2 of this Article, shall be determined by casting the lots.

4. If the electoral registration of an electoral bloc is cancelled, the remaining parties and electoral blocs retain their sequential number on the ballot paper as awarded by casting the lots.

5. A candidate nominated by a party or electoral bloc for a single-mandate election district, shall be awarded the same sequential number as the party or electoral bloc that nominated him/her, while the sequence of other candidates shall be determined by casting the lots.

6. For the purpose of casting the lots, the Chairman of the Election Commission shall write on sheets of paper of the same shape and type, with the same writing instrument, the numbers corresponding to the quantity of parties, electoral blocs and majoritarian (first pass the post) candidates. Each sheet shall be approved by the commission seal. The sheet shall be folded in a way that makes it impossible to read the number written on it. The commission Chairman shall place the filled out sheets into a transparent box, from which representatives of parties, electoral blocs and majoritarian (first pass the post) candidates take the sheets, in turn. The number drawn becomes the sequential number of the candidate.

7. Registered party lists shall be published by the CEC in the press and other media, while information on candidates nominated for single-mandate election districts, shall be published by the DEC, no later than 12 days prior to the elections day. Only information as it appears on a ballot paper shall be published.

Article 100. Cancellation of Decision on Nomination of Candidate for MP of Georgia

1. A candidate for membership of the Parliament of Georgia, as well as the nominating party or electoral bloc, shall have the right, at any time, but no later than 2 days prior to the elections day, to refuse taking part in the elections or to cancel the decision on the nomination of a candidate, for the purpose of which they have to apply to the relevant Election Commission.

2. Party, electoral bloc, participating independently in the elections, shall have the right to annul its decision on the nomination of a candidate for an MP after the recognition of the authorities of elected MPs, save in the cases when the authority of an MP 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 shall be removed by the decree of the chairman of the CEC of Georgia based on the appeal signed by the head of the party, participating independently in the elections (or the person determined by the Charter of the electoral bloc) within 3 days of the submission of the appeal. If the appeal is not satisfied in

this term, the candidate for an MP shall be deemed as removed from the party list from the next day after the expiration of this term (22.04.2005 N 1427).

3. A candidate for membership of the Parliament may withdraw his/her candidacy, no later than 2 days prior to the elections day, for which the candidate must apply to the relevant Election Commission.

3¹. 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 shall be removed by the decree of the chairman 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 shall be deemed to be removed from the party list from the next day after the expiration of this term. (22.04.2005 N 1427).

4. The Election Commission shall immediately publicize, through the press and other media, the information on the withdrawal of an election subject or a separate candidate from the elections.

Article 101. Release of Candidate for MP of Georgia from his/her Official Duties

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

Article 102. Immunity of Candidate for Membership of the Parliament of Georgia (14.08. 2003β. N 2965-ÖÖ)

1. A candidate running for membership of the Parliament of Georgia, shall not be detained, arrested or searched prior to the official publication of the final election results by the CEC, unless the request from the Prosecutor General 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 shall be notified immediately. If the CEC issues the relevant ordinance, the detained or arrested candidate for the Parliament of Georgia shall 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 submission from the Prosecutor General 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 shall sum up the results of polling and enter them into the summary protocols of results of the elections held through the majoritarian (first pass the post) and proportional electoral rules.

2. The summary protocol of results of the election conducted through the proportional electoral system shall be drawn up according to party lists, while the protocol of results of the elections conducted through the majoritarian (first pass the post) electoral rule shall be compiled according to the candidates nominated to single-mandate election district.

3. Deleted. *(14.08. 2003β. N 2965-ÒÓ)*.

Article 104. Consolidation of the Results of Polling at District Election Commission

1. The DEC, shall based on the protocols of the PECs, sum up at its session the results of polling and enter them into the protocols of results of voting held in accordance with the majoritarian (first pass the post) and proportional systems.

2. *(14.08. 2003β. N 2965-ÒÓ)* 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. *(14.08. 2003β. N 2965-ÒÓ)*.

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

1. The CEC shall, based on the protocols received from the DEC and PECs, no later than 18 days after election day (general elections) sum up, at its sessions, the results of the elections for the Parliament of Georgia and enter them into the protocol.

2. One copy of the protocol shall be filed before the CEC, the second copy shall be delivered to the Parliament of Georgia, while the copies confirmed by the seal of the CEC shall be furnished to the representatives of the election subjects.

3. Elections held through the proportional electoral system shall be considered to have taken place, if at least 1/3 of the total number of voters took part in the elections.

4. Elections in a single-mandate election district shall be considered to have taken place, if at least 1/3 of the total number of voters, in the election district, have taken part in the elections. This limitation shall not be applied to the mid-term elections or by-elections elections in a single-mandate district the timeframes of which do not coincide with the by-elections to be held through the proportional electoral rule. *(26.11.2004 N 618)*

5. The candidate, who receives the most of the votes, but no less than 1/3 of the voters participating in elections, shall be considered elected.

