



**CEC**

ELECTION ADMINISTRATION  
OF GEORGIA

# **ELECTION CODE OF GEORGIA**

**2012**

ORGANIC LAW OF GEORGIA  
**“ELECTION CODE OF  
GEORGIA”**

(as of August 1<sup>st</sup>, 2012)

**Tbilisi  
2012**

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# GENERAL PART

## SECTION I

### CHAPTER I. GENERAL PROVISIONS

#### Article 1. Scope of regulation of the Law

This Law shall regulate relations on preparation and conduct of elections, referendum and plebiscite of the President of Georgia, Parliament of Georgia, Mayor of Tbilisi, Local Self-Government Representative Body - Sakrebulo. The present Law shall set the rights and guarantees of the election participants, define the rule and authority for the establishment of the election administration, as well as the procedures for dispute resolution in cases stipulated by the present Law.

#### Article 2. Definition of Terms

Terms used for the purpose of the present Law have the following meaning:

a) **Referendum** - A nation-wide polling aimed at overall, equal and direct expression of will, by secret suffrage, to decide issues of particular significance for the state, which is conducted on the whole territory of Georgia;

b) **Plebiscite** - A nation-wide polling by secret suffrage for identifying the opinion of voters or the part of voters on issues of essential importance for the state, results of which bear a recommendation character for the government bodies of the state;

c) **Elections** - electoral process, the objective and outcome of which is to elect public officials of public authority and representative bodies;

d) **General elections** - regular or pre-term elections;

d.a) **Regular elections** - elections conducted due to the expiration of the term of office of the representative body of public authority or public official within the terms set forth by the Constitution of Georgia, this Law, Constitutions of Abkhazia and Adjarian Autonomous Republics and respective laws;

d.b) **Pre-term (extraordinary) elections** – elections conducted as a result of early expiration of the term of office of the representative body of public authority or public official;

e) **By-elections** - elections conducted through majoritarian electoral system in the relevant election district, in accordance with the procedures prescribed by this Law, to fill a vacant seat of the representative body of the government;

f) **Re-run elections** - elections conducted again in accordance with the rules established for regular elections:

f.a) if one candidate participated in the elections conducted through majoritarian electoral system and his/her candidacy has been withdrawn pursuant to the procedures envisaged by this Law;

f.b) if none of the contestants, participating in the elections conducted through proportional electoral system, failed to overcome an election threshold, or the elections were announced to have failed to be conducted in more than half of the election districts;

f.c) if the results of the election have been annulled by a court decision;

g) **Repeat voting** – voting conducted again in the precinct (precincts), where the polling results have been declared null and void, or all over multi-member electoral district based on the party lists, where no party/election bloc has been granted a mandate;

h) **Second round of elections (run-off)** - voting conducted in cases and within the terms specified by the present Law, in circumstances when the first round of elections failed to reveal the winner;

i) **Election (polling) Day** - the day of holding general, by-elections or re-run elections, as well as the run-off or repeat voting;

j) **Elections conducted through proportional electoral System** - election of members of the Parliament of Georgia and the Local Self-government Representative Body - Sakrebulo, based on party lists;

k) **Elections conducted through majoritarian electoral system** - election of members of the Parliament of Georgia and the Local Self-government Representative Body - Sakrebulo, under a single-mandate election district;

l) **Suffrage** - active and passive suffrage;

m) **Active electoral suffrage** - the right of a citizen of Georgia to participate in overall elections, referendum, and plebiscite by casting a vote to elect the people's representatives to the representative body of public authority and for electing public officials;

n) **Passive electoral suffrage** - the right of a citizen of Georgia to run for representative body of public authority and public office;

o) **Electional registration** - registration of parties, election blocs, initiative groups of voters and candidates by the respective election commission in order to obtain the right to participate in the elections;

p) **Candidate for becoming election subject** - a person listed for registration in the respective election commission to participate in the elections;

q) **Election subject** - a party, election bloc or initiative group of voters, or a candidate for membership of a representative body of public authority or public office, registered by the respective election commission;

r) **Election administration of Georgia** - the Central Election Commission of Georgia (hereinafter - "CEC") and its staff, the Supreme Election Commissions of the Autonomous Republics of Abkhazia and Adjara (hereinafter - "SEC") and their staffs, the District Election Commissions (DECs) and the Precinct Election Commissions (PECs);

s) **Election administration official** - members of the election commission and staff employee;

t) **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 CEC to participate in elections;

u) **Election bloc** - a union of 2 or more parties registered by the CEC;

v) **Candidate for President of Georgia** - a citizen of Georgia, nominated by the party or an initiative group of voters, registered by the CEC to run for president of Georgia;

w) **Candidate for Mayor of Tbilisi** - a citizen of Georgia, nominated by a party/election bloc, registered by the CEC to run for Mayor of Tbilisi;

x) **Candidate nominated through a party list** - a citizen of Georgia enlisted in a party list, registered by the relevant election commission to participate in the elections of the Parliament of Georgia and the Representative Body of Local Self-Government - Sakrebulo;

y) **Majoritarian candidate** - a citizen of Georgia nominated in the election district by a party/election bloc/initiative group of voters, registered by the relevant election commission to participate in elections of the Parliament of Georgia, Representative Body of Local Self-Government - Sakrebulo;

z) **Election district** - an operation area (administrative electoral division), where elections and referendum are organized and conducted;

z<sup>1</sup>) **Majoritarian election district** – a single-mandate electoral district established for the election of the Parliament of Georgia;

z<sup>2</sup>) **Local majoritarian election district** – a single-mandate electoral district established for the election of members of Local Self-government Body - Sakrebulo under majoritarian system;

z<sup>3</sup>) **Election precinct (polling station)** - administrative electoral division, established in accordance with the procedures of the Georgian legislation, for polling and vote counting during elections or referendum;

z<sup>4</sup>) **Representative Body of Local Self-Government** -Sakrebulo; Sakrebulo of the capital of Georgia – Tbilisi, municipality and a self-governing city;

z<sup>5</sup>) **Political public official** - the President of Georgia, a member of the Parliament of Georgia, the Prime-Minister of Georgia, other Members of the Government of Georgia and their deputies, a Member of the Supreme Representative Bodies of Abkhazia and Adjara, Heads of governments of Abkhazia and Adjara, as well as a Member of the Representative Body of Local Self-government and the Head of the Executive Body, State authorized Attorney - the Governor;

z<sup>6</sup>) **Political/pre-election advertising** - commercial broadcast by mass media (hereinafter –“media”), aimed at promoting/hindering the election of the election subject, where the election subject and/or his assigned number are displayed, containing signs of a pre-election campaign or call for or against the decision on an issue put forward for referendum/plebiscite;

z<sup>7</sup>) **Pre-election campaign** - a set of measures carried out by the election subject/candidate for becoming election subject aimed at running in and winning elections;

z<sup>8</sup>) **Pre-election agitation** - appeal to the citizens in favor or against an election subject/candidate, as well as any public action facilitating or impeding his/her election, and/or containing pre-election campaign signs, including the participation in organization/conduct of pre-electoral events, preservation or dissemination of election materials, work on the list of supporters, presence in the representations of political parties;

z<sup>9</sup>) **Election/referendum campaign funds** -the sum of funds of the election subject/referendum participant for the election/referendum campaign, as well as all goods and services obtained free of charge (reflected in market prices), except for air time cost defined in accordance with the rule established by this Law;

z<sup>10</sup>) **Information on the election/referendum campaign funds** - information on the election/referendum campaign funds, all goods and services received free of charge, donation source, amount and date of the receipt of the donation;

z<sup>11</sup>) **Electoral donations** - funds deposited by a physical persons to the account of the election subject during the election/referendum campaign, as well as all types of material value and services obtained free of charge, except for free air time as prescribed by this Law;

z<sup>12</sup>) **Election documentation** - applications, complaints, letters, business correspondence, protocols, ballot papers, special envelopes, legislative acts of the election administration of Georgia, check-lists, registration books, lists of voters, voting invitation cards and other documentation incoming and outgoing at the election commissions.

### **Article 3. Basic principles for the conduct of elections, referendum and plebiscite**

Basic principles for the conduct of elections, referendum and plebiscite in Georgia are:

a) Universal suffrage to participate in elections/referendum/plebiscite:

a.a) any citizen of Georgia, having attained the age of 18 prior to or on the day of elections/referendum/plebiscite, and who meets the requirements prescribed by the present Law, shall enjoy active suffrage, except for persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith, have a restricted active suffrage;

a.b) any citizen of Georgia, meeting the requirements prescribed by this Law, shall enjoy passive suffrage, except for persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith or by the Law of Georgia on Combating Drugs Crimes, have a restricted passive suffrage;

a.c) a citizen of Georgia, having been declared incapable by the court or is placed in prison/penitentiary institution in accordance with the court judgment, shall not be qualified to participate in the elections/referendum/plebiscite, except for persons committing misdemeanor;

b) Equal suffrage:

b.a) voters shall participate in the elections, referendum and plebiscite on equal grounds;

b.b) every voter of the same election district shall possess an equal number of votes;

c) Direct electoral right:

c.a) elections in Georgia shall be direct;

c.b) the President of Georgia, member of the Parliament of Georgia, the Mayor of Tbilisi, members of the Representative Body of Local Self-government - Sakrebulo shall be elected directly by voters;

d) Secrecy of ballot and free expression of the will of voters:

d.a) elections, referendum, plebiscite in Georgia shall be held by secret ballot;

d.b) any influence restricting a free expression of the voters' will, as well as control over the expression of the voters' will, shall be prohibited.

#### **Article 4. Publicity of elections**

Under the rule prescribed by the present Law and for its purposes, the activities of the election administration of Georgia, election subjects, public authority and local self-government bodies, shall be open and public.

#### **Article 5. Timeline of terms stipulated by this Law**

1. All terms during the elections defined by this Law, including the terms of judicial recourse and the delivery of the court judgment, are counted in calendar days (including holidays as set forth by the Labor Code of Georgia).

2. Expressions - "in N days from the given day", "within N days period from the given day", "no earlier/no later than N days from the given day", "no earlier/no later than N day from the given day" imply that the timeline shall start from the following day of the indicated day.

3. Expressions - "N days prior to the given day", "no earlier/no later than N day prior to the given day", "no earlier/no later than on the N day prior to the given day" imply that the timeline shall start from the day preceding the indicated day.

#### **Article 6. Announcing the Election Day as a holiday**

Regular elections/referendum/plebiscite, except for presidential elections, may be held on any day of the week. The date of the elections shall be announced as a holiday.

## CHAPTER II. ELECTION ADMINISTRATION OF GEORGIA AND ITS AUTHORITY

### **Article 7. Status, system and composition of the election administration of Georgia**

1. The election administration of Georgia is an independent administrative body which, within its authority, shall be independent from other government agencies and shall be established in accordance with this Law. The power and rule of formation of the election administration of Georgia are governed by the present Law.

2. The election administration of Georgia is composed of:

- a) the CEC and its Secretariat;
- b) the SEC and its Secretariat;
- c) the District election commissions (DECs);
- d) the Precinct election commissions (PECs);

3. The CEC constitutes the supreme body of the election administration of Georgia, which, within its competence, shall conduct and control election commissions at all levels, and ensure the uniform application of the election legislation throughout the whole territory of Georgia.

4. In the case that general elections and the elections of the Supreme Council of Adjara are conducted simultaneously, district and precinct election commissions, formed for general elections, shall carry out functions of district and precinct commissions.

5. Members of the CEC and the SEC, their Secretariat employees and the members of DECs, except for assisting staff or part-time employees and DEC members as provided by paragraph 5 of Article 19 of this Law, shall represent public servants and they shall be covered by the Law of Georgian on Public Service, unless otherwise determined the present Law.

### **Article 8. Election commission work regulations**

1. Work regulations of the election commission shall be determined by this Law and by the relevant commission regulation, which shall be approved by CEC decree.

2. A session of the election commission shall be called upon request of the chairperson of the commission or deputy chairperson.

3. A session is authorized, if attended by a majority of the total number of the election commission members.

4. The decision of the commission shall be considered adopted, if supported by a majority of the members present at the session (unless this Law provides for a higher quorum), but not less than one-third of the total number of the election commission members. Decisions of the election commission regarding decisions made by lower election commissions, including nullification of election district/precinct results, opening of packages received from the election commission and counting of election ballot papers, shall be adopted by not less than two-third of those present at the session.

5. In case of an equal number of votes, a chairperson shall have the casting vote.

6. Issues of human resources shall be resolved at the session by a majority vote of the total number of the election commission members.

7. Minutes of sessions shall be drawn up and signed by the chairperson of the session and the secretary of the election commission.

8. The session minutes shall be elaborated within 1 day after the session.

9. A member of the election commission, objecting the decision of the commission, shall be entitled to express his/her dissenting opinion in writing, which shall be attached to the minutes of the session. At the same time, a member having a dissenting opinion, shall respect and obey the decision delivered by the commission. He/she shall have no right to impede, by his/her action/omission, the execution of the decision.

10. The election commission shall accept, issue and register election documentation until 18:00 of the working day, except for cases envisaged by this Law.

11. Upon receipt of an application/complaint, the date and time of its receipt shall be noted in the registration book of the election commission, as well as on the confirmation of receipt issued to the applicant/complainant. The commission shall consider the application/complaint and deliver appropriate decision.

12. Receipt of any document from the election commission shall be confirmed by the signature of the applicant in the registration book.

13. The election commission shall be entitled not to consider the application/complaint if the deadline and procedure for its submission is breached.

14. Election documentation shall be available to the public. It is the election commission's duty to make election documentation and election information available to interested persons within 2 days of that person placing a request. In case the copies are requested, the amount of costs and the procedures for its payment shall be regulated in accordance with the legislation of Georgia.

15. The session of the election commission shall be open. Members of higher election commission and commission representatives, secretariat staff of the respective and upper election commissions, representatives of media accredited in the relevant commission, one representative of the contestant in the relevant commission, as well as one observer from domestic observer organization registered with the relevant commission, one observer from international organization registered with the CEC, with an interpreter, shall be authorized to attend the session of the election commission. In the case of breach of order and obstruction of the work of the election commission, the commission shall be authorized to make the decision to remove the person violating the order, which shall be recorded in the minutes of the session.

16. The following individuals are authorized to remain at the polling place:

- a) Members of the CEC, district and precinct election commissions;
- b) Representatives of the CEC and district election commissions;
- c) Representative of the election subject;
- d) Representatives of the press and media, registered with the respective commissions;
- e) Observers.

17. Everyone authorized to stay at the polling place shall carry a badge (certificate) indicating his/her identity and title.

18. In case of breach of order and obstruction of the work of the election commission, the election commission shall make a decision on the removal of the person, violating the order, from the administrative building, as well as from the session. This order shall be recorded in the minutes of the session.

19. A member of the election commission shall participate in the activities of the commission from the very day of his/her appointment (election) in the relevant commission.

20. A member of the district or precinct election commission shall sign the summary protocol of polling or election results and, in case he/she objects to the information reflected in the protocol, the



member is authorized to indicate such in the relevant section of the summary protocol of polling and election results and attach a written dissenting opinion to the protocol.

21. A member of the election commission is not the representative of his appointer/voter. He/she shall be independent in his/her activities and shall act only in accordance with the Constitution of Georgia, law and relevant legal acts. Any pressure upon the member of the election commission, or interference in his/her activities, with the aim of influencing his/her decision shall be prohibited and is punishable by law.

22. If the commission chairperson and a deputy chairperson, or a commission secretary, are temporarily unable to carry out the duties determined by the present Law, and pursuant to the same Law, an action falling within the exclusive competence of the chairperson or the secretary is to be carried out, the commission, in accordance with the procedures established by the present Law, shall elect without delay an acting chairperson or a secretary among his staff for electing relevant officials. The power of the acting chairperson of the commission shall be ceased once the commission chairperson or deputy chairperson are able to carry out their functions, and the authority of the commission acting secretary shall be ceased, once the commission secretary is able to carry out his/her duties.

23. If the election commission does not have a chairperson or a deputy chairperson, the secretary of the commission shall call the session for electing the commission chairperson and shall chair the commission until the election of the chairperson, and if the commission does not have a secretary, the commission session shall be called and chaired by the senior member of the commission until the election of the chairperson.

24. In case of the absence of the commission chairperson or on his/her instruction, a deputy chairperson of the commission shall carry out his/her duties.

25. Persons authorized to be present at the polling place shall be entitled to conduct photo and video shooting of the polling place, except for the polling booths, as long as that person does not obstruct the work of the commission.

### **Article 9. Remuneration**

1. In the course of the elections/referendum, members and head officials of the CEC and the DEC, as well as the CEC Secretariat and the legal entity of public law - Center for Electoral Systems Development, Reforms and Trainings, shall receive double remuneration.

2. Members and head officials of the PEC (based on the ordinance of the upper DEC) shall receive salaries from the funds allocated for the conduct of elections from the 30<sup>th</sup> day prior to the Election Day, until the upper DEC draws up the summary protocol of polling results.

3. The remuneration amount paid to the head officials and the members of the CEC, district and precinct election commissions, as well as the CEC Secretariat staff shall be determined by the CEC.

### **Article 10. Composition of the CEC and procedures for electing the CEC Chairperson**

1. The CEC shall be composed of its chairperson and 12 members. The CEC chairperson simultaneously acts as a member of the CEC. Termination of the authority of the CEC chairperson concurrently results in the termination of his/her membership. 5 members of the CEC shall be elected by the Parliament of Georgia, upon nomination by the President of Georgia, and 7 members are appointed by parties, according to the procedure prescribed by this Law.

2. The CEC chairperson shall be elected, upon the nomination by the President of Georgia, by the CEC members appointed by the parties (except for a member appointed by the party obtaining the best results in the previous parliamentary elections) or by the Parliament of Georgia, in a manner prescribed by this Article. The term of his/her office shall be 5 years.

3. No later than 30 days prior to the expiration of the tenure of the CEC chairperson, and in case of termination of his/her office - no later than 15 days after its termination, the President of Georgia, as a result of consultations with local non-entrepreneurial (non-commercial) legal entities, shall submit to the CEC 3 candidates for the position of the CEC chairperson.

4. The CEC chairperson's candidate shall be a capable citizen of Georgia, who have attained the age of 25, are non-partisan, have higher education, are fluent in the official language of Georgia, meet the requirements of paragraph 5 of Article 12 of this Law, this paragraph and Article 17 of the Law of Georgia on Public Service, hold a working experience of not less than 3 years and hold a certificate of the election administration official.

5. The decision on the election of the CEC chairperson shall be made by the CEC members appointed by parties within 5 days after the submission of the list of candidates (except for members appointed by the party with the best results in the previous parliamentary elections). The session shall be convened and presided by the senior member defined by this paragraph. Voting in the election of the CEC chairperson shall be secret. Each voting member shall have one vote. All three members shall be put to vote simultaneously. Any candidate that receives 4 or more vote shall be the CEC chairperson. Minutes of the session and the CEC ordinance on the election of the CEC chairperson shall be signed by the chairperson of the session/senior member of the CEC.

6. If within the terms stipulated by paragraph 5 of this Article, the CEC chairperson fails to be elected, the Parliament of Georgia, within 7 days, shall elect the CEC chairperson out of the same candidates nominated by the President of Georgia.

7. The CEC ordinance on the election of its chairperson shall be sent to the Parliament of Georgia within 7 days, and in cases as provided by paragraph 6 of this Article, the decision of the Parliament of Georgia shall be submitted to the CEC within 7 days.

### **Article 11. Election of the deputy chairperson and the secretary of the CEC**

1. Not less than 2 members of the commission are authorized to nominate the deputy chairperson and the secretary of the CEC.

2. The same candidate can be nominated only twice.

3. If, within the set term, the commission fails to elect the deputy chairperson and the secretary, the duties of the said official shall be fulfilled by the member of the commission receiving the highest votes during the elections, and in case of an equal number of votes - the person defined by casting lots.

### **Article 12. Election of CEC members**

1. The President of Georgia shall select and submit to the Parliament of Georgia 5 candidates for CEC membership in accordance with the procedures envisaged by this Article.

2. Selection of candidates for CEC membership shall be open.

3. No later than 30 days prior the expiration of the term of the CEC member, and in case the vacancy becomes available – no later than 15 days, the President of Georgia shall issue an ordinance on the conduct of the competition and setting up the competition commission. Half of the members of the commission should be composed of local non-government organization

(NGO) representatives. Competition documents shall be submitted no later than 14 days after the announcement of the competition. If the above terms coincide with the election period, the President of Georgia shall announce the competition no later than 7 days following the declaration of the final results of election. The authority of the member of the CEC shall be terminated once a new member is elected.

4. Candidate for CEC membership should be a capable citizen of Georgia, have attained the age of 25, be non-partisan, have higher education, be fluent in the official language of Georgia, hold a working experience of not less than 3 years and hold certificate of the election administration official.

5. The following shall not be elected/appointed as members of the CEC:

- a) a person who does not hold a certificate of election administration official;
- b) a person who has been dismissed from a position at the election administration by the election commission or the court, due to a breach of the election legislation of Georgia;
- c) a person whose violation of the election legislation of Georgia was confirmed by the court;
- d) a person who has been convicted of a crime and whose previous convictions has not been expunged;

6. If, within the terms defined by the present Law, a minimum of 2 persons are not nominated for a vacant position, the competition shall continue until minimum 2 persons are nominated for the vacant position.

7. The list of candidates shall be published within 2 days of the deadline to nominate candidates.

8. The competition commission shall submit to the President of Georgia no less than 2 and no more than 3 candidates for CEC membership for each vacancy no later than 5 days after the deadline of the nomination of candidates. No later than 7 days after the selection of candidates the President of Georgia shall make a decision on the selection of candidates and submit to the Parliament of Georgia 2 candidates for one vacant CEC member position.

9. The Parliament of Georgia shall elect members of the CEC by a roll-call vote no later than 14 days following the submission by the President of Georgia of candidates for CEC membership to the Parliament of Georgia. Each candidate shall be put to vote separately. The CEC member shall be deemed elected if supported by a majority of members of the Parliament of Georgia. If the number of individuals is more than the number of positions to be elected, the candidate with the best results shall be considered elected. If a winner cannot be revealed, due to an equal number of votes, the candidates are immediately voted upon until a winner is revealed among them.

10. If, as a result of voting, all vacancies are not filled, the rest of the candidates shall be put to vote again. If the vacancy is not yet filled, the President of Georgia, within 3 days, shall submit to the Parliament of Georgia 2 candidates for each unfilled vacancy from other candidates participating in the competition. If the vacancy is still not filled, no later than within 3 days, a competition is announced for the rest of the vacancies and the nomination procedure starts over.

11. The same candidate can be nominated only twice.

12. Following an early termination of the term of office of a CEC member elected by the Parliament of Georgia, with the purpose of the election of his/her substitute, during the nearest session week of the Parliament of Georgia the President of Georgia shall once again submit to the Parliament of Georgia those candidates receiving not less than a majority of votes of the members of the Parliament of Georgia, or announce the competition within 3 days. The same rule shall apply in case of absence of such candidate.

13. The ordinance of the Parliament of Georgia on the election of the CEC member shall be submitted to the CEC within 7 days of its adoption.

### **Article 13. Procedure for appointment and termination of the term of office of CEC members appointed by parties**

1. 7 members of the CEC shall be appointed by the parties, according to the procedures provided for by this Article.

2. Each member of the CEC shall be appointed by those political unions receiving funds from the state budget, according to the Organic Law of Georgia on Political Unions of Citizens.

3. If the number of the parties stipulated by paragraph 2 of this Article is more than 7, members are appointed by the 7 parties receiving the most funding. If some parties have equal funding, the advantage is given to the party having the best results in the elections. If parties that united in one election bloc receive an equal funding, advantage is given to the party which is ahead in the list of bloc members.

4. If the number of the parties stipulated by paragraph 2 of this Article is less than 7, it shall be filled to 7 by the parties having the best following results (based on the decreasing set of numbers of the received votes), that participated in the elections independently or were united in an election bloc and were on the top of the list of the bloc members (if the party named first refuses to appoint a commission member, this right shall be conferred to the second party, etc.), provided that they received more than 3% of votes at the elections. If, after these procedures, the number of parties authorized to appoint commission members is not filled to 7, all parties referred to in this paragraph, based on their results, shall have a right to appoint one more member of the commission in order to fill the number of the aforementioned members to 7.

5. In the case of a termination of funding from the state budget to a party, or in the case that another party receives more funding, the authority of the commission member appointed by that party shall be terminated and the number of members shall be filled to 7 by the representative of the party (parties) receiving more funding. If there is no such party, or if that party (parties) refuses to appoint a member, the procedure determined by paragraph 6 of this Article shall apply.

6. A party shall have the right to withdraw the CEC member appointed by it. Withdrawal shall be prohibited from the day of calling of the election until the sum up of its final results. The party shall be entitled to appoint a new CEC member within the aforementioned period only in case of dismissal or death of the appointed member.

### **Article 14. Powers of the CEC**

1. The CEC shall:

a) ensure, within its authority, the conduct of elections, referendum and plebiscite, oversee the process of implementation of the election legislation throughout the whole territory of Georgia and secure its uniform application;

b) by a decree, adopt the election administration regulation;

c) in exceptional cases, if it is unfeasible to meet certain requirements/terms established by this Law, be authorized to define the electoral events and terms of upcoming elections/polling. In addition, where necessary, in accordance with this Law, submit to the President of Georgia a proposal on setting a new election date;

d) determine, by an ordinance, terms and rules for notification of inmates, possessing the right to vote, placed in prison/penitentiary institution;

- e) by an ordinance, set up election districts and specify their boundaries;
- f) if necessary for resolution of issues provided by this Law, be authorized, by an ordinance adopted by at least two-third of an absolute majority, to set up a special group, define its authority and term of its activity;
- g) if the lower election commission does not or cannot perform the duties assigned by the legislation of Georgia, be authorized, by an ordinance adopted by at least two-thirds of an absolute majority, to terminate the authority of that commission and form an interim group, responsible for carrying out that commission's duties until the resumption of a new commission;
- h) by an ordinance and in accordance with the terms prescribed by this Law, determine a schedule for electoral events;
- i) by an ordinance, call extraordinary, re-run and by-elections, repeat voting and second round of the elections;
- j) by its own initiative or on the basis of an application/complaint, in accordance with the procedures for examining election disputes defined by the present Law, check the legitimacy of the decisions and acts of the election commissions, their officials and, in the event of violation, invalidate or revise them by an ordinance; by an ordinance, make a decision on opening the parcels received from the respective PEC and on recounting of ballot papers/ lists of voters. In case of recounting ballot papers, the CEC shall notify all contestants and observer organizations, whose representatives attend the counting process at the election precinct, and based on their will, ensure the presence of their representatives during the recounting process;
- k) derived from the summary protocol of polling results of district and precinct election commissions, considering the final decision of the court on the breach of election legislation of Georgia, ascertain the results of the elections, referendum/plebiscite of the Parliament of Georgia (by party list), the President of Georgia, Tbilisi Sakrebulo, Mayor of Tbilisi, based on which the CEC summary protocol of the election results is drawn up;
- l) by an ordinance, grant election/referendum/plebiscite observer status to a non-entrepreneurial (non-commercial) legal entities determined in this Law, as well as to international organizations, organizations registered in another country, and group of representatives of government agencies of other states;
- m) by an ordinance, determine the rules for distribution and utilization of state funds allocated for conducting elections, referendum and plebiscite;
- n) establish, by an ordinance, the form of election/referendum/plebiscite ballot papers; text of the ballot papers for the elections and referendum/plebiscite of the Parliament of Georgia, the President of Georgia, Mayor of Tbilisi and Tbilisi Sakrebulo; forms of election boxes, election envelopes and election commission stamps, forms of election documentation not determined by this Law, but essential for organizing the elections;
- o) be accountable before the Parliament of Georgia and submit to it a report within 60 days after the sum up of the results of each election;
- p) ensure an electronic processing of polling/election results received from DEC's and the immediate publishing of the results on the CEC web page; and, in case of adoption of the decision referred to in subparagraph "j" of this paragraph, the publication of that decision on the CEC web page;
- q) manage the activities of DEC's, hear their reports on a regular basis;
- r) ensure publication and distribution of information materials;

s) by an ordinance, adopt an instruction for certification of election administration official and competition regulation for selection of the CEC Secretariat Staff and PEC members;

t) ensure monitoring of trainings conducted by the legal entity of public law - Center for Electoral Systems Development, Reforms and Trainings;

u) consider election-related applications and complaints in accordance with the procedures determined by this Law, and make appropriate decisions within the scope of its competence;

v) be responsible for structuring a general list of voters, its electronic processing and the publication on the CEC web page of the part designated as public information (last name, first name, date of birth, address according to personal identification card of the citizen of Georgia, as for Internally Displaced Persons (IDPs) from the occupied territories of Georgia - an actual address is also required, as well as the date of registration of the voter in the general list of voters). A general list of voters of those precincts designated for ethnic minorities shall be published on the CEC web page during the elections in the language comprehensible to them;

w) by an ordinance, determine additional rules for drawing up a general list of voters and polling procedures;

x) by an ordinance, approve a staff timetable and estimated costs based on submission of the chairperson;

y) by an ordinance, approve the rules and terms for special training of PEC members;

z) by an ordinance, define the form of the report on costs related to DEC elections/referendum;

z<sup>1</sup>) manage a database of election commission members whose breach of the Georgian election legislation was confirmed by the court; who were dismissed from an election administration post by the election commission or the court for violating Georgian election legislation; and whom a disciplinary liability measure has been applied for non-performance or improper performance of official duties;

z<sup>2</sup>) by an ordinance, approve the regulation of the legal entity of public law - Center for Electoral Systems Development, Reforms and Trainings;

z<sup>3</sup>) by an ordinance, adopt a Code of Ethics of the election administration official;

z<sup>4</sup>) by an ordinance, approve the next year budget request of the election administration of Georgia;

z<sup>5</sup>) by an ordinance, approve strategic and annual plans of action of the election administration of Georgia;

z<sup>6</sup>) define, by an ordinance, the rules and terms of the conduct of elections in Georgian armed units located abroad;

z<sup>7</sup>) by an ordinance, determine a minimum number of signatures of supporters for candidates nominated by the voters' initiative group;

z<sup>8</sup>) exercise other authorities granted under this Law.

2. All CEC ordinances shall be published in the "Legislative Herald of Georgia (Saqartvelos Sakanonmdeblo Matsne)" and may also be made available through media. CEC ordinance relating to issues provided by subparagraphs "f-l" of paragraph 1 of this Article shall be published within 3 days of their adoption.

3. The CEC is authorized to adopt an ordinance on issues within the CEC competence, related to the election and other procedures, which have not been envisaged by the present Law and other legislative acts.

## **Article 15. Authority of the chairperson, deputy chairperson and secretary of the CEC**

1. The CEC chairperson is the senior official of the election administration of Georgia.
2. The CEC chairperson shall:
  - a) fulfill the administrative functions in the CEC;
  - b) chair the CEC sessions;
  - c) administer the CEC funds;
  - d) pursuant to the procedures stipulated by this Law, register the parties and election blocs participating in the elections, as well as initiative groups of voters (for the election of the President of Georgia), and their representatives with the CEC;
  - e) register the candidates of the President of Georgia, party lists and candidates of the Mayor of Tbilisi;
  - f) issue relevant certificates to the parties and election blocs running in the elections, representatives of the initiative groups of voters (for the election of the President of Georgia);
  - g) issue relevant certificates to the candidates of the President of Georgia and candidates of the Mayor of Tbilisi;
  - h) issue relevant certificates to the elected President of Georgia, members of the Parliament of Georgia, the Mayor of Tbilisi, members of Tbilisi Sakrebulo; in case of early termination of office of a member of the Parliament of Georgia or Tbilisi Sakrebulo - to their successors;
  - i) submit to the interim mandate commission of the newly elected Parliament of Georgia, and following the establishment of the relevant standing committee - to such committee, the documentation necessary for verifying the authority of persons elected as the members of parliament;
  - j) exercise other powers conferred thereto under the election legislation of Georgia;
  - k) except for issues prescribed by the CEC law, based on the order of the CEC chairperson, entrust the head of the CEC structural unit with administrative and financial duties for a particular period;
  - l) task the deputy chairperson, commission secretary, other members of the commission and employees of the secretariat in accordance with the regulations of the election administration;
3. The CEC deputy chairperson shall:
  - a) perform duties assigned to the CEC chairperson, if the CEC does not have a chairperson or the latter is unable to perform his/her duties;
  - b) by an ordinance of the CEC chairperson and with the CEC consent, exercise certain powers of the CEC chairperson (the ordinance shall clearly set the scopes and term of authority so assigned).
4. The CEC secretary shall:
  - a) distribute the election documentation and all correspondence submitted and addressed to the CEC;
  - b) register the representatives of the party/election bloc independently participating in the elections for the Parliament of Georgia and Local Self-Government, as well as a party and the initiative group of voters nominating the candidates of the President of Georgia (for presidential elections of Georgia) in the DEC's and issue relevant certificates thereto;
  - c) register observers, appointed by the CEC, of a non-entrepreneurial (noncommercial) legal entity/international organization, carrying a status of the elections/referendum/plebiscite observer, observers sent by state bodies of another state and issue observer's certificates to them;
  - d) by an ordinance, accredit the representatives of media and issue accreditation cards to them;

- e) draft the summary protocols of polling results;
- f) exercise other powers and authorities granted under the election legislation of Georgia.

#### **Article 16. The CEC Secretariat**

1. The CEC Secretariat shall ensure organization, legal and technical support of the elections and referendum.

2. The Secretariat structure, rules of its activities and authority shall be determined by the CEC regulation.

3. The election administration official (except for the commission members appointed by the party in accordance with the procedures established by this Law) shall have limited involvement in party activities.

4. The Secretariat shall not employ a person who does not hold a certificate of election administration official issued by the CEC, except for assisting and technical staff, as well as the office full-time employees, whose activities are not directly linked with the election procedures. The list of such offices and the list of officials provided by a staff timetable shall be determined by the CEC ordinance.

#### **Article 17. Legal entity of public law - Center for Electoral Systems Development, Reforms and Trainings**

1. Powers of the legal entity of public law - Center for Electoral Systems Development, Reforms and Trainings (hereinafter – “Training Center”) shall be established in accordance with the Election Code. Its authority shall be defined by the legislation of Georgia and the Training Center regulation.

2. The CEC shall exercise state control over the Training Center.

3. The following are the functions of the Training Center:

- a) support of election reforms;
- b) elaboration, within its authority, of proposals and recommendations for improvement of electoral systems;
- c) training and professional development of the election administration personnel and other interested individuals by means of close cooperation with local and international organizations;
- d) exercise functions of the fund as prescribed by Article 30<sup>1</sup> of the Organic Law of Georgia on Political Unions of Citizens;
- e) certification of election administration officials in compliance with the rules of the CEC ordinance;
- f) within its competence, conduct of the election monitoring.

4. The head of the Training Center shall be appointed and dismissed by the CEC chairperson with the CEC consent. The CEC consent shall be expressed by the CEC ordinance.

#### **Article 18. Election districts**

Election districts, their boundaries, titles and numbers shall be determined by the CEC in accordance with this Law.

#### **Article 19. Establishment of the DEC**

1. The DEC constitutes a permanent territorial body of the election administration of Georgia. DEC's are set up by a majority vote of the total number of the CEC. The DEC holds an official seal, stamp, separate balance sheet, settlement and banking account. The DEC head and an accountant



shall be responsible for DEC expenditures determined by the CEC. The DEC is authorized to spend funds allocated for elections from any account opened in any commercial bank and/or its branch.

2. The CEC is authorized to set up, by an ordinance, at least one DEC in each self-governing unit, and 10 DEC in Tbilisi.

3. The DEC chairperson/member shall be elected for the term of 5 years, whereas the tenure of a DEC member elected by the CEC following calling of the election, in accordance with paragraph 5 of this Article, shall be determined from the moment of their appointment until the announcement of final results of the corresponding elections.

4. 5 members of the DEC shall be elected for 5 year term by a majority vote of total number of the CEC.

5. Following calling of the election, 7 members of the DEC are appointed by parties provided by Article 13 of this Law and 1 member is appointed by a majority vote of total number of CEC members for a period until the announcement of final results of the respective elections.

6. Decision of a party on the appointment of DEC members shall be submitted to the CEC within 7 calendar days after calling of elections. If the authorized parties fail to appoint DEC members within the deadline established by this paragraph, the CEC is authorized to fill the number of DEC members to 13 on the following day after expiration of the deadline, in accordance with the procedures prescribed by this Law.

7. The DEC head officials shall be elected by the DEC among its members by a majority vote of its total number.

8. The DEC shall not be placed in the same building as the offices of the state authorized representative – Governor's administration, self-government body - Sakrebulo and municipality, Office of political party (parties), as well as the court and police service.

9. The DEC shall be authorized to hire assisting and technical personnel (except for an accountant) within the quantity set by the CEC ordinance, from calling of the elections until its completion.

