



**CEC**

ELECTION ADMINISTRATION  
OF GEORGIA



FOR ELECTORAL SYSTEMS DEVELOPMENT,  
REFORMS AND TRAININGS

# HANDBOOK FOR OBSERVERS



ELECTIONS OF PARLIAMENT OF GEORGIA  
2012

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## 1.1. Role of Observer Organizations in the Election Process

Observer Organizations, as impartial and neutral institutions engaged in the election process, shall insure dissemination of objective information in the population and international organizations regarding the election process. It is their main function to assess the compatibility of an election process with international standards of democratic elections and domestic legislation.

Observer organizations shall be guided by the following principles<sup>1</sup>:

- ▶ **demonstration respect of law** - comply with the legislation of Georgia
- ▶ **professionalism** - be aware of their rights and duties and fulfill them precisely and in good faith
- ▶ **“in service of voters”** - facilitate that the right to vote is fully exercised and protected
- ▶ **impartiality** - refrain from expressing political preference, not to support in any manner political parties, candidates in the course of elections
- ▶ **accountability** - in the conclusions, reports include only those materials, which are documented, based on facts and confirmed

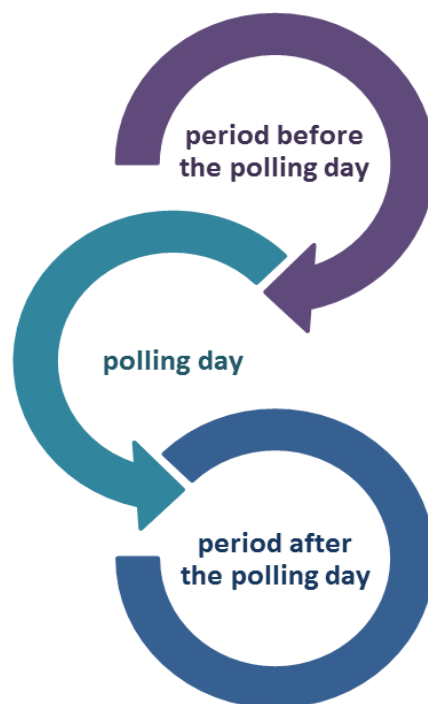
## 1.2. Rights of an Observer

An observer is entitled to observe the election process freely and without any hindrance



An observer **has a right to** (*Election Code – Article 41*):

- ▶ attend and observe sessions of the election Commissions and address the Commission after Commission member, with the consent of the Commission Chairperson, on issues envisaged by the agenda. Duration of the speech shall be determined by the Commission;
- ▶ be present at the polling place at any time on the 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;
- ▶ replace another registered representative of the nominating organization at any time (in case of availability of such a representative);
- ▶ take part in the inspection of ballot boxes, before they are sealed and after they are opened;
- ▶ observe registration of voters in the lists of voters, issuance of ballot papers and special envelopes and their certification without disrupting the polling process;



<sup>1</sup> Handbook for Long-term Election Observers, OSCE, Tbilisi, 2008. Handbook for domestic observer organizations, OSCE, Tbilisi, 2008.

- ▶ attend the procedure of counting of votes and summarizing of results;
- ▶ observe the counting of votes in such conditions in which ballot papers may be visible;
- ▶ observe the process compiling the summary protocol of polling results and other documents by the Election Commission;
- ▶ address the Precinct Election Commission (the PEC) Chairperson with an application (complaint) regarding issues related to the procedures of voting and polling, by which an applicant requests response on identified cases of specific violations;
- ▶ request a voter to show how many ballot papers and special envelopes he/she is having at hand;
- ▶ observe the ballot boxes, the process of inserting special envelopes into the ballot box, opening of ballot boxes, counting of ballot papers and drawing up of protocols;
- ▶ get introduced with the summary protocols of polling and election results, drawn up by election commissions;
- ▶ perform other authorities defined by election legislation of Georgia.

**Attention!**

**The restriction of the rights of a domestic/international observer set forth by the Election Code, or the disruption of his/her activities, shall lead to the imposition of a fine upon a relevant person in the amount of 500 GEL (*Election Code – Article 91*).**

An observer **shall not be entitled to** (*Election Code – Article 41*):

- ▶ exert an undue influence upon the free expression of will of voters;
- ▶ agitate a voter in favor or against an electoral subject;
- ▶ wear symbols or signs of any election subject;

**Attention!**

**A violation of the above requirements shall lead to the imposition of a fine upon relevant individuals in the amount of 500 GEL (*Election Code – Article 92*).**

- ▶ interfere with the functions and activities of the Election Commission;
- ▶ be without a badge at the polling place on the polling day.