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 through the party list, the number of votes received by this list shall be multiplied by 150 and divided by the

total number of the votes received by such party. The whole part (integer) of the obtained figure shall be the number of mandates received by the party list.

8. If the total number of mandates received by parties or electoral blocs turns out to be less than 150, each mandate from the undistributed mandates shall be 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 two or more party lists turns out to be equal, the mandate shall be awarded to the list which was the first to undergo registration at the CEC.

10. If a candidate is elected in both an election district and through a party list, then he/she shall be considered elected for the election district and shall be removed from the party list and the candidates who are next on the list shall move up one place on the list.

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

12. *(14.08. 2003β. N 2965-ÒÓ)* If, in any election district, because of the gross violation of this Law, the voting results have been pronounced invalid in more than half of the electoral precincts or in such several precincts, where the total number of voters is higher than the half of the total number of voters in the election district, the election results in the election district shall be considered void and CEC shall appoint by-elections in that district.

12¹. If the results of the elections through the proportional electoral rule have been found invalid due to the grave violation of the requirements of this Law in more than half of the election districts or in such several election districts, where the total number of voters is higher than the total number of voters in the entire Georgia, than the results of the election shall be considered void and CEC shall appoint by-elections. (12.10.2004. N488)

13. If any application, complaint or dissenting opinion of a DEC member is submitted requesting the revision or invalidation of voting results, the CEC shall make a decision by passing an ordinance to open the packages and re-count the ballot papers (special envelopes) received from the relevant PEC or shall entrust a relevant election commission/ special group to perform the same. If the need be, CEC shall be entitled to sum up the election results based on the PEC protocols (12.10.2004. N488).

14. Where the election has been declared invalid in an electoral precinct, the CEC shall appoint the second ballot in this precinct, provided that the difference between the votes of the candidates with the best results is less than the total number of voters in this electoral precinct. If the results of the second ballot are also cancelled, the results of the elections shall be summed up without taking this precinct into account.

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

16. The second ballot for elections held in accordance with the proportional system shall be appointed in the event the total number of voters in these precincts is more than 10% of the total number of voters in the entire Georgia. In such a case, the second ballot shall be held no later than within 2 weeks after the general elections. (12.10.2004. N488)

17. If the elections held through the proportional electoral system are declared to have taken place, but none of the parties or electoral blocs have managed to receive the required threshold, by ordinance of the CEC, a second ballot shall be held no later than within 2 weeks after the general elections.

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

19. The summary protocol of the final results of the elections shall contain the titles and numbers of those election districts and precincts, in which elections were declared invalid, as well as the number of voters therein, the reason for declaring the elections invalid, the total number of voters in each election district, the turnout of voters, the number of Members of Parliament elected and alphabetically arranged list of the MPs.

20. No later than within 5 days after the consolidation of the final results of the elections, the CEC shall publicize the summary protocol of election results through the press and other media.

Article 106. Second Round of Elections, By- and Mid-Term Elections. Procedure for Succession of MPs (14.08. 2003β. N 2965-ÒÓ)

1. If the first round of elections failed to elect a Member of Parliament, CEC shall appoint the second round of elections along with the validation of the results of the first round. The second round of elections shall be held no later than within 14 days after the validation of the results of the first round. The 2 candidates, with the best result in the first round of elections, shall participate in the second round of elections. If an equal number of votes was received by more than two candidates or by the candidates named after the single candidate with the best result, all of them shall participate in the second round of elections (12.10.2004. N488).

2. (14.08. 2003β. N 2965-ÒÓ) The candidate winning more votes than the others shall be deemed elected in the second round of elections. If the candidates gain equal votes, the candidate who had more votes in the first round shall be deemed elected. If the gained votes still remain equal, a by-election shall be appointed.

3. (14.08. 2003β. N 2965-ÒÓ) In the event the elections are pronounced not to have taken place, as well as in the event the election results for a single-mandate election district have been invalidated, by-elections shall be held, and in case of an early termination of the authority of the MP elected in that district, the mid-term elections shall be held.

4. (14.08. 2003β. N 2965-ÒÓ) By-elections shall be held within two months after the declaring elections as not having taken place or after invalidating the elections. CEC shall, through the ordinance, appoint the day and timeframes for the election activities, no later than

within 7 days after the pronouncing elections as not having taken place or invalidating the election results.

5. By its ordinance, the CEC shall, no later than 2 months prior to the elections day, appoint the mid-term elections day and timeframes for electoral activities. The by-elections to be held in a single-mandate district within the timeframes different from that of the elections to be held through the proportional system, as well as the mid-term election shall be held twice a year, in May-June or October-November. The elections shall be held on the nearest date *(26.11.2004 N 618)*.

6. If the Member of Parliament is withdrawn 6 months prior the termination of authority of the Parliament, no by-elections shall be held with the purpose of identifying his/her successor. *(12.10.2004. N488)*.