10. The DEC shall be authorized to hire an accountant within the quantity defined by paragraph 9 of this Article, until the completion of procedures provided by paragraph 5 of Article 53 of the present Law.

### **Article 20. Rule of appointment/election of members/head officials of the DEC**

1. The DEC shall consist of 13 members appointed/elected by the subjects defined by this Law in accordance with the procedures and terms defined by this Law.

2. If relevant vacancy becomes available, the DEC shall elect DEC head officials at the first session from commission members, with the membership authority term, by a majority vote of the total number of members, by a roll-call.

3. Not less than 2 members of the commission shall be entitled to nominate the candidates of the DEC chairperson, deputy chairperson and a secretary.

4. The same candidate may be nominated only twice.

5. If, within the established term, the commission fails to elect the commission head official, the member of the commission with the highest vote in the election commission shall fulfill the duties of the above-mentioned official before his/her election; and in case of equal votes – the person shall be elected by casting lots.

6. No later than 60 days before the expiration of the terms of office of the DEC member or no later than 3 days after the early termination of his/her authority, the CEC shall issue an ordinance on the conduct of the competition.

7. The CEC shall elect a member of the DEC no earlier than within 20 and no later than within 10 days of the expiration of tenure of the DEC member. The DEC head officials shall be elected within the same timeframe.

8. In case of early termination of the terms of office of a DEC member elected by the CEC, his/her substitute shall be elected by the CEC within 15 days (after setting the Elections Day - within 7 days). The same rule shall apply in case of early termination of the authority of the DEC head officials.

9. Authority of 1 member in the DEC, appointed by the CEC in accordance with the procedure prescribed by paragraph 5 of Article 19 and the authority of commission members appointed by parties envisaged in Article 13 shall cease immediately after the final results of elections are announced.

10. Candidates for DEC membership shall be selected based on an open competition rule.

11. Candidates for DEC membership shall be a nonpartisan, with higher education, being fluent in official Georgian language and holding a certificate of an election administration official.

12. A capable Georgian citizen having attained 21 years, who meets the requirements of this Law, may participate in the competition. Deadlines for submission of competition documentation are the following:

a) after the expiration of the term of authority - within 14 days after the announcement of the competition;

b) in case of early termination of office - within 10 days after the announcement of the competition, and if the elections are called - within 2 days after the announcement of the competition.

13. The competition application shall indicate: the first and the last name of a candidate, education (higher education), occupation, scientific degree (if any), address (according to personal identification card (registration certificate) of a citizen of Georgia), place of work and occupied position, contact address and telephone number (if any), number and name of the election district, in which he/she desires to become a DEC member; the application shall be signed by the candidate and shall be enclosed with:

a) two photos of the candidate;

b) a copy of a personal identification card (registration certificate) of a citizen of Georgia;

c) a copy of a document certifying candidate's higher education (scientific degree – if any);

d) a copy of a certificate of the election administration official;

e) employment record and a description of an election related experience of a candidate (if any).

14. If the submitted documentation is inconsistent with the requirements defined by this Article, the CEC chairperson shall notify the candidate thereof (with an indication of the discrepancy) within 2 days. Corrected documents should be returned back to the CEC within 2 days, but no later than the registration deadline.

15. The CEC shall issue the list of candidates following the expiration of the document submission term.

16. The CEC elects the DEC members by a roll-call vote. Each candidate is voted upon separately. A person supported by a majority vote of the total number of CEC members shall be considered elected. If the number of such persons is more than the number of those to be elected,

then the candidates with the best results among them will be deemed elected; if the winner cannot be determined due to the equal number of votes received by some candidates, these candidates shall be put on vote immediately in order to reveal the winner. If the winner is still not revealed, he/she shall be determined by casting lots. If all the vacancies are not filled as a result of voting, the rest of the candidates are put on vote again. If all the vacancies are not yet filled, the competition on the rest of the vacancies shall be announced once more.

17. The following subjects may not be elected/appointed as a member of the DEC:

- a) a person, who has not been granted the certificate of election administration official;
- b) an individual dismissed from the position at the election administration by the election commission or a court for violation of the election legislation of Georgia;
- c) an individual, whose violation of the election legislation has been approved by the court;
- d) a person, who has been convicted of a crime (except for the case, when a fine was imposed as a sanction), and his/her previous convictions has not been expunged;
- e) election subject/candidate and his/her proxy;
- f) observer.

18. In case an individual is elected/appointed as a DEC member, he/she shall meet the requirements prescribed by this Law regarding the restriction of activities and work discrepancy, within 7 days.

## **Article 21. Authority of DEC**

DECs shall:

- a) ensure, within its authority, the conduct of elections, referendum and plebiscite, oversee the process of implementation of the election legislation throughout the whole territory of Georgia and secure its uniform application;
- b) by an ordinance, establish and specify the boundaries of polling stations;
- c) if the lower PEC is unable or fails to perform the duties assigned to it under the legislation of Georgia, be authorized to request the CEC to suspend the authority of this commission by a majority decision of the total number of DEC members;
- d) by an ordinance, determine the text of ballot papers for the election of local self-government to be held in the election district;
- e) on the basis of an application/complaint (if such application/complaint is filed in consistent with the procedure and within the timeframe prescribed by the present Law) or at its own initiative, examine the lawfulness of the actions and decisions made by PECs on the Election Day, as well as by the appointed official (including the accuracy of the registration of election participants, counting of ballot papers, etc.), and if violations are detected, make appropriate decision (including changing of data of the PEC summary protocol of polling results in accordance with the examination outcome or annul the polling results in the polling station). If the violation results into the replacement of an elected individual in a single-mandate district or of any candidate participating in the run-off, or a replacement of an individual elected in a multi-mandate district (when holding elections for local self-government bodies), or change of a decision whether to deem the elections valid or not (by majoritarian election districts and for elections of local self-government bodies), and if such an examination is not sufficient for the DEC to establish the lawfulness of the results, the DEC shall make a decision to render the polling results in the relevant election precinct null and request the CEC to set the date for the repeat voting. In case of a DEC decision on recounting of votes, it shall

notify thereof all election subjects and observer organizations, representatives of which attended the ballot paper counting at a particular precinct and, if requested, ensure their attendance during the recounting process;

f) based on the summary protocol of polling results of PECs, and in consideration of the violations of the election legislation of Georgia, sum up election district voting results during elections/referendum/plebiscite, based on which a summary protocol of polling results of the DEC shall be drawn up;

g) based on the summary protocol of polling results of PECs, and considering the district/city court decision on violations of the election legislation of Georgia, establish the results of the majoritarian system elections at the majoritarian election district during the elections of the Parliament of Georgia and at the election district during local self-government elections (except for Tbilisi Sakrebulo elections), on which a summary protocol of polling results of the DEC shall be drafted;

h) by an ordinance, grant the status of a domestic observer of elections/ referendum/plebiscite to the local non-entrepreneurial (non-commercial) legal entity envisaged by this Law;

i) ensure the conduct of extraordinary elections, re-run elections, repeat voting, run-off elections;

j) ensure the release and publication of information materials related to the elections;

k) examine election-related applications and complaints and make relevant decisions within its authority;

l) facilitate the compiling of the list of voters in accordance with procedures established by this Law and ensure publicity and accessibility thereof;

m) ensure holding of workshops and training courses for the purpose of enhancing the qualification of PEC members;

n) exercise other powers provided by this Law.

## **Article 22. Powers of the chairperson, deputy chairperson and secretary of DEC**

1. The DEC Chairperson shall:

a) perform full administrative functions at the DEC;

b) chair DEC sessions;

c) administer DEC funds;

d) task the deputy chairperson, secretary, other DEC members and assisting and technical employees in accordance with the regulation of the election administration;

e) register initiative groups of voters, also majoritarian candidates nominated at the DEC by a party/election bloc/initiative group of voters, and party lists for local self-government elections (except for Tbilisi Sakrebulo elections);

f) issue relevant certificates to candidates nominated by party/election bloc/initiative group of voters;

g) issue relevant certificates to elected members of Sakrebulo (except for Tbilisi Sakrebulo members) and, in case of termination of his/her authority prior to the expiration of his/her term of authority - to his/her successors;

h) submit to the CEC relevant documentation necessary for verifying the authority of persons elected as members of Sakrebulo and any other election documentation defined by the election legislation of Georgia;

i) exercise other powers and authorities provided by the election legislation of Georgia.

2. The DEC deputy chairperson shall:
  - a) perform the duties of the DEC chairperson, if the DEC does not have a chairperson or the latter is unable to perform his/her duties;
  - b) exercise certain authorities granted by an ordinance of the DEC chairperson (the ordinance shall clearly specify the scope and term of authority assigned).
3. The DEC secretary shall:
  - a) distribute election documentation and all correspondence submitted and addressed to the DEC;
  - b) register the representatives of any party/election bloc/initiative group of voters independently participating in the elections in PECs and issue appropriate certificates to them;
  - c) register observers to the district and precinct election commissions appointed by the non-entrepreneurial (non-commercial) legal entities holding an election/referendum observer status and issue observer certificates to them;
  - d) based on the ordinance, accredit media representatives and issue accreditation cards to them;
  - e) draft minutes of the election commission sessions, including the summary protocols of polling results;
  - f) exercise other authority assigned by the election legislation of Georgia.

### **Article 23. Election precincts**

1. For the conduct of polling and counting of votes, the election district is divided into election precincts.
2. Election precinct shall be set up for not less than 20 and no more than 1,500 voters. The relevant DEC shall define the boundaries and numbers of the election precincts no later than July 1 of the election year and within 2 days publishes the relevant information specifying the boundaries of the election precincts. Based on the data of the local self-government bodies, the DEC shall define and specify the list and addresses of the residential buildings within the area of the election precinct, as well as the list and addresses of all facilities, which may be used for election purposes by the election administration. If pre-term elections of the Parliament of Georgia are called, the election precincts are set up no later than 40 days prior to the Election Day.
3. Information on the boundaries of the election precinct specifying the addresses of all residential buildings (if any) shall be posted at the DEC building.
4. In exceptional cases (a military unit with more than 50 voters, military servicemen, officer, a person with a special rank of the Georgian Ministry of Defense, hospital and other in-patient institution with more than 50 voters, etc.), the election precinct may be set up no later than 15 days prior to the polling. A hospital (in-patient treatment institution), or a military unit (command) with no more than 50 voters (patients, military servants), shall, under the DEC ordinance, be assigned to the nearest election precinct. At the substantiated written request of the commander of the relevant military unit and by the DEC ordinance, an polling station may be set up in the military unit (command) with the number of voters not to exceed 50 (servicemen).
5. The relevant DEC shall specify the boundaries as well as the list of buildings and addresses located within the area of the election precinct no later than 50 days prior to the Election Day based on the data and inspection provided by the municipality, self-governing city, and local district

self-governing bodies of the city. The specified boundaries of the polling station shall be published immediately.

6. Election precincts in military units shall be set up in accordance with the rules and procedures defined by this law, based on the location of the military unit.

7. The election precincts abroad shall be set up by the CEC based on the data provided by the Ministry of Foreign Affairs, no later than 30 days prior to the Election Day. These polling stations are separate election districts and their results shall be summarized by the CEC.

8. No later than 5 days after setting up the election precinct and within 2 days in cases stipulated by paragraph 4 of this Article, the DEC shall release and publish numbers of elections precincts, addresses, telephone (fax) numbers and other information on PECs in press and through media.

#### **Article 24. Creation of PEC**

1. PECs shall be composed of 13 members, appointed/elected by the subjects defined by this Law in accordance with terms and procedures define by the same Law.

2. 6 members of the PEC shall be elected by a majority of the total number of the respective DEC.

3. 6 members of the PEC established in another country are elected by a majority of the total number of CEC members.

4. 7 members of the PEC are appointed under the rule defined by Article 13 of the present Law by the subjects defined by the same Law.

5. The following subjects shall not become members of the PEC:

a) a person dismissed from his/her position at the election administration of Georgia by the election commission or a court for the breach of the election legislation of Georgia;

b) an individual, whose violation of the election legislation has been confirmed by the court;

c) an individual who has been convicted of a crime and his/her previous convictions has not been expunged;

d) a member of the Parliament of Georgia, head of administration of Parliament;

e) ministers and deputy ministers of Georgia and Autonomous Republic;

f) heads of departments and divisions of the ministries;

g) heads of local self-government representative and executive bodies – head of Sakrebulo, Gamgebeli (head of the local municipality), Mayor and their deputies;

h) military personnel serving under the Ministry of Internal Affairs of Georgia, Ministry of Defense and Ministry of Corrections, and Legal Assistance of Georgia; officials of Intelligence Service, Special State Protection Service and Investigation Department of the Ministry of Finance;

i) judges and their assistants;

j) employees of the Prosecutor's Office;

k) election subject/candidate and its proxy;

l) observer.

6. A public official may be appointed as a member of the PEC, except for individuals identified in paragraph 5 (“d”-“j”) of this Article, and the requirements prescribed by the Law of Georgia on Public Service with regard to work inconsistency shall not apply to them. In the course of exercising authority as a PEC member, the power of a public official shall be temporarily terminated at the permanent place of work, and personal leave days shall be used for this purpose.

**Article 25. Election/appointment of PEC members and its head officials**

1. After relevant vacancy becomes available, during the first session of the commission, the PEC shall elect the PEC chairperson and the deputy chairperson from the commission members, with the membership authority term, by a majority vote of the total number of members, by a roll-call. Not less than 2 members of the commission shall be authorized to nominate a candidate.

2. If within the established term, the chairperson and deputy chairperson of the PEC are not elected, prior to their election, duties of the above officials shall be fulfilled by the election commission member with the highest votes; and in case of equal votes - the official shall be elected by casting lots.

3. Same candidate may be nominated only twice.

4. The DEC shall elect 6 members of the PEC no earlier than the on the 50<sup>th</sup> day before and no later than on the 46<sup>th</sup> day of the Election Day, except for the extraordinary elections of the President of Georgia; In such case, the DEC shall elect 6 members of the PEC no earlier than on the 38<sup>th</sup> day and no later than on the 36<sup>th</sup> day prior to the Election Day. Members of the PEC established in exceptional circumstances shall be elected no earlier than on the 10<sup>th</sup> day and no later than on the 9<sup>th</sup> day before the Election Day.

5. The CEC shall elect 6 members of the PEC outside of the country no earlier than on the 24<sup>th</sup> day and no later than on the 20<sup>th</sup> day before the Election Day.

6. Decision of the party, authorized under paragraph 4 of Article 24 of this Law, concerning the appointment of a PEC member shall be submitted to the DEC no earlier than on the 50<sup>th</sup> day and no later than on the 46<sup>th</sup> day before that Election Day, except for pre-term presidential elections; In such a case, the decision of an authorized party regarding the appointment of the PEC member shall be submitted to the DEC no earlier than on the 14<sup>th</sup> and no later than on the 9<sup>th</sup> day before the Election Day, and with regards to the commission operating outside the country - shall be submitted to the CEC after the establishment of the PEC, no later than on the 20<sup>th</sup> day before the Election Day.

7. The list of PEC members shall be published by the DEC no later than on the 29<sup>th</sup> day before the Election Day, while the list of commissions established in exceptional circumstances - no later than on the 5<sup>th</sup> day before the Election Day; and the list of the commission operating outside the country shall be made public by the CEC no later than on the 10<sup>th</sup> day prior to the Election Day.

8. If by the 30<sup>th</sup> day before the Election Day, for commissions established in exceptional occasions - by 8<sup>th</sup> day, and with regards to commission operating in another country - by 19<sup>th</sup> day before the Election Day, there are less members in the PEC than it is defined, the upper DEC shall be entitled to select commission members (in first two cases) and the CEC (in the third case) shall be authorized to select commission members within 3 days among the competition candidates or by announcing another competition. Rules, conditions and terms of the competition for PEC membership candidates are defined by the CEC ordinance.

9. The decision of an authorized party on withdrawal of a PEC member or appointment of his/her legal successor shall be submitted to the PEC and upper DEC, and for a commission operating in another country - the decision shall be submitted to the CEC.

10. If a party, authorized to appoint legal successor of a commission member, has not exercised this right after the early termination of powers of a commission member, also, if authority of a commission member elected by the DEC or CEC is terminated earlier and due to this, there are fewer members in the commission than defined, the DEC or CEC is authorized to appoint a new candidate within 5 days after the expiration of the new candidate nomination deadline.

11. Members of the PEC shall be elected by the DEC and CEC by casting lots. Each candidate shall be voted upon separately. The elected candidate shall be the individual with a majority of the votes of the total number of the Commission. If the number of elected candidates exceeds the number of available vacancies, candidates with best results shall be elected. If the winner is not identified due to equal votes obtained by candidates, these candidates shall be immediately voted upon again to reveal the winner. If the winner cannot yet be determined, it shall be identified by casting lots. If after casting lots all vacancies are not still filled, decision shall be made by the CEC.

12. The decision about election/appointment of a PEC member shall specify the name and last name of the elected/appointed member, as well as the number of the PEC, in which this candidate has been elected/appointed as a member. Party decision on the appointment of a member shall include the following information about the elected commission member: contact address, phone number and personal identification card (registration certificate) of the citizen of Georgia.

13. Candidate shall not be considered a member of the commission, if deadlines for submission of appropriate documentation defined in this Article are not met or insufficient or inaccurate application is submitted, and if application deficiency is not corrected by the deadline defined in this paragraph. If submitted documentation does not meet the requirement envisaged by this Article, the chairperson of DEC or CEC shall inform within 2 days thereof (specifying discrepancy) the individual who elected/appointed the member of the commission. Corrected documents shall be re-submitted to the relevant DEC or the CEC within 3 days.

14. The term of authority of a member of the PEC starts at the first session of the PEC and ends by the time of drafting of the summery protocol of polling results in the relevant DEC.

15. The secretary of the PEC shall be elected from members appointed by parties (except for the party-appointed member with best results in previous parliamentary elections).

16. Not less than 2 members of the Commission defined by paragraph 15 of this Article shall be authorized to nominate a candidate for secretary of the PEC.

17. Members of the commission defined by paragraph 15 of this Article shall elect the secretary of the PEC with a term of membership authority, by a majority of the attending members of the commission and by a roll-call. Election of the secretary of the PEC shall be documented by ordinance issued by the commission. If the commission fails to deliver a decision, the secretary of the PEC shall be elected from the commission members by a majority of the total number of the commission.

18. If decision is not made in accordance with paragraph 17 of this Article, duties and responsibilities of the PEC secretary before his/her election shall be fulfilled by a commission member having gained most votes at the PEC voting, and in case of equal votes, the winner shall be identified by casting lots.

19. If no candidate for secretary of the PEC is nominated as defined by this Article, secretary of the PEC shall be elected from the members of commission by a majority of the total number of the commission; any two members of the commission are authorized to nominate a candidate.

20. The powers of a PEC member are terminated with the election of the substitute commission member.

21. The first session of the PEC shall be held no later than on the 34<sup>th</sup> day before the general Elections Day. In special cases and in polling stations operating outside of the country, the first session of the PEC shall be held no later the on the 3<sup>rd</sup> day after setting up of the commission. The first session of the PEC shall be called by the chairperson of the DEC. As an exception, first session of the commission operating in another country is convened by the CEC chairperson.



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### **Article 26. Powers of PECs**

1. The PEC is an interim territorial body of the election administration of Georgia, which is composed of subjects defined by Article 24 of this Law, officials appointed/elected by the CEC and the higher DEC.

2. The PEC shall:

a) within its authority, ensure conduct of elections, referendum and plebiscite, compliance with the election legislation of Georgia, compliance with election procedures during the polling defined by the election legislation of Georgia, application and compliance with rights of voters, representatives and observers guaranteed by the Constitution of Georgia and this Law;

b) verify the accuracy of the list of voters, review appeals related to the lists of voters and in case of identifying errors and inaccuracies, no later than the following day, request the upper DEC to make changes to the lists;

c) based on the applications and complaints of voters draw up a list of mobile ballot box;

d) identify polling results and draft the PEC summary protocol of polling results thereon;

e) be authorized to apply to the DEC with a request to declare the polling results invalid by the decision of a majority of the total number of its composition;

f) distribute voting invitation cards among voters;

g) be responsible for posting the information defined by the election legislation of Georgia in the polling station, for properly organizing the venue in which polling and ballot counting will be conducted; ensure keeping of order at the precinct;

h) on the polling day, review applications and complaints related to the electoral process and polling preparation process and, within its powers, make relevant decisions;

i) guarantee the right to suffrage for voters on the polling day and assume full responsibility for unconditional protection of these rights;

j) be entitled to annul decisions made by the chairperson of the PEC regarding temporary closure of the polling place, cease of the polling process, reopening of the polling place and continuation of polling following its closure;

k) perform other authorities defined by election legislation of Georgia.

3. Every ordinance issued by the PEC and its chairperson shall be posted at the polling station on the following day.

### **Article 27. Powers and authorities of the chairperson, deputy chairperson and secretary of a PEC**

1. The chairperson of a PEC shall:

a) exercise full administrative functions in the PEC;

b) chair PEC sessions;

c) receive and distribute election documentation and all correspondence submitted and addressed to the PEC;

d) assume personal responsibility for saving and purposeful distribution of ballot papers, special envelopes, commission stamps, summary protocols and other election documentation;

e) task deputy chairperson, secretary and other members of commission in accordance with the election administration regulation;

f) on the polling day, organize the distribution of functions among the commission members by casting lots.

g) be responsible for keeping order at the polling place and on the adjacent territories on the Election Day;

h) be responsible not to allow persons authorized to be present at the polling place at the polling place without wearing appropriate badges;

i) submit to the upper DEC all election documentation after summarizing of polling results;

j) perform other powers and authorities provided by the election legislation of Georgia.

2. The deputy chairperson of the PEC shall:

a) perform duties of the PEC chairperson if the commission does not have a chairperson or he/she is unable to fulfill his/her duties;

b) by the ordinance of the PEC chairperson, fulfill some of his/her responsibilities (the ordinance should specify the scope and terms of the granted powers).

3. The secretary of the PEC shall:

a) elaborate draft ordinances of the PEC;

b) be responsible for the release of public information;

c) draft PEC session minutes, including summary protocols of polling results;

d) exercise other powers and authorities provided by this Law.

4. If members of the PEC fail to fulfill the requirements prescribed by this Law, disciplinary liabilities shall apply to them in accordance with paragraph 1 and 2 of Article 28 of this Law.

### **Article 28. Disciplinary liability measures of a PEC member**

1. The following shall be considered disciplinary offences for PEC members:

a) non-performance or improper performance of official duties;

b) causing or creating threat to cause property damage to the election administration of Georgia;

c) absence at work with no proper excuse;

d) 3 times consecutive absence at the PEC session with no proper excuse;

e) serious breach of the electoral legislation of Georgia and the PEC regulation;

f) refusal on the mandatory signing of the polling and election summary protocols.

2. The upper DEC may apply the following disciplinary liability measures against the member of the PEC, committing disciplinary offence:

a) notice;

b) warning;

c) withhold salary/part of the salary;

d) early termination of authorities (except for members appointed by the parties).

3. For each disciplinary offence only one disciplinary liability measure applies.

4. For imposing disciplinary liability measures against a PEC member, the relevant DEC applies common administrative proceedings defined by the General Administrative Code of Georgia. Disciplinary liability measures imposed upon the PEC member shall be adequate to the seriousness of the disciplinary offence committed by the commission member.

### **Article 29. Early termination of office of the election commission member/head official**

1. The office of the CEC chairperson/member shall be terminated early by the decree of the Parliamentary of Georgia (except for members of the CEC appointed by parties defined in Article 13

of this Law and other cases provided by the present Law), and for members of the DEC or PEC - by upper election commission ordinance (except for cases defined by paragraph 6 of this Article and by Article 13 of this Law), if:

a) within 7 days after his/her election, a member of the election commission fails to cease activities and/or office, which is inconsistent with the commission member status;

b) a PEC member takes over a position inconsistent with the commission member status defined by this Law;

c) the fact of an activity and/or work inconsistent with the status of the election commission member has been revealed;

d) inaccuracy of the information indicated in the submitted application for membership competition was revealed - from the day of the disclosure of this fact;

e) if a member fails to fulfill duties and powers of the chairperson/member of the CEC or DEC for successive two months and has not attended 3 consecutive sessions of the CEC or DEC with no proper excuse;

f) if the member of the commission is proven guilty by the court ruling or, if the breach of the election legislation of Georgia by the election commission member has been approved by the court - in case of enforcement of the court ruling;

g) if the election member is withdrawn by the party that appointed him/her in accordance with procedures provided in this Law - in case of submission of the application on withdrawal of a candidate;

h) if the status of a member of the election commission as of a voter has been invalidated;

i) there has been a systematic or serious breach of the election legislation of Georgia, election administration regulation, or in related cases defined by the Georgian Law on Public Service.

2. In case of resignation of the election commission chairperson, deputy chairperson, commission secretary:

a) an application of resignation of the CEC chairperson shall be submitted to the Parliament of Georgia;

b) an application on resignation of the deputy chairperson and secretary of the commission shall be submitted to the CEC;

c) an application on resignation of chairperson, deputy chairperson, secretary of the district or precinct election commission shall be submitted to the relevant election commission.

3. Term of office of the CEC chairperson shall be terminated earlier based on the Decree issued by the Parliament of Georgia; the CEC deputy chairperson, secretary, as well as a chairperson, deputy chairperson and secretary of the district or precinct election commission - by the ordinance of the respective election commission.

4. In case of decease of the elected CEC member, the Parliament of Georgia shall take this fact as a note, which is reflected in the plenary session protocol of the Parliament of Georgia; In case of decease of the elected DEC member, the CEC shall take this information as a note and include in the CEC session protocol.

5. Dismissal of a chairperson, deputy chairperson and secretary of the election commission under the same grounds, as well as the request of early termination of office of an election commission member twice in 6 months shall be prohibited.

6. Early termination of office of members of the election commission appointed by parties in cases defined by paragraph 1 of this Article (except for cases defined by paragraph 1 ("g") of this Article and Article 13 of this Law) shall be undertaken by a court decision.

7. In case of existence of one of the reasons defined in the paragraph 1 of this Article, decisions on the resignation, early termination of term of office of a chairperson, deputy chairperson or secretary of the election commission shall be made and reviewed by the Parliament of Georgia within 15 days or within 5 days when decision is made by an authorized election commission. Decision shall be rendered by the same procedure as applied during the election process.

8. If the application on resignation and early termination of office is not approved within the term defined by this Article, chairperson, deputy chairperson or secretary shall be considered resigned, and the term of office of a member of the election commission shall be considered to be automatically terminated from the following day after the expiration of the above deadline.

9. Member of election commission shall not be withdrawn 15 days before the polling day.

### **Article 30. Legal acts of the Georgian election administration**

1. Legal acts of Georgian electoral administration shall be the following:

a) a CEC decree and ordinance, order and ordinance of the CEC chairperson, ordinance of the secretary of the CEC, CEC summary protocol of polling results;

b) an ordinance of the DEC, ordinance of the chairperson of the commission, ordinance of the commission secretary, DEC summary protocols of polling and election results;

c) an ordinance of the PEC, ordinance of the chairperson of the commission, PEC summary protocols of polling results.

2. A decree of the CEC is a sub-legislative normative act, which shall be adopted only in cases directly stipulated by law. Decree may also be adopted in exceptional cases, from the beginning until the end of elections, if necessity emerges to resolve issues not defined by law and required for conducting elections. Separate instructions describing electoral procedures may be adopted by a decree, which shall not contain different or new norm other than proscribed by the present Law, and also norms that may incorporate detailed description of procedures stipulated by this Law.

3. A CEC decree shall be considered to be adopted, if supported by at least two-thirds of the overall CEC members. The decree shall be signed by the chairperson and secretary of the respective CEC session. The decree of the CEC enters into force immediately after the publication in the "Legislative Herald of Georgia (Saqartvelos Sakanonmdablo Matsne)", unless later date is defined by this decree. The CEC decree shall not be issued later than 4 days before the polling day. Decree may be appealed from the moment of its adoption. The CEC decree shall be posted on the CEC website within 24 hours following its adoption.

4. Ordinances of the election commission, chairperson and secretary of the commission, summary protocols of polling results are individual administrative-legal acts adopted/issued in cases and within the framework defined by this Law and CEC decree. The Commission decree is signed by the chairperson of a respective session of the commission and the secretary of the commission; other decrees are signed by the issuing official. The summary protocols are signed by authorized officials defined by this law. The commission decree shall be considered to be adopted if there is no other quorum identified by this Law and if voted in favor by a majority of the attendees of the session, but not less than one-third of all members of the Commission.

5. Order of the CEC chairperson is an individual legal act issued with regard to internal, including human resources issues.

6. Implementation of decisions of the CEC, DEC and PEC and their member officials within their powers shall be mandatory respectively within the whole territory of Georgia, election district and election precinct.

## CHAPTER III. GENERAL LIST OF VOTERS

### Article 31. General list of voters and its composition procedure

1. General list of voters is a list of individuals practicing the right of suffrage and registered according to procedures defined by the Georgian legislation; list is divided by PECs.

2. General list of voters shall include the following data on a voter:

a) first name, last name;

b) date of birth (day, month, year);

c) address (as shown in the identification card of citizen of Georgia);

d) personal number of citizen of Georgia;

e) actual place of residence (temporary place of residence shall be indicated with respect to IDPs from the occupied territories of Georgia; in reference to voters leaving abroad, a note “on a consular registry” shall apply (except for local self-government representative body – Sakrebulo and elections of the Mayor of Tbilisi), but in case such a person is not a voter on a consular registry – a note “abroad” shall be indicated);

f) date of voter registration in the general list of voters.

3. Voters’ data shall be incorporated in the general list of voters according to the place of their registration. IDPs from the occupied regions of Georgia shall be incorporated in the general list of voters in accordance with their actual place of residence.

4. The CEC shall be responsible for composing the general list of voters, its electronic processing and posting the part of the list open for public (last name, first name, date of birth, address as shown in the personal identification card of a citizen of Georgia, for IDPs from the occupied territories of Georgia - place of actual residence is also required, date of registration of a voter in the general list of voters) online on the CEC web page.

5. The general list of voters shall be composed based on data:

a) of persons registered in the corresponding territory available in the territorial agencies of the Ministry of Justice of Georgia, including individuals having attained the age of 18 by the Election Day, also based on data concerning the deceased persons;

b) conveyed by the local self-government bodies concerning deceased individuals whose relatives have not referred to the territorial bodies of the Ministry of Justice of Georgia for obtaining the death certificate, also based on data regarding the streets and residential buildings, names/ numbers of which have been changed;

c) compiled on IDPs from the occupied territories of Georgia communicated by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodations and Refugees of Georgia or its territorial agencies;

d) conveyed by the Ministry of Defense of Georgia, Ministry of Justice of Georgia, Ministry of Corrections and Legal Assistance of Georgia, Ministry of Internal Affairs of Georgia, Georgian Intelligence Service and Special State Protection Service regarding both conscript and contract

servicemen of the Georgian armed forces and military units whose service conditions require them to be located in a place other than the address of registration, which belongs to a different election district;

e) provided by heads of the consular offices of Georgia concerning the voters being on a consular registry of Georgia (except for local self-government representative body – Sakrebulo and elections of the Mayor of Tbilisi);

f) provided by the Supreme Court concerning the persons, who have been declared incapable by the court;

g) provided by the Ministry of Corrections and Legal Assistance of Georgia on convicted individuals.

6. For the purposes of updating the general list of voters, agencies specified in sub-paragraphs “a”-“c” of this Article, shall submit updated or new information regarding individuals with voting rights to the CEC 4 times a year, within the terms defined by this paragraph – on February 1, May 1, July 15 and November 1 of each year, and agencies, listed in sub-paragraphs “f” and “g” of the same paragraph, shall submit information regarding individuals with no voting rights to the CEC 4 times a year within the terms defined by this paragraph. Based on the submitted data, the CEC shall update the electronic database of the general lists of voters.

7. A party or election bloc with electoral registration, observer organizations and voters defined by Article 39 of this Law are entitled to have access to the version of the lists of voters available in the CEC, DEC or PEC designated for public information (a voter is entitled to request all available data only on himself/herself and members of his/her family and to amend it) and in case of any discrepancy, to request amendments to the data on voters and the lists of voters no later than 16 days before the Election Day, and during non-election period - anytime. Obtaining access to the data and an issuance of the copy shall be defined by procedures prescribed by the legislation of Georgia concerning the accessibility of public information and its release.

8. During elections, the election administration inspects the lists of voters. The inspection results are reviewed and relevant decisions are made by the DEC within 2 calendar days after the submission of the application, but no later than 14 days before the Election Day. An ordinance issued by the Commission on rejecting the request for amending the data on voters/the lists of voters shall be substantiated and submitted to an applicant on the following day of its issuance immediately after receiving the request.

9. An ordinance issued by the DEC on making amendments to the data on voters/ the lists of voters shall be transmitted to the CEC and respective PEC within 2 days.

10. An ordinance issued by the DEC on the refusal to amend the voters' data/ the lists of voters can be appealed in the respective district/city court within 2 days. In case of upholding of a lawsuit by the court, the court judgment of the court shall be transmitted to the DEC within 2 days, but not later than on the 11<sup>th</sup> day before the Election Day; the DEC shall immediately submit appropriate information to the CEC and relevant PEC. The election commission shall immediately make relevant amendments to the voters' data/lists of voters.

11. The PEC shall be provided with a version of the general list of voters designated as public information signed by the DEC chairperson and its secretary, and no later than on the 2<sup>nd</sup> day before the Election Day – with the final version of inspected lists (versions designated for the election commission and for information available to public). Versions of lists of voters designated for public availability shall be posted in a visible place on the PEC premises.

12. The decision on the issue of registration of voters, having failed to register within the timeframe specified by the law, shall be made by the ordinance of the DEC in case of submission of an application and other relevant documentation (entry in a passport on crossing the state border, certificate from an in-patient medical establishment, discharge certificate from a penitentiary institution). The DEC shall review the application of a voter within 2 days of its submission, or immediately, if less than two days are left before the Election Day. The voter shall be notified about the negative decision immediately. If such a voter addresses the election administration with a request to participate in the elections on the Election Day, a voter shall be registered by the respective PEC and shall attach to the voting lists photocopies of relevant documentation.

13. Lists of voters shall not be amended within the last 10 days before the Election Day, except for cases provided by paragraph 12 of this Article, and amendments made within the 13<sup>th</sup> and 10<sup>th</sup> day before the Election Day shall be made only by a court ruling.

### **Article 32. Special list of Voters**

1. Special list of voters shall include:

a) election administration officials unable to participate in the elections on the polling day by their place of registration, due to their assignment to election commissions. These officials shall be added by the relevant DEC to the list of pre-defined election precinct no later than on the 5<sup>th</sup> day before polling;

b) voters undergoing treatment in a hospital or any other in-patient medical establishment and due to their health conditions not being discharged from hospital by the polling day. The list of these individuals shall be drawn up by the head of respective medical institution and submitted to the relevant DEC no later than on the 6<sup>th</sup> day before polling;

c) voters serving sentence in prisons on the polling day. The list of these individuals shall be drawn up by the head of the relevant penitentiary institution and submitted to the relevant DEC no later than on the 6<sup>th</sup> day before polling;

d) conscript and contract militarized forces and units of the Ministry of Defense and the Ministry of Internal Affairs of Georgia. The list of these individuals shall be drawn up by the commander of the relevant military unit and submitted to the respective DEC:

d.a.) no later than July 1 of the election year;

d.b.) in case of extraordinary elections, within 5 days of the announcement of elections;

d.c.) no later than on the 6<sup>th</sup> day before polling, in consideration of results of drafting to the mandatory military service;

e) voters being abroad and on a Georgian consular registry on the polling day, also voters not on a consular registry but having gone through election registration in a PEC formed abroad or in a consular office no later than on the 21<sup>st</sup> day before the Election Day. The list is drawn up by the head of the relevant consular office and is submitted to the DEC no later than on the 20<sup>th</sup> day before polling. During presidential and parliamentary elections no later than on the 21<sup>st</sup> day between the day of calling of the election and the Election Day, the voter shall be exempted from a consular fee charged for registration in the consular office;

f) individuals envisaged in paragraph 7 of this Article.

2. The head of the relevant institution shall be responsible for the accuracy of data included in the special list of voters, which shall be endorsed by his/her signature.

3. The DEC, by its ordinance, shall compose and approve special lists of individuals envisaged in paragraph 1 of this Article, as well as based on its own data, no later than on the 3<sup>rd</sup> day before the Election Day, and shall immediately submit them to the relevant PEC.

4. In case of adding a voter to a special list, relevant note shall be made in the general list of voters of an election precinct and endorsed by the signatures of the chairperson and secretary of the PEC.