**Attention!**

**An Election Commission is authorized to remove an observer from the Commission premises, in the case of breach of order and obstruction of the work of the Commission (*Election Code – Article 8.18*).**



Main Activities	
2.1.	Registration of Observer Organizations
2.2.	Recruitment of the District Election Commissions
2.3.	Recruitment of the Precinct Election Commissions
2.4.	Verification of a General list of Voters
2.5.	Drawing up of the Special List of Voters
2.6.	Forming a Mobile Ballot Box list
2.7.	Registration of Subjects Participating in the Elections (Party/Election Block, initiative Group, Candidates)
2.8.	Accreditation of Representatives of the Press and other Mass Media
2.9.	Pre-election Campaign
2.10.	Arrangement of the Polling Place

### 2.1. Registration of Observer Organizations (*Election Code – Article 39, 40*)

The right to observe elections shall be granted to the domestic and international observer organizations, which shall be registered in accordance with the procedures established by the Election Code.

A domestic observer organization may be a local non-entrepreneurial legal entity, registered no later than 1 year prior to the polling day, the statute of which, at the time of registration, envisages election monitoring and/or protection of human rights.

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

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

## Procedures and Terms of Registration of a Domestic Observer

A domestic observer organization is registered by:

- ▶ **the District Election Commission (the DEC)**, if it observes in one election district;
- ▶ **the Central Election Commission (the CEC)**, if it observes in more than one election district.

An observer organization shall apply to the appropriate Election Commission no later than on the 10<sup>th</sup> day before the Election Day September 21 and submit the constituent document or a notarized copy of the statute. The application shall include the name of the election district (districts) in which the organization will carry out observation.

The Election Commission shall make a decision on registration of the organization within 5 days of the submission of the application.

No later than on the 5<sup>th</sup> day before polling:

- ▶ An observer organization, **registered by the CEC**, shall submit to the CEC Secretary a list of observers appointed at the CEC, the DEC and the PEC (the list shall be enclosed by the copies of personal identification cards of Georgian citizens possessed by domestic observers).
- ▶ An observer organization, **registered by the DEC**, shall submit to the DEC secretary a list of observers appointed at the DEC and the PEC (the list shall include the first and last names and the place of registration of an observer).

An observer of a domestic observer organization may be any citizen of Georgia above the age of 18, **except for:**

- ▶ official holding state-political position;
- ▶ member of the Parliament of Georgia;
- ▶ member of the local self-government representative body - Sakrebulo;
- ▶ head and deputy head of the local self-government executive body;
- ▶ judge;
- ▶ 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;
- ▶ official of the Prosecutor's Office;
- ▶ election subjects and their proxies;
- ▶ election commission member.

The secretary of Election Commission shall, no later than on the 2<sup>nd</sup> day of the submission of the list of observers, register an observer (observers) nominated in compliance with the provisions of Law and issue to the organization an **observer certificate (certificates)**, which at the same time represents a **badge**.

A domestic observer, **registered with the CEC**, is entitled to observe elections at all levels of the Election Commissions.

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 polling station** on the territory of respective election district on the polling day.

### **Attention!**

**One domestic observer organization shall be entitled to have simultaneously not more than one observer at the election precinct.**



## Procedures and Terms of Registration of an International Observer

International observer organization is registered by the **CEC**.

An international organization shall submit an application to the CEC no later than on the 7<sup>th</sup> day before the Election Day (September 24) and provide a copy of its constituent document. If an observer (observers) is a representative of another state authority, he/she shall only provide an application and a certificate of authorization. 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 internationally recognized principles.

The CEC shall make a decision on registration of the organization within 2 days of the submission of the application.

An international observer organization registered with the CEC shall submit information on the observers (See, Annex N1), as well as the copies of their Personal Identification Cards to the CEC secretary no later than on the 2<sup>nd</sup> day before the polling day (September 29). If observers are accompanied by the interpreters, their list shall be submitted in addition.

The CEC Secretary, no later than on the 2<sup>nd</sup> day of the submission of the above information/the list, shall register an observers and an interpreters in accordance with the law or within the same term issue an ordinance on refusal to register. The Ordinance shall be conveyed to the interested party upon request.

The CEC secretary shall issue to the observer organization the certificates of registered observers, which at the same time shall represent **a badge**.

### **Attention!**

**One international observer organization shall be entitled to have simultaneously not more than two international observer at the election precinct. The observers may be additionally accompanied by the interpreter.**

## Decline of the Registration

The Election Commission shall not have a right to decline registration of an observer organization, if this organization complies with the requirements of the Election Code of Georgia.

The ordinance of the Election Commission on **decline of the registration shall be substantiated** and shall be transmitted to the organization no later than the following day after decision is rendered.