7. *(14.08. 2003β. N 2965-ÒÓ)* If withdrawn member of the Parliament was elected through the party list of the party independently participating in the elections, the seat of such MP shall, within a month, be occupied by the MP candidate named next in the same list, provided that 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 and so on and so forth. If there is no other candidate named on a party list, this MP mandate shall be deemed cancelled.

7¹. *(14.08. 2003β. N 2965-ÒÓ)* If the withdrawn MP, was elected through the party list of an electoral bloc and if the party list provided that such member was the member of one of the parties of such electoral bloc, the seat of such Member shall, within the period of 1 month, be occupied 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 and so on and so forth. If the a party list does not mention that such person was a member of one of the parties of the electoral bloc, his/her successor shall be appointed according to the procedure established by paragraph 7 of this Article.

8. *(14.08. 2003β. N 2965-ÒÓ)* In the cases specified in paragraphs 7 and 7¹ of this Article, the CEC shall submit the relevant documents to the Parliament of Georgia.

9. In the case of the withdrawal of an MP elected through the single-mandate election district, the right to nominate his/her substitute shall be awarded to the party and electoral bloc (notwithstanding whether this candidate is included on the registered party list or not), as well as to the initiative group of voters.

10. *(14.08. 2003β. N 2965-ÒÓ)* After recognition of the authorities of MPs by the Parliament of Georgia, the status of an MP candidate shall be suspended for the rest of the persons on a party lists.

11. *(14.08. 2003β. N 2965-ÒÓ)* Immediately, upon the early termination of the authority of an MP elected through a party the status of an MP candidate shall be reinstated to the person, who is a successor of such MP according to paragraphs 7 and 7¹ of this Article. In the event of an early termination of powers of the MP elected in a single-mandate election district, the status of an MP candidate shall be reinstated to the person on a party list provided

that the party/electoral block nominates him/her as a candidate for MP (the status shall be reinstated from the moment of submitting the name of such candidate to CEC).

Article 107. Registration of Elected Members of Parliament of Georgia

Within 5 days after the final consolidation of the results of the elections, the CEC shall register the elected Members of the Parliament of Georgia and issue to them temporary certificates certifying their being elected MPs.

Article 107¹. Drug Control Over the Persons Elected as MPs of Georgia (12.10.2004. N488)

1. No later within 14 days after the elections day, the candidates for MPs, elected in a single-mandate election districts and the candidates for MPs from the lists of the parties/electoral blocs having overcome the election threshold according to the preliminary results, shall submit to the CEC a drug test certificate 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 shall adopt a resolution on not-validating 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 shall appoint by-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/electoral bloc, the CEC determines his/her replacement according to the paragraphs 7 and 7¹ of Article 107 of this law. (22.04.2005 N 1427).

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 electoral right until he/she submits to the CEC documentary evidence that such person is healthy.

3. The document on drug testing 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 within 14 days 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 7¹ of this Law.

4. The drug control shall be provided only after the date of the general/mid-term Parliamentary 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 no later than 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 Chairman.

**PART IV
CHAPTER XV**

**ELECTIONS FOR LOCAL SELF-GOVERNANCE REPRESENTATIVE BODY –
SAKREBULO, ELECTIONS OF GAMGEBELI, ELECTIONS OF A MAYOR**

**Article 108. Appointment of Elections of Local Self-Government Representative Body–
sakrebulo, elections of *gamgebeli*, elections of mayor**

1. Elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, elections of mayor, shall be held once in 4 years.
2. Elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, elections of mayor, shall be appointed by the President of Georgia, no later than 2 months before the expiry of the term of their authority.
3. Elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, elections of mayor, are not held during a state of emergency or wartime.
4. Notice about the appointment of elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, elections of mayor, shall be published through the press and other media, no later than 3 days after the appointment of the elections.

Article 109. Electoral System

1. Elections of the local self-government representative body – *sakrebulo*, in a village, community, township, city and the city, not included in the rayon, shall be held according to multi-mandate election districts, based on the majoritarian (first pass the post) electoral system.
2. Elections of the local self-government representative body – *sakrebulo*, in the city of Tbilisi shall be held based on the proportional electoral system.
3. In the city, where the number of voters is more than 5,000 and in the city, not included in the rayon, except for Tbilisi and Poti, *gamgebeli*, mayor shall be elected based on the majoritarian (first pass the post) electoral system.

Article 110. Right to Active and Passive Vote

1. A citizen of Georgia, who has attained to the age of 21 years by the day of polling, who permanently resided in Georgia for at least 5 years and is registered through the rules established by Law, may be elected a member of the representative body of local self governance – *sakrebulo*, *gamgebeli* or mayor:
 - a. For the election of members of the local self-government representative body – *sakrebulo*, on territory of the relevant *sakrebulo*;
 - b. For the elections for *gamgebeli*, mayor, on territory of the relevant city.
2. A citizen of Georgia may not be a member of two representative bodies simultaneously, except for a member of the rayon *sakrebulo* and a member of the *sakrebulo* of a village, community, *township*, city included in this rayon.