5. Voters in the special list shall participate:

a) in both majoritarian and proportional elections if a voter changes location within the territory of the same electoral district, or of the same local election district - in case of local self-government elections (except for voters referred to in paragraph 1 (“d”) of this Article);

b) in Georgian parliamentary elections held under proportional electoral system, as well as in the Georgian presidential elections and referendum, if a voter votes in the territory of another election district.

6. Voters referred to in paragraph 1 (“d”) of this Article, in the course of elections of local self-government representative body – Sakrebulo and the Mayor of Tbilisi, on the polling day shall be located:

a) at the respective designated locations on the Election Day, on a permanent basis for 1 year or more and participate in both the majoritarian and proportional elections/referendum;

b) at the permanent designated locations on the Election Day, for less than a 1 year term participate in majoritarian elections only in case, if their place of registration falls within the boundaries of the relevant election district.

7. For the purpose of participating in the elections of the Parliament of Georgia held under proportional/majoritarian system and the election of the President of Georgia, as well as the referendum, the voter referred to in paragraph 1 (“d”) of this Article incorporated in the special list of voters shall vote by the location of a military unit. In case a voter wishes to vote on the basis of a place of registration, he/she shall apply no later than 16 days before the Election Day to the relevant PEC with a request to include him/her in the general list of voters according to the place of registration.

8. If a voter is added to the mobile ballot box list, the special list of voters shall include a note “mobile box”, also the reason for incorporating the voter to the list and endorsed by the signatures of the chairperson and secretary of the PEC.

### **Article 33. The list of Mobile Ballot Box**

1. The list of a mobile ballot box is drawn up based on general and special lists of voters if:

a) a voter is unable to independently visit the polling premises due to limited capabilities or health conditions;

b) a voter is imprisoned;

c) a voter is in hospital for treatment or in any other inpatient medical facility with no polling station established in it;

d) a voter is a military serviceman, serves in the military unit at the state border, which is located far from the polling station and within which no polling station is established;

e) a voter is on the territory of the election district, but on a place difficult to access.

2. In case a voter is unable to visit the polling place, he/she applies to the PEC with a mobile vote request at least two days prior to the polling day. The DEC transfers the information with regard



to a voter undergoing treatment at the inpatient medical facility on the polling day to the relevant PEC no later than two days prior to polling. The voter shall be incorporated into the list of mobile ballot box after:

a) the secretary of the PEC registers and endorses with a signature a written application or telephoned verbal application of a voter by indicating the precise time of the telephone call and relevant telephone number;

b) the transfer of a voter into the mobile ballot box list is noted in the general or special lists of voters, which is endorsed by signatures of the chairperson of the PEC and commission secretary.

3. Information concerning voters to be included into the mobile ballot box list shall be immediately posted in a visible place of the polling station. Members of the PEC, proxies and observers have a right to inspect whether the mobile voting requirements are well-substantiated and raise the issue of appropriateness of inclusion of these individuals into the mobile ballot box list before the PEC any time prior to the Election Day. The PEC shall make decisions with respect to such issues.

4. Number of voters stipulated in paragraph 1 (“a”) of this Article shall not exceed 3 percent of the existing voters in the general list of voters per election precinct. After reaching the maximum number of voters, the decision on adding more voters to the mobile ballot box list is made by the two-third of the respective DEC members attending the DEC session.

5. The list of mobile ballot box shall include data on a voter already included in the general list of voters, and a voter’s number shall be additionally specified in the general or special lists of voters.

6. The mobile ballot box list shall be posted in the visible in the PEC and polling stations immediately after it is composed.

#### **Article 34. Publication of the lists of voters**

1. The PEC shall post the lists of voters and the procedures defined by the Law for submission of applications with regard to lists of voters on the day of the first session of the commission, and the list of mobile ballot box - immediately after it is drawn up in the visible place at the PEC premises and polling stations. The PEC chairperson shall be responsible for failure to comply with these requirements.

2. In the lists referred to in paragraph 1 of this Article, within the terms defined by this Law and based on inspection of the list data, the table row “Actual Status” across the last name of a voter, which:

a) is on a consular registry of Georgia in another country by the consulate of Georgia, shall indicate “on a consular registry”;

b) is in another country, but is not on a consular registry of Georgia, shall note “abroad”;

c) is a conscript or contract serviceman at the Georgian military forces and military units, shall indicate “in military service”;

d) is incorporated into the special list of voters, shall note: “member of commission”, “in hospital”, or “imprisoned”;

e) is included into the list of mobile ballot box, shall indicate: “mobile ballot box”.

#### **Article 35. Voting invitation card**

1. The PEC is authorized to issue the voting invitation card to all voters registered in the territory of the election precinct and included into the list of voters no later than 2 days before polling, which shall indicate the following:

a) date and time of polling;

- b) address of the polling premises, floor and room numbers;
  - c) number of a voter in the list of voters;
  - d) procedures for submission of an application requesting mobile voting, due to the health conditions or other reason, telephone (fax) numbers of the PEC and other information;
  - e) number of the polling station;
  - f) last name, first name, date of birth (day, month, year) of a voter;
  - g) place of registration of a voter.
2. Failure to receive the voting invitation card does not constitute the basis for limiting the right to suffrage.

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

### **Article 36. Registration of election subjects**

1. For obtaining the right to participate in elections, a relevant chairperson of the election commission shall register election subjects based on procedures defined by the present Law.
2. To register, election subjects shall submit application to the respective election commission and submit relevant documentation in accordance with procedures defined by this Law.
3. Relevant office of the election commission shall review submitted documentation and within the terms defined by this Law submit the conclusions to the commission chairperson authorized to make decisions on registration. If submitted documents do not comply with requirements stipulated in this Law, the chairperson of the commission within 2 days (unless otherwise defined by this Law) informs the representatives of the party/election bloc /initiative group of voters on this (by specifying the discrepancy), which shall adjust documents within 3 days (unless other date prescribed by this Law). Corrected documents shall be reviewed and registered within 2 days after their submission (unless other term is defined by this Law). In case of a refusal on registration, the election commission immediately communicates its decision to the representative of a party/election bloc/initiative group of voters entitled to be informed about the decision immediately.

### **Article 37. Lists of supporters**

1. Voters shall endorse the initiative of an election subject to take part in an election by signing the form of the list of supporters.
2. A sample of the form of the list of supporters shall be approved by the CEC through issuance of an ordinance.
3. The list of supporters form shall include a voter's:
  - a) first and last names;
  - b) date of birth (year, month and day);
  - c) number of personal identification card of citizen of Georgia and a personal number;
  - d) address (according to the identity card of a citizen of Georgia);
  - e) date of signature;
  - f) signature.
4. The form of a list of supporters shall include the first and last names, address (according to the identity card of a citizen of Georgia) and the contact telephone number, including the date of filling out the form and shall be endorsed by the signature of a person concerned.

5. The upper left corner of the form of the list of supporters shall include the title (first and last names) of an election subject, whose initiative to participate in elections is supported by voters.

### **Article 38. Inspection of lists of supporters**

1. The lists of supporters for a party candidate and a candidate for the President of Georgia shall be inspected by the CEC and the lists of supporters of any other candidates - by the relevant DEC.

2. The election commission consecutively inspects signatures on the forms of the lists of supporters. If number of signatures of supporter is less than the established minimum requirement, or due to invalid signatures revealed after inspection the number of signatures of supporter is less than the established minimum required number, invalid part of the list of supporters shall be returned to the respective election subject, which shall revise the discrepancy within 2 days. The revised list of supporters resubmitted by the election subject shall be once again inspected by the election commission according to procedures stipulated above. If the number of signatures of supporters is still less than the established minimum of signatures, the list shall be fully invalidated and the contestant shall be refused another request for electoral registration.

3. Signature of a voter in the list of supporters shall be considered invalid if:

- a) the first and last names are not indicated or are incompletely specified;
- b) date of birth (day, month, year) is not indicated or incompletely indicated;
- c) place of registration (residential area, street, building and apartment number) is not indicated or specified incompletely;
- d) date of signing is not specified or does not correspond to the deadline for drawing up the list of supporters defined by the present Law;
- e) not signed or signed by another person, which is confirmed in writing by the voter instead of whom the list was signed;
- f) a voter registered in another election district is included as a supporter in the list of supporters of a candidate nominated to the election district;
- g) a signatory to the application submitted to the relevant election commission confirms that the list was signed by deception, intimidation or under pressure, and the signature on this application was certified by a notary;
- h) personal number of a citizen of Georgia is specified incompletely or inaccurately.

4. A signature shall be considered invalid if it is signed on a form not verified by the person responsible for collecting signatures, or if such a form does not include data or includes incomplete data as stipulated in paragraph 4 of Article 37 of this Law.

5. Inspection of the list of supporters of a party shall be concluded within 10 days after its submission and inspection of the list of supporters of a candidate – within 3 days after the submission.

6. Representatives of election subjects shall have a right to attend the process of inspection of the list of supporters.

7. Only members of the CEC and relevant DEC, as well as employees of the appropriate office of the CEC, as well as the court shall be entitled to have access to the lists of supporters if a lawsuit is brought before the court. The lists of supporters shall be destroyed within 10 days after the expiration of the date of bringing a lawsuit to the court over an issue of registration.

## CHAPTER V. ELECTION MONITORING AND MEDIA

### Article 39. Domestic and international observers

1. The right to observe elections shall be granted to the domestic and international observer organizations in compliance with the provisions of this Law, and registered with the CEC or appropriate DEC.

2. Domestic observer organization may be a local non-entrepreneurial (non-commercial) legal entity, registered in accordance with the Georgian legislation no later than 1 year prior to the polling day, the statute and regulation (constituent document) of which, at the time of registration, envisages election monitoring and/or protection of human rights and which is registered with the CEC or a relevant DEC for the purpose of observing elections.

3. Domestic observer organization shall observe elections through its representative - domestic observer. One organization is entitled to have no more than one observer at a time at each election precinct.

4. Domestic observer of a domestic observer organization may be any citizen of Georgia above the age of 18, except for:

- a) officials holding state-political positions;
- b) members of the Parliament of Georgia;
- c) members of the local self-government representative body - Sakrebulo;
- d) heads and deputy heads of the local self-government executive body;
- e) judges;
- f) staff of the Ministry of Internal Affairs of Georgia, Ministry of Defense and Ministry of Corrections and Legal Assistance of Georgia, Georgian Intelligence Service and Special State Protection Service of Georgia;
- g) officials of the Prosecutor's Office;
- h) election subjects and their proxies;
- i) election commission members.

5. International observer organization may be a representative of another state, organization registered in another state or an international organization, the constituent document/statute of which implies monitoring of elections, protection of human rights and activities of which are based on the following internationally recognized principles:

- a) respect of the Georgian legislation, sovereignty and internationally recognized human rights norms;
- b) refrain from hindering the election process;
- c) political impartiality;
- d) financial independence from participants of the election process and transparency of funding sources;
- e) protection of provisions recognized by the Declaration of Principles for International Election Observation.

6. In order to observe elections, an international observer organization shall be registered with the CEC. Hereby, while registering the organization, the CEC shall be authorized to request submission of additional information, which would make it possible to verify compliance of activities of the organization with the principles provided by paragraph 5 of this Article. International observer organization shall conduct election observation through representatives of the organization –

international observers. One organization shall be entitled to have simultaneously no more than 2 international observers at the election precinct.

7. International observers envisaged by paragraph 6 of this Article may be accompanied by an interpreter, who shall be registered with the CEC together with international observers.

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#### **Article 40. Registration of Observer Organizations**

1. An international observer organization as well as domestic observer organizations observing elections in more than one election district, shall be registered by the CEC.

2. A domestic observer organization, which observes elections in one election district, shall be registered by the appropriate DEC.

3. To be registered, a domestic election observer organization shall apply to the appropriate election commission no later than 10 days before polling day and submit the constituent document/statute notarized according to the legislation of Georgia. The application shall include the name of the election district (districts) in which the organization will observe. The election commission shall make a decision on registration within 5 days of the submission of the application.

4. To be registered, an international organization shall submit an application to the CEC no later than on the 7<sup>th</sup> day before the polling day and provide a copy of its constituent document. If an observer (group of observers) is a representative of another state authority, he/she shall provide an application and a certificate of authorization. The CEC shall decide on the registration of the organization, observer (group of observers) mentioned in this paragraph within 2 days of the submission of the application.

5. The election commission shall not have a right to decline the application for registration of the observer organization, if this organization complies with the provisions of this Law. The ordinance of the election commission on decline of the application for registration shall include the justification for the decline and shall be transmitted to the organization no later than the following day after decision is rendered. The ordinance of the commission may be appealed to the court within 2 days of its adoption. The court decision shall be delivered within 2 days.

6. An international observer organization registered with the CEC shall submit information on the observers, as well as the copies of their Personal Identification Cards to the CEC secretary no later than the 2<sup>nd</sup> day before the polling day. Content and form of this information shall be defined by the CEC ordinance.

7. A domestic observer organization registered by the CEC shall submit to the CEC secretary a list of observers appointed at the CEC, DEC and PEC no later than on the 5<sup>th</sup> day before the polling day. The list shall include copies of personal identification cards of Georgian citizens owned by domestic observers. A domestic observer organization registered by the DEC shall submit to the secretary of the DEC a list of appointed observers to the DEC and/or its subordinate PEC within the same terms. The list shall include the name of an observer (last name, first name and place of registration).

8. A domestic observer registered with the CEC is entitled to observe elections at any level of election commissions in accordance with the procedures defined by paragraph 3 of Article 39 of this Law.

9. The secretary of election commission shall, within 2 days of the submission of the list of observers, register observers nominated in compliance with the provisions of this Law and issue to

the observer organization an observer certificate, which at the same time represents a badge to be worn by the observer.

10. An observer of a domestic observer organization at the DEC and an observer observing elections at the polling station within the territory of the election district are authorized to observe at any election precinct on the territory of respective election district on the polling day, in accordance with the procedures defined by paragraph 3 of Article 39 of the present Law.

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#### **Article 41. Rights of observers**

1. An observer shall have a right to:

a) attend and observe sessions of the election commissions:

b) be present at the polling place at any time during polling day, unrestrictedly move within the precinct territory and observe all stages of the polling process from any point of the precinct in a free and unhindered manner;

c) replace another registered representative of the nominating organization at any time on the polling day (in case of availability of such a representative);

d) take part in the inspection of ballot boxes, before they are sealed and after they are opened;

e) observe registration of voters in the lists of voters, issuance of ballot papers and special envelopes and their certification without disrupting the polling process;

f) attend the procedure of counting of votes and summarizing of results;

g) observe the process of mobile voting;

h) observe the counting of votes in such conditions in which ballot papers may be visible;

i) observe the process compiling the summary protocol of election results and other documents by the election commission;

j) address the DEC chairperson with an application (complaint) regarding issues related to the procedures of voting and polling, by which an applicant requests reaction on identified cases of specific violations;

k) request a voter to show how many ballot papers and special envelopes she/he is having at hand;

l) make an appeal on actions of an election commission according to the procedures defined by the Georgian legislation;

m) observe the ballot box, to the process of inserting special envelopes into the ballot box, opening of the ballot box, counting of ballot papers and drawing up of protocols;

n) get introduced with the summary protocols of polling results, drawn up by election commissions.

2. An observer shall not be entitled to:

a) interfere with the functions and activities of the election commission;

b) exert an undue influence upon the free expression of will of voters;

c) agitate in favor or against an electoral subject;

d) wear symbols or signs of any election subject;

e) be without a badge at the polling place on the polling day;

f) breach other requirements of this law.

3. Responsibility for the violation of rights provided by this Law to domestic/international observers, electoral subjects and media representatives or interference in their activities shall be defined by procedures established by election, administrative and/or criminal legislation of Georgia.

4. Violation of the requirements of paragraph 2 (“a”-“d”) of this Article by an observer, election subject and media representative shall result into their responsibility in accordance with procedures prescribed by the election legislation of Georgia.

5. Election commission shall provide all the conditions for an observer to implement his/her authority regarding all procedures within the election commission, including the process of counting of ballots and summarizing of the results.

#### **Article 42. Representatives of an election subject and his/her Authority**

1. A representative of an election subject (a party independently participating in the elections, election bloc, initiative group of voters) represents an election subject in relations with appropriate election commission.

2. A party, election bloc, initiative group of voters (during elections of the President of Georgia), presidential candidate independently participating in elections, during one or several types of elections, shall be entitled to appoint only 2 representatives at every election commission. During the Parliamentary and local self-government elections of Georgia, an initiative group of voter shall be entitled to appoint representatives in relevant election commissions.

3. An election subject referred to in paragraph 2 of this Article, shall notify the relevant election commission about the appointment of a representative. In case of submission of complete information, chairperson of the election commission shall, within 24 hours, by its ordinance, make as a note the information on registration of an observer and the relevant officer of the election commission shall issue observer certificate, which at the same time is a badge to be worn by the observer.

4. The application for the appointment of a proxy shall be signed by the leader of a party/ election bloc or his/her authorized person; application for appointment of a representative of an initiative group of voters shall be submitted to the upper election commission, and shall include the representative’s first and last names, year of birth, address, contact telephone number (if any).

5. Only one representative of the election subject shall have the right to attend the sessions of the respective election commission, request to speak and express his/her opinion, make decision on various issues, as well as enjoy other rights envisaged by this Law. On the polling day the representative shall enjoy unrestricted rights envisaged by paragraph 1 of Article 41 and paragraph 2 of Article 67 of this Law.

6. An election subject shall have the right to withdraw and/or replace its representative at any time on which it shall inform the appropriate election commission.

#### **Article 43. Funding of a Proxy**

1. A political party receiving funding according to the organic Law of Georgia on “Political Unions of citizens”, also an election bloc within which such a party is united, shall, on Election Day, receive 60 GEL on each election precinct and 120 GEL on each election district for the purpose of ensuring their representation at DEC and PECs.

2. The amount of funding of the representative of the qualified election subject, envisaged by paragraph 1 of this Article shall be deposited by the CEC to the account of the relevant election subject no later than 3 days prior to the Election Day. An election subject is entitled to allocate

these funds to relevant representatives in district and precinct election commissions by ensuring that activities of no more than 2 representatives per commission are funded. Moreover, different representatives shall be funded in at least half of election districts and precincts.

3. If a political party receiving funding does not have a representative in the election district and/or election precinct and/or deposited funds are not fully appropriated, the party shall return respective amount of funds to the state budget of Georgia within 15 days after summarizing election results.

#### **Article 44. Representatives of press and other Media**

1. Representatives of press and other media accredited at the relevant election commission shall have a right to attend sessions of election commissions and be present at the polling place on the polling day.

2. Accreditation of representatives of press and other media operating on the territory of several election districts shall be conducted by the CEC secretary or by the secretaries of the appropriate DEC, while accreditation of media representatives operating on the territory of one election district shall be conducted by the secretary of the appropriate DEC.

3. Applications on accreditation of representatives of the press and other media shall be submitted to the relevant election commission, no later than 3 days before the polling day.

4. Within 1 day after filing an application, secretary of the appropriate election commission shall decide on the accreditation of representatives of the press and other media and shall issue to the accredited representatives appropriate certificates within 1 day. In case of decline of application for accreditation, the secretary shall issue an appropriate ordinance (proper justification for the decline of the application shall duly be stated in the ordinance) within the same timeframe.

5. On the polling day, the same organization of the press and other mass media shall be entitled to have no more than 3 representatives at a time at the election precinct.

### **CHAPTER VI. PRE-ELECTION CAMPAIGN**

#### **Article 45. Pre-election campaign (agitation)**

1. Pre-election campaign (agitation) starts from the moment of setting the election date. Candidates of an election subject enjoy equal rights starting from this day in accordance with this Law.

2. As of the day of calling of elections, candidates are entitled to produce pre-election appeals, statements, inscriptions, papers, photo materials, etc. It is prohibited to prevent their dissemination and seizure, as well as to seize vehicles and other means equipped with special devices used for agitation purposes, or prevent their application for pre-election agitation purposes.

3. Election subjects and their supporters have a right to present a program of further activity. The election program shall not contain propaganda of war and violence, overthrowing the existing state and social order or replacing it through violence, violating the territorial integrity of Georgia, calling to foster national hatred and enmity, religious and ethnic confrontation.

4. Any individual shall be entitled to conduct and participate in pre-election agitation, except for:

- a) member of an election commission;
- b) judge;



c) public officials of the Ministries of Internal Affairs and Defense, Prosecutor's Office, Intelligence Service and Special State Protection Service;

d) the Auditor General;

e) Public Defender of Georgia;

f) aliens and foreign organizations;

g) charity and religious organizations;

h) public officials of bodies of State and local self-government, while directly carrying out their duties;

i) members of Georgian National Communications Commission (GNCC) and Georgian National Energy and Water Supply Regulatory Commission.

5. Pre-election campaign shall not be conducted in the premises of the following institutions:

a) executive governance agencies of Georgia;

b) courts;

c) military units.

6. Bodies of local self-government are obliged to encourage election subjects to organize and hold meetings and gatherings with voters, public debates and discussions, assemblies and manifestations and to ensure the safety of these events.

7. For the conduct of mass electoral events, premises administered by state or local self-government bodies are available free of charge for the election commissions.

8. Based on the list of buildings and premises allocated by the local self-government bodies for election subjects, the DEC shall, with the consent of election subjects, draw up a schedule for electoral events (if the activities coincide and the election subjects fail to reach an agreement, the sequence of activities will be determined by casting lots).

9. Pre-election agitation shall be prohibited at the polling place on the polling day.

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*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

#### **Article 46. Agitation Materials**

1. Printed agitation materials may be displayed on buildings and premises and other places, with the consent of their owners or possessors.

2. Posting of election posters on buildings and premises of religious significance, cultural heritage, on interior and exterior of buildings of state authority, local self-government bodies, courts, the Prosecutor's Office, military units and police, as well as traffic signs, shall be prohibited.

3. Bookmaker activities regarding any election-related issue shall be prohibited.

4. In accordance with paragraph 2 of this Article, local self-government bodies shall be obliged to compose a list of buildings and premises on which posting of agitation materials shall be prohibited, and determine spots and/or install stands for posting and displaying election posters. The stand must be of a size that would provide all election subjects with equal conditions for the display of election posters. Removal, tearing down, covering up or damaging of election posters shall be inadmissible and punishable by the present Law, unless they are posted in prohibited places.

5. Information on places and/or installed stands designated for posting and displaying of election posters in compliance with this Article shall be published by the local self-government bodies no later than 10 days before calling of elections.

6. Printed campaign materials shall indicate names, addresses of the organizations ordering and producing them, as well as information on the edition quantity, number and the date of issue. Dissemination of printed agitation materials without indicating the above information is prohibited. An election subject is obliged to indicate the number on printed agitation material only after obtaining this number.

7. Copies of printed agitation materials must be submitted to the election commission, where the election subject underwent electoral registration.

8. Within 15 days of the official publication of the final results of the elections, the relevant election subject is under a duty to ensure removal of agitation materials; otherwise he/she shall be held responsible according to the legislation of Georgia

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### **Article 47. Vote Buying**

1. From the moment of publication of the relevant legal act announcing elections until the publication of the final results of the elections, the following shall be prohibited:

a) give funds, gifts and other material possessions (irrespective of their value) to the citizens of Georgia by the election subject, candidates and their representatives personally or through other persons, sell goods to them at a preferential price, distribute or disseminate any goods free of charge (except for the agitation material as prescribed by this Law), also motivate Georgian citizens by promising to give funds, securities and render other material possessions (regardless of their value);

b) by utilization of personal funds and/or election subject funds, perform by physical or legal persons such work or provide such services (except for performance of work or provision of services as defined under the Georgian Law on State Procurement), which according to the Georgian legislation falls within the competence of Georgian state and/or local self-government bodies.

2. In the event of such facts are established, registration of the election subject, who has personally or through a representative or any other physical or legal persons acting in his/her favor, carried out prohibited activities stipulated by this Article, shall be revoked by the court decision.

### **Article 48. Prohibition of the abuse of administrative resources during the pre-election agitation and campaign**

1. According to paragraph 4 of Article 45, any person with the right to participate in pre-election campaign shall not abuse the following administrative resources in the course of pre-election agitation and campaign in support or against any election subject:

a) utilization of premises occupied by the bodies of state and local self-government, as well as organizations funded from the Georgian state budget, if other election subjects are unable to use the premises of same or similar function under the same conditions;

b) use of means of communication, information services and other kinds of equipment designate for the bodies of state and local self-government, as well as organizations funded from the Georgian state budget;

c) utilization of means of transportation owned by the bodies of state or local self-government free of charge or under preferential terms.

2. Restrictions stipulated by paragraph 1("c") of this Article shall not be applied on the utilization of vehicles of office use by political public officials as envisaged in Article 2, paragraph "z<sup>5</sup>", expect

for the state authorized representatives – Governors and head officials of local self-government bodies, not elected by direct elections.

3. In order to prevent and response to the violations of election legislation of Georgia by public servants, interagency commission shall be set up under the National Security Council of Georgia.

4. The interagency commission shall be established on July 1 of the election year; in case of pre-term elections – within 3 days of the calling of elections.

5. Composition of the interagency commission shall be determined by the order of the Secretary of the National Security Council of Georgia, and the rules of activities of the interagency commission shall be defined by the commission regulation, approved by the Secretary of the National Security Council of Georgia. The interagency commission shall meet when necessary, but not less than at least once in 2 weeks, and following the expiry of term of registration of election subjects – at least once a week.

6. Qualified election subjects, as well as political unions that inform the interagency commission on the violation of election legislation by public servants, shall participate in the commission activities with deliberative vote.

7. The interagency commission considers issues related to the information disseminated through media on the facts of violation of election legislation by public servants, as well as the information on violation notified to the interagency commission by political unions (election subjects), or observer organizations.

8. To ensure the publicity of activities of the interagency commission, representatives of local and international observer organizations may be invited to the commission sessions.

9. In case the violation is confirmed, the commission shall be authorized to submit a recommendation to any public servant, administrative body, and the CEC requesting to carry out appropriate measures within a reasonable time.

#### **Article 49. Prohibition of the use of budget funds, occupational status or official capacity**

1. Person entitled to participate in the pre-election agitation, holding an office in the bodies of state or local government, is prohibited to use his/her occupational status or official capacity in the course of pre-election agitation and campaign in support or against any election subject, which, for the purposes of the present Article, shall mean:

a) engaging subordinated persons or individuals dependent otherwise in activities facilitating presentation and/or election of a candidate;

b) collecting signatures and conducting pre-election agitation during official business trips, funded by the body of the state and local self-government;

c) conducting pre-election agitation in the course of fulfillment of official duties.

2. Restriction envisaged by paragraph 1 (“c”) of the present Article does not apply to political public officials defined by this Law, as well as to the cases where TV and radio broadcasters use an air-time allocated for pre-election agitation.

3. From the day of calling of elections until the sum up of the election results, implementation of such projects not being previously envisaged in the state/local budget, as well as increase of those budgetary programs stipulated by the budget prior to the elections, initiation of unplanned transfers or boosting of planned transfers in the local budget, shall be prohibited. In case of violation of these procedures, an authorized individual shall have the right to apply to court and demand suspension of expenses.

4. In the course of pre-election campaign, production of such printed materials through funds allocated by state/local budget, where any election subject or a number assigned to him/her during elections is reflected, and/or which comprise materials in support/against any election subject shall be prohibited. Utilization of an election subject or number assigned to him/her during elections in public service announcement (PSA) in the course of pre-election campaign shall be prohibited.

5. From the expiration of the term of registration of election subjects until the end of the polling day, reshuffle of senior officials of the body of local self-government, police and the Prosecutor's Office, except for the expiry of the term of their authorities and/or in cases when they have violated the law, shall be prohibited.

#### **Article 50. General regulations for pre-election campaign media coverage**

1. No later than on the 50<sup>th</sup> day before polling until the polling day, owners of broadcasting license and a Public Broadcaster shall meet the following conditions:

a) in case of allocation of airtime for pre-election agitation and political advertising, publicly announce and weekly submit to Georgian National Communications Commission the following information: from and until which date and to what frequency the airtime is allocated, duration and schedule of the allocated airtime in the course of one day, airtime fee, service provided;

b) paid airtime allocated by a TV or radio broadcaster during one day, shall not exceed 15% of its total daily broadcasting time and no election subject shall be granted more than one-third of this time. Paid airtime fee shall be equal for all election subjects (both for qualified and unqualified subjects).

c) when broadcasting a political advertising, the screen corner shall display an inscription "paid political advertising" or "free political advertising";

d) in the course of the period provided for by the present paragraph, not to allow broadcasting of a political advertising within any time-limit other than that of allocated for this purpose.

2. From the moment of announcement of elections until the sum up of election results, newspapers, funded by central or local budgets, shall meet the following conditions:

a) in case of allocation of newspaper space for pre-election agitation and political advertising, publish the following information on a weekly basis in the same newspaper: from which date, to what frequency and until when the newspaper space is allocated, the size of the space allocated in one newspaper; in case of provision of newspaper space free of charge - a share of the free space out of the total space; space fee, service provided;

b) no election subject shall be granted more than one-third of the newspaper space in one newspaper publication or over a period of one week;

c) the space fee shall be equal for all election subjects;

d) when publishing an agitation article or political advertising, above the article heading and in the corner of the advertisement, an inscription "paid political advertising" or "free political advertising" shall be made;

e) during the period stated herein, not to publish a political advertising in violation of the provisions of the present paragraph.

3. All newspapers, except for the one stipulated by paragraph 2 of this Article, shall have a right to allocate a pre-election advertising to any election subject under any conditions.

4. If any election subject fails to use its airtime share or newspaper space, an owner of the broadcasting license, the Public Broadcaster and a newspaper shall be entitled to distribute this time or space equally among other election subjects.

5. Publication of public opinion poll results, except for the possible number of voters in the elections and the number of voters participating in the elections on the polling day, shall be prohibited within 48 hours before the polling day and until 20:00 of that day. From the day of calling of elections until the publication of the election final results by the CEC and during one month thereafter, while publishing the results of the opinion poll concerning elections, the following shall be indicated: the person ordering the poll (name in accordance with the public or electoral registration and a legal address in case the legal entity or state body has ordered the conduct of the poll; last name, first name and address as provided for in the personal identification card of the citizen of Georgia, where a physical person has ordered the conduct of the polls), whether the poll is paid or free of charge, the organization conducting the poll (name according to the public or electoral registration and a legal address), date of the poll, methods used, exact formulation of the questions used in the poll, possible margin of errors.

### **Article 51. Information support for carrying out pre-election campaign**

1. In the course of the pre-election campaign, while broadcasting of social-political programs and elections, a broadcaster shall observe the principle of impartiality and fairness pursuant to the Law of Georgia on Broadcasting, code of conduct of broadcasters and this Law.

2. A general broadcaster intending to broadcast the pre-election campaign shall transmit pre-election debates in a non-discriminatory manner and with the participation of all qualified election subjects in the course of pre-election campaign within its coverage zone.

3. Obligations set forth by the present Law concerning an equal allocation of airtime, creation of equal conditions for participating in the debates and election advertising shall apply only to the qualified election subjects and to the broadcasters defined by paragraphs 5 and 6 of this Article.

4. For the purposes of the present Article, a qualified election subject is the one the affiliated party of which meets the following requirements:

a) independently participated in the last parliamentary elections and received not less than 4% of votes;

b) independently participated in the last elections of local self-government bodies conducted under proportional system and received not less than 3% of votes throughout the country;

c) was a first member in the list of the election bloc, which in the last parliamentary elections received not less than 4% of the votes;

d) was a first member in the list of the election bloc, which in the last elections of local self-government, conducted under proportional system, received not less than 3% of votes within the country.

5. A general broadcaster, as well as a broadcaster transmitting the election advertising shall be obliged to allocate to each qualified election subject the time lasting for 90 seconds in every 3 hours free of charge and without discrimination. Further addition of an unused time to the other time assigned thereto is impermissible.

6. The Public Broadcaster, as well as a community broadcaster, which allocates time for the election advertising, shall be obliged to allocate to each qualified election subject the time lasting for

60 seconds per hour free of charge and without discrimination. Further addition of an unused time to the other time assigned thereto is impermissible.

7. For the purposes of the present Article, qualified election subject for presidential elections shall be considered a candidate nominated by political unions, funded from the Georgian state budget, based on the outcome of the last parliamentary or local self-government elections.

8. A broadcaster is authorized to recognize as a qualified election subject the political party, which according to the public opinion poll, conducted within the whole territory of Georgia in compliance with the terms set forth by this Article, has gained not less than 4 % of votes in not less than 5 public opinion polls held during the election year, or in an opinion poll held no later than a month before the elections. Discriminative use of sociological surveys by the broadcaster is impermissible.

9. A local broadcaster shall acknowledge a political party/bloc as a qualified election subject:

a) which meets the requirements of paragraph 4 of this Article;

b) candidate(s) of which has won in the last parliamentary elections held in the majoritarian election district falling within the local broadcaster's coverage zone, passed the second round of elections or received not less than 25% of votes;

c) which received not less than 25% of votes in elections of the representative body of local self-government - Sakrebulo.

10. A local broadcaster shall be authorized to recognize as a qualified election subject:

a) a political party, which obtained not less than 10% votes in the last parliamentary or local self-government elections, held in the majoritarian election district;

b) a political party, which enjoys support of not less than 25% of votes according to the public opinion poll conducted in the respective majoritarian election district, pursuant to the terms set forth by this Law, as revealed by not less than 2 successive surveys conducted during the election year;

c) a majoritarian candidate nominated by the initiative group of voters, which enjoys support of not less than 25% of votes according to the public opinion poll conducted in the respective majoritarian election district, pursuant to the terms set forth by this Law, as revealed by not less than 2 successive surveys conducted during the election year.

11. For the purposes of the present Law, public opinion poll shall satisfy the following requirements:

a) it shall be based on the acknowledged scientific methodology of representative random selection, which provides 95% credibility and the margin of errors not exceeding 3%;

b) it shall be publicized after double-checking of the credibility of the methodology of public opinion poll and objectiveness of its results;

c) it shall be feasible to provide steady scientific explanation, in case there are significant discrepancies or changes in the results of the same or other comparative public opinion poll;

d) it shall not constitute a means of manipulating with public opinion or fundraising and it shall not be conducted via telephone, post or/ and internet;

e) it shall be based on transparent methodology, which enables to conduct independent verification of the results;

f) while publishing the results, the following shall be indicated:

f.a) an organization conducting public opinion poll;

f. b) subject ordering or financing the public opinion poll;

f. c) exact formulation and sequence of questions used for opinion polls;

f.d) the time of conducting field opinion poll;

- f.e) the number of individuals interviewed and the selection method;
- f.f) in which area or category of people the selection was conducted;
- f.g) whether the research is based on the opinion of people interviewed;
- f.h) the number of respondents, who refused to participate in the poll, did not answer the question, or could not be interviewed;
- f.i) margin of selection;
- f.j) margin of errors;
- f.k) information on any other important factors, which might have caused significant impact on the results.

12. The Public Broadcaster (legal entity of public law) is obliged to allocate an airtime for pre-election advertising of all other parties and election blocs, other than qualified election subjects, which shall be equally distributed among these subjects.

13. If parties, united in the election bloc, used free airtime before engaging in the bloc, free advertising time utilized by them shall be deducted from the free airtime period (except for free airtime period of party being the first in the list of the bloc) to be allocated for the bloc, as an election subject, following its creation.

14. Obligation to allocate free airtime provided by this Article shall solely be applied to the local broadcaster in the course of by-elections.

15. Georgian National Communications Commission shall determine the participation of media and the rule of its application in the electoral process, as well as ensure monitoring by the broadcaster of observance of norms established by this Law and shall give appropriate response to the violations of these norms. Georgian National Communications Commission shall purchase the service necessary for conducting media monitoring in accordance with the legislation of Georgia.

16. Transmission of any pre-election paid and/or free advertising through TV or radio shall be prohibited on the polling day.

17. From the moment of enforcement of the legal act of the President of Georgia on setting the date of elections until the Election Day, person authorized to transit broadcasting shall be responsible to include the public broadcaster in the package offered to customers, general broadcaster licensed in accordance with the Georgian Law on Broadcasting, which broadcasts within the coverage zone of a person authorized for transit broadcasting (for satellite broadcasting, zone of broadcasting for the purpose of this Article shall be the whole territory of Georgia), also owner of the license for general broadcasting, that is available for not less than 20% of the Georgian population; In such a case, a right of a broadcaster to request reimbursement from a person authorized to transit broadcasting for transit broadcasting of the broadcasting channel shall not arise; while a person authorized to transit broadcasting shall provide for customers the delivery of broadcasting channels, defined by this Article, under an equal and non-discriminatory financial terms.

18. From the moment of enforcement of the legal act of the President of Georgia on setting the date for elections until the Election Day, a person authorized to transit broadcasting, in accordance with paragraph 17 of this Article, is able to conduct transit of broadcasting, prescribed by paragraph 17 of this Article, free of charge and without authorization of the respective broadcaster.

19. A person authorized to transit broadcasting shall fulfill an obligation envisaged by paragraph 17 of this Article within 3 days from the moment of enforcement of the legal act of the President of Georgia on setting of the election date. Noncompliance with the obligation by a person authorized to transit broadcasting as prescribed by this Article shall result in a notice, and failure to eliminate

the said violation within 3 days from the receipt of a notice or repeated noncompliance with this obligation shall result into the suspension of authorization for 1 year term to the person authorized to transit broadcasting.

20. The issue of administrative penalty shall be discussed and decided by the Georgian National Communications Commission by its own initiative or based on the application submitted by a relevant broadcaster, within 48 hours after the fact of noncompliance with the obligation has been revealed or the receipt of the respective application of this broadcaster.

21. Rights and obligations stipulated by paragraphs 17-20 of this Article shall apply to persons and broadcasters authorized to transit broadcasting operating in the respective zone in the following circumstances: after calling the second round of elections – until the second round polling day, while in case of by-elections – with an appropriate timeframe.

*Organic Law of Georgia June 29, 2012 №6605 – website, 16.07.2012y.*

## **CHAPTER VII. ELECTION/REFERENDUM FUNDING**

### **Article 52. Financial support of preparation and conduct of elections/referendum**

1. Costs incurred by the election administration of Georgia for preparation and conduct of elections/referendum, as well as its activities carried out within the term of its authority shall be financed from the state budget of Georgia.

2. The CEC shall, on an annual basis and according to the procedures established by this Law, submit to the Parliament of Georgia a next year budget estimates for the election administration of Georgia, based on which the next year budgetary funding shall be defined.

3. If the budgetary funds allocated for the preparation and conduct of elections/referendum are not deposited to the CEC account within the term established by this Law, the CEC shall be authorized to file a complaint before the district/city court of Georgia.

4. Compulsory execution as regards the allocation of the CEC funds shall not be carried out from the fund for enforcement of court judgments provided by the state budget of Georgia.

5. The election administration of Georgia, represented by the CEC, shall be entitled to receive a grant from individuals duly authorized by law. The grant shall be utilized in compliance with the agreement concluded between the CEC and the authorized person.

6. The election administration of Georgia shall be authorized to conduct public procurement procedures through simplified means as envisaged in the Georgian Law on Public Procurements, for the purpose of unimpeded conduct of elections during the elections/referendum.

7. Appeal of actions/decisions on public procurements of the CEC or a tender commission in the course of the election/pre-election period shall not result in the suspension of procurement procedures.

### **Article 53. Funds necessary for elections/referendum**

1. The CEC shall submit to the Ministry of Finance of Georgia a plan of funding for preparation and conduct of elections/referendum, no later than 55 days prior to the polling.

2. The Ministry of Finance of Georgia, in accordance with the submitted plan, no later than 50 days prior to the polling, shall deposit to the CEC account the funds allocated for elections/referendum from the state budget of Georgia.



3. The CEC, by its ordinance, shall determine the rules for distribution and use of election funds necessary for the conduct of elections by election commissions.

4. No later than 45 days prior to the polling, the CEC shall deposit the funds allocated for DECs to its current account.

5. No later than 30 days following the polling, the DEC shall cease all settlements with organizations and individuals and shall deposit its account balance to the CEC account within 10 days. Within two weeks after the deposit of an account balance, the DEC shall submit a financial report to the CEC.

#### **Article 54. Election/referendum campaign expenditures**

1. An election/referendum campaign shall be financed from:

- a) the funds of a political union - if the party independently participates in the election/referendum;
- b) the funds of the first party in the list of an election bloc - if political unions come together as one election subject;
- c) the election funds opened by the initiative group of voters to finance the campaign of an independent candidate.

2. Campaign costs shall mean the sum of funds designated for the election/referendum campaign of an election subject, as well as all types of goods and services obtained free of charge (reflected in market prices), except for a free airtime cost defined by the procedures stipulated by this Law.

3. A candidate nominated by the election subject shall utilize funds of the election subject nominating the candidate.

4. An election subject is under a duty to submit to the State Audit Office the information on bank account, from which the necessary expenses shall be allocated for election campaign.

5. Election/referendum campaign costs mean the funds deposited to the relevant bank account, as well as goods and services received free of charge (in market prices).

6. Utilization of finances by the election subject other than that of the relevant fund shall be prohibited in the course of elections.

7. Restrictions envisaged by the Organic Law of Georgia on Political Unions of Citizens apply to the election/referendum campaign costs and sources of funding, except for the exclusion prescribed by paragraph 8 of this Article.

8. While funding the campaign by an election bloc, parties united in the election bloc may, without restrictions, transfer funds available in the fund of their political unions to the fund of the political union registered as number one in the list of the bloc.

*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

#### **Article 55. Legislation on transparency of election/referendum campaign costs**

Transparency of election/referendum campaign costs shall be ensured through norms provided by the Organic Law of Georgia on Political Unions of Citizens. This Law shall be applied to the campaign costs of all election subjects, funding of campaigns of independent candidates.

#### **Article 56. Funding of an election campaign fund from the state budget of Georgia**

1. The election subject, that has overcome 5% threshold in the parliamentary elections shall receive not more than GEL 1.000.000 for single-use from the state budget of Georgia to cover election campaign costs, including GEL 30 000 to cover pre-election TV advertising expenses

purposefully. The election subject shall receive funding based on the information submitted concerning the election campaign expenditures, following the submission of the report referred to in Article 57 of this Law.

2. In order to finance the election campaign costs from the state budget of Georgia, the election subject shall apply to the CEC in writing no later than 38 days prior to the elections.

3. Relevant funds envisaged in Paragraph 1 of this Article shall be deposited to the account of the election subject no later than on the 15 days following the summarization of the election results, in accordance with the CEC summary protocol of polling results.

### **Article 57. Statement on the election campaign costs**

1. Once the election bloc is registered with the CEC, political unions united in the political bloc shall be obliged to suspend activities of their party funds and use solely the fund of the party being the first in the list of the election bloc.

2. Election subject is under a duty to publish information, based on the defined forms, indicating the donation sources, amount and date of receipt, once in 3 weeks following the registration.

3. Election subjects, no later than 1 month from the announcement of final results of elections, and those election subjects, which, based on the preliminary data, receive required number of votes stipulated by this Law, - no later than 8 days from the polling day, shall submit to the State Audit Office a statement on election funds indicating the source of funds along with the auditor's (audit firm) report. An auditor (audit firm) operating in the territory of Georgia shall be authorized to carry out an audit inspection.

4. Political unions united in the election bloc, while submitting to the State Audit Office the statement on their election campaign expenditures, shall also submit a document issued by the bank certifying the suspension of financial operations on the accounts of their funds.

5. Election subjects, who nominated majoritarian candidates, participating in the second round of elections, no later than 1 month following the publication of final results of the second round, whereas election subjects, who, based on the preliminary data, receive required number of votes stipulated by this Law, no later than 8 days from the polling day, shall submit the information on unused funds by the election subject, in accordance with the procedures established by the State Audit Office.

6. If the election subjects, receiving required number of votes stipulated by this Law, do not submit the statement on their election campaign fund within a fixed timeframe, or if a violation of requirements by law is confirmed, they shall be notified in a written form by the State Audit Office and requested to correct such an error and submit detailed information on the relevant violations in a written form. If the State Audit Office deems that the violation carries substantial character and could have affected the election results, it shall be authorized to submit a recommendation to the relevant election commission so that the commission can apply to the court and request a random sum up of election results of votes received by the election subject.

7. A form of the report of funds used for elections and the rules for its completion is determined by the State Audit Office.

*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

## CHAPTER VIII. POLLING

### Article 58. Arrangement of a polling place

1. State and local self-governing bodies shall transfer the premises and inventory, required for the preparation and conduct of elections, to the electoral commissions for temporary use and free of charge. Furthermore, the above bodies shall cover the utility costs of the transferred premises.

2. The PEC shall not be established and a polling place shall not be placed in the same premises, in which the following are located:

a) a party;

b) state authority and local self-government bodies, except for cases, when there are no other appropriate premises within the territory of the election precinct for conducting the polling in compliance with this Law. The DEC shall make the relevant decision;

c) police services (except for PECs formed in exceptional cases).

3. At the request of the PEC, bodies mentioned in paragraph 1 of this Article shall ensure that a polling place is temporarily and easily adaptable, in case there are handicapped voters at the polling station requiring a wheelchair (if relevant ordinance issued by the commission was conveyed to them no later than on the 20<sup>th</sup> day before the polling day), and if an appropriate application was submitted to the PEC no later than 25<sup>th</sup> day prior to the polling day.

4. At the polling place:

a) polling booths shall be installed for a secret ballot. One side of the booth shall be open up to the half of its height, and the upper half shall be covered with a curtain. Not less than one booth shall be provided for every 500 voters. One pen shall be available in every polling booth;

b) places shall be allocated for registration of the voters and special envelopes;

c) a transparent ballot box has to be installed in a visible place;

d) lists of voters, party lists, lists of candidates, procedures for filling out a ballot paper established by the CEC, including the extract from the Law defining cases, when a ballot paper and public display protocol (protocols) of polling results shall be considered invalid, have to be posted in a visible place.

5. If any of the election subjects already included in the ballot paper no longer participates in the elections, a notice about the above change shall be posted on a visible place at the polling station, as well as in the booth for a secret ballot.

6. To ensure that the polling is secret, photo and video filming in a polling booth shall be prohibited.

### Article 59. Keeping order at the polling place on the polling day

1. Chairperson of a precinct election commission shall be responsible for keeping order at the polling place on the polling day.

2. Fulfillment of decisions made by the PEC chairperson on keeping order at the polling place shall be mandatory for members of the election commission, all persons and voters authorized to be present at the polling place.

3. Armed individuals shall be prohibited to enter the polling premises.

4. In cases of hindering the operations of the commission and violation of order, the PEC shall be authorized to make a decision on removing a violator from the polling place in which the DEC is located; relevant act is issued and signed by the chairperson and members of the commission on

this matter. First and the last name of a violator shall be included in the act, as well as the numbers of an election district and election precinct, account of a violation and precise time of violation.

5. The PEC shall decide to remove a proxy.

6. If at the polling place and adjacent territory, the polling process or a free movement of election documentation in compliance with the provisions of this Law is threatened, at the request of the chairperson, police officer shall be called to the polling place and the adjacent territory. Police officers shall leave the polling place and its adjacent territory with the consent of the chairperson of the election commission immediately after the violation of public order is eliminated.

### **Article 60. Polling time and place**

1. Polling shall be conducted at the polling place on the election (polling) day from 8:00 to 20:00.

2. It shall be prohibited to lock the polling place during polling, terminate or suspend polling, except for cases, when the universal and equal suffrage and free expression of the will of voters cannot be ensured.

3. The decision on temporary closure of a polling place, termination or suspension of polling, reopening of the polling place and resumption of polling shall be unilaterally made by the chairperson of the PEC fully responsible for making such a decision.

4. In case of a temporary closure of the polling place, the PEC shall make a decision on approving or revoking the decision made by the chairperson of the commission immediately after polling is terminated or suspended. The commission shall be authorized to make a decision after suspension of polling on termination or closure of the electoral precinct. Above decisions are made by the ordinance, which shall imply the reason and time of temporary closure of the polling place, termination or suspension of polling. Immediately after elimination of causes of temporary closure of the polling place or suspension of polling, the polling process shall be resumed under the ordinance of the chairperson of the commission. If polling is declared terminated, it shall not be resumed.

5. A voter shall be authorized to be at the polling place only during the time required for voting.

6. The PEC shall be entitled to conclude polling any time before 20:00 in polling stations operating at military units, hospitals and other inpatient medical institutions and places difficult to access, provided all voters included in the list of voters voted during polling.

7. It is prohibited to conduct polling before the day or after the day of polling, except for cases stipulated by the legislation of Georgia.

### **Article 61. Opening of a polling station**

1. Polling station shall be open at 7:00 in the morning. If by this time the numbers of the PEC members are less than seven, the upper DEC shall be immediately informed about this, which makes a relevant decision.

2. From time of opening of the polling station up to the start of polling relevant procedures shall be carried out in the following sequence:

a) immediately after opening of the polling station the polling day logbook shall be opened. All persons authorized to be present at the polling place shall sign on the first and second pages of the book;

b) the PEC chairperson shall inspect the integrity of the sealed package, which contains the special stamp of the PEC, open and put a special carve on the seal, the sample of which shall be recorded in the polling day logbook.

c) the PEC chairperson shall prepare papers for casting lots on same kind of sheet, with the same pen, certify them by putting a special stamp of the commission and fold in a way that the text inside could not be read. Total number of the blank and filled out sheets shall be equal to the number of the members of the commission participating in casting lots. Casting lots is conducted by the chairperson of the commission, in presence of the members of the commission and persons authorized to be present at the polling place. Chairperson of the commission/deputy/ secretary of the commission shall not participate in it. Papers shall be placed on the table and members of the commission participating in casting lots shall pick up the paper one by one;

d) the chairperson of the commission identifies by casting lots 2 members of the commission from the members of the commission appointed by parties to accompany the mobile ballot box (if necessary). Moreover, these persons shall not be members of the election commission nominated by one election subject;

e) another casting lots shall be conducted to assign other functions to the commission members that shall select:

e.a.) member of the commission responsible for regulating a flow of voters at the polling place who also inspects the inking of voters;

e.b) members of the registrar commission of voters (at least one member per 300 voters), who also issue ballot papers after signing and stamping them on the assigned place on the reverse side of the ballot paper;

e.c.) members of the supervisory commission of ballot boxes and special envelopes;

f) after the conclusion of casting lots, the PEC secretary shall make a note on the 3<sup>rd</sup> page of the polling day logbook on the results of assigning functions by casting lots.

g) temporary delegation of functions defined through casting lots of a commission member to another member of the commission shall be undertaken by the authorization of the commission chairperson, which shall be noted by the commission secretary on the 5<sup>th</sup> page of the polling day logbook by specifying the time.

3. If on the polling day the number of commission members with regards to functions to be assigned turns out to be:

a) less by one member, the number of the members of the registrar commission of voters shall be reduced;

b) less by two members, deputy chairperson of the commission performs the functions of the commission member responsible for regulating the voter flow at the polling place;

c) less by three members, chairperson of the commission performs the functions of the member of the supervisory commission of ballot boxes and special envelopes.

4. The issue of remuneration of a PEC member having appeared the commission after the conclusion of casting lots shall be decided by the DEC, while the issue of assigning functions to this person shall be handled by the chairperson of the PEC.

5. Chairperson of the commission selects by casting lots no more than 2 representatives from the election subjects present at the polling station, who shall observe the process of registration of complaints. If these representatives find (identify) a violation during the registration of a complaint, the commission shall make a relevant decision on the registration of the complaint. in accordance with the established procedure. Moreover, a representative selected through the casting lots and a registrar of complaints (commission secretary) may not be a person nominated by one and the same election subject.

6. After completion of casting lots the PEC chairperson shall:

a) announce the number of voters according to the general and special lists, including mobile ballot box lists;

b) check the integrity of the ballot papers and packages of special envelopes and announce the number of received ballot papers and special envelopes;

c) check and seal the general and mobile ballot boxes with a seal that has a unique number, in accordance with the procedures defined by the CEC.

7. Each registrar of voters shall be given a book containing all types of ballot papers, which shall be confirmed with a signature of the commission chairperson and the registrar on a front page. After all ballot papers are issued from the book, another book shall be given to the registrar, and so on.

8. Chairperson of the PEC shall put a special carve on a seal of a registrar selected through casting lots, the sample of which shall be recorded in the polling day logbook, forward it to each of the registrars.

9. Secretary of the PEC announces the data stipulated in subparagraphs “a” and “b” of paragraph 6 of this Article and incorporates into the public display protocol of polling results and polling day logbook (except for the number of special envelopes).

10. The first voter and all present members of the PEC shall sign the control sheets; they shall include the precise time of inserting a ballot paper into the ballot boxes and the first name, last name, place of registration and personal number of the citizen of Georgia of the first voter. Before the polling starts, the chairperson and the secretary of the commission fill out the control sheets (except for the data of a first voter) in three copies. The chairperson of the commission shall insert one copy of the control sheet into the main ballot box after the first voter appears, the second copy shall be inserted into the mobile ballot box and the third copy shall be kept for the purpose of further comparison with the control sheets in ballot boxes.

11. Polling starts at 8:00 on the polling day.

## **Article 62. Polling day logbook**

1. The polling process at the polling station and complaints and comments on the proceeding of polling shall be recorded in the polling day logbook (hereinafter –“logbook”).

2. The logbook shall be maintained in the Georgian language, but for those polling stations and election districts for which ballot papers are also printed in a different language comprehensible for local population, the logbook may also be maintained in the respective language.

3. The logbook shall be delegated to the secretary of the commission, responsible with the commission chairperson for recording in the logbook every election procedure of the polling day and indicating the time of its implementation.

4. One copy of the logbook together with the ballot papers shall be delegated to PECs.

5. The logbook is a so-called book with a stripe. The stripe shall be sealed; the sheet to be sealed shall be signed by the chairperson and secretary of the DEC and stamped with a DEC stamp. Every page of the logbook shall be numbered and number of an election district and election precinct shall be specified on each page.

6. Secretary of the commission shall record the number of ballot papers and envelopes transferred through the person accompanying the mobile ballot box, left in the ballot box after completion of polling and unused ballot papers on page 4 of the logbook.

7. Secretary of the commission shall record the information regarding the temporary transfer of functions of a commission member defined by casting lots to another member of the commission on page 5 of the logbook.

8. Secretary of the commission shall include every set of data to be incorporated into the summary protocol during summarizing polling results on pages 6 and 9 of the logbook.

9. All persons authorized to be present at the polling place shall be entitled to record in the logbook all claims, complaints and comments related to the polling procedure on the polling day (page 10 and the following pages of the logbook shall be used for this purposes), specify witnesses (in any). Persons making a record in the logbook shall indicate his/her last name, first name and address as put down in the personal identification card of the citizen of Georgia.

10. Nobody has a right to prevent any person authorized to be present at the polling place from making a record in the logbook.

11. The logbook shall be closed after summarizing the polling results and signed by the chairperson and the secretary of the election commission. It shall be certified with the stamp of the PEC. The logbook together with the received applications/complaints shall be sealed and transferred to the upper DEC together with the summary protocol(s) of the PEC.

### **Article 63. Ballot paper and a special envelope**

1. Ballot paper shall be printed under the ordinance of the CEC and in accordance with the sample established by the ordinance, in the Georgian language, in Abkhazia – also in the Abkhaz language, but in case of necessity – also in other languages comprehensible for the local population.

2. For those polling stations, which have voters with disabilities due to visual impairment, the CEC shall provide for the use of such technologies, which will allow the voters to fill out the ballot paper independently.

3. The CEC shall ensure the printing of ballot papers and producing of ballot boxes (main and mobile), but the relevant DEC is responsible for the accuracy of the data to be incorporated into the ballot papers for the elections of the local self-government representative body – Sakrebulo (except for the capital of Georgia – Tbilisi self-government body - Sakrebulo). Ballot papers shall be printed under the permanent supervision of authorized persons by the CEC and DEC and observers. Two members of the commission appointed under the ordinance of the relevant election commission, and observer organizations registered under this Law shall be authorized to observe the process of printing of the ballot papers (at every place of printing), the latter to nominate, as per agreement, no more than three observers.

4. Within two days after the receipt of the relevant ordinance, the relevant election commission publishes the data with regards to printing of ballot papers and place in which ballot boxes are produced, including the person responsible for printing of the ballot papers and production of the ballot boxes.

5. A person implementing the order of printing the ballot papers shall be personally held responsible for precise compliance of the number of ballot papers printed and transferred to the relevant election commission with the number of the ordered ballot papers, to make sure no extra ballot papers are printed and disseminated from that place.

6. Chairperson and secretary of the election commission shall be personally responsible for the storage and purposeful distribution of ballot papers in the election commission.

7. For a precise book-keeping of ballot papers, each type of ballot paper shall be numbered consecutively (the number shall be marked on the counterfoil of the ballot paper; the ballot paper and its counterfoil are separated from each other by the perforated line) and bound in 50 copies in the form of a book. Each book has its cover page, which includes the front look of the ballot paper, printed graphs for a book number, numbers of ballot papers in the book, numbers and names of election districts and election precincts, graphs for signatures of the PEC chairperson and the commission member (registrar of voters) to whom the book is delegated, and also a graph for accounting the number of unused ballot papers.

8. The number of special envelopes transmitted to each PEC shall be equal to the total number of voters, but the number of ballot paper books shall equal to 50 times the number of the total number of voters in the election precinct.

9. The CEC shall issue the ballot papers and special envelopes to the DEC no later than two days before the polling. On its part, the DEC shall transfer the ballot papers and special envelopes to the PEC no later than 12 hours before the polling starts.

10. The number of ballot papers and special envelopes shall be precisely accounted for. Two copies of a receipt-delivery act shall be composed after the transfer of ballot papers and special envelopes by the CEC to the DEC and by the DEC to the PEC, which shall specify the names of a receiving and issuing commissions, including the number of special envelopes, ballot paper types, number of ballot paper books (by indicating their numbers and the numbers of the ballot papers), identity of the persons issuing and receiving them. The act shall be signed by the persons issuing and receiving the documents (one copy of the act shall remain with the commission issuing ballot papers and special envelopes, while another copy shall be transferred to the recipient of the ballot papers and special envelopes). Representative of the election commission, to whom the ballot papers and special envelopes are given, shall request one copy of the receipt-delivery act to be forwarded to the respective district/precinct election commission. Receipt-delivery act is public information.

11. Before composing the receipt-delivery act mentioned in the paragraph 10 of this Article, the signatory parties to the act after confirming the compliance of a ballot paper information, shall count the number of the ballot papers and record the data in the receipt-delivery act; the ballot papers shall be sealed again that shall be endorsed by signatures of the parties.

12. The front page of the ballot paper shall include:

- a) name of the elections/referendum and date of elections/referendum;
- b) name and number of the election district;
- c) number of the election precinct (on the counterfoil of the ballot paper and on the ballot paper itself);
- d) during proportional electoral system –number and name of the party/election bloc independently participating in the elections; during elections of the President of Georgia, Mayor of Tbilisi and majoritarian system elections – ordinary number, last name, first name of the candidate, name of the nominating election subject; if a majoritarian candidate is nominated by the initiative group of voters, the graph line of the ballot paper along the ordinary number shall indicate “independent”.
- e) the referendum paper shall also include the question referred to the citizens with regards to the referendum issue and possible response options: “yes” and “no”.
- f) procedure for filling out a ballot paper.



13. In case it turns out that a ballot paper was supposed to be in another election precinct/district or their quantity does not comply with the one specified in advance, it has a typographical or other type of error, the CEC shall be immediately notified about this, but the DEC under the relevant act is authorized to include the real quantity of ballot papers in the summary protocol.

14. The following shall be included on the reverse page of a ballot paper:

- a) place for the signature of the registrar of voters;
- b) place for the endorsement with a special stamp by the registrar of voters.

15. In case of withdrawal of an election subject from elections, the issued ballot paper shall include a stamp “withdrawn from elections” across the line of the election subject name.

16. Ballot paper is a state property. On the polling day it shall be prohibited to take it out of the polling place, take it without permission or destroy it.

17. Ballot papers are printed on a paper with protective signs and only the CEC is authorized to order and purchase it.

18. Violation of the restriction defined by paragraph 16 of this Article, also dissemination and use of the forged ballot paper is a criminal offence and shall be punished under the rule established by law.

19. The PEC shall issue ballot paper(s) and special envelopes based on the list of voters after presenting a personal identification card of a citizen of Georgia, passport of a citizen of Georgia, IDP or refugee certificate from the occupied territories of Georgia (in conjunction with the personal identification card of a citizen of Georgia).

20. Each voter shall be given one special envelope and a respective quantity of ballot papers on the polling day.

21. During the elections of the Parliament of Georgia, a voter shall be given two types of ballot papers – one for majoritarian and the other for proportional elections.

22. Member of the voters’ registrar commission shall endorse the issue of ballot paper(s) with his/her signature in the list of voters.

23. Voter shall endorse the receipt of a ballot paper(s) with a signature in the list of voters.

#### **Article 64. Inking of voters**

1. Inking of voters shall be conducted in every polling station (except for the cases defined by paragraph 5 of this Article) that implies applying of an invisible and nonhazardous chemical ink to the nail of the thumb or index finger of a voter’s right hand (in case such an action cannot be undertaken - ink shall be applied to the nail of another finger, if this cannot be fulfilled either – on the left hand applying the same rule).

2. A voter shall go through the inking verification procedure upon entering the polling room with relative member of the election commission, who illuminates the inked spot with a special device and after making sure that a voter has not been inked, grants the voter the right to participate in polling. If the device determines that a voter has been inked, he/she shall be restricted from participating in polling and the person’s name shall be recorded in the logbook.

3. Voter who has gone through the inking procedure shall move to the registration desk, where the registrar of voters shall ink a voter and issue a ballot paper(s). In case of refusal to inking, a voter shall not be entitled to vote and a ballot paper(s) shall not be issued to him/her.

4. If a member of the election commission, an observer present at the polling station and/or a proxy has a suspicion about the inking or inking verification process, he/she is authorized to re-

conduct the procedure envisaged by paragraphs 2 and 3 of this Article and request relative reaction on any revealed violation of the inking procedure.

5. Inking shall not apply prisons/ penitentiary institution, hospitals and other inpatient medical establishments (with reference to patients), including mobile voters.

6. A voter having gone through the inking procedure and participated in the polling shall not have a right to vote at the same or any polling station again.

7. An individual violating the requirements defined by this Article shall be held legally responsible under the Georgian legislation.

### **Article 65. Conduct of polling**

1. Each voter shall vote personally. It is restricted to vote instead of another person.

2. Voting procedure is being conducted under the following rule and sequence:

a) upon entering the polling place, a voter shall go through the inking verification procedure; if voter is not inked he/she shall be given the right to cast a ballot. Commission member responsible for regulating the voter flow shall allow the voter into the polling room only in case, where there are no more than two voters at the registration desk assigned to him/her;

b) in the polling room voter shall go to the registration desk corresponding to the first letter of his/her last name in the list of voters. Voter shall present to the registrar of voters a personal identification card or a passport of a Georgian citizen, IDPs from the occupied territories of Georgia – also an IDP certificate (together with a personal identification card of a Georgian citizen). After the registrar verifies the availability of a voter's name in the list of voters, he/she conducts the inking after which the voters registrar signs in the corresponding box in the list of voters, and after that the voter endorses the receipt of a ballot paper(s) with his/her signature. Issue of ballot papers shall be endorsed with the signature of the registrar on the back side in the designated place and certifies the ballot paper(s) with a special stamp;

c) after certifying the ballot paper(s) voter goes into the secret polling booth and fills out the ballot paper(s) according to the rule established by this Law. After filling out the ballot paper(s) the voter shall fold it (them) in a way that it does not show who he/she voted for;

d) The voter goes to the desk standing separately with the folded ballot paper(s) from which he/she independently takes a special envelope and puts the ballot paper(s) in it. Only the voter shall be authorized to put a ballot paper(s) in a special envelope. Election commission member shall not be entitled to open the filled out ballot paper(s) or otherwise violate the secrecy of the ballot;

e) no more than one voter at a time shall be allowed to be at the ballot box;

f) member of commission supervising the ballot box and special envelopes shall be permanently present by the ballot box. He/she shall keep the ballot box section for inserting envelopes locked and shall open it only after making sure that the voter has only one envelope at hand;

g) after the end of polling, the ballot box section for inserting envelopes shall be sealed.

3. It is restricted for any other person to be present at the moment of filling out the ballot paper. A voter unable to fill out the ballot paper independently shall be entitled to ask any person for help in the secret polling booth except for:

a) a member of the election commission;

b) a candidate;

c) a representative of an election subject;

d) an observer.

4. If a voter or a member of the PEC spoils a ballot paper or a special envelope, he/she should inform the chairperson of the PEC on this, submit the spoiled ballot paper/special envelope and receive a new one. The spoiled ballot paper/special envelope shall be cut a corner in the presence of the voter, inscribed "spoiled", signed by the chairperson of the PEC and stored separately.

5. Members of the PEC and persons authorized to be present at the polling place shall be entitled to request the voter, before he/she goes into the polling booth and prior to placing the ballot paper(s) into the special envelope, to show them that he/she has the exact number of ballot papers and special envelope at hand as defined by this Law. The voter shall comply with this request.

6. On the polling day, the PEC secretary shall count the number of signatures of voters participating in the polling in the list of voters twice - at 12:00 and at 17:00, and record the number in the public display protocol and the PEC logbook.

7. If the seal of the ballot box is damaged during polling, the PEC shall stop the voting process and make a decision with an ordinance on sealing the ballot box again and resumption of polling.

8. The polling place shall be closed at 20:00. Voters standing in the line by that time shall have a right to cast their votes. For this purpose one of the election commission members, tasked by the PEC chairperson, shall register the names and last names of voters waiting in the line and inform the PEC chairperson about their number, while the commission secretary records the quantity of voters standing in the line in the book of records. The PEC chairperson announces that only voters standing in the line are entitled to vote.

9. After closing the polling place, an authorized persons of the PEC established for exceptional cases take the ballot box and election documentation of an election precinct established for exceptional cases and move to the polling place pre-defined by the DEC.

### **Article 66. Mobile voting**

1. Mobile voting procedure shall start at 9:00 and end at 19:00. The mobile ballot box shall be returned to the polling station no later than 20:00.

2. Persons defined in Article 33 of this Law are authorized to cast a ballot through mobile voting.

3. From 9:00 of the polling day, the PEC chairperson provides the members of election commission accompanying the mobile ballot box with the list of mobile ballot boxes, special envelopes and necessary amount of ballot papers signed and sealed with a special stamp by the registrar of voters.

4. Two members of the PEC selected through casting lots and persons authorized to be present at the polling place shall participate in the polling conducted in accordance with the location of voters at their own will.

5. If a vehicle is used during mobile voting, the PEC shall assign space in the car for two observers selected through casting lots among persons authorized to be present at the polling place.

6. A voter shall cast a ballot through the mobile voting in case his/her actual location is assigned to the territory of the election precinct in which he/she is registered.

7. One transparent mobile ballot box shall be used to conduct polling according to the residence of voters. The secretary of the PEC shall include in the logbook the amount of ballot papers and special envelopes issued to the members of the election commission accompanying the mobile ballot box. After the end of polling, the amount of ballot papers and special envelopes in the ballot box and unused ones shall be summed up to make a comparison thereafter. After the conclusion of

the above procedure, unused ballot papers and special envelopes shall be cut an edge, inscribed "spoiled", signed by the chairperson of the PEC and stored separately. All procedures related to the polling at the polling place shall apply to mobile voting; authorities of a representative and an observer are also identical.

8. If in cases envisaged in Article 33 of this Law, both the place of a voter's registration and an actual location of a voter are assigned to one and the same election district, the voter shall have a right to participate in elections conducted under the proportional and majoritarian election systems and relevant ballot paper and special envelope shall be issued to him/her. Otherwise, the voter shall have a right to participate only in elections conducted under the proportional election system.

9. Polling procedures defined by paragraph 8 of this Article shall be conducted by the PEC on the territory of which a military base, hospital or other inpatient medical institution or a penitentiary establishment is located and within which a voter is located.

10. After the conclusion of polling, the mobile ballot box shall be sealed in such a way to make it impossible to open the box without damaging the seal.

### **Article 67. Procedures to be conducted before opening of the ballot box**

1. After the conclusion of polling, the chairperson of the PEC shall put a second special cut to the commission and registrar seals in the presence of persons authorized to be present at the polling place. In compliance with procedures defined by subparagraph „c" of paragraph 2 of Article 61 of this Law, the chairperson of the PEC shall select no less than three counting officers by casting lots, while the observers shall select no more than two supervisors from their membership base on mutual consent (if observers fail to agree, the chairperson of the PEC shall identify two supervisors from them by casting lots). The sample of seals with the cut shall be included in the logbook.

2. The chairperson of the commission shall select, by casting lots, from the representatives present at the polling station, no more than two representatives, who, together with the counting officers selected from the commission members by casting lots, shall participate in the process of counting valid and/or invalid ballot papers. Moreover, those representatives of the election subjects do not take part in casting lots to select abovementioned representatives, appointed commission members of which are counting officers selected by casting lots.

3. Counting officers consecutively count the total number of voters participating in the polling by general, special and mobile ballot box lists of voters. The secretary of the PEC immediately incorporates the results into the public display protocol and the polling day logbook and then wraps and seals the general, special and mobile ballot box lists of voters one by one.

4. Commission secretary shall cut an edge of the unused ballot papers. Unused and spoiled ballot papers shall be bound in separate packages. Each package shall include the name and number of the polling station, and the type of the ballot paper.

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

6. At the polling station set up for special cases, polling procedures shall be conducted in compliance with general procedures. After the conclusion of polling, the PEC, set up for exceptional cases, shall seal the ballot box section, the list of voters, and unused and spoiled ballot papers. The ballot box, list of voters, sealed unused and spoiled ballot papers shall be immediately submitted to the polling station (main polling station) pre-determined, based on the ordinance issued by the DEC.

7. The main election precinct shall open the ballot box of a polling station, set up for exceptional cases, according to the rule stipulated in paragraph 8 of this Article, and it shall mix the special envelopes and ballot papers from the above box with the special envelopes and ballot papers available at the main election precinct.

8. The ballot box of a polling station set up for exceptional cases shall be opened after mobile and main ballot boxes of the main election precinct are opened. The results of the main polling station and polling stations set up for exceptional cases shall be recorded in one summary protocol.

*Organic Law of Georgia June 28, 2012 №6571 – website, 28.06.2012y.*

### **Article 68. Opening of the ballot box**

1. The chairperson of the PEC shall check the integrity of the seal on the ballot box in the presence of PEC members and persons authorized to be present in the voting building.

2. If the seal is damaged, but the PEC considers that this fact has not violated the requirements of this Law, the procedures of summarizing results shall be resumed under the PEC ordinance. Otherwise, the ballot box shall be sealed and the PEC ordinance and the sealed ballot box shall be immediately transmitted to the upper DEC.

3. Counting officers shall move the ballot boxes to a desk standing separately and take their places on opposite sides in such a way to maintain two meters distance between PEC members and persons authorized to be present at the polling place. Two supervisors and two representatives selected from the observers shall stand next to the counting officers.

4. The PEC shall first open the mobile ballot boxes. Counting officers shall take special envelopes from the mobile ballot box and place them on the desk, check whether there is a control sheet in the mobile ballot box and compare it with the control sheet kept for comparison with the PEC. In case a difference was identified between the two control sheets, or there was an absence of a control sheet in the mobile ballot box, all special envelopes and ballot papers shall be bundled in one package and labeled “invalid” and transferred to the upper DEC after the conclusion of the procedures of polling and counting of votes at the polling station. After the conclusion of this procedure, the counting officers shall open the main ballot box.

5. Counting officers shall take special envelopes and voting ballots from the main ballot box and place them on a separate desk, check whether there is a control sheet in the main ballot box and compare it with the control sheet kept for comparison with the chairperson of the PEC. In case a difference was identified between the two control sheets, or there was an absence of a control sheet in the main ballot box, all special envelopes and ballot papers shall be bundled in a package, sealed, and a respective protocol shall be drawn up and immediately transferred to the upper DEC. If no such violations occur, the counting officers shall mix the special envelopes from the main and mobile ballot boxes and start counting the ballot papers.

### **Article 69. Counting of votes**

1. The PEC shall count the ballot papers in compliance with the following procedure:

a) the first counting officer shall take the ballot paper out of the special envelope, announce to whom the vote was cast and transfer the ballot papers of one type to the second counting officer, the second type of ballot papers to the third counting officer, etc., and special envelopes shall be placed separately. Counting officers shall sort the ballot papers separately by the votes given to each election subject;

b) unidentified ballot papers and ballot papers deemed invalid by the counting officers shall be placed separately. Ballot papers with suspicious authenticity shall also be placed separately.

2. One of the supervisors, selected from the observers, shall stand next to the second counting officer as specified under subparagraph "a" of paragraph 1 of this Article, and the second supervisor shall stand next to the third counting officer as specified under the same subparagraph. The supervisors are entitled to observe the entire procedure of counting of votes, make remarks on any error, request rectification of an error and, unless such a request is satisfied, appeal against the action of the PEC before the upper DEC, and in the court thereafter. Persons authorized to be present at the polling place shall have the right to request the counting officer to put aside any ballot paper with suspicious authenticity.

3. A default ballot paper shall be deemed invalid only in the following cases:

- a) the ballot paper is not endorsed with the signature of a registrar and a special stamp;
- b) it is impossible to determine for which election subject a voter cast a vote;
- c) the number of ballots in the special envelope exceeds the established number;
- d) the special envelope is not in an approved form;
- e) the ballot paper in the ballot box was without a special envelope;
- f) the ballot paper was assigned to another polling station.