3. Voters who, by the day of appointment of elections, are permanently or temporarily residing outside the borders of Georgia and voters who are on ships sailing, shall not take part in elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor.

4. Military servicemen of a fixed-term and contractual military service take part in elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor, according to the location of the military formation.

Article 111. Equal Right to Vote

1. Voters in the elections of the local self-government representative body – *sakrebulo*, based on the majoritarian (first pass the post) electoral system, have as many rights to vote, as there are members in the relevant *sakrebulo*.

2. In the city of Tbilisi, in the elections of the local self-government representative body – *sakrebulo*, based on the proportional electoral system, each voter shall have the right to one vote.

3. In elections of *gamgebeli*, mayor, each voter shall have the right to one vote.

Article 112. Composition of Local Self-Government Representative Body- *Sakrebulo*

1. *Sakrebulo* shall consist of:

- a. 5 members, if the number of voters on the territory of the relevant administrative unit does not exceed 5,000;
- b. 7 members, if the number of voters on the territory of the relevant administrative unit is 5,000 to 10,000;
- c. 9 members, if the number of voters on the territory of the relevant administrative unit exceeds 10,000.

2. *Sakrebulo*s of the cities of Batumi, Rustavi, Sokhumi, Poti, Kutaisi and Tskhinvali, consists of 15 members each.

3. *Sakrebulo* of the city of Tbilisi consists of 49 members. (25.04.2002. #

4. The number of the members to be elected in a *sakrebulo* shall be determined according to the number of voters on the territory of the relevant *sakrebulo*, according to the situation by January 1 of the year of elections.

Article 113. Terms of Authority of Local Self-Government Representative Body– *Sakrebulo*, of *Gamgebeli*, of Mayor

1. Authority of the new composition of a *sakrebulo* shall begin, and the authority of the old one shall cease, upon the first gathering of the newly elected *sakrebulo*.

2. Authority of *gamgebeli*, mayor, shall begin from the day of official publishing of the final results of the elections.

Article 114. Incompatibility of Office with Status of Candidate for Membership in Local Self-Government Representative Body– *Sakrebulo*, Candidate Running for *Gamgebeli*, Mayor

1. In case of being nominated as a candidate for membership of *sakrebulo*, a candidate running for *gamgebeli*, mayor, the the term of office shall be suspended for the officials indicated in Article 94 of this Law.
2. The term of office shall be suspended for officials indicated in Paragraph 1 of this Article, before they are nominated to the relevant Election Commission as candidates.
3. The term of office shall be suspended for candidates for membership of *sakrebulo*, candidates running for *gamgebeli*, mayor, in accordance with the legislation of Georgia.

**CHAPTER XVI
ELECTION DISTRICTS AND ELECTORAL PRECINCTS**

Article 115. Election Districts

1. a Sakrebulo of a village, community, *township or*, city through the majoritarian (first pass the post) electoral rule, multi-mandate election districts shall be established.
2. With the purpose of the electing a *gamgebeli* or mayor, through the majoritarian (first pass the post) electoral system, election districts shall be established, the number of which shall be determined in view with the number of voters on the territory of the city, as of January 1 of the elections year.
3. Election districts for the cities of Batumi, Rustavi, Sokhumi, Poti, Kutaisi and Tskhinvali shall be established by ordinance of the CEC.
4. Election districts of a village, community, township, city, are established by ordinance of the relevant DEC.
5. When holding elections for the Tbilisi *sakrebulo*, through the proportional electoral system, the DEC functions shall be carried out by CEC. CEC shall be entitled to delegate to the Tbilisi DECs its rights other than those provided by Articles 118 and 120-126 (25.04.2003 N 1380).
6. Election Commissions shall, within 5 days after the appointment of the elections, publicize the information on the election districts, through the press and other media, by indicating their boundaries.

CHAPTER XVII**RIGHT TO TAKE PART IN ELECTIONS OF LOCAL SELF-GOVERNMENT REPRESENTATIVE BODY– *SAKREBULO*, IN ELECTIONS OF *GAMGEBELI*, MAYOR, REGISTRATION OF ELECTION SUBJECTS, NOMINATION OF CANDIDATES AND ELECTION BALLOTS****Article 116. Right to Take Part in Elections of *Sakrebulo*, Elections of *Gamgebeli*, Elections of Mayor**

A party, electoral bloc, a candidate nominated by a party or an electoral bloc, who is registered at the relevant Election Commission, can take part in elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor.

Article 117. Registration of Parties

The parties that at the last Parliamentary elections did not undergo electoral registration at the CEC, shall undergo electoral registration for the purpose of taking part in elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor, in accordance with the rules established by Article 95 of this Law.