4. Any type of adjustment, alteration, or amendment to the ballot paper after a voter has expressed his/her will, shall entail responsibility under the legislation of Georgia.

5. Ballot papers with suspicious authenticity shall be inspected after all ballot papers are sorted in different categories. The issue of authenticity of each ballot paper shall be decided by the PEC based on voting. Ballot papers that are deemed valid shall be added to the pile of valid ballot papers, while ballots that are deemed invalid are added to the pile of invalid ballot papers.

6. After the completion of the procedure defined by paragraph 5 of this Article, the ballot papers that have been found invalid shall be counted and labeled "invalid"; these ballot papers shall be bundled in a package and signed by the counting officers and the PEC chairperson, and the PEC secretary shall immediately include their quantity in the public display protocol and the logbook. Invalid ballots assigned to another precinct shall be packed in a separate bundle and their quantity shall be recorded only in the logbook.

7. Each package of ballot papers shall be packed and sealed in the envelope of an appropriate size. The number of the polling station, and the type and number of ballot papers shall be specified on each package.

8. After the conclusion of the procedure specified in paragraph 7 of this Article, the number of votes cast for each election subject shall be counted and the ballot papers shall be packed according to the procedure provided under paragraph 9 of this Article. The bundle of ballot papers cast for the each election subject shall be separately packed and sealed. The number of votes obtained by each election subject shall be immediately recorded by the PEC secretary in the public display protocol and the logbook.

9. Every 10 ballot papers shall be bound with a metal clip and each package, both complete and incomplete, shall have inscribed the number of ballot papers in a package. These packages shall be bound into a single bundle. These bundles of ballot papers shall have inscribed the title and number of the election precinct, information about the election subject(s) (title, first and last name), the number of votes received by the election subject(s), and the number of ballot papers in the bundle.

**Article 70. Summary protocol of polling results**

1. The results of polling and elections shall be recorded in the summary protocols of polling and election results of the CEC, DEC and PEC.

2. The summary protocol is an individual administrative-legal act verifying polling and elections results. The summary protocol and its copy, certified under the procedure of this Law, have equal legal force.

3. It is prohibited to modify the data in the summary protocol. The validity of such a summary protocol shall be reviewed by the upper election commission. Modification of the summary protocol data shall result into responsibility of the chairperson and secretary of the relevant election commission under the rule established by this Law.

4. If a mistake is made during filling out the summary protocol, in order to correct it, an inscription "corrected" shall be put immediately along the relevant data in the summary protocol. The election commission shall draw up the amendment protocol, which shall include the correction of the data of the summary protocol and the date and time of drawing up the protocol. All members of the election commission attending the session shall sign the amendment protocol. A commission stamp shall be put on the amended protocol, and the protocol shall be registered in the election commission registration book and the data of which was been corrected shall be attached to the summary protocol.

5. Each type of summary protocol (summary protocol of polling results of the PEC and summary protocol of polling and election results of the DEC) shall be numbered with individual numbers which shall not be repeated.

6. Summary protocols shall be registered accurately. They shall be printed by the CEC under the constant supervision of the authorized persons by the CEC and observers. The person executing the order of printing the protocols shall be personally responsible for making sure that the number of printed protocols transferred to the CEC exactly complies with that of the ordered protocols in order to prevent printing and distributing excess number of protocols.

7. The chairperson of the election commission is responsible for keeping the protocols in the election commission and their distribution as needed.

8. The DEC shall forward every type of summary protocol of polling results at the polling station to the PEC.

9. Summary protocols shall be printed on paper with protective signs that can be ordered and purchased only by the CEC.

10. Summary protocols shall be printed in Georgian language, in Abkhazia - Abkhazian, and for election districts for which the ballot papers are printed in a different language, comprehensible to the local population, summary protocols shall be printed in the corresponding language as well.

**Article 71. Drawing up of the summary protocol of polling results by the PEC**

1. Following verification of all data mentioned in paragraph 3 of this Article, the secretary of the PEC, in agreement with the PEC chairperson and in accordance with the available information, shall draw up each summary protocol of polling results.

2. Two summary protocols shall be drafted during the elections to the Parliament of Georgia and Local Self-government Body - Sakrebulo. One protocol shall be drawn up in compliance with the election result conducted under proportional electoral system, the other in compliance with

the majoritarian electoral system. One summary protocol shall be followed during elections of the President of Georgia, the Mayor of Tbilisi and by-elections.

3. The summary protocol of polling results shall indicate the following:

- a) the number and name of the election district and the election precinct;
- b) the number and name of the election precinct created in exceptional cases (if any), which is attached to the main polling precinct;
- c) the title of the elections/referendum;
- d) the polling date (if this is a repeat voting or the second round, this information shall also be included);
- e) the number of the stamp of the PEC and the stamp of the registrars of voters;
- f) the quantity of voters in the general list;
- g) the quantity of voters in the special list;
- h) the number of signatures of voters participating in the elections in the list of voters at 12:00 and 17:00;
- i) the total number of voters participating in the elections (according to signature in the voters' lists);
- j) the number of received ballot papers;
- k) the quantity of void ballot papers;
- l) the name of election subjects; number of votes cast to them;
- m) the date and time that the protocol was drawn up;
- n) the details of the protocol, with which a member of the PEC disagrees (commission member shall make this note in the column "dissenting opinion" and signs it).

4. All members of the PEC shall be obliged to sign the summary protocol of polling results, thus confirming their presence at the election precinct. The protocol is endorsed by the PEC stamp.

5. If a PEC member does not agree with the data included in the PEC summary protocol of polling results, he/she shall be entitled to attach to the protocol a dissenting opinion in writing.

6. In the case that a PEC member has a dissenting opinion, it is still the PEC member's duty to sign the summary protocol of polling results.

7. The summary protocol of polling results (enclosed with the dissenting opinions of PEC members) together with the sealed envelope of ballot papers and list of voters shall be immediately handed over to the upper DEC, which shall present the above protocol, accompanied by the DEC summary protocol, to the CEC.

8. The PEC is responsible for posting a copy of the summary protocol of polling results for public viewing. The PEC shall, if requested, immediately give a copy of the protocol (enclosed with the dissenting opinions of the commission members) to the representatives of party/election bloc/initiative group or the member of the PEC appointed by the party and the observers of an observer organization. The copy of the protocol shall be certified by the PEC stamp and signatures of the PEC chairperson and its secretary (these protocols shall have the same legal power as the PEC summary protocol of polling results). The representative/observer shall endorse the receipt of the protocol by a signature in the PEC logbook

9. From the day following the polling day, the copies of summary protocols of polling results shall be issued by the DEC. These copies shall be certified with the signatures of the DEC chairperson and its secretary and the DEC stamp (these protocols shall have the same legal power as the PEC



summary protocol of polling results). The representative/observer shall endorse the receipt of the protocol by a signature in the DEC registration book..

10. Failure to issue the summary protocol of polling results, if requested under the procedures of this Law, shall cause the responsibility of the authorized persons of the commission according to the rule prescribed by this Law.

11. Together, with the summary protocol of polling results, the list of voters and the signatures of the voters participating in the polling shall be forwarded to the DEC. The DEC, in turn, shall forward those lists to the CEC, who shall sort and keep them archived.

12. After completion of all polling procedures, the registration book of the PEC shall be closed, signed by the PEC chairperson and its secretary and endorsed by the stamp of the PEC.

13. The PEC stamp shall be sealed in a separate envelope. The envelope is signed by the PEC chairperson, its secretary and other PEC members.

14. It is the duty of the PEC to immediately convey the copy of the summary protocol of polling results, upon its completion, to the CEC through all technical means available (including fax, where possible).

#### **Article 72. Procedure for drawing up and submitting an application/complaint on the polling day**

1. An application/complaint shall be handed to the PEC chairperson, his/her deputy, or the secretary of the commission. The commission secretary shall register the application/complaint in the logbook and issue a (signed) notice to the applicant/complainant indicating the date, time and registration number of the application/complaint submitted to the commission.

2. An application/complaint shall include:

- a) the date and time of drafting the application/complaint;
- b) the name, address and place of registration of the applicant/complainant;
- c) the number of the election precinct;
- d) in the case of a witness - his/her first name, last name and place of registration;
- e) the essence and time of the violation;
- f) in case an offender is revealed - all possible date obtained on him/her;
- g) an explanation by the offender (if any);
- h) other additional information.

3. The PEC chairperson shall immediately respond to the application/complaint and eliminate any existing violation. If the commission chairperson does not eliminate the violation, or otherwise refuses to respond to the application/complaint, the applicant/complainant has the right to immediately submit the application/complaint on the same violation to the relevant upper DEC. The DEC is obliged to take appropriate measures to eliminate the violation, and in the course of examination of application/complaint, consider the issue of deeming the relevant precinct results as void.

4. If the PEC eliminates the violation included in the application/complaint, the relevant note "violation eliminated" shall be made in the logbook with the indication of the exact time.

### **Article 73. Applications and complaints on violation of procedures of polling and counting of votes**

1. An application/complaint on a violation of the polling procedure in a precinct shall be drafted immediately upon detecting a violation of this Law, under the rule defined by Article 72 of the present Law, from 7:00 of the Polling Day until the ballot box is opened.

2. An application/complaint on violations, occurring during the procedure of counting votes or summing up the polling results, and request for revision or nullification of polling results, shall be drawn up from the time that the ballot box is opened until the time that the drafting of the summary protocol of polling results is complete, under Article 72 of this Law.

3. The PEC Secretary shall register the application/complaint, referred to in paragraph 2 of the present Article, in the logbook and the PEC shall forward it to the upper DEC within 3 calendar days of the polling day (considering the rule established by this Law on the receipt of documents by the DEC). The application/complaint concerning the same violation may be submitted directly to the DEC by the applicant/complainant within the same timeframe.

### **Article 74. Examination of applications/complaints on counting votes and summarizing polling results**

1. Upon receipt by the DEC of an application/complaint, referred to in article 73 of this Law, the DEC secretary shall register it in the DEC registration book. The commission shall review the application/complaint and make a decision within 1 calendar day of its registration with the DEC. The DEC shall deliver a decision in the form of an ordinance, which may be appealed only to the court, according to the rule established by this Law.

2. If the rule on submission of information, established by sub-paragraphs "a" and "d" of paragraph 2 of Article 72 of this Law, are violated, the corresponding official of the election commission, who is responsible for the receipt of applications/complaints, shall be obliged to indicate the error on the statement/complaint to the applicant and define a reasonable term for its rectification; the commission secretary shall make relevant note of this in the commission registration book, and the note shall be signed by the applicant/complainant and the respective official of the commission. In case the error is not corrected during the defined period, the respective election commission shall apply the rule established by the paragraph 5 of this Article.

3. The applicant/complainant shall be entitled to correct any error, within the period established by the authorized official of the election commission, by submitting the similar application/complaint about the violation, where the grounds for determining the error shall be eliminated, and/or the applicant shall submit an application that shall include the information based on which the error has been established.

4. In the case that the application/complaint is corrected, a relevant note shall be made in the registration book of the election commission indicating the exact time and date of the correction, and it shall be signed by the person correcting the error and the respective official of the commission.

5. An application/complaint submitted in violation of procedures, established by Articles 72 and 73 of this Law and paragraphs 3 and 4 of this Article shall not be reviewed, on which the decision shall be delivered by the respective election commission.

### **Article 75. The summarizing polling and election results at the DEC**

1. On the basis of summary protocols of the PEC, considering the results of the examination of a violation of election legislation of Georgia, the DEC shall, no later than the 11th day following the polling, summarize the polling results of the referendum, elections of the President of Georgia,

Parliament of Georgia, Mayor of Tbilisi and Tbilisi Sakrebulo, and ascertain the results of elections of the Parliament of Georgian and Local Self-government Representative Body – Sakrebulo and the summary protocols of the polling and election results held in the election district. These protocols shall be forwarded to the CEC no later than the following day.

2. The summary protocol of the DEC polling/election results shall include the:
  - a) number and name of the election district;
  - b) name of the elections/referendum;
  - c) polling date (it should be indicated if it is repeat voting or a second round);
  - d) number of voters in the election district;
  - e) number of voters in the election district participating in the elections;
  - f) number of received ballot papers;
  - g) number of void ballot papers;
  - h) name of the election subjects, and the number of votes cast for the election subjects;
  - i) number of actual ballot papers (the sum of votes cast for all the election subjects);
  - j) election precinct number of any precincts where the polling results were deemed null and void, a total number of voters in that precinct and the basis for considering the polling results as void;
  - k) number of issued ballot papers in election precincts where the polling results were considered null and void;
  - l) time and date of the protocol was drafted;
  - m) protocol date with which a DEC member disagrees (this note shall be made by the commission member in the box “dissenting opinion” and signed by that member);
  - n) summary protocol of the election results shall include the data referred to in this paragraph, as well as the names of the elected person(s), the names of persons advanced to the second round and the name of the person elected in the second round.

3. If the polling results at the election precinct(s) are considered void by the DEC, and the total number of voters in that precinct(s) is of an amount that would not affect which person(s) is elected, or which person(s) moves to the second round, the DEC shall determine the elected person, or the person(s) that moves to the second round, without taking into consideration the disputed precinct(s).

4. All members of the DEC attending the commission session are obliged to sign the summary protocol of polling/election results. The protocol shall be endorsed by the DEC stamp.

5. If a DEC member disagrees with the data included in the summary protocol, he/she is entitled to indicate in the protocol what he/she disagrees with, and attach a written dissenting opinion to the protocol.

6. The DEC secretary shall include the data referred to in this Article, immediately after it is established, in the public display protocol posted by the DEC at a visible and accessible place.

7. The summary protocol of the DEC polling/election results (enclosed with any dissenting opinions of DEC members), as well as DEC ordinances on amending the PEC summary protocols (if such amendments have been made) shall be immediately transmitted to the CEC.

8. A copy of the DEC summary protocol (enclosed with the dissenting opinions of DEC members), upon its request, shall be immediately forwarded to the representatives of a party/ election bloc/initiative group and to members of an observer organization. The copy of the protocol shall be endorsed by the DEC stamp and the signatures of the DEC chairperson and the secretary (these protocols have the same legal power as the DEC summary protocols). The representative/ observer shall verify the receipt of the protocol with his/her signature in the logbook.

9. If the verified copy of the summary protocol, requested under the rule established by this Law, is not issued, the commission chairperson and secretary shall be held responsible, under the legislation of Georgia.

### **Article 76. Summarizing the election results at the CEC**

1. On the basis of the protocols received from the district and precinct election commissions, no later than the 19th day following the polling, the CEC shall summarize the election results for the Parliament of Georgia, the President of Georgia and the Mayor of Tbilisi on which the summary protocol of the election results shall be drawn up.

2. The CEC shall summarize the election results and draw up the summary protocol of election results indicating the:

- a) number of voters;
- b) number of voters participating in the elections;
- c) number of ballot papers considered void;
- d) number of votes cast for the election subjects.

3. The summary protocol of election results shall be signed by the CEC chairperson and CEC secretary. One copy of the protocol shall be kept by the CEC and the second copy shall be forwarded to the organs stipulated by this Law. Copies of the protocol shall be transmitted to all interested persons.

4. The CEC shall ensure the posting of the summary protocols of the polling results on the CEC website in parallel with the receipt of the summary protocols from the election precincts. The employees of the election administration are prohibited to make announcements on the preliminary results of the elections, unless these results are published on the CEC website.

5. It is prohibited to summarize election results by the CEC before election complaints in the common courts are finalized and if the rulings of these courts are not fully taken into consideration.

6. In the case of a submission of an application/complaint and/or existence of a CEC member dissenting opinion, the CEC may summarize the election results on the basis of the PEC summary protocols.

7. Upon summarizing the final results of the elections, the CEC shall publish the information on the election results on its web site, in accordance with each election precinct; and, no later than the following day, convey this information to the press and other media.

8. It is the CEC's duty to ensure the publicity of protocols defined by paragraph 14 of Article 71 of this Law, including its immediate publication on the CEC web site; at the same time, if the results of an election precinct have been appealed to the court in accordance with the rule established by the Georgian legislation, the CEC is obliged to make proper note of this on the respective protocol published on the web site, immediately after the official notification is received.

## **CHAPTER IX. ELECTORAL DISPUTE RESOLUTION**

### **Article 77. Appeal term and procedure**

1. Violation of electoral legislation may be appealed to the relevant election commission. The decision of the election commission may be appealed only to a higher election commission or a court, in accordance with the procedure and terms determined by this Law, unless otherwise defined by this Law.

2. Decisions of the PEC/commission head officials, within 3 calendar days of their delivery, may be appealed to the relevant DEC, which shall examine the appeal within 1 calendar day. The decision of the DEC, within 2 calendar days may be appealed to the relevant district/city court, which shall examine the appeal within 2 calendar days. The ruling of the district/city court, within 1 calendar day of its delivery, may be appealed to the Court of Appeal, which shall examine the appeal within 1 calendar day. The Court of Appeal's ruling is final, and not subject to appeal.

3. In the case that the DEC decision is appealed to the CEC regarding the appeal of the PEC decision, an application/complaint shall not be considered.

4. Decisions of the DEC/commission head officials, within 1 calendar day of their delivery, may be appealed to the CEC, which shall examine the appeal within 1 calendar day. The decision of the CEC, within 1 calendar day of its delivery, may be appealed to Tbilisi City Court. Tbilisi City Court shall examine the appeal within 2 calendar days. The Tbilisi City Court ruling, within 1 calendar day of its delivery, may be appealed to the Court of Appeal, which shall deliver its ruling within 1 calendar day of the submission of the appeal. The ruling of the Court of Appeal is final, and not subject to appeal.

5. The decision of the CEC/head officials of the CEC may be appealed to Tbilisi City Court, within 2 calendar days of its delivery. The Tbilisi City Court shall examine the appeal within 2 calendar days. The Tbilisi City Court ruling, within 2 calendar days of its delivery, may be appealed to the Court of Appeal, which shall deliver its ruling within 2 calendar days of the submission of the appeal. The ruling of the Court of Appeal is final, and not subject to appeal.

5<sup>1</sup>. Decision or failure to arrive to a decision by the Georgian National Communications Commission made in accordance with paragraph 19 of Article 51 of this Law, may be appealed within 48 hours after its announcement to the Tbilisi City Court according to the procedure established by the Code of Administrative Offences of Georgia. Tbilisi City Court shall review the complaint within 2 calendar days. The Tbilisi City Court ruling may be appealed to the Tbilisi Appeal Court within 48 hours after the ruling was delivered, which shall deliver its ruling within 2 calendar days after filing the complaint. The ruling delivered by the Tbilisi Appeal Court is final and is not subject to appeal.

6. In the case that the lawsuit/complaint is lodged before the court, the court is obliged to immediately inform the DEC/CEC of the receipt of the lawsuit/complaint and, once the ruling is delivered - on the ruling. The District/City Court ruling shall be sent to the parties by 12:00 of the next day.

7. If a party fails to appear at the court hearing, the court shall deliver its ruling based on an inquiry into case materials and in accordance with the provisions of Articles 4, 17 and 19 of the Administrative Procedural Code of Georgia.

8. The application/lawsuit/complaint shall be considered to be lodged before the election commission/court from the moment it is registered in the relevant election commission/court.

9. The lodging of an application/lawsuit/complaint before the election commission/court shall not terminate the ruling appealed.

10. The extension of appeal and dispute resolution terms, defined by this Law, shall be prohibited, unless otherwise determined by this Law.

11. An application/lawsuit/complaint submitted to the election commission/court concerning election disputes defined by Article 78 of this Law, by the persons not referred to in the same Article, shall remain unconsidered.

12. The term and procedure for appealing the election commission's decision and violation of Georgian election legislation, and the term for examining of application/lawsuit/complaint and the delivery of ruling, as well as the group of applicants is determined by Georgian legislation, unless otherwise determined by this Law.

13. The term and procedure for appealing the violations of the election legislation, during elections conducted within the competence of the Supreme Election Commission of Autonomous Republic, shall be determined in accordance with the rules determined by the legislation of Autonomous Republic.

14. Applicants/observer organizations/election subjects shall be informed on the time and place of the consideration of a complaint by the election commission, pursuant to the requirements set forth by this Law.

15. If the applicant is an observer organization or its representative, registered with the election commission, the respective observer of this organization or this organization, registered with the election commission, shall be notified of the time and place of the consideration of the complaint.

16. If the applicant is an election subject or its appointed representative, the appointed representative of this subject, deriving from Article 42 of this Law, shall be notified of the time and place of the consideration of the complaint.

17. If the applicant is a member of the election commission, he/she shall be personally informed of the consideration of the complaint.

18. It is the duty of the parties to clearly indicate in the application a telephone number (home and/or cell phone), as well as a fax number and email address (if any), of the applicant.

19. For considering the complaint, in order to meet the terms of examination of the complaint required by this Law, the parties may be summoned in writing, or by telephone (including cell phone, text message), email, fax or other technical means. The summon of the party by technical means shall be confirmed by:

a) contacting the telephone number indicated by him/her;

b) email, fax or text message – through confirmation received by relevant technical means. If such confirmation is received, the party shall be deemed summoned. The party shall also be considered summoned in the case that it is unfeasible to contact him/her through the technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.).

20. Summoning of the party through technical means shall be reflected in the act, which shall be attached to the complaint presented at the commission session.

21. The CEC act shall be drawn up and signed by a CEC legal department employee and by a head of the department.

22. The lower election commission act shall be drawn up by one of the members of the commission, as assigned by the commission chairperson, and signed by this member of the commission and the chairperson.

23. The Election Administration of Georgia shall be obliged to inform the party of the time and place of the examination of the case no later than 3 hours prior to the start of the examination.

24. The form of the act shall be approved by the CEC ordinance.

25. The absence of the party shall not be grounds for postponing the examination of the complaint.

26. A party attending the commission session shall be provided with the draft documents and copies related to the examination of the complaint, as well as those that will be presented at the commission session, before the start of the session.

27. A party shall have the right to participate in the process of examination of the complaint, as established by the Georgian election legislation.

28. The decision on the examination of the complaint shall be made based on accurate inquiry into, and study of, the evidence submitted by the parties and the materials acquired by the election administration of Georgia on its own initiative.

29. A party participating in the process of examination of the complaint, upon his/her request, shall be provided with the decision on the complaint (except for the minutes of the commission session) until 12:00 of the day following the adoption of the decision, considering the terms of composition of relevant documentation set forth by the Georgian legislation.

30. A party, who has failed to appear at the examination of the complaint, regardless of his/her notification, shall be provided with the commission decision in writing.

31. If the party fails to appear at the commission session in the course of examination of the complaint, the date on which the party received a written document on the decision shall not be the grounds for calculating the term of appealing of the commission's decision.

32. The election commission is obliged to indicate in the decision the term and place (name and address of an institution) where the decision may be appealed.

*Organic Law of Georgia June 29, 2012 №6605 – website, 16.07.2012y.*

#### **Article 78. Election disputes and group of claimants**

1. The terms and procedures for submission to, and examination by, the Constitutional Court of Georgia of a constitutional claim on the compliance with the Constitution of procedures regulating elections, and elections conducted, or to be conducted, based on these procedures, are defined by the Organic Law of Georgia on the Constitutional Court of Georgia and the Law of Georgia on Constitutional Legal Proceeding.

2. A complaint can be filed to the court concerning the lists of voters by a representative from registered party/election block/voters' initiative group, having electoral registration, in a relevant election commission; organization with an observer's status; a member of the relevant PEC and DEC; as well as a citizen, whose application on inclusion in the voters' list have not been upheld by the election commission.

3. A complaint may be filed to the court regarding the establishment of election districts, within the term provided by the present Law, by a representative from a registered party/election block, having electoral registration, in CEC, organization with an observer's status and a CEC member.

4. A complaint may be filed to the court regarding the establishment of election precincts, within the term provided by the present Law, by a representative from registered party/election block, having electoral registration, in the respective DEC, organization with an observer's status and a member of the respective DEC.

5. An individual, defined by the legislation of Georgia, shall have a right to file a complaint to the court with regard to the appointment/election of a CEC/DEC member, within the term provided by this Law.

6. A complaint may be filed to the court, regarding the appointment/election of a PEC member, within the term provided by the present Law, by a representative from a registered party/election block/voters' initiative group, having electoral registration, in the respective DEC, organization with an observer's status and a member of the respective DEC or PEC.

7. A complaint may be filed to the court, within the term provided by the present Law, regarding an ordinance of an election commission, and its chairperson, on the pre-term termination of the authority, as well as the failure to make a decision on the pre-term termination of the authority, of a member of an election commission or its head official (in case of existence of the grounds provided by Article 29 of this Law), by a registered party/election bloc, having electoral registration, organization with an observer's status, a member of the respective of upper election commission, whose authority has been terminated early under this ordinance.

8. A complaint may be filed to the court regarding an ordinance of the CEC on the pre-term termination of the authority, or the failure to make a decision on the pre-term termination of the authority, of a lower election commission, by a CEC member, a registered party/election bloc representative, having electoral registration, in CEC, organization with an observer's status and more than a half of the commission members, whose authority has been pre-term terminated under this ordinance.

9. The CEC shall be entitled to file a complaint to the court concerning the failure to deposit funds, allocated for the elections from the state budget of Georgia, to the CEC account, within the term prescribed by this Law. The complaint shall be filed within 10 calendar days of the expiration of the above term.

10. The following subjects shall be entitled to file a complaint to the court regarding the electoral registration of a party, election bloc, voters' initiative group and their representatives:

a) a party, election bloc, representative of a voter's initiative group in the CEC (during elections of the President of Georgia and the Mayor of Tbilisi)--if the CEC chairperson failed to register this party, election bloc, voters' initiative group, or their representatives, or cancelled their registration;

b) a party, election bloc, representative of a voter's initiative group in the relevant DEC (during elections of the Local Self-government Representative Body – Sakrebulo and the Parliament of Georgia under majoritarian electoral system)--if the DEC chairperson failed to register the voters' initiative group, or their representatives, or cancelled their registration;

c) a party independently participating in the elections, an election bloc, a representative of the voters' initiative group in the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), at least 2 persons having an election observer status (appointed as observers in the CEC)--if they deem that a party, election bloc, or voters' initiative group was registered in violation of the requirements of Georgian electoral legislation;

d) a party independently participating in the elections, an election bloc, a representative of the voters' initiative group in the relevant DEC (during elections of the Local Self-government Representative Body – Sakrebulo and the Parliament of Georgia under majoritarian electoral system), at least 2 persons having an election observer status (appointed as observers in the relevant election district)--if they deem that an initiative group of voters was registered in violation of requirements of Georgian electoral legislation.

11. The following subjects shall be entitled to file a complaint to the court concerning an ordinance by the election commission chairperson on the registration of a candidate for the presidency of Georgia, a party participating independently in the elections, a party list presented by the election bloc, separate candidates included in the party list, candidates nominated in a single-mandate electoral district and the candidate for the Mayor of Tbilisi:

a) a party, an election bloc, a majoritarian candidate, a representative of a voters' initiative group in the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), a representative of



a voters' initiative group in the relevant DEC (during elections of the Self-government Representative Body - Sakrebulo and the Parliament of Georgia under majoritarian electoral system)--if the CEC chairperson failed to register the candidate for the President of Georgia, the candidate for the Mayor of Tbilisi, the party list presented by the election bloc or party, separate candidates included in the list, whereas the DEC chairperson failed to register candidates nominated by the party, election bloc, initiative group of voters during the elections of the Parliament of Georgia, as well as the party list presented by the party, election bloc, separate candidates included in the lists, candidates nominated by a party, election bloc, initiative group of voters during the elections of the Representative Body of Local Self-government - Sakrebulo and/or when chairpersons of these commissions cancelled their registration;

b) A party independently participating in the elections and having electoral registration, a registered election bloc, a representative in the CEC of a registered voters' initiative group (during elections of the President of Georgia and the Mayor of Tbilisi), candidate for the Mayor of Tbilisi, at least 2 persons having election observer status (appointed as observers in the CEC)--if they deem that the CEC chairperson has registered a party/election bloc list, separate candidates included in the list of the party/election bloc, candidate for the President of Georgia, candidate for the Mayor of Tbilisi in violation of the requirements of the election legislation of Georgia, as well as if separate candidates included in the party/election bloc list fail to meet the requirements set forth by the Constitution of Georgia and Georgian legislation or those requirements have been met in violation of the procedures proscribed by the legislation of Georgia;

c) A party independently participating in the elections and having election registration, a registered election bloc, a representative of an initiative group of voters in the relevant DEC (during elections of the Local Self-government Representative Body - Sakrebulo and the Parliament of Georgia under majoritarian electoral system), at least 2 persons having election observer status (appointed in the DEC)--if they deem that the DEC chairperson has registered a party/election bloc list, candidates nominated under the majoritarian system or individual candidates included in the party/election bloc list, in violation of the requirements stipulated by the election legislation of Georgia, as well as if candidates nominated under the majoritarian system or individual candidates included in the party/election bloc list fail to meet the requirements of the Constitution of Georgia and Georgian legislation or those requirements have been met in violation of procedures envisaged by the legislation of Georgia;

12. The right to file a complaint to the court concerning the CEC ordinance on registration of local and international observer organizations, shall be granted to: the abovementioned organization, if the organization is not registered by the CEC; a party/election bloc having electoral registration, a representative of a registered voters' initiative group in the CEC, a registered organization having an observer status--if the entities consider the registration of the observer organization a violation of the election legislation of Georgia.

13. The right to file a complaint to the court regarding an ordinance of the DEC on the registration of a domestic observer organization, shall be granted to: the abovementioned organization, if the organization was not registered by the DEC; representatives of a party/election bloc and voters' initiative group, having electoral registration, in the DEC, a registered organization having observer status, if the entities deem the registration of the observer organization a violation of the election legislation of Georgia.

14. The right to file a complaint to the court regarding an ordinance of the CEC/DEC secretary on accreditation of representatives of press and other media, shall be granted to: a representative

of press and other media , whose application for accreditation is not upheld by the election commission, a party/election bloc with electoral registration, a representative of a voters' initiative group in the relevant election commission, or an organization holding an observer's status.

15. The right to file a complaint to the court on actions referred to in Paragraph 1 of Article 47 of this Law, shall be granted to:

a) a party, election bloc, representative of a voters' initiative group in the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), organization with an observer status, election commission--if the complaint concerns the violation of the above-mentioned procedure by the party, election bloc, candidate for the President of Georgia or the Mayor of Tbilisi;

b) a party, an election bloc, a representative of a voters' initiative group in the relevant DEC (during elections of the Local Self-government Representative Body - Sakrebulo and the Parliament of Georgia under majoritarian electoral system), a majoritarian candidate, an organization with election observer status, election commission--if the complaint concerns the violation of the above-mentioned procedures by the candidate nominated to the single/multi-mandate electoral district.

16. The right to file a complaint pertaining to the violation of the provisions of paragraph 3 of Article 46 and paragraphs 1-4 of Article 50 of this Law by press and other media, shall be granted to the subject determined by the Georgian legislation.

16<sup>1</sup>. Individuals prescribed by paragraph 17 of Article 51 of this Law shall be authorized to lodge a complaint to the court regarding a decision, or failure to arrive to a decision by the Georgian National Communications Commission, as defined by paragraph 19 of Article 51 of this Law".

17. The right to file a complaint to the court, with respect to the ordinance of the chairperson of the election commission in violation of the provisions of Article 48 and 118 of this Law, shall be granted to: the party nominating the candidate, an election bloc, an initiative group of voters, the candidate on whom the ordinance is issued, a representative in the CEC of another party, an election bloc, voters' initiative group having electoral registration (during elections of the President of Georgia and the Mayor of Tbilisi), an organization with election observer status, a representative of the initiative group of voters in the DEC (if it concerns a majoritarian candidate)--unless the commission confirms the above-mentioned violation.

18. The right to file a complaint to the court regarding the actions and decisions of the PEC, and its individual members, during polling and the summing up of polling results (other than drawing up the summary protocol of polling results), shall be granted to: a representative of a party, election bloc, voters' initiative group in the precinct or upper DEC, an observer of an organization with election observer status, in the precinct or upper DEC.

19. A complaint on the issues specified in paragraphs 17 and 18 of this Article shall be filed in the appropriate district/city court no later than the day following the polling day. The court shall deliver its ruling no later than the following day after the day the complaint is filed. The ruling of the district/city court may be appealed to the Court of Appeal no later than the following day, and the Court of Appeal shall deliver its ruling no later than the day after the day the appeal is filed.

20. In case the summary protocol of the PEC is appealed, the right to apply to the court, regarding the respective ordinance of the upper DEC, shall be granted to: a representative of a party, an election bloc, a representative of voters' initiative group with electoral registration, in the respective DEC, the organization with election observer status.

21. The right to apply to the court, with respect to the DEC ordinance deeming, or failing to deem the polling results null and void at an election precinct, shall be granted to: a representative

of a party, an election bloc, a voters' initiative group, a majoritarian candidate, an observer of an organization with election observer status at the relevant DEC.

22. The right to lodge a complaint before the court, concerning the CEC ordinance declaring elections as being held, or announced to have failed, shall be granted to: a party independently participating in elections, an election bloc, a representative of voters' initiative group in the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), a candidate for the Mayor of Tbilisi, a representative of voters' initiative group at the DEC (if it concerns the election district), a majoritarian candidate, an organization with election observer status.

23. The right to file a complaint to the court regarding the relevant ordinance of the CEC on the summary protocol of the DEC shall be granted to: a party independently participating in elections, an election bloc, a representative of voters' initiative group at the DEC, a majoritarian candidate, an organization with election observer status.

24. The right to lodge a complaint to the court, pertaining to the summary protocol of the election results of the CEC, shall be conferred to: a party independently participating in the elections, an election bloc, a representative of voters' initiative group at the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), candidate for Mayor of Tbilisi, a majoritarian candidate, an organization with election observer status.

*Organic Law of Georgia June 29, 2012 №6605 – website, 16.07.2012y.*

## **CHAPTER X. RESPONSIBILITY FOR VIOLATION OF THE ELECTION LEGISLATION**

### **Article 79. Participation in pre-election agitation in violation of law**

Participation in pre-election agitation in violation of the requirements of this Law shall be subject to a fine of 2000 GEL.

### **Article 80. Hindering the dissemination of pre-election calls and materials**

1. Under the rule defined by this Law, obstruction of the dissemination or seizure of election calls, statements, inscriptions, papers, photo and other materials, as well as the seizure of, or hindrance of, the use of transportation, or other kinds of specially equipped means aimed at pre-election agitation shall be fined in the amount of 1000 GEL.

2. The same action conducted by officials shall be subject to a fine of 2000 GEL.

### **Article 81. The conduction of pre-election campaign in institutions, where such pre-election campaign is prohibited**

The conduction of pre-election campaign on the premises of institutions, where such pre-election campaigns are prohibited by this Law, and issuance of a permit to do so by an authorized person, shall be fined in the amount of 1000 GEL.

### **Article 82. Violation of the rule of promulgation of the results of election-related public opinion poll**

The promulgation of the results of the public opinion poll, conducted in relation to the elections, within the term defined by law without the required information, or violation of other rules related to its promulgation, shall be fined in the amount of 1500 GEL.

**Article 83. Placement of political/election advertising in violation of requirements of law**

1. Violation of requirement of present law related to pre-election agitation, placement of political/election advertising and transmission of information or its publication shall entail an imposition of a fine upon the means of electronic media in the amount of 1500 GEL and the printed media - in the amount of 500 GEL.

2. In case of repeated conduct of the same action in the course of one year from the imposition of administrative fine, means of electronic media shall be subject to a fine of 5000 GEL and the printed media - in the amount of 1500 GEL.

**Article 84. Responsibility of election subjects for violation of the Organic Law of Georgia on Political Unions of Citizens**

1. Election subjects - including election blocs, political unions within the election bloc, initiative groups of voters and candidates nominated by the initiative group--shall be responsible for violations of the Organic Law of Georgia on Political Unions of Citizens, as well as the actions aimed at avoiding the requirements of the law to provide funding of political activities.

2. Responsibility for the activities outlined in paragraph 1 of this Article shall be imposed under the Organic Law of Georgia on Political Unions of Citizens and the procedures set forth by this Law.

**Article 85. Failure to fulfill the obligation of the law of submission of the report on election campaign funds**

1. Failure to fulfill the obligation of the law requiring the submission of the report on election campaign funds and/or the submission of inaccurate data on the election campaign funds report shall entail imposition of fine upon the political union of citizens in the amount of 1500 GEL.

2. The same action conducted by a political union of citizens receiving state funding shall lead to the imposition of a fine in the amount of 3000 GEL upon the political union of citizens.

**Article 86. Refusal to submit materials to the election, referendum, or plebiscite commissions or failure to fulfill their decisions**

The refusal to submit materials to the election, referendum, or plebiscite commission, or the failure to fulfill their decisions, shall lead to the imposition of a fine upon officials in the amount of 1000 GEL.

**Article 87. Amending the data contained in the summary protocols of polling and election results**

Amending the data contained in the summary protocols of polling and election results shall lead to the imposition of a fine upon a chairperson and/or secretary of the relevant election commission in the amount of 2000 GEL each.

**Article 88. Prohibition of abuse of administrative resources or abuse of power or official capacity during pre-election agitation and campaign**

A breach of the requirements of this Law in the course of abuse of administrative resources or abuse of power or official capacity during pre-election agitation and campaign shall be subject to a fine in amount of 2000 GEL.

**Article 89. Failure to issue copies of summary protocols of elections, referendum or plebiscite**

A violation of the requirements of this Law, in the failure to issue copies of summary protocols of elections, referendum or plebiscite, shall lead to the imposition of a fine upon the chairperson and/or secretary of the relevant election commission in the amount of 1000 GEL.

**Article 90. Hindering a person authorized to be present at the polling place from making notes in the logbook**

Hindering a person, authorized to be present at the polling place, from making notes in the logbook shall lead to the imposition of fine upon the relevant persons in the amount of 500 GEL.

**Article 91. Restriction of rights of an observer, election subject and representative of media**

The restriction of the rights of a domestic/international observer, election subject and representative of media, set forth by this Law, or the disruption of their activities, shall lead to the imposition of a fine upon relevant persons in the amount of 500 GEL.

**Article 92. Breach of duties and requirements by an observer, election subject and representative of media**

A violation of the requirements set forth by sub-paragraphs “b” through “d” of paragraph 2 of Article 41 of this Law by an observer, election subjects and representative of mass media shall lead to the imposition of a fine upon relevant individuals in the amount of 500 GEL.

**Article 93. Legal proceedings**

1. Protocols on administrative violations, as outlined in Articles 79, 81 and 86-92 of this Law, shall be drawn up by the CEC, as well as persons authorized by the CEC and the relevant DEC (officials).

2. Protocols on administrative violations, as outlined in Articles 82 and 83 of this Law, shall be drawn up by Georgian National Communications Commission.

3. Protocols on administrative violations, as prescribed in Articles 84 and 85 of this Law, shall be drawn up by the State Audit Office.

4. Protocols on administrative violations concerning illegally taken off, ripped off, hidden or damaged election posters, outlined in the section of administrative violations of Article 80 of this Law, shall be drawn up by the relevant local self-government bodies.

5. In the case of the commission of administrative violations, stipulated by this Chapter, legal proceedings shall be conducted in accordance with the Code of Administrative Violations of Georgia, unless otherwise determined by this Law.

*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

# SPECIAL PART

## SECTION II

### CHAPTER XI. ELECTIONS OF THE PRESIDENT OF GEORGIA

#### **Article 94. Elections of the President of Georgia**

The President of Georgia shall be elected on the basis of the universal, equal and direct electoral suffrage, by secret ballot, for a term of five years. The same person may be elected as the President of Georgia for only two consecutive terms.

#### **Article 95. Holding of regular elections of the President of Georgia**

1. Regular elections of the President of Georgia shall be held in October of the calendar year during which the presidential term of authority expires. The President of Georgia shall call the date of the elections no later than 60 days before the elections.

2. No election shall be held during a state of emergency or martial law.

#### **Article 96. Passive electoral suffrage**

Any citizen of Georgia, with the right to vote, who has attained the age of 35, lived in Georgia for at least 5 years and, before the day the elections are called, resided in Georgia for at least the 3 previous years, may be elected as President of Georgia.

#### **Article 97. Right to nominate a candidate for Presidency of Georgia**

1. A political union of citizens (party) or initiative group, consisting of 5 voters, shall have the right to nominate a candidate for the Presidency of Georgia.

2. The nomination of a candidate for President of Georgia shall be certified by the signatures of no less than 25000 voters (0,75% of the total number of voters).

#### **Article 98. Rules for nomination of a candidate for President of Georgia**

1. Parties registered with the CEC and initiative groups of voters have the right to nominate one candidate for President of Georgia.

2. In order to nominate a candidate for President of Georgia, a party, voters' initiative group shall submit an application to the CEC chairperson no later than the 50th day before the Polling Day. After submitting an application, they are entitled to collect signatures of supporting voters.

3. The following information on the candidate for President of Georgia shall be indicated in the application:

- a) first name, last name;
- b) date of birth;
- c) occupation;
- d) position (activity);
- e) place of work;
- f) place of registration;
- g) party affiliation;
- h) period of residence in Georgia;

i) name of the nominating party; first names, last names, number of the personal identification cards of a citizen of Georgian (passport of a citizen of Georgia), place of registration, contact telephone and other information (if any) of members of the voters' initiative group and their representative.

4. Written consent of the person nominated as a candidate for Presidency of Georgia to participate in elections, a copy of his/her birth certificate and three photos shall be attached to the application.

5. The application shall be signed by the leader of the party or by all members of the initiative group of voters.

### **Article 99. Lists of supporters of a candidate for the Presidency of Georgia**

1. For the registration of a candidate for the presidency of Georgia, a representative of the party or initiative group of voters shall submit to the CEC a list of supporting voters of the candidate, no later than 40 days before the polling.

2. The list of supporters of the candidate for the Presidency of Georgia shall include no less than 25000 voter signatures (0,75% of the total number of voters).

### **Article 100. Registration of a candidate for the Presidency of Georgia**

1. The candidate for the Presidency of Georgia shall be registered by the CEC chairperson, under the ordinance, no later than the 30th day before the elections.

2. Within 3 days of registration, the CEC chairperson shall provide the candidate for the presidency of Georgia with the relevant certificate.

3. The CEC chairperson shall not register a candidate for the presidency of Georgia if:

a) the data provided, according to the paragraphs 3-5 of Article 98 of this Law, is incomplete or incorrect;

b) the list of supporters contains less than 25000 signatures of voters (0,75% of total number of voters);

c) the timeframes, defined by paragraph 1 of Article 99 of this Law, is violated.

4. No later than the on the 6<sup>th</sup> day after the registration of a candidate for the Presidency of Georgia, the CEC shall announce the registration of the candidate for the Presidency of Georgia through the press and other media, by specifying the first name, last name, year of birth, position (activity), places of residence and employment.

5. Candidate for the Presidency of Georgia may withdraw his/her candidacy, at any time no later than 10 days prior to the polling, by submitting a written application to the CEC.

### **Article 101. Cancellation of the electoral registration of the political party and the initiative group of voters**

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

a) on the basis of its own application;

b) in the case of the prohibition of the party's operations under the decision of the Constitutional Court of Georgia;

c) if the party fails to present or register a candidate for the presidency of Georgia, or if the electoral registration of the party's nominated candidate for presidency is cancelled.

2. The electoral registration of the initiative group shall be cancelled by the ordinance of the CEC:

a) on the basis of its own application;

b) if the candidate for Presidency of Georgia nominated by the initiative group of voters is not registered, or the electoral registration of the initiative group's nominated candidate for presidency of Georgia is cancelled.

3. The decision, envisaged by this Article, shall be made if supported by at least two-third of all members of the CEC.

### **Article 102. Determining the assigned number of a candidate for Presidency of Georgia**

1. The assigned number of a candidate for Presidency of Georgia shall be determined in accordance with the rule prescribed by this Article, 25 days before the elections. To determine the assigned number, appropriate procedures shall be conducted on the CEC premises, in the presence of individuals authorized to attend the session.

2. A candidate nominated by a political union which received the most votes, under the proportional system, in the previous parliamentary elections, shall have the right to choose the assigned number first. A representative of the political union shall submit an application to the CEC by which the candidate nominated by the political union shall select the number assigned to the political union, by which he/she was nominated during previous elections, or shall take number "one". The candidates whose nominating parties took the second and third places during previous parliamentary elections are entitled to consecutively choose a number in accordance with the same rule. They shall have the right to choose the number assigned to them during previous parliamentary elections, or select numbers „two" or „three" respectively, except for the case when the number assigned to them during previous parliamentary elections is assigned to a candidate nominated by a political union that received better results than them.

3. If an election bloc is assigned a certain number in the previous parliamentary elections, the candidate of the party, which is first in the election bloc list, shall be entitled to use this number.

4. Except for the case defined in the paragraphs 2 and 3 of this Article, the assigned number of a candidate for presidency shall be defined by casting lots.

5. For casting lots, the chairperson of the CEC writes the numbers corresponding to the number of candidates for presidency on the same shape and type of papers, with the same type of pen. Each paper shall be certified by the stamp of the commission. As a next step, the numbers selected, in accordance with paragraph 2 of this Article, shall be kept separately. All other papers shall be folded in such a way as to make it impossible to read the numbers on them. The CEC chairperson shall put these papers in a transparent box, and every representative of the candidates for the presidency shall take a single paper out of the box. The number identified by casting of lots shall be assigned to the candidate for presidency.

6. In the case of the cancellation of the electoral registration of a candidate for presidency, the remaining candidates shall keep their assigned numbers.

7. The CEC shall publish the lists of registered candidates for presidency through the press, and other mass media, no later than 24 days prior to polling.

### **Article 103. Guarantees for activities of a candidate for Presidency of Georgia and their representatives**

1. Beginning with the registration at the CEC, Georgian presidential candidates participate in a pre-election campaign based on equality. The candidates shall enjoy equal rights to press, and



other media, usage all over the territory of Georgia, in accordance with the rules defined by this Law.

2. During the pre-election 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. A candidate for the Presidency of Georgia shall not be detained, arrested or searched, before the final election results are officially announced by the CEC, without the CEC's consent on the application of the Minister of Justice of Georgia. An exception shall be in the case that a candidate is caught in *flagrante delicto* (in the act of committing an offense), of which the CEC shall be immediately informed. If the CEC issues a relevant ordinance, the detained or arrested candidate shall be released immediately.

4. The CEC ordinance on giving consent, stipulated in this Article, shall be voted upon within 3 calendar days of receiving the application from the Minister of Justice of Georgia.

#### **Article 104. Summarizing of the election results**

1. The candidate for the Presidency of Georgia who receives more than half of the votes during elections, shall be deemed elected. The number of votes cast through invalid ballot papers shall not be included in the number of votes cast by voters participating in the elections.

2. If none of the candidates obtain the necessary amount of votes in the first round of elections, a second round of elections shall be called.

3. No later than on the 20<sup>th</sup> day after the polling, the CEC shall sum up the election results at its session by election districts and draw up the relevant summary protocol to be approved by the CEC ordinance.

4. The CEC shall summarize the election results in accordance with the DEC summary protocols, while in the case of a complaint/application, or a dissenting opinion of a commission member, the results in certain districts shall be summarized on the basis of precinct summary protocols.

5. The PEC, and then the DEC, is obliged to transfer to the CEC sealed packages of lists of voters, along with the summary protocols of polling and election results.

6. Within 5 days after summarizing the results, the CEC shall officially announce and publish the results of the elections through the press and other media.

#### **Article 105. Second round of elections**

1. If no candidate gets the necessary amount of votes in the first round of elections, the second round of elections shall be called.

2. The second round of elections shall be called by the ordinance of the CEC. The second round shall be held right after two weeks of the official announcement of the first round of election results.

3. The two candidates with the best results in the first round of elections shall be entitled to run in the run-off. If, during the first round, two candidates receive an equal amount of votes, and those amounts are the second highest, the candidate that runs in the second round shall be decided by casting lots.

4. The candidate who receives the most votes in the run-off shall be deemed elected.

5. If the participant candidates receive equal number of votes in the second round, the candidate having received more votes in the first round of elections shall be considered elected.

**Article 106. Re-run elections**

1. Re-run elections shall be held if, in the first or second round of elections, all participating candidates withdrew their candidacies.
2. Re-run elections shall be held within 2 months of the summarization of the results of the general elections.
3. Re-run elections shall be called by the Parliament of Georgia.
4. The information on the calling of the re-run elections shall be published through the press and other media.
5. Re-run elections shall be held according to the procedures established for general elections by this Law and within the timeframe determined by the CEC, but no later than 2 months after the summarization of the results of the general elections.

**Article 107. Extraordinary elections of the President of Georgia**

1. If the authority of the President of Georgia is terminated prior to its expiration, extraordinary elections shall be held no later than on the 45<sup>th</sup> day following the early termination of the authority of the President of Georgia.
2. If the early termination of an authority of the President of Georgia coincides with Parliamentary holidays, or a non-session week, the Parliament of Georgia shall be convened no later than 48 hours after the termination of the authority of the President of Georgia.
3. The Parliament of Georgia shall call the extraordinary elections of the President of Georgia no later than 72 hours after the termination of the authority of the President of Georgia.
4. The holding of extraordinary elections for the President of Georgia shall be ensured by the Parliament of Georgia, through the CEC.
5. To nominate a candidate for presidency of Georgia, a party or an initiative group of voters shall submit an application to the CEC no later than on the 40<sup>th</sup> day before the extraordinary elections.
6. For registering a candidate for the Presidency of Georgia, a representative of a party, initiative group of voters shall submit to the CEC a list of supporters of not less than 25,000 voters (0,75% of total number of voters), no later than on the 30<sup>th</sup> day before the extraordinary elections.
7. Candidates for the Presidency of Georgia shall be registered by the CEC no later than on the 25<sup>th</sup> day before the extraordinary elections.
8. In the occasion of the pre-term elections of the President of Georgia, elections shall be held within 45 days of the early termination of the authority of the President of Georgia, in compliance with the general elections procedure defined by this Law.

**CHAPTER XII. ELECTIONS OF THE PARLIAMENT OF GEORGIA****Article 108. Calling of the parliamentary elections**

1. Regular elections of the Parliament of Georgia shall be held in October of the calendar year during which the term of authority of the Parliament expires.
2. The date of the elections shall be announced by the President of Georgia, no later than 60 days before the elections.
3. If the timeframe for elections coincides with the state of emergency or martial law, elections shall be held no later than 60 days after such a state is lifted.

**Article 109. The rule of election of the Parliament of Georgia and its term of authority**

1. 77 members of the Parliament of Georgia shall be elected through a proportional election system, while 73 members shall be elected based on a majoritarian election system.

2. The Parliament of Georgia shall be elected for a term of 4 years.

**Article 110. Majoritarian election districts during the elections of the Parliament of Georgia**

1. For the elections of the Parliament of Georgia, 73 single-mandate majoritarian election districts shall be set up, including 10 majoritarian election districts in Tbilisi.

2. For the Parliamentary elections, each municipality (self-governing city, district), except for Tbilisi, shall be a single-mandate majoritarian election district.

3. For the Parliamentary elections, majoritarian districts shall not be set up in the occupied territories of Georgia.

**Article 111. Passive electoral suffrage**

1. Any citizen of Georgia with the right to suffrage, who has attained the age of 21 and speaks Georgian, may be elected as a Member of Parliament of Georgia.

2. A citizen, who has not resided in Georgia over the last 2 years, and is not on a consular registry of Georgia in any other country, may not be elected as a member of the Parliament of Georgia.

3. A citizen who uses or is addicted to drugs shall not be elected as a member of the Parliament of Georgia. If such a person's election is announced by the appropriate election commission, the Parliament of Georgia is not authorized to validate his/her authority.

4. A party, election block and majoritarian candidate registered in respective election commission have the right to participate in the elections of the Parliament of Georgia.

*Organic Law of Georgia June 28, 2012 №6571 – website, 28.06.2012y.*

**Article 112. Incompatibility of the status of the candidate for membership of the Parliamentary of Georgia with his/her official capacity**

1. Persons holding the following offices must resign and be dismissed no later than on the 2<sup>nd</sup> day after submitting an application to the appropriate election commission for the registration as a candidate for the membership of the Parliament of Georgia:

- a) the President of Georgia;
- b) ministers of Georgia and autonomous republics, heads and deputy heads of government and state subordinate agencies;
- c) members of the Security Council of Georgia (except for Members of the Parliament);
- d) members of the Board of the National Bank of Georgia;
- e) Auditor General and deputy Auditor Generals;
- f) state attorneys - Governors and their deputies;
- g) the chairperson of Sakrebulo, head of the district municipality (Gamgebeli), mayor of the city;
- h) officers of the Ministry of Internal Affairs of Georgia and Ministry of Defense of Georgia, Georgian Intelligence Service and Special Service of State Protection;
- i) judges;
- j) public Defender and Deputy Public Defender;

- k) advisors to the President of Georgia;
- l) members of the High Council of Justice of Georgia (not Members of Parliament);
- m) head and deputy heads of the public service bureau;
- n) prosecutors, their deputies, assistants, and investigators.
- o) members of the Georgian National Communications Commission, and Georgian National Energy and Water Supply Regulatory Commission.

2. The relevant legal act on the resignation and dismissal of officials from the positions specified in Paragraph 1 of this Article shall be immediately submitted to the appropriate election commission. Otherwise, these officials shall be denied registration as a candidate for membership of the Parliament and, if the registration has already taken place, it shall be annulled.

*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

## **CHAPTER XIII. REGISTRATION OF ELECTION SUBJECTS PARTICIPATING IN THE ELECTIONS OF THE PARLIAMENT OF GEORGIA**

### **Article 113. Registration of parties/cancellation of registration**

1. To obtain the right to participate in the elections of the Parliament of Georgia, a party shall apply with the relevant application, signed by its leader(s), to the chairperson of the CEC:

a) after the parliamentary elections are called, but no later than the 57th day before the Election Day, if, at the date that the election day is set, 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, or it is not receiving state funding.

2. The application shall be enclosed with the party's registration certificate and statute, or the copies of those documents certified by the notary, and a document proving that the party has a representative in the parliament (if any);

3. The application shall include the following information about the party:

a) name of the party and, if applicable, its short version and/or abbreviated name under which the party participates in elections;

b) last name, first name, address (according to the place of registration), telephone number and the sample of signature of the party leader(s);

c) last name, first 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 relation to the electoral process.

4. The title, or the short and/or abbreviated title, of the party, mentioned in subparagraph „a” of Paragraph 3 of this Article, shall not coincide with:

a) the official title, or the short and/or abbreviated title, of another party registered by the Ministry of Justice of Georgia (if the titles coincide, the party shall not be permitted to use this name);

b) the title, or the short and/or abbreviated title, of an election bloc participating in the elections, if the application of this bloc was filed at the CEC earlier (if the names coincide the party will not be permitted to use this name);

c) name, or the short and/or 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. The appropriate CEC department shall check the application and enclosed documents and submit its conclusions to the CEC chairperson no later than the day following the filing of the application.

6. In cases specified in subparagraph „a” of paragraph 1 of this Article, no later than the day following the submission of the conclusions, mentioned in Paragraph 5 of this Article, the CEC chairperson shall:

a) register the party and its representative for elections, if the filed application and enclosed documents meet the requirements of this Law:

b) submit a written notification to the party representative on the non-compliance of the application and the enclosed documents with the provisions of this Law (indicating the areas of noncompliance), if such non-compliance exists, the party shall have 3 days to adjust the application and documents.

7. The corrected application and documents, as specified in subparagraph “b” of Paragraph 6 of this Article, shall be checked and the decision on the electoral registration shall be made within 2 days of their submission. If the corrected application and documents meet the requirements of this Law, the CEC chairperson shall register the party and its representative for elections; otherwise, within the same timeframe, the CEC chairperson shall issue an ordinance on the decline of the application for electoral registration (the ordinance shall state the exact reasons for the decline of the application for registration and the provisions of this Law with which the application did not comply). The party representative shall be immediately notified about the issuance of this ordinance and, upon request, shall be submitted to the representative of the party.

8. In the case specified in subparagraph “b” of paragraph 1 of this Article, no later than the 3rd day after providing the conclusions mentioned in Paragraph 5 of this Article, the CEC chairperson shall notify, in written form, the party representative regarding 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 the CEC within 3 days.

9. A party which has no representative in the Parliament of Georgia, or is not a qualified election subject, shall, within 60 days of the acceptance of the sample form of the list of supporters, but no later than August 15, submit to the CEC a list of at least 25,000 voters (0,75% of total number of voters) in favor of the party’s participation in the Parliamentary elections of Georgia. Qualified election subject is obliged, within 60 days of the acceptance of the sample form of the list of supporters, but no later than August 15, to submit to the CEC a list of at least 1,000 supporting voters in favor of the party’s participation in the Parliamentary elections of Georgia. The appropriate CEC department shall check the list of supporters in accordance with the procedures and within the timeframe established by Article 38 of this Law.

10. If the application, enclosed documents (or the corrected application and documents) and the list of supporters specified in this Article, are submitted within the timeframe determined by this Law, and meet the requirements of this law, the CEC chairperson, based on the conclusion provided by the appropriate CEC department, shall register the party and its representative for elections within 10 days of receiving the conclusion, but no later than the 59<sup>th</sup> day before the election day. Otherwise, the CEC chairperson shall issue an ordinance within the same timeframe on the decline of the application for electoral registration (the ordinance shall specify the exact reasons for

the decline of the application for registration and the provisions of this Law which caused the decline of the application). The party representative shall be immediately notified about the issuance of this ordinance and, upon request, shall be submitted to the representative of the party.

11. No later than the 30<sup>th</sup> day before the Election Day, the CEC through, the press and other media, shall publish the list of registered parties, according to the sequence in which their applications were filed, as well as the list of those parties' registration applications which were declined and registrations which were cancelled, and the reasons for the above.

12. The electoral registration of a party shall be cancelled, by ordinance of the CEC chairperson, under the following circumstances:

- a) upon its own request;
- b) if the party's operations are prohibited by the Constitutional Court of Georgia;
- c) if the electoral registration of the election bloc, to which this party is a member, is cancelled in accordance with subparagraphs „c” or „d” of paragraph 14 of the Article 114 of this Law;
- d) before completion of parliamentary elections results it leaves or is dismissed from an election bloc, after the expiration of the deadline for submission of party lists by a bloc;
- e) if it fails to submit the party list or the submitted party list is not registered;
- f) if, no later than the 2<sup>nd</sup> day before Election Day, the number of candidates in the party list is less than the minimum number prescribed by this Law;

#### **Article 114. Registration of election blocs /cancellation of registration**

1. The parties registered by the CEC chairperson have the right to establish an election bloc and to leave an election bloc. To register an election bloc, an application signed by the authorized leaders of all parties constituting the bloc, and the election bloc statute, shall be submitted to the CEC no later than the 43rd day before the regular Election Day.

2. The application shall include the following information about the election bloc:

- a) the name, and, if applicable, its short version and/or abbreviated name under which the bloc participates in elections, and the list of parties incorporated in the bloc;
- b) the first name, last name, and address (according to the place of registration) of the leader (s);
- c) the first name, last name, address (according to the place of registration), telephone number and limits of authority of the representative;
- d) if there are several leaders, the limits of authority of each leader in relations to the electoral process.

3. The name, short and/or abbreviated name, of the election bloc, mentioned in subparagraph „a” of paragraph 2 of this Article, shall not coincide with:

- a) the official title, or short and/or abbreviated name of another party registered by the Ministry of Justice of Georgia (except for the party incorporated into this bloc) (if the names coincide the other party shall not be permitted to use this name);
- b) the name, or short name and/or abbreviation of another election bloc participating in the elections, if the application of this bloc was filed at the CEC earlier (if the names coincide the bloc is not permitted to use this name);
- c) the name, or short and/or abbreviated name used by another election bloc in the last parliamentary elections, unless the consent of that election bloc is available.

4. The election bloc statute, signed by the leaders of all parties constituting the election bloc, shall include:

- a) the name and, if applicable, the short name and/or abbreviation of the election bloc under which the bloc participates in the elections;
- b) the list of the parties united in the election bloc;
- c) the administrative body (if applicable) of the election bloc, leaders and their authority;
- d) the procedure for decision-making by the election bloc, including acceptance of new members in the bloc, withdrawal or exclusion of a party from the bloc, nomination of candidates for the representative body by the bloc and the rules of cancellation of this nomination;
- e) the person(s) entitled to sign the election bloc documents;
- f) the rules for using the stamp of one of the election bloc member parties during the electoral events;
- g) the rules for the appointment of the manager and accountant of the pre-election campaign fund;
- h) the rules for making amendments to the election bloc statute.

5. A member of one election bloc shall not be a member of another election bloc, or independently participate, in the same election cycle.

6. Upon the acceptance of the application and the statute, stipulated in paragraph 1 of this Article, the CEC chairperson shall provide the bloc representative with the document certifying their submission.

7. The appropriate CEC department shall check the application and statute, mentioned in Paragraph 1 of this Article, and will provide its conclusion to the CEC chairperson no later than the day after the application is filed with the Commission. The CEC chairperson shall, no later than the day after receiving the conclusion, register the election bloc and its representative for elections, if the submitted documents meet the requirements prescribed by paragraphs 1-5 of this Article. If the submitted documents do not meet the abovementioned requirements, the CEC chairperson 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). The corrected documents shall be resubmitted to the CEC no later than the 2<sup>nd</sup> day after the notice is given. The CEC chairperson shall make the final decision on the registration within 2 days of accepting the corrected documents. If the corrected documents meet the requirements of this Law, the CEC chairperson shall register the election bloc and its representative; otherwise the CEC chairperson will issue an ordinance on the decline of the application for registration (the ordinance shall state the exact reasons for the decline of the application for registration and the provisions of this Law due to which the application has been declined). A representative of the election bloc shall be immediately notified about the ordinance and, upon request the ordinance shall be transmitted to the representative of an election bloc. The registration procedures prescribed in this Paragraph shall be completed on the 37th day before the Election Day.

8. A party, which is registered for the elections, has the right to join a registered election bloc before the expiration of the term of registration of election blocs, under proper application and consent of the election bloc submitted to the CEC chairperson.

9. Upon registration of the election bloc, the powers of the representatives of the party-members of the bloc to all election commissions shall be terminated under the ordinance of the CEC chairperson, and the bloc shall be entitled to appoint two representatives to each election commission.

10. In the case of the withdrawal or exclusion of a party/ parties from the election bloc before the expiration of the deadline for nomination of party lists/candidates, each party has the right to continue running in the elections. If, for this reason, only one party remains in the bloc, the electoral registration of the bloc shall be cancelled under the ordinance of the CEC and the parties, previously members to the bloc, shall be entitled to continue to participate in the elections.

11. In the case of the withdrawal or exclusion of a party from the election bloc after the expiration of the deadline for nomination of party list/candidates, the electoral registration of this party shall be cancelled under the ordinance of the CEC chairperson. If, for this reason, only one party remains in the bloc, the electoral registration of the bloc shall be cancelled under the CEC ordinance and the remaining party shall be the legal successor of the bloc.

12. No later than the 30<sup>th</sup> day before the Election Day, the CEC shall publish the list of registered election blocs, through the press and other media, according to the sequence in which their applications were filed, as well as the list of the registration requests of the blocs whose registration was declined or cancelled, and the reasons for such.

13. A party/election bloc registered, according to this Law, shall be entitled, on the basis of its application, to take part in elections at all levels which are held before the following parliamentary elections. A party united in an election bloc has the right to participate either independently or as part of another election bloc in the elections at all levels, which are held before the following parliamentary elections.

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

- a) based on its own request;
- b) if the election bloc breaks up, or, due to withdrawal, exclusion or cancellation of the electoral registration of the member party (parties) of the bloc, only one party is left in the bloc;
- c) if it has failed to submit the party list, or the submitted party list is not registered;
- d) if, no later than the 2<sup>nd</sup> day before the Election Day, the number of candidates in the party list of the election bloc is less than the minimum number defined by this Law.

### **Article 115. Submission of party lists**

1. Parties and election blocs participating in elections independently are entitled to submit party lists;  
2. Each party and election bloc participating in elections independently has the right to submit one party list.

3. The number of candidates (for parliamentary elections) in the submitted party lists must not be less than 100 and more than 200.

4. A candidate nominated for a majoritarian election district may be incorporated in a party list. In this case, it must be specified on the party list that the candidate is nominated for a majoritarian election district.

5. It is forbidden to include the same person on different party lists;

6. The rules for drawing up the party lists shall be defined by the parties and election blocs. During drawing up the party lists it should be taken into consideration that the gender balance is related to extra funding outlined by the Organic Law of Georgia on Political Unions of Citizens.

7. The party list shall be submitted to the CEC chairperson after the electoral registration of the party/election bloc, but no later than the 30<sup>th</sup> day before the Election Day. The party lists shall be



enclosed with the registration card filled out and signed by every candidate for membership of the Parliament and photos of the candidates.

8. If the candidate is simultaneously nominated for a majoritarian election district, a certificate on drug-inspection shall be submitted together with the registration card and a photo. These documents 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.

9. The party list shall include the following information about each candidate:

- a) first name and last name;
- b) date of birth (Day/Month/Year);
- c) address (according to the place of registration);
- d) personal number of a citizen of Georgia;
- e) Place of work (name of institution, organization, enterprise etc.);
- f) position (if unemployed it shall indicate - "Unemployed");
- g) Party affiliation (if s/he is not a party member, it shall indicate -"nonpartisan");
- h) If the candidate is also nominated for a majoritarian election district, the name and number of this district shall be stated.

10. The registration form shall include the following information for each candidate:

- a) first name and last name;
- b) date of birth (Day/Month/Year);
- c) gender;
- d) address (according to the place of registration);
- e) personal number of a citizen of Georgia.
- f) place of work (name of institution, organization, enterprise etc.);
- g) position (if unemployed, it shall indicate - "Unemployed");
- h) party affiliation (if he/she is not a party member, a note "nonpartisan" shall be indicated);
- i) the fact of residence in Georgia for at least last 2 years before calling of the elections or the fact of being on a consular registry of Georgia;
- j) name and number of the majoritarian election district in case a candidate is nominated to this district;
- k) consent of a candidate to participate in elections under the given party list and/or to run for this majoritarian district;
- l) the fact that a candidate has been a member of the Parliament of Georgia after the previous elections;
- m) signature and date of signature.

11. Registration cards stipulated in paragraph 7 and 8 of this Article shall be issued to the representative of a party/election bloc by the CEC in advance.

### **Article 116. Nomination of candidates in majoritarian election districts**

1. The right to nominate a candidate for parliamentary elections in a majoritarian election district shall be granted to:

- a) a party participating in elections independently;
- b) election bloc;
- c) an initiative group of voters composed of 5 members.

2. Any party/election bloc participating in elections independently has a right to nominate one candidate to be elected under majoritarian system for a Member of Parliament in every election district, while initiative group of voters – in respective majoritarian election districts - is entitled to nominate one candidate in each election district for the Member of Parliament to be elected under majoritarian system.

3. For nomination of a candidate for a member of the Parliament of Georgia, an initiative group of voters shall file an application to the respective DEC no later than the 57<sup>th</sup> day before polling under which it is entitled to start collecting signatures of supporting voters.

4. The application shall include the following information about a candidate for member of Parliament:

- a) first name and last name;
- b) date of birth (Day/Month/Year);
- c) occupation;
- d) position (activity);
- e) place of work;
- f) place of registration;
- g) party affiliation;
- h) duration of residence in Georgia;
- i) first name, last name, number of the personal identification number of a citizen of Georgia (passport number of a citizen of Georgia), place of registration, contact telephone number and other information (if applicable) of representatives of the nominating initiative group of voters and their representative.

5. An application signed by all members of the initiative group of voters shall be attached a written consent of a nominated candidate for member of Parliament of Georgia on running in the elections, a copy of his/her personal identification card and two photographs.

6. No later than the day after filing the application, the DEC chairperson shall register the initiative group of voters. If requirements defined by paragraphs 1-5 of this Article are violated, the DEC chairperson shall immediately notify the applicant about the error. Corrected documents shall be resubmitted no later than the following day to the DEC chairperson for registration.

7. To register the candidate for member of the Parliament of Georgia, representative of the initiative group of voters, no later than the 50<sup>th</sup> day prior to polling, shall submit to the relevant DEC the list of supporters of a candidate and a bank document certifying the 5000 GEL deposit made by the majoritarian candidate for an MP on the account prescribed by the CEC. The amount deposited on the account shall be fully refunded to the candidate in case the candidate receives at least 10 percent of the overall votes in the elections. If not, this amount shall be transferred to the state budget of Georgia.

8. A party/election bloc/initiative group of voters shall nominate their majoritarian candidates to the election district in accordance with the procedures defined by paragraphs 7-11 of Article 115 of this Law.

9. Nomination of a candidate by the initiative group of voters shall be endorsed by signatures of no less than 1 percent of supporting voters registered on the territory of the relevant election district, except for the case when a nominated candidate became a member of the Parliament of Georgia after the recent parliamentary elections.

10. Candidate for Member of Parliament of Georgia shall be registered under the ordinance of the relevant DEC chairperson no later than the 30<sup>th</sup> day before the Election Day.

11. The DEC chairperson issues to the candidate for member of the Parliament of Georgia a relevant certificate within 3 days after registration.

12. The DEC chairperson shall not register a candidate for member of the Parliament of Georgia if:

- a) the data stipulated in paragraph 8 of this Article is not complete or incorrect;
- b) if in the list of supporters there turns out to be less voter signatures than the established required number;
- c) requirements and the timeframes defined by paragraph 7 of this Article are violated.

**Article 117. Inspection of party lists and documents of nominated candidates for MPs submitted to majoritarian election districts and electoral registration**

1. A party list shall be registered by the ordinance of the CEC chairperson, and a majoritarian candidate nominated for an election district shall be registered under the relative DEC chairperson ordinance if all documents specified under this Law comply with the requirements prescribed by this Law. Electoral registration shall not be considered if the timeframes established by this Law for submission of documents is violated;

2. The party list submitted by the party/election bloc shall be verified by the appropriate department of the CEC and within 10 days after the submission of the list, but no later than the 26th day before the Election Day submits its conclusion to the CEC chairperson, who, within 3 days, but no later than the 25th day before the Election Day shall:

a) register the party list and the candidates nominated by a party/ election bloc only if the submitted party list and the documents attached comply with the requirements prescribed by this law;

b) give a written notice to the representative of the party/election bloc on any discrepancy, if applicable, between the requirements established by this Law and the data specified in the party list and the documents attached thereto (by indicating the areas of discrepancy), and the representative shall be given 3 days to correct the discrepancy identified in the party list and other documents;

3. The corrected data specified in subparagraph (b) of paragraph 2 of this Article shall be inspected and the issue of electoral registration shall be resolved within 5 days after their submission, but no later than the 20th day before Election Day. If the corrected data complies with the requirements of this Law, the CEC chairperson shall register the party list or the part of such a list which complies with the requirements prescribed by this law (if the number of candidates in this part is not less than the established minimum) and, within the same timeframe, shall issue an ordinance on the decline of registration of the applications submitted by other candidates (the ordinance shall specify reasons for the decline of registration and the provisions of this Law under which the application was declined). If the number of other candidates in the party list, which complies with the requirements of this Law, remains less than the established minimum requirement, neither the party list nor the candidates nominated by the party/election bloc shall be registered and chairperson of the CEC shall, within the timeframe specified above, issue an ordinance on the decline of registration (the ordinance shall specify reasons for the decline of registration and the provisions of this Law under which the application was declined). The representative of the party shall be immediately notified

regarding the ordinance mentioned in this paragraph and the ordinance shall be transmitted to the party immediately upon request.

4. The chairperson of the relevant DEC shall register/decline registration request of a majoritarian candidate nominated to an election district in accordance with the procedures and terms established by Paragraph 2 and 3 of this Article. A party/election bloc is obliged to submit registration documents of a majoritarian candidate to the CEC within the terms established by this Law.

5. A candidate for member of the Parliamentary of Georgia shall not be registered, and the registration of any registered candidate shall be cancelled by ordinance issued by the CEC chairperson (in cases specified by subparagraphs (a) to (e) of this Paragraph), or by court decision (in case specified by subparagraph (f) of this Paragraph), if the applications and documents submitted to the relevant election commission fail to comply with all the requirements provided by this law, or other provisions of this Law are violated, specifically if:

- a) the data specified in the applications and documents are incomplete or incorrect;
- b) the candidate included in the party list is a member of any other party participating in the elections;
- c) the candidate is included in more than one party lists and there is, or there was a consent of such candidate for the inclusion thereof in more than one list simultaneously;
- d) the candidate included in the party list, consents to be nominated for a majoritarian election district by another party/election bloc;
- e) other elections are held during the parliamentary elections of Georgia, and there is, or was, a consent of a candidate for member of the parliament for participation in this elections as a candidate;
- f) the requirements defined by paragraph 1 of Article 47 and/or Article 48 are violated.
- g) a candidate for majoritarian deputy failed to have the narcotic drug test taken or if the drug test confirmed that the above candidate is a narcotic drug user.

6. An ordinance issued by the chairperson of the CEC/DEC on the decline of registering the applications of party lists and candidates for the MP nominated by political party/election bloc/initiative group of voters may be appealed according to the provisions prescribed by Article 77 and 78 of this Law.