Article 118. Submitting of Party Lists in Elections of Local Self-Government Representative Body– *Sakrebulo* for the City of Tbilisi

1. For the purpose of taking part in the Tbilisi local self-government representative body – *sakrebulo* elections, through the proportional electoral system, the parties taking part in the elections independently, and electoral blocs shall submit the party lists to CEC, no later than 30 days prior to the elections day.
2. Each party and electoral bloc shall have the right to submit to the CEC one party list.
3. The number of candidates on a party list submitted by parties and electoral blocs for the elections of the local self-government representative body – *sakrebulo* for the city of Tbilisi, shall not be less than 49 or more than 98.
4. Only the party members or those, who are not members of another party taking part in the elections, shall be included on a party list. Only members of the parties in an electoral bloc or those, who are not members of another party taking part in the elections, shall be included on a party list submitted by an electoral bloc.
5. The rules for compiling the party lists shall be determined by parties and electoral blocs. When compiling a party list, it should be taken into account, that according to election results, the mandates received by a party, electoral bloc, shall be distributed sequentially, from the top of the list, according to the sequence.
6. The party list shall include the following information on each candidate:
 - a. First name, last name;
 - b. Date of birth;
 - c. Profession;
 - d. Position (occupation);

- e. Place of employment (if the candidate is unemployed, indicate – “unemployed”);
- f. Party affiliation (if a member of a party, and if the candidate is not a member of any party, indicate – “no party affiliation”);
- g. Number of their Georgian Citizen's Identity Card (Passport of a Georgian citizen) and personal number;
- h. Place of registration.

7. The party list shall be approved with the signatures of the Head of the party taking part in the elections independently, and with the signatures of the Heads of all parties under the electoral bloc.

8. The party list shall be attached with two photographs of each candidate, registration card (in two copies) signed by the candidate, the date of its filling out, where, along with the biographical data of the candidate (first name, last name, number of the Georgian Citizen's Identity Card (Passport of a Georgian Citizen) and personal number, place of registration, date of birth), the fact of the candidate's permanent residence in Georgia for at least 5 years and his/her consent to stand as a candidate through this party list, shall be also stated.

9. For the local self-government representative body – *sakrebulo* elections in the city of Tbilisi, the CEC shall issue the registration cards beforehand to the representative of the party/electoral bloc. Immediately upon receipt of the documents, the representative of the party/electoral bloc, shall be issued with a confirmation of the fact of receipt, including the date.

Article 119. Nomination of Candidates for Membership of Local Self-Government Representative Body– *Sakrebulo*, Candidates for *Gamgebeli*, Mayor

1. The following entities shall have the right to nominate candidates for membership of Local Self-Government Representative Body– *sakrebulo*, candidates for the positions of a *gamgebeli*, mayor to the relevant election district:

- a. Initiative group of voters, consisting of no less than 5 persons;
- b. Party taking part in the elections independently;
- c. Electoral bloc.

2. A party, electoral bloc, initiative group of voters shall have the right to nominate a person who has the right to vote provided that he/she is supported by no less than 10 voters residing in the village, community, *township*, and in cities – no less than 100, and in the city not included in the rayon – no less than 200 voters.

3. For the purpose of nominating a majoritarian (first pass the post) candidate for an electoral district, an initiative group of voters and the party taking part in elections independently and electoral bloc, shall submit to the relevant DEC the application, no earlier than 40 and no later than 30 days prior to the elections day and shall also submit signatures of supporting voters.

4. The application shall provide the following information on the majoritarian (first pass the post) candidates:

- a. First name, last name;
- b. Date of birth;

- c. Profession;
- d. Position (occupation);
- e. Place of employment (if the candidate is unemployed, indicate – “unemployed”);
- g. Number of their Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number;
- h. Place of registration;
- i. Title and number of the election district, where he/she is nominated as a majoritarian (first pass the post) candidate;
- j. Party affiliation (if a member of a party, and if the candidate is not a member of any party, indicate – “no party affiliation”);

5. The application, nominating a candidate for membership of a Local Self-Government Representative Body– *sakrebulo*, candidate for position of a *gamgebeli*, mayor, shall be delivered to the relevant DEC. The application shall be validated with the signature of the authorized person of the party, or with signatures of authorized persons of all the parties under the electoral bloc, while the application signed by all members of the initiative group of voters shall provide the following information on the members and representative of this group: first name, last name, number of the Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number, place of registration, telephone number.

6. The application shall be attached with two photographs of the candidate and registration card signed by him/her in two copies, along with the biographical data of the candidate (first name, last name, number of the Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number, place of registration, date of birth) it shall contain the fact of the candidate’s permanent residence in Georgia for 5 years and consent to stand as a candidate in the indicated election district.

7. It is inadmissible to nominate one and the same person as a candidate for membership of a Local Self-Government Representative Body– *sakrebulo*, for position of a *gamgebeli*, mayor, as well as a candidate for membership of Parliament of Georgia and for President of Georgia.