#### **Article 118. Cancellation of electoral registration of registered majoritarian candidates**

Electoral registration of a registered majoritarian candidate shall be cancelled by an ordinance of chairperson of the CEC:

- a) based on his/her own application;
- b) in case of prohibition of the party nominating the candidate by the Constitutional Court of Georgia;
- c) if registration of the nominating party/election bloc/initiative group of voters is canceled under paragraph 14 of Article 114 of this Law;
- d) if the person has been deceased;
- e) in other cases prescribed by this Law.

#### **Article 119. Determination of the assigned number of an election subject**

1. The assigned number of an electoral subject shall be determined according to the procedure specified by this Article 30 days earlier before the elections. The procedures for defining the

sequential number are conducted in the office of the CEC with the attendance of the persons who has this right;

2. The political union having received most of the votes at latest proportional elections of the Parliament has the right to choose an assigned number at first. The representative of the political union submits the application to the CEC under which the political union keeps the number assigned to it at previous parliamentary elections, or takes number one. The same rule applies to those political unions having obtained second and third places according to the results of the latest parliamentary elections, which entitles them to select the number sequentially. They also have the right to maintain the numbers assigned to them at the latest parliamentary elections, or to choose number two or three correspondingly, except for the cases when the assigned number they had at the latest parliamentary elections have been already taken by the political union having received better results;

3. If an election bloc was assigned a number at the previous elections, the party first in the list of parties constituting this election bloc is entitled to use the assigned number.

4. If political parties having participated in the latest parliamentary elections established an election bloc for the elections, they shall specify in the statute of the bloc the assigned number of the party they will use;

5. The assigned number of all election subjects, except for the political unions defined by paragraph 2 of this Article, shall be determined by casting lots;

6. For casting lots, chairperson of the election commission shall put down on a paper of the same shape and type and by using the same pen the numbers corresponding to the quantity of parties, election blocs. Each sheet must be certified by the commission stamp. Then the numbers selected in accordance with paragraph 2 of this Article shall be separated from the other sheets; the rest of the sheets are folded in a way that makes it impossible to read the numbers written on them. The CEC chairperson places the filled out sheets into a transparent box, from which representatives of parties and election blocs take the sheets one by one. The number drawn becomes the assigned number of the electoral subject;

7. Majoritarian candidates nominated by party/election bloc have the same assigned number as assigned to the nominating political party/election bloc;

8. The relevant DEC shall assign the number by casting lots to the candidate nominated by an initiative group of voters. For casting lots, chairperson of the election commission shall put down on a paper of the same shape and type and by using the same pen the numbers corresponding to the quantity of the majoritarian candidates nominated by the initiative group of voters for the election district, which starts with the first highest number that follows to the number assigned to parties/election blocs participating in elections. Each sheet must be certified by the commission stamp. Every sheet shall be folded in a way that makes it impossible to read the numbers written on them. The commission chairperson places the filled out sheets into a transparent box, from which representatives of the initiative group of voters take the sheets one by one. The number drawn becomes the assigned number of the electoral subject;

9. In case of cancelation of the election registration of an election subject, the remaining election subjects retain their assigned numbers in the ballot papers.

10. The CEC shall publish the registered party lists, and also information on candidates registered for majoritarian election districts to appear in ballot papers, through press and other media, no later than 25 days prior to the Election Day.

### **Article 120. Revocation of decision on nomination of a candidate for membership of the Parliament of Georgia**

1. A candidate for member of the Parliament of Georgia, as well as the nominating party or election bloc, shall have a right, at any time, but no later than 10 days before the polling day, to revoke the decision on participation in elections or nomination of a candidate, for which they shall file an application to a relevant election commission.

2. A party, election bloc participating independently in elections shall be entitled to revoke their decision on the nomination of a candidate for an MP/ Sakrebulo after recognizing the authorities of elected members of the Parliament/Sakrebulo. Party/election bloc may not revoke its decision on nomination of candidates for MP/Sakrebulo, whose names remained in the party lists upon termination of the authority of an MP/Sakrebulo member elected from this list until the recognition of the authority of his/ her replacement. Candidacy nominated by the party, election bloc shall be withdrawn under the ordinance of the CEC based on the application signed by the leader of the party (the person determined by the statute of the election bloc) within 3 days of after submission of the application. If the application is not approved within this term, the candidate for an MP/ Sakrebulo shall be deemed as withdrawn from the party list starting from the following day after the expiration of the above term.

3. A candidate for member of the Parliament of Georgia may withdraw his/her candidacy from the party list after the recognition of the authorities of the elected members of the Parliament, for which she/he shall file a relevant application to the CEC. His/her candidacy shall be withdrawn under the CEC chairperson ordinance within 3 days after filing the application. If the application is not approved within this term, candidate for an MP shall be deemed as withdrawn from the party list on the following day after the expiration of the above term.

4. The CEC shall immediately publish through the press and other media the information on withdrawal of an electoral subject or a separate candidate from the elections.

### **Article 121. Dismissal of a candidate for member of the Parliament of Georgia from carrying out official duties**

A candidate for member of the Parliament of Georgia, based on his/her own application and submission of a relevant certificate, shall be granted an unpaid leave for the period of the pre-election campaign.

### **Article 122. Immunity of a candidate for member of the Parliament of Georgia**

1. A candidate running for member of the Parliament of Georgia, shall not be detained, arrested or searched before the official publication of the final election results by the CEC, and an elected member of the Parliament of Georgia shall not be detained, arrested or searched before the final decision on recognition of his/her authority is made, unless the application filed by the Minister of Justice is approved by the CEC. An exception is the case, when a candidate is caught in *flagrante delicto* (in the act of committing an offense) of which the CEC must be notified immediately. If the CEC issues a relevant ordinance, the detained or arrested candidate for the Parliament of Georgia must be released immediately;

2. The CEC ordinance on the approval as specified in this Article shall be put to vote within 3 calendar days upon the filing of the application by the Minister of Justice.

## **CHAPTER XIV. SUMMARIZING THE RESULTS OF THE PARLIAMENTARY ELECTIONS OF GEORGIA**

### **Article 123. Counting of votes at the PEC**

1. The PEC shall summarize the polling results and include them in the summary protocols of final results of the election held under majoritarian and proportional systems.

2. The summary protocol of election results held under proportional election system shall be drawn up according to the party lists, while the summary protocol of election results held under majoritarian election system shall be drawn up according to the candidates nominated for the majoritarian election district.

### **Article 124. Summarizing polling results at the DEC**

1. The DEC, based on the protocols of the PECs and district/city courts decisions, shall sum up polling results at its session and include them in the summary protocols of election results held in accordance with the majoritarian and proportional systems.

2. Based on the application/complaint, the DEC shall, under its ordinance, make a decision on opening the packages received from the PEC and re-counting the ballot papers.

### **Article 125. Summarizing election results at the CEC**

1. The CEC, based on the protocols received from the DEC, PECs and final court decisions, shall summarize at its session the elections results of the Parliament of Georgia and shall draw up the protocol no later than on the 19th day after the Election Day.

2. One copy of the protocol shall be kept at the CEC; the second copy shall be transferred to the Parliament of Georgia, while copies attested by the seal of the CEC shall be forwarded to representatives of the election subjects.

3. A candidate for member of Parliament, who receives more votes than others, but not less than 30% of total number voters participating in elections in the respective majoritarian election district, shall be considered to be elected in the majoritarian election district. The number of votes derived from invalid ballot papers shall be deducted from the number of votes cast by voters participating in the elections.

4. Mandates of the Members of the Parliament of Georgia shall be granted only to the party list that receives no less than 5% of total votes. The number of votes derived from invalid ballot papers shall be deducted from the number of votes cast by voters participating in the elections.

5. For determining the number of mandates received by a party list, the number of votes received by this list must be multiplied by 77 and divided by the total number of the votes received by the election subjects. The whole number of the result represents the number of mandates received by the party list.

6. If the total number of mandates received by party/election bloc turns out to be less than 77, each mandate from the unassigned mandates, with the purpose of supplementing mandates up to 6, shall be sequentially granted to each of those election subjects having overcome the threshold and received less than 6 mandates.

7. If, after the assignment of mandates under the procedure prescribed by paragraph 6 of this Article, any election subject still has less than 6 mandates, with the purpose of supplementing such election subjects up to 6 mandates, one mandate shall be successively deducted from the election

subjects having received more than 6 mandates and as a result of this deduction the number mandates remaining with this election subject is no less than 7 mandates.

8. If there are still unassigned mandates left after the procedures prescribed by paragraph 6 of this Article, they shall be successively granted before the expiration of the term of the mandate to the election subjects having received no less than 6 mandates without a supplement.

9. If the number of votes received by 2 or more party lists turns out to be equal, the mandate shall be granted to the party list which was first to register at the CEC.

10. If a candidate for member of the Parliament of Georgia is elected both under majoritarian election system and under the party list, he/she shall be considered to be elected under the majoritarian system. The place of such a candidate in the party list shall be taken by another candidate in accordance with the procedures defined by paragraph 2 of Article 130 of this Law.

11. The candidates for member of the Parliament of Georgia whose assigned numbers in this list are less than or equal to the number of mandates received by the list, shall be deemed elected under party lists. The number of MPs elected according to this list, remains unchanged.

12. If, in any election district, as a consequence of gross violation of this Law, polling results are announced invalid in more than half of the polling stations that affects the election results, or in some precincts in which the total number of voters is more than half of the total number of voters in the election district and affects the election results, the majoritarian election results in the election district shall be declared invalid and the CEC shall call re-run election in this election district.

13. If during the elections under the proportional system as a consequence of gross violations of this Law, the results of the elections have been declared invalid in more than half of the election districts or in some of the districts in which the total number of voters is more than half of the total number of constituency of Georgia, the results of the elections shall be declared invalid and the CEC shall call the re-run elections.

14. If an application/complaint is filed requesting the verification or invalidation of polling results, the CEC shall make a decision by issuing an ordinance on opening of the sealed packages and re-counting of the ballot papers received from the relevant PEC, or the CEC delegates the aforementioned activities to the relevant DEC/special group. If necessary, the CEC shall be entitled to summarize the election results based on the protocols drawn up by the PECs.

15. In election precinct in which the polling results has been declared invalid, the CEC shall declare a repeat vote in this precinct, in cases when the difference between the votes of the candidates with best results is less than the total number of voters in this election precinct. In this case, if the results of the repeat voting are also declared invalid, the results of the elections shall be summarized by discarding the results of this precinct.

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

17. The repeat voting during the elections held under the proportional system shall be appointed in those cases when the total number of voters in these precincts, in which the results have been declared invalid, constitute more than 10% of the constituency of Georgia. In such cases, the repeat voting shall be held no later than 2 weeks after the general election day.

18. The summary protocol of the final election results shall include the titles and numbers of those election districts and precincts, in which elections were declared invalid, as well as the total



number of voters in them, reasons for declaring the elections invalid, total number of voters in each election district, the turnout of voters, the number of Members of Parliament elected and their list arranged in alphabetical order.

19. Within 5 days of summing up the final results of elections, the CEC shall publish the summary protocol of election results through the press and other media.

### **Article 126. Second round of parliamentary elections of Georgia**

1. If a Member of Parliament failed to be elected in the first round of majoritarian elections, the CEC shall call the second round of elections along with summarizing of the first round results. The second round of elections shall be held no later than the 14<sup>th</sup> day after the first round. 2 candidates having received the best results in the first round shall participate in the second round of the elections. If more than two candidates obtained similar best results or several majoritarian candidates following the candidate with the best results received equal number of votes, all the above candidates shall run in the second round of elections.

2. A candidate having won more votes in the second round of elections shall be deemed elected. If the candidates receive an equal number of votes, the candidate having received votes in the first round elections shall be deemed elected. If the votes received in the first round are equal, re-run elections shall be called.

### **Article 127. Re-run elections of the Parliament of Georgia**

1. If elections are announced to be failed, also if election results in the majoritarian election district are declared invalid, re-run elections shall be held.

2. Re-run elections shall be held within two months after the declaration of elections as failed or after the declaration of the election results invalid. By its ordinance, the CEC shall announce the Election Day and timeframes for election arrangements no later than 7 days after the declaration of the election as failed or recognition of the election results invalid.

3. Under its ordinance, the CEC shall announce the date of re-run elections to be held in a majoritarian election district along with the timeframes for election arrangements no later than 2 months before the Election Day.

4. If elections held under proportional election system are announced as held, but none of the parties and election blocs received 5% of the votes, by the ordinance of the CEC re-run elections shall be held within 2 weeks after summarizing the election results.

5. Right to run in the re-run elections shall be enjoyed by only those parties and election blocs having received 2% of the votes in general elections. The party lists of the parties and election blocs participating in re-run elections remain unchanged. Changes in the lists shall be made only according to the general rule defined by this Law.

### **Article 128. Extraordinary elections of the Parliament of Georgia**

In case of early dismissal of the Parliament of Georgia, extraordinary elections of the Parliament of Georgia shall be held on the 60th day after the issuance of the edict on early dismissal of the Parliament and the date of the extraordinary elections shall be appointed by the President upon the enforcement of the edict on early dismissal of the Parliament.

**Article 129. By-elections of the Parliament of Georgia**

1. By-elections of the Parliament of Georgia shall be held in case of a withdrawal of an elected member of the Parliament from the majoritarian election district. By-elections of the Parliament of Georgia shall be held in October according to the rule prescribed by this Law. If there are less than 60 days left until the by-elections of the Parliament of Georgia, it shall be held in October of the following year.

2. The date of the by-elections and the terms of pre-election events shall be set by the ordinance of the CEC no later than 2 months prior to the Election Day.

3. With the aim to participate in the Parliamentary elections of Georgia, a party/election bloc which was registered with the CEC during the last Parliamentary elections shall file an application with CEC signed by the head official(s), in order to obtain the right to participate in by-elections, after the by-elections are called, but no later than on the 57th day prior to the Election Day.

**Article 130. The procedure for replacement of a withdrawn member of the Parliament of Georgia**

1. If a withdrawn member of the Parliament of Georgia was elected under the party list of the independently participating party of the elections, his/her seat shall be occupied by the following candidate for an MP in the party list within 1 month, if the candidate gave his/her consent to become within 15 days after the vacancy became available. Otherwise, the vacancy shall be taken by the next candidate in the list, etc. If there is no candidate remaining in the party list, the mandate of the member of the Parliament shall be deemed cancelled.

2. If a withdrawn member of the Parliament of Georgia was elected under the party list of an election bloc and it was specified in the party list that he/she was a member of one of the parties of an election bloc, the seat of the withdrawn member shall be occupied within 1 month by the next candidate of the same party in the list, if such candidate gives his/her consent to become a member of the Parliament within 15 days after the vacancy became available. Otherwise, the vacant seat shall be occupied by the candidate of the same party named next in the list, etc. If it was not specified in the party list that this person was a member of one of the parties of the election bloc, his/her successor shall be appointed according to the procedure established by paragraph 1 of the present Article.

3. After acknowledgement of the authority of the members of Parliament by the Parliament of Georgia, the status of the candidate for an MP shall be suspended for the persons remaining in the party lists. Immediately after the early termination of the authority of an elected MP under the party list, the status of a candidate for the member of the Parliament shall be reinstated to the person, who is a successor of this MP according to the present Article.

**Article 131. Registration of elected members of the Parliament of Georgia**

Within 2 days after summarizing the final results of the elections, the CEC shall register the elected members of the Parliament of Georgia and shall give them temporary certificates of their election as Members of the Parliament.

**Article 132. Narcotic drug inspection elected members of the Parliament of Georgia**

1. On the 7th day after the polling day, all presumably elected candidates for a member of the Parliament according to the preliminary election results under the party lists having overcome the

threshold, shall pass a narcotic drug test and an appropriate certificate shall be drawn up, which shall state that a candidate for an MP is either healthy or a drug user.

2. If a person elected as an MP under the party list fails to take a drug test within the timeframe stipulated in the first paragraph of this Article and/or refuses to take the drug test, the parliament shall adopt a decree on refusal to recognize the authority of this MP.

3. The institution authorized to carry out the drug test is obliged to submit to the CEC certificates on carrying out the drug test and the list of elected MPs having taken the drug test no later than by the 14th day after the elections.

4. In cases envisaged in paragraph 2 of this Article, the CEC shall determine the successor for a Georgian MP in compliance with paragraph 1 and 2 of Article 130.

5. Narcotic drug test shall be carried out by an authorized institution. The CEC shall draw up a list of such institutions, by its ordinance, no later than by the 57<sup>th</sup> day before the Election Day.

## **CHAPTER XV. ELECTIONS OF REPRESENTATIVE BODY OF LOCAL SELF-GOVERNMENT - SAKREBULO**

### **Article 133. Calling of elections of Representative Body of Local self-government – Sakrebulo**

1. Elections of a representative body of local self-government - Sakrebulo shall be conducted once in 4 years.

2. Elections of representative body of local self-government - Sakrebulo shall be called by the President of Georgia no later than 60 days prior to the expiry of the term of authority of Sakrebulo.

3. Elections of representative body of local self-government - Sakrebulo shall not be conducted during state of emergency or martial law. If the election term coincides with the state of emergency or martial law, the elections shall be held no later than 60 days after the state has been lifted.

4. Information on calling of elections representative body of local self-government - Sakrebulo shall be disseminated through press and other media no later than the following day after calling of elections.

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

### **Article 134. Active and passive electoral suffrage**

1. A Georgian citizen having attained the age of 21 by the polling day, may be elected a member of representative body of local self-government - Sakrebulo. A citizen, who has lived in Georgia at least for last 2 years, may be elected a member of Sakrebulo.

2. A citizen of Georgia may not simultaneously be a member of another representative body.

3. Voters, permanently or temporarily residing abroad by the day of calling of elections, shall not be entitled to participate in the elections of Sakrebulo and of the Mayor of Tbilisi.

4. Compulsory and contract military servicemen shall participate in the elections of representative body of local self-government - Sakrebulo according to the location of the military unit.

### **Article 135. Term of authority of Sakrebulo**

Authority of a new composition of Sakrebulo shall start and old shall be terminated immediately after the newly-elected representative body of local self-government - Sakrebulo meets for the first time.

### **Article 136. Incompatibility of candidate for membership of representative body of local self-government - Sakrebulo with official capacity**

1. In case the candidate for the membership of Sakrebulo is nominated, the official authority of the following persons shall be terminated to:

- a) the President of Georgia;
- b) Ministers of Georgia as well as Autonomous Republics of Abkhazia and Adjara, Heads and Deputy Heads of Government and State subordinate agencies;
- c) members of the National Security Council of Georgia;
- d) members of the Council of the National Bank of Georgia;
- e) Auditor General and deputy Auditor Generals;
- f) head of administration of the Parliament of Georgia;
- g) state attorneys - Governors and their deputies;
- h) officers of the Ministries of Internal Affairs and Defense of Georgia, as well as of Intelligence Service and Special State Protection Service;
- i) judge;
- j) Public Defender of Georgia and his/her deputy;
- k) members of the advisory body of the President of Georgia (other than the members of the Parliament);
- l) assistants of the President of Georgia;
- m) members of the Council of Audit Activities;
- [m] (removed – 29.06.2012, №6601) (enters into force from January 1, 2013)]*
- n) members of the Accounting Standards Commission, National Energy and Water Supply Regulatory Commission and of other national regulatory commissions;
- [n] members of the Georgian National Energy and Water Supply Regulatory Commission and other regulatory commissions; *(enters into force from January 1, 2013)*

- o) chairperson and deputies of Public Service Bureau;
- p) prosecutors, deputy prosecutors, assistants to prosecutors and investigators.

2. The authority of officials referred to in paragraph 1 of the present Article shall be terminated before their nomination as candidates in the relevant election commission.

3. The same person may not be nominated at a time as a candidate in the elections of the two distinct self-governing unit of Sakrebulo.

*Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*

*Organic Law of Georgia June 29, 2012 №6601 – website, 13.07.2012y.*

### **Article 137. Election districts**

1. Each independent self-governing unit constitutes one election district for the elections of representative body of local self-government - Sakrebulo.

2. Within 2 days after calling of elections, the CEC shall publicize information on the election districts, with an indication of their borders, through press and other media.

3. For the elections of representative body of local self-government - Sakrebulo, local majoritarian election districts shall be set up, and their borders specified by the appropriate DEC, within 2 days of the elections being called, taking into consideration territorial and administrative peculiarities of the relevant self-governing unit.

4. Within 3 days after calling of elections, the DEC shall make public through press and other media the information concerning local majoritarian election districts with indication of their borders.

## **CHAPTER XVI. ELECTIONS OF SAKREBULOS OF MUNICIPALITIES AND SELF-GOVERNING CITIES**

### **Article 138. Electoral system**

Elections of Sakrebulo shall be held under the proportional and majoritarian electoral systems.

### **Article 139. Right to vote**

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

### **Article 140. Composition of Representative Body of Local Self-government – Sakrebulo**

1. Sakrebulo of a municipality shall be composed of 10 members elected through the proportional system and one member elected through the majoritarian electoral system from each community and city on the corresponding territory, included within the composition of this municipality.

2. Sakrebulo of a self-governing city shall be comprised of:

a) 10 members elected under the majoritarian system and 15 members elected through the proportional system, if the number of voters exceeds 75 000;

b) 5 members elected through the majoritarian system and 10 members elected under the proportional system, if the number of voters does not exceed 75 000.

### **Article 141. Right to run for Sakrebulo**

1. A party, an election bloc, a candidate nominated by a party, an election bloc and an initiative group voters composed of 5 people, registered with the relevant election commission are entitled to run for Sakrebulo.

2. Nomination of a candidate by an initiative group of voters shall be endorsed by the signature of 1% (not less than 50 voters) of supporting voters, registered on the territory of a corresponding local election district.

3. Registration of a candidate, nominated by an initiative group of voters and assignment of a number to him/her shall be regulated by this Law, in accordance with the norms defined by the Parliament of Georgian for the elections.

### **Article 142. Registration of parties/election blocs**

1. In order to run for Sakrebulo, the party/election bloc, registered for the last parliamentary elections, for obtaining the right to participate in the elections, shall apply to the CEC through a written application signed by its head(s), after calling of election, but no later than on the 57<sup>th</sup> day before the Election Day.

2. Parties, which have not been registered with the CEC for the last parliamentary elections, in order to run for Sakrebulo, shall apply to the CEC after calling of election, but no later than on the 57<sup>th</sup> day before the Election Date.

3. A party, which does not have a representative in the Parliament of Georgia or a party, failing to comply with the requirements of paragraph 1 of the present Article, shall be given a sample of the list of supporters by the relevant CEC office immediately after the receipt of the application no later than on the 57<sup>th</sup> day prior to the Election Day. The party shall be under a duty to submit to the CEC chairperson the signatures of 25,000 (0,75% of total number of voters) supporters no later than on the 50<sup>th</sup> day before the Election Day. The relevant office of the CEC shall verify the lists within 2 days of the submission and presents its conclusion to the CEC chairperson.

4. The application shall be attached by either a certificate on registration of the party and the statute, or copies of these documents verified by the notary officer.

5. The application shall include the following information on the party:

a) name and, if applicable, its short title and/or abbreviation, under which it participates in the elections;

b) name, last name, address (according to the place of registration), telephone number and facsimile of the head(s);

c) name, address (according to the place of registration), telephone number and the scope of the authority of the representative;

d) in case there are several head(s) – scopes of authority of each head with respect to the relations of the election process.

6. The title, its short title and abbreviated name referred to in subparagraph (a) of paragraph 5 of present Article shall not coincide with:

a) official name, short title or abbreviation of another party registered by the Ministry of Justice of Georgia (if it coincides, the party shall have no right to use it);

b) title, short title or abbreviated name of the election bloc under which it participates in the elections, if this bloc has applied to the CEC earlier (if it coincides, the party shall have no right to use it);

c) name, short title or abbreviation used by another party/election bloc during the last parliamentary elections, unless there is a consent of that party/bloc in that regard.

7. The relevant office of the CEC shall verify the application and its attached documents and shall submit its conclusion to the CEC chairperson no later than the following day following submission of the application.

8. No later than the next day following the submission of the conclusion referred to in paragraph 7 of the present Article, the CEC chairperson shall:

a) register the party and its representative, if submitted application and attached documents meet the requirements set forth by the present Law;

b) inform in writing the representative of the party on the inconsistency (indicating inconsistencies), if such inconsistencies exist, of the application and attached documents with requirements set forth by the present Law and the representative of the party shall be granted 2 days for bringing the application and documentation to order;

c) in case envisaged by paragraph 3 of this Article, decide on the last registration of the party only after verifying the list of supporters.

9. Verification of the corrected application and attached documents, as well as deciding on the issue of electoral registration, as referred to in subparagraph (b) of paragraph 8 of the present Article, shall be carried out no later than the next day following their submission. If the corrected application and documents are in compliance with the requirements of this Law, the CEC chairperson shall

register the party and its representative (except for cases listed in paragraph 3 of the present Article). Otherwise, the CEC chairperson shall issue an ordinance on the denial of registration (the ordinance shall precisely list the reasons for denial and the provisions of the present Law, noncompliance to which resulted into the denial) within the same time-limit. The representative of the party shall immediately be informed of this ordinance and upon his/her request the ordinance shall be handed over to him/her. The above procedures shall be completed no later than on the 37<sup>th</sup> day prior to the Election Day.

10. If the application referred to in this Article and attached documents (or the corrected application and documents) and the list of supporters have been submitted within the term established by the present Law and meet the requirements of the present Law, the CEC chairperson, on the ground of the conclusion of the relevant CEC office, shall register the party and its representative no later than the next day after the submission of the conclusion. Otherwise, the CEC chairperson shall issue an ordinance on denial of registration (the ordinance shall precisely list the reasons for denial and the provisions of the present Law, noncompliance to which resulted into the denial) within the same time-limit. The representative of the party shall immediately be informed of this ordinance and upon his/her request the ordinance shall be handed over to him/her.

11. Parties registered by the CEC are entitled to set up and to leave the election bloc. To register an election bloc, no later than on the 43<sup>th</sup> day before the Election Day, the CEC chairperson shall be provided with the application signed by all authorized heads of all parties united in the bloc and the election bloc statute.

12. The application shall include the following information concerning the election bloc:

- a) name and, if applicable, short title and/or abbreviation of the bloc, under which it participates in the elections, as well as the list of the parties united in the bloc;
- b) first and last name and address (according to the place of registration) of the head(s);
- c) first and last name, address (according to the place of registration), telephone number and the scope of authority of the representative;
- d) in case there are several head(s) - scopes of authority of each head with respect to the relations of the election process.

13. Name of the election bloc, its short title and abbreviation referred to in subparagraph (a) of Paragraph 12 of the present Article shall not coincide with:

- a) Official name, short title or the abbreviation of another party (except for the party united in the same bloc), registered by the Ministry of Justice (if it coincides, the party shall have no right to use it);
- b) name, short title the abbreviation of another election bloc, under which it participates in the elections, if this bloc has applied to the CEC earlier (if it coincides, the bloc shall have no right to use it);
- c) name, short title and abbreviation used by another election bloc during the last parliamentary elections, unless there is consent of that bloc in this regard.

14. The statute of the election bloc signed by the heads of all parties united in the election bloc shall include:

- a) the name and, if applicable, short title and/or abbreviation of the election bloc, under which the bloc participates in the elections;
- b) list of parties united in the election bloc;
- c) management body (if any) of the election bloc, head officials and their authority;

d) decision-making procedure of the election bloc, including the rules for admission of a new party in the bloc, withdrawal and exclusion of the party from the bloc, nomination and cancellation of nomination of candidates for membership of the representative body by the bloc;

e) a person authorized to sign bloc documentation;

f) rule for using the stamp of one of the parties united in the bloc related to the election activities;

g) rule for appointment of persons responsible for the election campaign funds, a manager and an accountant;

h) rule for amending to the statute of the election bloc.

15. A party united in the election bloc shall not join another election bloc or independently participate in one and the same elections.

16. Upon receipt of the application and statute referred to in paragraph 11 of this Article, the CEC shall provide the representative of the bloc with the document confirming their receipt.

17. The relevant CEC office shall verify the application and statute referred to in paragraph 11 of the present Article and shall submit its conclusion to the CEC no later than the next day following the day of filing of the application at the CEC chairperson. The CEC chairperson shall immediately register the election bloc and its representative, if the submitted documents meet the requirements established under paragraphs 12 to 15 of the present Article. In case the submitted documents fail to meet the above mentioned requirements - the CEC chairperson shall notify in writing the representative of the election bloc on the inconsistency of the documents with the provisions of the present Law (indicating inconsistencies). The corrected documents shall be returned to the CEC no later than the next day following notification. Final decision on registration shall be made by the CEC chairperson immediately after the receipt of the corrected documents. If the corrected documents meet the requirements of the present Law, the CEC chairperson shall register the election bloc and its representative. Otherwise, the CEC chairperson shall issue an ordinance on the denial of registration (the ordinance shall precisely list the reasons for denial and the provisions of the present Law, noncompliance to which resulted into the denial). The representative of the election bloc shall immediately be informed of this ordinance and upon his/her request the ordinance shall be handed over to him/her. The above procedures shall be completed on the 37<sup>th</sup> day prior to the Election Day.

18. A party, having electoral registration, shall be entitled to join registered election bloc before the expiration of the term for registration of election blocs. To that effect, the party shall submit to the CEC chairperson an appropriate application along with the consent of the election bloc.

19. Upon completion of registration of the election bloc, under the CEC chairperson ordinance, the authority of representatives of party members united the bloc in every election commission is terminated and the bloc is entitled to appoint two representatives in each election commission.

20. In case of withdrawal or exclusion of the party/parties from the election bloc prior to the expiration of the term for submission of party lists/candidates, each party shall be entitled to continue to participate in the elections. If, due to this reason, only one party remains in the bloc, the electoral registration of the bloc shall be cancelled under the CEC chairperson ordinance and the parties previously united in this bloc shall have the right to continue to participate in the elections.

21. In case of withdraws or exclusion of the party from the election bloc after the expiration of the term for submission of party lists/candidates, registration of this party is cancelled under the CEC chairperson ordinance. If, due to this reason, only one party remains in the bloc, the



registration of the bloc shall be cancelled under the CEC chairperson ordinance and the remaining party shall become the successor of the bloc.

22. No later than on the 30<sup>th</sup> day prior to the Election Day, the CEC shall publicize through press and other mass media the list of registered parties and election blocs made up in chronological order for submission of applications, as well as the list of those parties and election blocs that have been denied to be registered or their registration has been revoked, accompanied with the corresponding reasons.

### **Article 143. Submission of party lists**

1. In order run for Sakrebulo under the proportional electoral system, parties and election blocs independently participating in the elections shall submit the party lists to the corresponding DEC chairperson following the registration, no later than 30 days before the polling day.

2. All parties and election blocs independently participating in the elections shall be entitled to submit only one party list.

3. The number of candidates for the membership of Sakrebulo in the submitted list shall not be less than 10 and shall not exceed 30.

4. A party list may include only a member of the given party or a person not being a member of another party participating in the elections. A party list submitted by an election bloc may include only a member of party united in the given bloc or a person not being a member of another party participating in the elections.

5. The rule for drawing up a party list shall be determined by parties and election blocs. When compiling a party list, it shall be taken into account that the mandates acquired by the party or the election bloc on the basis of the election results shall be distributed sequentially from the beginning of the list onwards. Striking a gender balance is related to the additional funding envisaged by the Organic Law of Georgia on Political Unions of Citizens.

6. The party list shall provide each candidate's:

- a) last and first name;
- b) date of birth;
- c) occupation;
- d) position (activity);
- e) place of work (if unemployed, a note – “unemployed” shall be indicated);
- f) party affiliation (in case of being a party member; and if not, it shall indicate “nonpartisan”);
- g) personal number of the citizen of Georgia;
- h) place of registration;
- i) title and number of the local majoritarian election district, if nominated.

7. The party list shall be verified by the signature of the leader of the party independently participating in the elections. A party list of an election bloc shall be endorsed by the signatures of the leaders of all parties united in the bloc.

8. The party list shall be enclosed with two photos of each candidate and the registration card signed by him/her (in two copies) indicating the date of its fill out. Along with the candidates personal date (first name, last name, personal number of a Georgian citizen, place of registration, date of birth), the registration card shall indicate that the candidate has permanently resided in Georgia for 5 years, as well as include the consent to run for office under this party list.

9. The corresponding DEC shall forward the registration cards for Sakrebulo elections in advance to the representative of a party/election bloc. Upon the receipt of documents, the representative

of a party, election bloc shall be provided with the dated certificate confirming the receipt of the documents.

#### **Article 144. Nomination of candidates for membership of Sakrebulo in majoritarian election district**

1. The following subjects are entitled to nominate candidates in the relevant election district for the elections of a member of Sakrebulo:

- a) a party independently participating in the elections;
- b) an election bloc;
- c) initiative group of voters composed of 5 persons.

2. For the purpose of nominating a majoritarian candidate in an election district, a party/ election bloc/initiative group of voters independently participating in the elections shall apply the corresponding DEC no later than 30 days before the polling day.

3. The application shall provide the majoritarian candidate's:

- a) last and first name;
- b) date of birth;
- c) occupation;
- d) position (activities);
- e) place of work (if unemployed, it shall note - "unemployed");
- f) personal number of the citizen of Georgia;
- g) place of registration;
- h) title of the election district, where he/she is nominated as a majoritarian candidate;
- i) party affiliation (in case of being a party member; and if not, there shall be a note "nonpartisan").

4. The application concerning the nomination of candidates for the membership of Sakrebulo shall be forwarded to the corresponding election commission. It shall be endorsed by the signatures of authorized representatives of the party or the authorized representatives of all parties united in the election bloc.

5. The application shall be enclosed with two photos of the candidate and the registration card signed by him/her (in two copies). Along with the candidate's personal data (first name, last name, personal number of a Georgian citizen, place and date of registration, date of birth), the registration card shall indicate that the candidate has permanently resided in Georgia for 5 years, as well as include the consent to run for office in the given election district.

6. A majoritarian candidate nominated by the election bloc in the election district may, at the same time, be included in the party list of the corresponding party/election bloc.

#### **Article 145. Registration of party lists and candidates for membership of Sakrebulo nominated in the local majoritarian election district**

1. A party list shall be registered by the relevant DEC chairperson within 2 days after its submission.

2. Candidates for the membership of Sakrebulo nominated in the local majoritarian election district shall be registered by the relevant DEC chairperson within 2 days of their nomination.

3. Registration of candidates for the membership of Sakrebulo shall end no later than 21 days before the polling day.

4. Within 3 days after registration of candidates for the membership of Sakrebulo, the relevant DEC chairperson shall issue to them the certificates of a candidate.

5. A candidate nominated in the election district shall be registered once the following documentation is submitted:

- a) a registration card of the candidate indicating the fact of having permanently resided in Georgia for 5 years;
- b) an application concerning nomination of a candidate endorsed by the signatures of the leaders of parties/election blocs;
- c) two photos;
- d) candidate's consent to run for office.

6. Party list or the candidate nominated by the party/election bloc shall not be registered if the following is either missing or incompletely included in the registration card:

- a) first and last name;
- b) personal number of the citizen of Georgia;
- c) date of birth (year/month/day);
- d) place of registration;
- e) party affiliation (in case of being a party member; and if not, there shall be indication "nonpartisan");
- f) position and work place (if unemployed, a note – "unemployed" shall be indicated);
- g) the fact of having permanently resided in Georgia for the last 2 years;
- h) candidate's consent to run for office;
- i) title and number of the local majoritarian election district, in which the candidate is nominated as a majoritarian candidate;
- j) date of filling out the registration card.

7. The DEC chairperson shall not register the candidate, if the requirements listed in paragraph 5 and 6 of this Article have been violated.

8. A party/election bloc is entitled to request to participate in the elections under the same number as assigned to him/her during the previous parliamentary elections. It shall submit an application to this effect to the CEC no later than on the 40<sup>th</sup> day before the Election Day. If during the previous parliamentary elections the number was assigned to an election bloc, the first party in the list of the bloc members is entitled to use the number. If the right envisaged by the present paragraph is not exercised in the elections to be held under the proportional electoral system, the order of the parties and election blocs independently running for Sakrebulo shall be determined according to the appropriate sequence of results of the last parliamentary elections. If an election bloc having participated in the last parliamentary elections is not participating in the Sakrebulo elections, the first party in the list of the bloc members shall be entitled to use its assigned number and if it declines, this right shall be granted to the next one, etc. If the parties participating in the last parliamentary elections formed a bloc for Sakrebulo elections, they shall specify in the statute of the bloc as to which party assigned number they intend to use. If any party/election bloc did not exercise the right to use the assigned number, the parties/election blocs standing next in the list shall move up.

9. Order of the parties shall be determined by means of casting lots, held in compliance with the procedure established by paragraphs 2 to 6 of Article 119 of the present Law, no later than on the 35<sup>th</sup> day prior to the Election Day. Assigned number of these parties/election blocs shall start with a number greater by one than the last assigned number of the election subject referred to in paragraph 8 of this Article.

10. For the elections to be held through majoritarian electoral system, the candidates nominated by parties and election blocs shall be assigned the same number as the election subjects nominating them.

11. If the registration of a party/election bloc is annulled after the assignment of the number, the remaining parties/election blocs shall maintain the previously assigned numbers.

12. Information regarding the sequential order of election subjects shall be made public through press and other mass media no later than 3 days after the expiration of the registration term. The list of subjects, which have been denied registration, shall also be published within the same term.

#### **Article 146. Revocation of the decision on nomination of a candidate**

1. After registration, a party/election bloc shall be entitled to revoke its decision on nomination of a candidate no later than 10 days before the polling day.

2. A candidate may withdraw no later than 10 days before the polling day by submitting an application to the respective DEC.

3. The respective DEC shall immediately publish the information on registration of a candidate and revocation of the decision concerning the nomination of a candidate.

#### **Article 147. Ballot paper**

1. Two different types of ballot papers are produced for the elections of Sakrebulo.

2. A ballot paper, designed for Sakrebulo elections conducted under proportional electoral system, shall include the names of parties/election blocs (the bloc name shall be followed by the names of parties united in the bloc), listed in an established order.

3. A ballot, paper designed for elections of Sakrebulo held under majoritarian electoral system shall include the number, first and last name of all candidates nominated to be elected in the relevant local majoritarian election district. The name of the corresponding party or election bloc shall be indicated alongside with the last name of candidate(s) nominated by a party or an election bloc. Information on a candidate shall be included in the ballot paper according to the order determined by the relevant DEC by means of casting lots, no earlier than on the 24<sup>th</sup> day and no later than on the 20<sup>th</sup> day before the Election Day.

4. In the ballot paper designed for elections of Sakrebulo, held under proportional election system, the voter shall mark the number of no more than 1 party/election bloc.

5. In the ballot paper designed for the elections of Sakrebulo held through majoritarian election system, which includes data on candidates, the voter shall mark the number of no more than 1 candidate.

#### **Article 148. Ascertaining election results held under proportional election system**

1. In order to ascertain the number of mandates acquired by a party list, the number of votes received by a party list shall be multiplied by the number of mandates in the election district and divided by the total number of votes received by the parties/election blocs, which have received at least 5% of the votes cast in the elections. The whole part of the derived number is the number of mandates acquired by the list. The votes of invalid ballots are not considered in the amount of votes cast.

2. If the total number of mandates acquired by the party lists in an election district turns out to be smaller than the total number of mandates, each of undistributed mandate shall be conferred sequentially first to the party lists that did not acquire a mandate according to the rule established

by paragraph 1 of the present Article, but received more than 5% of the votes cast in the elections, and thereafter to the party lists that has already acquired at least one mandate; in such a case, one mandate will be given sequentially to the party lists that have received more votes in the elections. The votes of invalid ballots are not considered in the amount of votes cast by the voters participating in the elections.

3. If more than 10 contestants received 5% or more votes, the distribution procedure described in paragraph 1 of this Article shall not apply. In such case, one mandate shall be awarded to those 10 contestants, having received more votes than others. The votes of invalid ballots are not considered in the amount of votes cast by the voters participating in the elections.

4. If 2 or more party lists received an equal number of votes, a mandate shall be conferred to the one having registered first at the corresponding DEC for participating in the elections of Sakrebulo.

5. Candidates, whose assigned numbers on a party list are smaller or equal to the number of mandates acquired by the given party list, shall be considered elected to Sakrebulo under proportional election system.

6. If a candidate for the membership of Sakrebulo is elected both from a single-mandate majoritarian district and through a party list, he/she shall be considered elected from the single-mandate majoritarian election district and shall be removed from the party list, while the next candidate on the list shall move up according to the rule prescribed by this Law.

#### **Article 149. Determination of the election results held under majoritarian election system**

1. A candidate receiving more votes shall be considered elected to Sakrebulo through majoritarian election system.

2. If two candidates, participating in the elections, receive an equal number of votes, the candidate first registered with the corresponding DEC shall be considered elected.

#### **Article 150. Summing up of Sakrebulo election results at the DEC**

1. The DEC may annul polling results in the election precinct, where the present Law has grossly been violated. It is prohibited to summarize election results at the DEC before taking decision on the complaints that might result into annulment of polling results in the precinct.

2. Elections shall be declared void in the election district, if the number of ballot papers declared invalid in the given district is more than half of the total number of voters taking part in the elections in the district.

3. The DEC shall ascertain election results and draw up a protocol at its session.

4. In Sakrebulo elections, the DEC, based on the protocols received from the PEC, shall determine the following:

- a) total number of voters;
- b) number of those participating in elections;
- c) number of invalid ballot papers;
- d) number of votes cast for an election subject.

5. The DEC shall draw up 3 copies of summary protocols of polling results, one of which shall be forwarded to the CEC, the second remains at the respective DEC, and the third one shall be transmitted to the mandate commission of the relevant Sakrebulo.

6. One copy of the protocol shall be sent to the CEC no later than 5 days after the end of polling; the second remains at the relevant DEC; the third one shall be conveyed to the mandate commission

of Sakrebulo, and the certified copies of the protocol are sent to the representatives of the parties and election blocs.

7. The DEC shall, after summarizing the results, immediately post a copy of summary protocol of polling results on a visible place for public availability.

8. Within 10 days of the summarization of the elections results, the DEC shall make available the information on the election results of Sakrebulo in the relevant districts through press and other mass media. Information shall also include party affiliations of the elected Sakrebulo members (in case of being a party member; and if not, there shall be a note “nonpartisan”), as well as his/her date of birth, occupation, position, place of work.

### **Article 151. Convening of the first session of Sakrebulo**

First session of Sakrebulo shall be convened by the President of Georgia on the whole territory of Georgia within 30 days after summing up of the final results of the elections.

### **Article 152. Repeat voting and re-run elections**

1. If polling has been declared void in an election precinct, the relevant DEC shall call the repeat voting, which shall be conducted within 2 weeks from the polling day. Repeat voting shall be held only if the difference between the candidate with the last best results and the candidate following him/her, out of candidates to be elected to Sakrebulo, is less than the total number of voters of this precinct or of invalidated precincts.

2. In case of invalidation of polling results of repeat voting in the polling station, the relevant DEC shall summarize the election results of the election precinct without considering these precincts.

3. If the elections have been annulled in the election district, re-run elections shall be conducted within 2 weeks.

### **Article 153. Registration of elected members of Sakrebulo**

Within 5 days of the summarization of the final results of elections, a corresponding DEC chairperson shall register persons elected as members of Sakrebulo and provide them with relevant certificates.

### **Article 154. The rule for replacement of the withdrawn member of Sakrebulo**

1. If the authority of a member of Sakrebulo elected through proportional system has been terminated before its expiry, a candidate standing next to him/her in the party list shall take up his/her place in Sakrebulo within 2 weeks, in case, within 10 days after being notified by the CEC he/she accepts the membership of Sakrebulo. If no candidate appears in the party list, the mandate shall be annulled.

2. In case a withdrawn member has been elected by the election bloc party list and the latter noted that he/she is a member of one of the subject-party of the election bloc, within 1 month, his/her seat shall be occupied by the candidate for the membership of Sakrebulo standing next in the same party list, if he/she consents to the membership of Sakrebulo within 10 days after the vacancy is opened. Otherwise, the vacancy shall be filled by the next person in the same party list and etc. In case the party list failed to indicate that he/she is a member of one of the subject-party of the election bloc, his successor shall be defined according to the rule defined by paragraph 1 of the present Article.

3. If the authorities of not less than 5 members of Sakrebulo elected under a majority system have been terminated early, by-election shall be conducted in the next September-October, under the rule defined by this Law. If less than 60 days remain prior to the conduct of by-elections, the latter shall be held in September-October of the next year. By-elections shall not be conducted if less than 2 years remain before the expiration of the term of the authority of Sakrebulo.

4. The date of by-elections shall be set by the CEC ordinance. No later than 2 months before the Election Day, it shall define the terms of electoral events.

5. Candidates, having won by-elections, shall take up the place of the withdrawn Sakrebulo members, elected under majoritarian system for the remaining term of authority of Sakrebulo.

## **CHAPTER XVII. ELECTIONS OF SAKREBULO OF THE CAPITAL OF GEORGIA – TBILISI**

### **Article 155. Elections of the self-government body - Sakrebulo of the capital of Georgia - Tbilisi**

1. During elections of the self-government body - Sakrebulo of the capital of Georgia – Tbilisi (hereinafter “Tbilisi Sakrebulo”), the norms defined by the present Law shall be applied unless otherwise defined by the present Chapter.

2. During the state of emergency or martial law, elections of Tbilisi Sakrebulo shall not be conducted. If the term of the elections coincided with the state of emergency or martial law, the elections shall be held within 60 days after the end of such circumstances.

3. Elections of Tbilisi Sakrebulo are conducted by majoritarian and proportional electoral systems.

4. Tbilisi Sakrebulo is composed of 50 members, out of which 25 members are elected on the territory of a single-mandate majoritarian election district, and 25 – through proportional electoral system on the whole territory of Tbilisi.

5. Considering the borders of territorial units of Tbilisi districts and the number of voters, within 5 days after calling of elections, the CEC shall, by an ordinance, set up local single-mandate majoritarian election districts of Tbilisi and define their borders.

### **Article 156. Election districts**

1. 10 election districts shall be set up for Tbilisi Sakrebulo elections, conducted under proportional election system:

- a) Mtatsminda;
- b) Vake;
- c) Saburtalo;
- d) Krtsanisi;
- e) Isani;
- f) Samgori;
- g) Chughureti;
- h) Didube;
- i) Nadzaladevi;
- j) Gldani.

2. The CEC shall exercise the functions of an election commission summarizing election results of Tbilisi Sakrebulo held through proportional system.

3. Election Results of Tbilisi Sakrebulo conducted under majoritarian electoral system shall be summarized and ascertained by the relevant DEC.

### **Article 157. Right to participate in Tbilisi Sakrebulo elections**

1. Right to take part in Tbilisi Sakrebulo elections shall be conferred to the party, election bloc, candidates nominated by the party, election bloc and an initiative group of voters composed of 5 persons, if registered by the election commission defined by the present Law.

2. Only parties and election blocs are entitled to participate in the elections held under proportional electoral system and to acquire the mandate of Tbilisi Sakrebulo.

3. Right to run for the local single-mandate majoritarian elections of Tbilisi Sakrebulo shall be granted to the candidates nominated by parties/election blocs/initiative group of voters. An individual may be nominated only in one single-mandate majoritarian election district.

4. A person nominated as a candidate for the elections of Tbilisi Sakrebulo, may not be simultaneously nominated as a candidate in the elections of another self-governing unit of representative body of local self-government - Sakrebulo.

5. Incompatibility of the status of a candidate in Tbilisi Sakrebulo election with official capacity shall be defined under Article 136 of this Law. Paragraph 5 (e) of Article 117 of the present Law shall not apply to the incompatibility of the status of a candidate.

### **Article 158. Submission of party lists**

1. For obtaining of mandates of Tbilisi Sakrebulo through proportional electoral system, party lists shall be submitted to the CEC by the parties, election blocs no later than 30 days before the polling day.

2. Party lists of candidates to be elected in Tbilisi Sakrebulo under proportional electoral system shall include no less than 50 and not more than 100 candidates.

3. Party list may include a candidate nominated in the majoritarian election district. In such a case, a party list shall make a note on the nomination of the candidate for a single-mandate majoritarian election district.

4. Party list may include the members of the party or those individuals who are not members of other parties participating in the elections, and the party list of the election bloc – made up by the members of parties united in the bloc or those individuals who are not members of other parties running in elections. The party, election bloc shall be entitled to nominate a capable citizen of Georgia, who speaks official language and has attained 21 years by the time of polling day as a candidate for Sakrebulo elections.

5. The rule for drawing up of the party list shall be defined by the parties and election blocs. While drafting the party list, it should be taken into account that the mandates acquired by a party, election bloc in accordance with the election results, shall be distributed sequentially, from the top of the list.

6. Party list shall indicate the following information on each candidate:

- a) name/last name;
- b) date of birth;
- c) occupation;
- d) position (activities);



- e) place of work (if unemployed, a note – “unemployed” shall be indicated);
- f) party affiliation (in case of being a party member; and if not, there shall be a note “nonpartisan”);
- g) personal number of the citizen of Georgia
- h) place of registration;
- i) name of the local single-mandate majoritarian election district, in case of nomination as a majoritarian candidate.

7. The Party list shall be endorsed with the signatures of the leader of the party independently participating in the elections; the party list of the election bloc shall be endorsed with the signatures of leaders of all parties within the election bloc.

8. The party list shall be enclosed with two photos of each candidate and a registration card (in two copies) signed by the candidate indicating the date of its completion; Along with the candidates personal data (first name, last name, personal number of a Georgian citizen, place of registration, date of birth), the registration card shall indicate that the candidate has resided in Georgia for 5 years, as well as include the consent to run for office under this party list.

### **Article 159. Nomination of majoritarian candidates for membership of Tbilisi Sakrebulo**

1. The following are entitled to nominate majoritarian candidates for membership of Tbilisi Sakrebulo:

- a) party independently participating in elections;
- b) election bloc.
- c) initiative group of voters composed of 5 persons.

2. A party, election bloc and an initiative group of voters shall have a right to nominate as a candidate for elections of Tbilisi Sakrebulo a capable citizen of Georgia, who speaks official language and has attained 21 years by the time of polling day.

### **Article 160. Ballot paper**

1. During Tbilisi Sakrebulo elections, a voter shall be issued one majoritarian and one proportional ballot paper.

2. Voters participating in the elections shall mark only one assigned number in the ballot paper.

### **Article 161. Ascertaining the results of majoritarian elections of Tbilisi Sakrebulo**

A majoritarian candidate having received more votes in a single-mandate majoritarian election district shall be considered elected for Tbilisi Sakrebulo. If two candidates participating in the elections have received equal votes, the candidate, first to file an application on registration with the relevant DEC, shall be deemed elected.

### **Article 162. Rule of distribution of mandates in Tbilisi Sakrebulo through proportional system**

1. Mandates in Tbilisi Sakrebulo under proportional system shall be distributed only to those contestants having received at least 4% of votes cast by the voters participating in the elections. Mandates shall be distributed pursuant to the rule established by the present Article.

2. For ascertaining the number of mandates received by the party lists, the number of votes received by the party lists shall be multiplied by the number of proportional mandates of Tbilisi Sakrebulo and shall be divided by the sum of votes received by those parties/election blocs having

acquired no less than 4% of the votes cast by the voters participating in the elections. The whole part of the derived number is the number of mandates received by the party lists. The number of votes derived from invalid ballot papers shall not be included in the number of votes cast by voters participating in the elections.

3. During proportional elections of Tbilisi Sakrebulo, if the total number of mandates received by the party lists turns out to be less than the total number of the mandates, each undistributed mandate, proportional with the votes received, shall be awarded to those party lists, which have obtained at least one mandate under the rule established by paragraph 2 of this Article.

4. If 2 or more party lists received an equal number of votes, a mandate shall be conferred to the one having first registered with the CEC for participating in the elections of Tbilisi Sakrebulo.

5. Candidates, whose assigned numbers on a party list are smaller or equal to the number of mandates acquired by the given party list, shall be considered elected to Sakrebulo under proportional election system.

6. If a candidate for the membership of Sakrebulo is elected both from a single-mandate majoritarian district and through a party list, he/she shall be considered elected from the single-mandate majoritarian election district and shall be removed from the party list, while the candidate shall be replaced in the list according to the rule prescribed by this Law.

### **Article 163. Registration of members elected to Tbilisi Sakrebulo**

Within 5 days of the summarization of the final results of the elections, the CEC shall register the members of Tbilisi Sakrebulo and issue relevant certificates to them.

### **Article 164. Rule for replacement of the withdrawn member of Tbilisi Sakrebulo**

1. If the authority of a member of Tbilisi Sakrebulo elected through proportional system has been terminated before its expiry, a candidate standing next to him/her in the party list shall take up his/her place in Sakrebulo within 2 weeks, in case, within 10 days after being notified by the CEC he/she accepts the membership of Sakrebulo. If no candidate appears in the party list, the mandate shall be annulled.

2. In case a withdrawn member of Tbilisi Sakrebulo has been elected by the election bloc party list and the latter noted that he/she is a member of one of the subject-party of the election bloc, within 1 month, his/her seat shall be occupied by the candidate for the membership of Tbilisi Sakrebulo standing next in the same party list, if he/she consents to the membership of Tbilisi Sakrebulo within 10 days after the vacancy is opened. Otherwise, the vacancy shall be filled by the next person in the same party list and etc. In case the party list failed to indicate that he/she is a member of one of the subject party of the election bloc, his successor shall be defined according to the rule defined by paragraph 1 of the present Article.

3. A successor of the withdrawn member of Tbilisi Sakrebulo elected through proportional system shall, within 10 days of having notified the CEC, consent to Sakrebulo membership. Otherwise, the vacancy will be filled by the candidate as defined by paragraph 2 of the present Article. If no candidate appears in the party list, the mandate shall be annulled.

4. If the authorities of not less than 5 members of Tbilisi Sakrebulo elected under a majority system have been terminated early and more than 2 years remain before the expiration of the term of the authority of Sakrebulo, by-election shall be conducted in the next September-October, under the rule defined by this Law. If less than 60 days remain prior to the conduct of by-elections, the latter shall be held in September-October of the next year.

5. The date of by-elections shall be set by the CEC ordinance. No later than 2 months before the Election Day, it shall via ordinance define the terms of electoral events.

6. Candidates, having won by-elections, shall take up the place of the withdrawn Tbilisi Sakrebulo members, elected under majoritarian system for the remaining term of authority of Sakrebulo.

## **CHAPTER XVIII. ELECTIONS OF MAYOR OF TBILISI - THE CAPITAL OF GEORGIA**

### **Article 165. Elections of Mayor of Tbilisi - the capital of Georgia**

1. During elections of the Mayor of Tbilisi – the capital of Georgia (hereinafter - Mayor of Tbilisi), the norms established by this Law will be applied, unless otherwise determined by this chapter.

2. Mayor of Tbilisi shall be elected on the basis of universal suffrage, equal and direct electoral right to vote, through a secret ballot by the electorate form Tbilisi, for the term of 4 years.

3. Mayor of Tbilisi elections are called by the President of Georgia no later than 60 days prior to the Mayor's authority expiration date.

4. Elections of the Mayor of Tbilisi shall not be conducted during state of emergency or martial law. If the elections coincide with the state of emergency or martial law, the elections shall be held no later than 60 days after the state has been lifted.

### **Article 166. Election districts**

1. Tbilisi shall represent one election district for the elections of the Mayor of Tbilisi, the borders of which coincide with the borders of election districts formed in accordance with paragraph 1 of Article 156 of this Law.

2. The results of the elections of the Mayor of Tbilisi are being summarized by the CEC.

### **Article 167. Registration of candidates of the Mayor of Tbilisi and definition of their assigned numbers**

1. A citizen of Georgia with the right to suffrage, having attained the age of 25, who speaks Georgian language, may be elected the Mayor of Tbilisi. A citizen not having lived in Georgia for the last 2 years may not be elected the Mayor of Tbilisi.

2. A party/election bloc/initiative group of voters, registered in accordance with Article 142 of the present Law, shall be authorized to nominate a candidate for Mayor of Tbilisi no later than 30 days before the polling day.

3. Incompatibility of the status of candidate of the Mayor of Tbilisi with his official capacity shall be defined pursuant to the rule established by Article 136 of this Law. Paragraph 5 (e) of Article 117 of the present Law shall not apply to the incompatibility of the status of the candidate of the Mayor of Tbilisi.

4. The CEC chairperson registers candidates for the Mayor of Tbilisi within 2 days after their nomination, taking into view the requirements of this Article.

5. Candidate for the Mayor of Tbilisi shall be provided with the number of election subject nominating him/her.

6. Decision of election subject on nomination of a candidates for the Mayor of Tbilisi shall be attached to a registration card indicating a candidate's:

a) first name and last name;

- b) date of birth (date, month, year);
- c) gender;
- d) address (according to the place of registration);
- e) personal number a citizen of Georgia;
- f) place of work (name of institution, organization, enterprise, etc.);
- g) occupied position (if unemployed, "unemployed" shall be indicated);
- h) Party affiliation (if he/she is not a party member, it should note "nonpartisan");
- i) consent to run for office of the Mayor of Tbilisi;
- j) signature and the date of signature.

7. Candidate of the Mayor of Tbilisi shall not be registered and electoral registration of already registered candidate shall be canceled in accordance with the CEC ordinance (in case as envisaged by sub-paragraphs "a"- "c" of this paragraph) or under the court decision (in case of sub-paragraph "d"), if applications and documents submitted to the election commission fail to meet all the requirements as set forth by this Law or other conditions stipulated by the present Law have been violated, namely:

- a) data included in the applications and documents is incomplete or inaccurate;
- b) there is or there was a consent of the candidate of the Mayor of Tbilisi to run participate in the election of another self-governing unit Representative body of local self-governance – Sakrebulo under the status of a candidate;
- c) requirements of paragraph 3 of this article have been breached;
- d) requirements of paragraph 1 of Article 47 and/or Article 48 of this Law have been violated.

### **Article 168. Summarizing the results of the elections of the Mayor of Tbilisi**

A candidate shall be considered elected in the election of the Mayor of Tbilisi, who has received the most number of votes but no less than 30% of votes cast by voters participating in the elections. The number of votes of invalid ballot papers shall not be counted into the total number of votes cast by voters participating in the elections.

### **Article 169. Second round, re-run and extraordinary elections of the Mayor of Tbilisi**

1. If in the elections of the Mayor of Tbilisi none of the candidates received necessary number of votes defined by Article 168 of this Law, a run-off shall be appointed. 2 candidates having the best results will participate in the run-off and the candidate receiving more votes shall be considered won. If candidates receive equal number of votes, the candidate who had received more votes in the first round of elections shall be elected. If these numbers of votes are equal, re-run shall be appointed in 2 months.

2. Run-off is called by the CEC ordinance. The second round of elections shall be held within 1 month from the polling day.

3. In case the early termination of the authority of the Mayor of Tbilisi and if more than 2 years are left before expiry of the authority, pre-term elections of the Mayor of Tbilisi shall be conducted. Extraordinary elections are called by the President of Georgia within 6 months after termination of authority of the Mayor of Tbilisi.

## CHAPTER XIX. REFERENDUM AND PLEBISCITE

### Article 170. General provisions

The norms regulating preparation, conduct and summarizing of the election results stipulated in the first chapter of this law shall be used to prepare, conduct and summarize the results of referendum unless otherwise defined by this chapter.

### Article 171. Conducting a referendum

1. Upon the request of the Parliament of Georgia, the request of not less than 200000 voters or by his/her own initiative, the President of Georgia shall call a referendum on issues defined by the Constitution and the Organic Law of Georgia, within 30 days of the receipt of the request to hold a referendum.

2. Referendum cannot be held in case of:

- a) an armed attack in Georgia;
- b) a state of war;
- c) public disorder, military turnover, armed revolts, ecological catastrophes and epidemics or in other cases when state bodies are unable to duly apply their constitutional authorities.

3. Referendum cannot be appointed on the same issue during one year since the date when the results of the referendum conducted on this issue were published.

4. Referendum shall be prepared and held in Georgian language in Georgia and in Abkhazian language - in Abkhazia.

### Article 172. Referendum issues

1. A referendum can be held on especially important state issues, including the issues and principles stipulated by the Constitution of Georgia, Georgian Laws, International Treaties and Agreements of Georgia.

2. Referendum cannot be held:

- a) for adoption or abolishing a law;
- b) for amnesty or pardon;
- c) on ratification and denunciation of International Treaties and Agreements;
- d) on issues, which restrain the fundamental constitutional rights and freedoms of individuals.

### Article 173. Calling of a plebiscite and rules of its conduct

1. Plebiscite is a public opinion poll by polling to learn about the opinion of Georgian voters or part of them with regard to particularly important state issues.

2. Plebiscite shall be called by the President of Georgia by his/her own initiative.

3. The results of plebiscite carry a recommendatory nature for the state bodies.

4. The rules established by this law are applied to the plebiscite except the 171st article.

### Article 174. Appointment of a referendum

1. Referendum shall be called by the President of Georgia;

2. Referendum shall be prepared and held by the CEC.

**Article 175. Initiative group on holding a referendum**

1. If an initiative to hold a referendum comes from the voters, an initiative group shall be formed. The list of initiative group shall include the first name, last name and place of residence of each member of the group. Initiative group shall clearly and specifically formulate issues proposed for referendum.

2. Initiative group applies to the CEC with a request to register the issue proposed by the initiative group for referendum. The issue should be formulated in agreement with the initiative group.

3. The CEC shall register the issue proposed for referendum and the membership of the initiative group and publish the information with this regards to the above and the address of the initiative group in the official press.

4. The issue proposed for a referendum shall be included in the papers of voter signatures.

5. Registration certificate shall be issued to the initiative group within a month after applying for registration. Registration application can be declined if the requirements of this Law have been violated.

6. Initiative group is entitled to appeal the decline on registration within 5 days after the decline in the corresponding district (city) court, which shall review the appeal and make a decision within 5 days that can be further appealed according to the rule defined by the Georgian legislation.

**Article 176. Rule and terms for collecting of signatures**

1. Initiative group starts the collection of signatures from the day of receipt of the registration certificate.

2. Signatures shall be collected on a sample paper defined by the CEC and agreed with the initiative group. There should be no more than 50 signatures of citizens on each of these papers; the signatories shall put down their first name, last name, date of birth, number of the personal identification card, address and the date of signature themselves. Every paper filled out with all the above-mentioned information should be signed by the person responsible for collecting the signatures by indicating his/her address. The signature of a person responsible for collecting the signatures shall be verified by a notary or at a local self-governing body.

**Article 177. Review of the results of collecting of signatures**

1. The filled out papers of signatures shall be forwarded to the initiative group, which draws up the summary results of collecting signatures and together with the papers of signatures forwards it to the CEC no later than three months from the date of receiving a registration certificate.

2. The CEC shall inspect the submitted materials and if it decides that they are not incompliant to the requirements of this Law, it shall submit its conclusion and the request of the initiative group to conduct a referendum to the President of Georgia no later than one month after the receipt of the materials.

3. If it is proved that a citizen signed a statement on holding a referendum twice or more times, all his/her signatures shall be deemed invalid.

**Article 178. Making decisions with regards to the request on holding a referendum**

1. The CEC shall provide the issue of referendum to the President of Georgia.

2. President of Georgia shall make one of the following decisions with regards to the request to hold a referendum:

a) appointment of the referendum date and ensuring its holding;  
b) justified decline on the request of hold a referendum. Such decision can be made only in case of violation of the requirements stipulated in the Constitution of Georgia and this Law.

3. Decision on holding the referendum shall be published under the decree of the Georgian President within 30 days after the submission of the request on holding a referendum.

4. The decree on holding the referendum should include the date of holding a referendum and exact formulation of an issue put forward for the referendum, other issues regarding the funding and conducting of the referendum shall be defined as well. The citizens shall be informed about this decree through the official press and other media no later than 7 days after the issue of the decree.

### **Article 179. Terms of conducting a referendum**

1. Referendum shall be held no earlier than two months and no later than six months since the President of Georgia makes a decision on the date of holding a referendum.

2. In exceptional cases, President of Georgia is entitled to define another date for holding a referendum.

### **Article 180. Request of a decision on holding a referendum**

The initiative group is entitled to withdraw its decision on conducting the referendum before the President of Georgia makes a decision.

### **Article 181. Election commissions**

Central, district and precinct election commissions of Georgia ensure the organization and conduct of a referendum.

### **Article 182. Participation of initiative group members in the work of referendum commissions**

In case a referendum has been appointed on the basis of the voters' request, the initiative group is eligible to appoint its representative in the election commissions.

### **Article 183. Summarizing of the results of a referendum and enforcement of the decision**

1. Referendum issue shall be deemed to be positively resolved in case more than half of the referendum participants have voted in its favor. The number of votes of cast through invalid ballot papers shall not be included in the total number of referendum votes.

2. It is prohibited to make a decision on the referendum issue after the appointment of a referendum and before publishing the referendum results.

3. The decision made as a result of the referendum shall be enforced from the date of its publication; it shall have a legal force and is final. The results of a referendum have a direct force.

4. Legislative and executive authority of Georgia is obliged to put Georgian legislation and other legal acts in compliance with the referendum results within one month.

5. A decision made as a result of the referendum can be changed or abolished only by holding another referendum.

6. The results of a referendum can be announced invalid by the procedures defined by the Law of the Constitutional Court of Georgia.

## CHAPTER XX. TRANSITIONAL AND FINAL PROVISIONS

### Article 184. Verification of lists of voters for the Parliamentary Elections 2012

1. Commission for Verification of List of Voters (Commission) is an independent administrative body, which, within the limits of its authority, is independent from other state bodies.

2. Representatives of government, opposition political unions and non-governmental organizations (NGOs) shall compose the Commission based on equal participation principle. The Commission shall be composed of not less than 15 members.

3. The President of Georgia shall set up and define the composition of the Commission upon nomination by the political unions and NGOs.

4. The Commission administration, in accordance with the procedures established by the Commission Regulation, shall conduct organizational-technical and informational activities of the Commission.

5. The chairperson, deputy chairperson and the secretary of the Commission shall be elected from the members of the Commission. The Commission chairperson shall be elected from the members nominated by the opposition political unions.

6. The rule of conduct of the Commission shall be defined under the Commission Regulation, approved by the President of Georgia upon submission by the Commission.

7. The Commission session shall be authorized, if attended by a majority of the total number of the Commission. Its decision shall be made by a majority of members present at the session, but not less than one-third of the total number of the Commission. The Commission decision may be appealed before the Tbilisi City Court within 10 days of its adoption (except for cases stipulated by paragraph 11 of this Article).

8. The Commission shall provide for verification of voters' lists over the entire territory of Georgia through various means, including door-to-door inspection principle.

9. The following activities shall be undertaken for the purpose of conducting the 2012 Parliamentary elections:

a) for the purpose of verification of general list of voters for 2012 Parliamentary Elections, the Ministry of Corrections and Legal Assistance of Georgia and the Special State Protection Service of Georgia, also institutions referred to in paragraph 5 ("a"- "c") of Article 31 of this Law on persons with electoral suffrage as of July 15, 2012 and institutions listed in subparagraphs "f" and "g" of the same paragraph shall, within the terms determined by this paragraph, forward to the Commission for Verification of the List of Voters a renewed or latest data on persons with electoral suffrage.

b) The Ministries of Defense and Internal Affairs shall no later than July 1, 2012 submit to the Commission for Verification of the List of Voters and the CEC the data on conscript and contract military servicemen of the Georgian military (paramilitary) forces and units with electoral suffrage, the work conditions of which require them to be present at the address other than the place of registration, which belongs to a different election district.

c) On July 15, 2012, the Ministry of Corrections and Legal Assistance of Georgia shall submit to the Commission for Verification of the List of Voters the data on individuals with the right to suffrage having committed misdemeanor;

d) heads of consular offices of Georgia shall submit to the Commission for Verification of the List of Voters and the CEC the data defined by paragraph 1 ("e") of Article 32 of this Law no later than on the 20th day before polling.



9<sup>1</sup>. In the list provided by paragraph 10 of this Article, based on amendments made within the time-frame defined by this Law, and under the decision of the Commission for Verification of the List of Voters, the box “actual condition”, along the last name of a voter, who has been confirmed to be abroad by the application of a person registered at the same address, shall include an entry “is abroad”. A voter, defined by this paragraph, shall participate in polling in accordance with the general procedure defined by this Law.

9<sup>2</sup>. Under the decision of the Commission for Verification of the List of Voters, the list provided in paragraph 10 of this Article shall include the following voters with a different entry - “removed from the address of registration”:

- a) the fact of residence of whom at the registration address is not confirmed by the application of a person registered at the same address;
- b) the registration of whom was terminated by the legal entity of public Law of the Ministry of Justice of Georgia –State Services Development Agency.

9<sup>3</sup>. Voters defined by paragraph 9<sup>2</sup> of this Article shall vote in 2012 Parliamentary Elections in accordance with the last place of registration. Such voters shall be included in the versions of lists of voters designated for election commissions and public information and placed after the lists organized in alphabetical order. Voters defined by this paragraph shall participate in elections conducted under majoritarian, as well as proportional election systems.

10. Pursuant to paragraphs 8 and 9 of this Article, the Commission shall verify and transmits to the CEC the lists of voters before August 1, 2012. The list submitted to the CEC by the Commission is the general list of voters for the parliamentary elections 2012.

11. From August 1, 2012, no later than on the 14<sup>th</sup> day prior to the elections, the Election Administration of Georgia shall immediately submit to the Commission for Verification of List of Voters the applications filed to the Election Administration of Georgia on amendments made to the lists of voters. The Commission is under a duty to adopt a relevant well-founded decision, within 2 calendar days of the submission of the application, regarding the application received from the election administration or filed directly to the Commission within the time-frame determined by this paragraph. The commission shall immediately notify the election administration on the above decision, based on which the appropriate DEC chairperson shall issue a relevant ordinance that may be appealed in accordance with the present Law (except for cases stipulated in paragraph 11<sup>1</sup> of this Article).

11<sup>1</sup>. From August 1, 2012, a person interested in making an entry to the general list of voters in a manner defined in paragraphs 9<sup>1</sup> and 9<sup>2</sup> of this Article, shall file an application to the election administration of Georgia no later than September 1, 2012. The election administration shall immediately submit the application to the Commission for Verification of List of Voters. The Commission shall make a respective substantiated decision regarding the application received from the election administration or filed directly to the Commission within 14 calendar days from submission of the application and immediately notify the election administration thereon.

11<sup>2</sup>. Members of the Commission for Verification of List of Voters and heads of regional representations, after no later than on the 14<sup>th</sup> day before the elections, are authorized to conduct monitoring of the general list of voters at any time based on the Commission decision, including on the polling day at the polling stations.

12. State agencies shall cooperate with the Commission for verification of general list of voter.

13. The activity of the Commission shall be financed from the state budget of Georgia.

14. The edict N726 of November 15, 2011 concerning the Determination of the Establishment and Composition of the Commission for Verification of the List of Voters and the edict N791 of December 5, 2011 regarding the Approval of the Regulation of the Commission for Verification of the List of Voters, issued by the President of Georgia, shall remain legal force.

15. Term of authority of the Commission for Verification of List of Voters shall be defined including December 31, 2012.

*Organic Law of Georgia June 28, 2012 №6571 – website, 28.06.2012y.*

### **Article 185. Transitional provisions**

1. Legal acts, adopted by the CEC before coming into effect of this Law, shall remain legal force after this Law becomes effective.

2. The CEC shall ensure to bring its legal acts into conformity with the present Law within 2 months after this Law comes into force.

3. The CEC shall ensure to carry out activities related to entering into force of the present Law within 6 months after this Law comes into effect.

### **Article 185'. Electoral suffrage during the transition period**

1. Any person who is born in Georgia and over the recent 5 years has permanently lived in Georgia, and by the time of enforcement of Article 104<sup>4</sup> of the Constitution of Georgia, possesses a citizenship of the member state of the European Union, together with the citizens of Georgia and from the relevant age, shall be entitled to participate in Presidential and Parliamentary elections and have an electoral suffrage until January 1, 2014.

2. Rights and obligations conferred to / imposed on a citizen of Georgia defined by this Law and the Organic Law of Georgia on Political Unions of Citizens, shall fully apply to an individual defined in paragraph 1 of this Article.

3. An individual defined by this Law shall use a passport of a member state of the European Union instead of a passport of a Georgia Citizen and a Personal Identification Card defined by this Law.

4. Commission for Verification of List of Voters shall be authorized to register as a voter a person, who meets the requirements prescribed in paragraph 1 of this Article. This person shall be registered in Georgia in accordance with his/her actual place of residence based on the nomination of an administrative body or based on his/her own application.

*Organic Law of Georgia June 28, 2012 №6571 – website, 28.06.2012y.*

### **Article 186. Final provisions**

1. Organic Law of Georgia “Election Code of Georgia” (“Legislative Herald of Georgia” (“Sakartvelos Sakanonmdებლო Matsne) N25, 22.08.2001, Art. 107) shall become invalid immediately after the effectiveness of this Law.

2. This law shall enter into force upon publication.

**President of Georgia**

**Mikheil Saakashvili**

**Tbilisi**

**December 27, 2011**

**N5636-ES**

**Made amendments:**

1. *Organic Law of Georgia June 28, 2012 №6571 – website, 28.06.2012y.*
2. *Organic Law of Georgia June 22, 2012 №6551 – website, 29.06.2012y.*
3. *Organic Law of Georgia June 29, 2012 №6601 – website, 13.07.2012y.*
4. *Organic Law of Georgia June 29, 2012 №6605 – website, 16.07.2012y.*



ELECTIONS OF PARLIAMENT OF GEORGIA  
2012

A REFLECTION OF REALITY