Article 120. Registration of Party List, of Candidates for Membership of Local Self-Government Representative Body– *Sakrebulo*, Candidates for *Gamgebeli*, Mayor

1. A party list shall be registered by the CEC within 5 days of its submission.
2. Candidates for membership of the local self-government representative body – *sakrebulo*, candidates for *gamgebeli*, mayor, nominated for an election district, shall be registered by the relevant DEC, within 5 days of their nomination.
3. Registration of candidates for membership of the local self-government representative body – *sakrebulo*, candidates for *gamgebeli*, mayor, shall end no later than 25 days prior to the elections day.
4. Within 3 days after the registration of candidates for membership of the local self-government representative body – *sakrebulo*, candidates for *gamgebeli*, mayor, the relevant DEC shall issue to them candidate’s certificates.

5. A candidate nominated for an election district shall be registered, if the following documents have been submitted:
 - a. Registration card of the candidate;
 - b. Application of the initiative group of voters;
 - c. List of supporting voters;
 - d. Two photographs.

6. A party list or a candidate nominated by a Party, electoral bloc, shall not be registered, if in the registration card is not indicated or is indicated incompletely the following:
 - a. First name, last name;
 - b. Number of the Georgian Citizens Identity Card (Passport of a Georgian citizen) and personal number;
 - c. Date of birth (year, month, day);
 - d. Place of registration;
 - e. Application for nomination of the candidate, which is confirmed by the Heads of the parties and electoral blocs;
 - f. Party affiliation (if a member of a party, and if the candidate is not a member of any party, indicate – “no party affiliation”);
 - g. Place of employment (if the candidate is unemployed, indicate – “unemployed”);
 - h. Proof of permanent residence in Georgia for 5 years;
 - i. Consent of the candidate to take part in the poll;
 - j. Date of filling out of the registration card.

7. If the submitted documents do not satisfy the requirements of this Law, the Election Commission does not register the party list or the candidate nominated by the party/electoral bloc.

8. In case of violation of the requirements indicated in Paragraphs 5 and 6 of this Article, the relevant DEC or the CEC does not register the candidate.

9. The order of priority of parties and electoral blocs, independently taking part in the “sakrebulo” elections through the proportional electoral system by the party lists, shall be determined by the sequence of their results in the last parliamentary elections. If an electoral bloc, which participated in the last parliamentary elections does not take part in the “sakrebulo” elections, the right to its order of priority shall be given to the party named in the list of the bloc members for the first time, and if this party refuses this – to the next party therein etc. If the electoral bloc established for the “sakrebulo” elections is composed of parties which participated in the last parliamentary elections, in the bloc charter they shall indicate the number of the party that will apply. If any party/electoral bloc has not applied for the right of use of the order of priority this order shall be transferred to the next party/electoral bloc.

10. The order of priority of parties/electoral blocs other than that one indicated in subparagraph 9 of this Article, shall be determined by casting the lots to be held under the procedure established by Article 99 of this Law. The order of priority of those parties/electoral blocs shall begin from the number exceeding by one the last number of the subjects provided by subparagraph 9 of this Article.

11. The order of priority of candidates presented by the parties and electoral blocs that independently participated in the last parliamentary elections for the elections held by the majoritarian (first pass the post) electoral system, according to the single-mandate and multi-mandate constituencies, shall be determined in accordance with the procedures established by subparagraph 9 of this Article, and the order of priority of candidates presented by the other parties, electoral blocs and initiative groups of voters – under the procedure established by subparagraph 10 of this Article. All candidates presented by one party/electoral bloc in one multi-mandate constituency shall be given one and the same number (to be indicated in the Arabic digit) and the sequence of the candidates with this number shall be given by alphabetical order, in the order of priority of presentation by the party/electoral bloc.

12. If the registration of the party/electoral bloc is cancelled after assignment of the number thereof, the other parties/electoral blocs shall preserve the previous numbers. (25.04. 2002 N 1380 Georgian Legislation News N 9).

13. Information regarding the order of election subjects shall be published through the press and other media, no later than within 3 days after the registration deadline. A list of the subjects, which have been refused registration, shall be published within the same timeframe.

Article 121. Canceling Decision on Nomination of Candidate

1. A party, electoral bloc, shall have the right to cancel its decision on nomination of a candidate, no later than 2 days prior to the elections day.

2. A candidate can withdraw his/her candidacy, no later than 2 days prior to the elections day, by addressing a statement to the relevant Election Commission, which immediately notifies the CEC.

3. Notice regarding cancellation of a candidate's registration and nomination, is immediately published by the relevant DEC.

Article 122. Ballot Papers

1. Ballot papers of two different types shall be prepared for elections of the local self-government representative body – *sakrebulo*.

2. The ballot intended for elections of the local self-government representative body – *sakrebulo*, based on the proportional electoral system, shall be indicated names of the parties/electoral blocs (after the name of the bloc shall be indicated the names of the parties united in the bloc), in accordance with the established order.

3. The ballot paper intended for elections of the representative bodies of local self-governance – *sakrebulo*s, based on the majoritarian (first pass the post) electoral system, shall indicate the sequential numbers, first and last names of all the candidates nominated for election to the relevant *sakrebulo*. Next to the name of the candidate, nominated by an initiative group of voters there shall be indicated - "candidate of initiative group", while next to the names of the candidates nominated by parties and electoral blocs - the names of the relevant party or electoral bloc. Information on candidates shall be included on the ballot paper in accordance with the sequence, determined through casting the lots at his/her relevant DEC.

4. For elections of *gamgebeli*, mayor, ballot papers shall be compiled separately and they shall indicate the sequential numbers, first and last names of all candidates to be elected *gamgebelis*, mayors. Next to the name of the candidate, nominated by an initiative group of voters shall be indicated - “candidate of initiative group”, while next to the names of the candidates nominated by parties and electoral blocs - the names of the relevant party or electoral bloc.

5. On the ballot paper, compiled for elections of the local self-government representative body – *sakrebulo* in the city of Tbilisi, in which the names of parties and electoral blocs are included, the voter draws a circle around the sequential number of the party list of that party or electoral bloc, for which he/she is voting.

6. On the election ballot, intended for elections of the local self-government representative body – *sakrebulo*, on which information regarding candidates is included, the voter draws a circle around no more than the sequential numbers of as many candidates as there are members to be elected in the relevant *sakrebulo*, while in elections of a *gamgebeli*, mayor – only around the sequential number of the candidate, for which he/she is voting.

Article 123. Determining Results of Elections in Election District

1. Elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor, shall be considered to have taken place, if at least 1/3 of the voters of the relevant election district took part in the election.

2. In order to determine the number of mandates received by a party list, the number of votes received by the party list shall be multiplied by the number of mandates in the election district and divided that by the total number of the votes received by parties/electoral blocs which have participated in the elections with at least 4% of the vote. Total number arrived at, as a result, represents the number of mandates received by the list.

3. If the total of the numbers received by party lists in the election district turns out to be less than the general number of mandates, undistributed mandates are distributed only among those parties/electoral blocs, which have obtained at least one mandate. In this case, one mandate in turn shall be awarded to each of those Party lists, that received a higher number of votes in the elections.

4. If the number of votes received by two or more parties turns out to be equal, the mandate shall be awarded to the one, which was the first to undergo registration at the relevant DEC, for the purpose of taking part in the elections.

5. Those candidates, whose sequential numbers on a party list are less than or equal to the number of mandates received by this party list, shall be considered to have been elected into the *sakrebulo* through the proportional electoral system.

6. In a multi-mandate election district, those candidates, who receive more votes than others, shall be considered to have been elected in accordance with the number of members to be elected to the *sakrebulo* based on the majoritarian (first pass the post) electoral system.

7. In elections of *gamgebeli*, mayor, the candidate who receives more votes than others shall be considered to have been elected.
8. If two candidates, taking part in the elections collect an equal number of votes, the candidate, who was the first to have been registered at the relevant DEC shall be considered to have been elected.
9. DEC can declare results of the voting invalid in the election district, where this Law was gravely violated. The DEC election results shall not be summed up until the decision is taken on those appeals that can possibly serve a bases for the invalidation of the election results in the precinct.
10. Elections shall be declared invalid in an election district, if the general number of voters in those electoral precincts, where results of the election have been declared invalid, is more than 20% of the number of voters in the election district.
11. A DEC, at its session, shall determine the results of the elections and approve the protocol.
12. In elections for the local self-government representative body – *sakrebulo*, the DEC, based on the protocols received from PECs, shall determine the following:
 - a. Total number of voters;
 - b. Turnout of participants of elections;
 - c. Number of unused and spoiled election ballot papers and special envelopes;
 - d. Number of election ballots deemed valid;
 - e. Number of election ballots deemed invalid;
 - f. Number of unofficial ballot papers;
 - g. Number of votes given to election subjects.
13. In elections through the majoritarian (first pass the post) electoral system, the candidate for the position of *gamgebeli*, mayor, who receives the highest number of votes, shall be considered to have been elected.
14. The number of copies of the DEC summary protocols of election results must exceed by four the number of candidates, nominated by parties/electoral blocs/initiative groups of voters, included on the ballot paper.
15. No later than within 5 days after election day, the first copy of the protocol, shall be sent to CEC, the second copy shall be filed before the relevant DEC, the third shall be delivered to the mandate commission of the *sakrebulo*, the rest of the copies are transferred to parties, electoral blocs, representatives of majoritarian (first pass the post) candidates.
16. The DEC shall be obliged to immediately post up the fourth copy of the summary protocol of election results at a conspicuous location, so that all may become acquainted with it.
18. Within 10 days of the consolidation of the election results, the DEC, through the press and other media, shall publish the results of the elections of *sakrebulo*, *gamgebeli*, mayor in the relevant election district. In information shall also contain the party affiliation (in case of party membership, and if the person is not a member of any Party, it is indicated – “no party

affiliation”), year of birth, profession, main activity, place of employment, of the elected *sakrebulo* members, *gamgebeli*, mayor.

Article 124. Second Ballot, By-Elections, Off-year elections

1. If the election is declared invalid in an electoral precinct, the relevant DEC shall appoint a second ballot, which shall be held within 2 weeks after the general elections. A second ballot shall be held in cases where the difference between the candidate, who has the last (least) best result among the relevant number of candidates to be elected to the local self-government representative body – *sakrebulo*, and the candidate who has the next result, is less than the total number of voters in this district, or the total number of voters in the invalidated precincts.

2. During the second ballot, in case of invalidation of the results of the election in an electoral precinct, the relevant DEC shall sum up the results of the elections held in the election district without taking this precinct into account.

3. In the event the elections of the local self-government representative body – *sakrebulo*, elections of *gamgebeli*, mayor, are declared not to have taken place, by-elections shall be held.

4. In the event of an early termination of the term of authority of the local self-government representative body – *sakrebulo*, of *gamgebeli*, mayor, off-year elections shall be held.

5. For the second ballot, by-elections and off-year elections, voting, counting of votes and consolidation of the results of the elections shall be carried out in accordance with the rules prescribed by this Law.

Article 125. Registration of Persons Elected as Members of Local Self-Government Representative Body– *Sakrebulo*, as *Gamgebeli*, Mayor

Within 5 days of the consolidation of the final results of the elections, the relevant DEC registers the persons elected as members of the local self-government representative body – *sakrebulo*, as *gamgebeli*, mayor, and issues to them the relevant licenses.

Article 126. Successor of a *Sakrebulo* Member

1. If the authority of a *sakrebulo* member, as a *sakrebulo* member, is terminated before expiry, his seat in the relevant *sakrebulo* shall be occupied, within 2 weeks, by the his successor, who shall be:

- a. The candidate, who is the next in sequence on the same party list (for *sakrebulo* of the city of Tbilisi), if he/she, within 10 days of having been notified by the CEC, declares his/her consent to become a *sakrebulo* member. If there are no more candidates in the submitted party list, the mandate is cancelled;
- b. The candidate, who has the best results among the candidates who have not been elected *sakrebulo* members, if he/she, within 10 days of having been notified, declares consent to become a *sakrebulo* member. Otherwise, he/she is withdrawn from the list and the vacant seat is occupied by the next candidate. In case of non-existence of such a candidate, the mandate is cancelled.

CHAPTER XVIII TRANSITIONAL PROVISIONS

Article 127. Stricken out (16.09.2004 N 420)

Article 127¹. Stricken out (22.04.2005 N 1427)

Article 128. Stricken out (22.04.2005 N 1427)

Article 128¹. Stricken out (22.04.2005 N 1427)

Article 128². Stricken out (22.04.2005 N 1427)

Article 128³. Stricken out (22.04.2005 N 1427)

Article 128⁴. Stricken out (22.04.2005 N 1427)

Article 128⁵. Stricken out (22.04.2005 N 1427)

Article 128⁶. Stricken out (22.04.2005 N 1427)

Article 128⁷. Stricken out (22.04.2005 N 1427)

Article 128⁸. Stricken out (22.04.2005 N 1427)

Article 128⁹. Stricken out (22.04.2005 N 1427)

Article 128¹⁰. Stricken out (22.04.2005 N 1427)

Article 128¹¹. Stricken out (22.04.2005 N 1427)

Article 128¹². Stricken out (22.04.2005 N 1427)

Article 128¹³. The terms of formation of central and district election commissions (22.04.2005 N 1427)

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 10th of 2005.
3. The candidates for the chairman/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 shall be 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 chairman and 2 candidates for each vacant position of the CEC member.
8. The candidates submitted to the Parliament of Georgia are elected as chairman/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 shall be 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. The CEC elects the district election commission members no later than 20 days after the expiration of the term of nominating the candidates.
15. The CEC chairman 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 128¹⁴. The deadlines of appointing the mid-term and by-elections that are to be held in 2005 (22.04.2005 N 1427)

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 1st of 2006 for the CEC staff employees and district election commission members, and from July 1st 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 chairman. CEC shall establish the rule of certification and ensure certification of the CEC staff employees and district election commission members until January 1st of 2006 and certification of precinct election commission members - until July 1st of 2006. (22.04.2005 N 1427)
3. Stricken out (22.04.2005 N 1427).

4. Provided that a problem related to the knowledge of the national language arises in the DEC's and PEC's, on the basis of the application of the DEC, the CEC shall provide an interpreter having appropriate qualifications.

5. The requirement of obligatory certification established by this law does not apply to the CEC members elected in 2005. (22.04.2005 N 1427).

CHAPTER XIX CONCLUSIVE PROVISIONS

Article 130

1. 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 *Sakrebulo*s (Parlamentis Utskebani, 1998, No.27-28).

Article 131. Enactment of the Law

This Law shall come into force upon its publication.

President of Georgia

Eduard Shevardnadze