## 2.2. Recruitment and Powers of the District Election Commissions

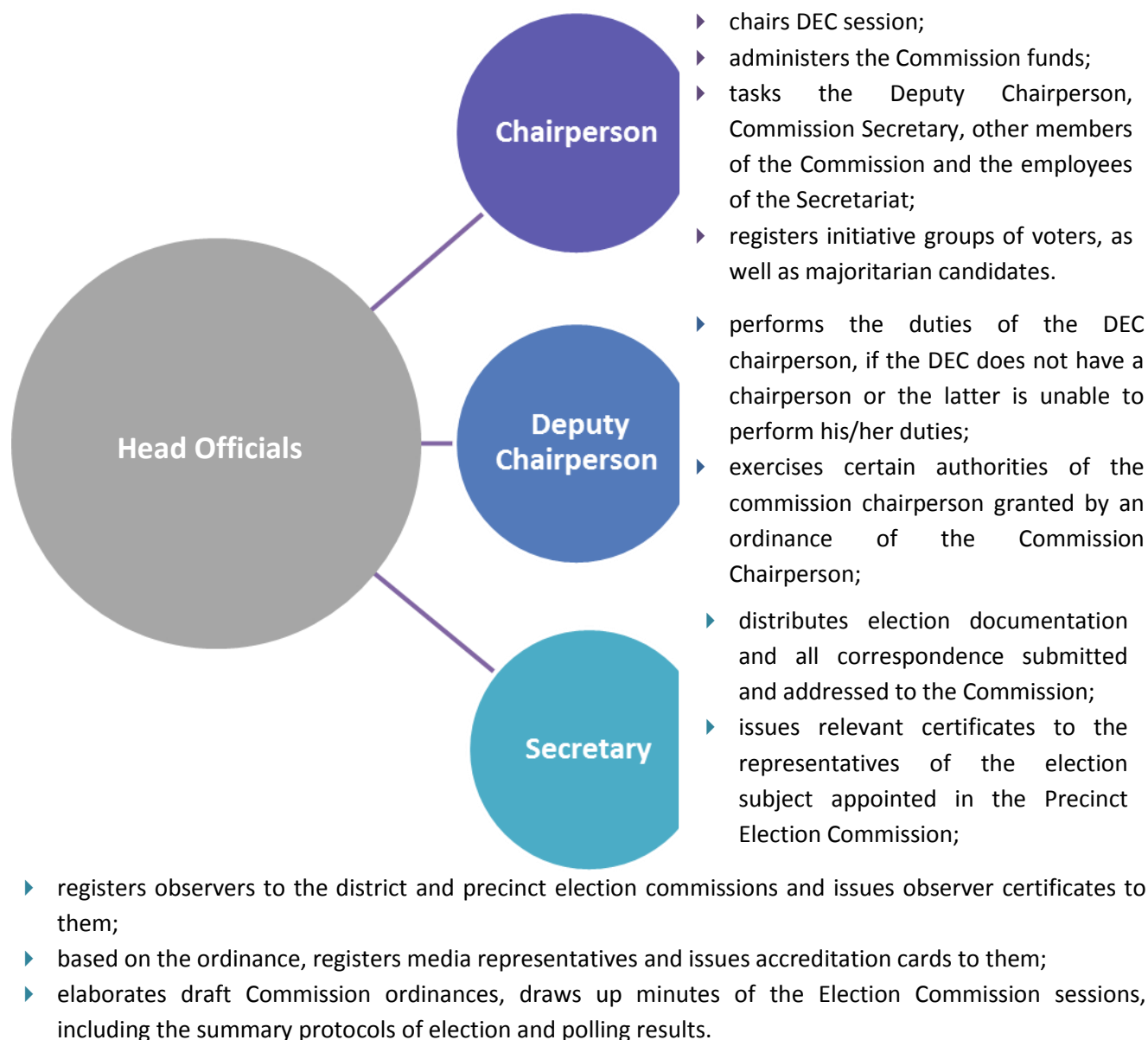
### Composition of the DEC

The DEC shall consist of 13 members (*Election Code – Article 19.3-5*):

- ▶ 5 members shall be elected (for 5 year term) by the CEC;
- ▶ 7 members are appointed by parties (appointed after calling of election and the term of authority is expired by the time of announcement of final results of the elections).
- ▶ 1 member is elected by the CEC (after calling of election and his/her term of authority is expired by the time of announcement of final results of the elections).

## Powers of the Head Officials of the DEC

(Election Code – Article 22)



## 2.3. Recruitment and Powers of the Precinct Election Commissions

### Composition of the PEC

The PEC shall consist of 13 members (*Election Code – Article 24.1,2,4*):

- ▶ 6 members are elected by the DEC based on the competition;
- ▶ 7 members are appointed by the parties

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 (*Election Code – Article 25.14*).



### **Attention!**

**It is prohibited withdraw the member of the Election Commission 15 days before the polling day (September 16).**

## **Powers of the Head Officials of the PEC**

*(Election Code – Article 27)*

### **Chairperson**

- ▶ convenes and chairs the Commission session;
- ▶ receives and distributes the documentation and all correspondence submitted and addressed to the Commission;
- ▶ assumes personal responsibility for keeping/issuance of the election documentation and inventory;
- ▶ tasks the Deputy Chairperson, Secretary and other members of Commission;
- ▶ on the polling day, organizes the distribution of functions among the commission members by casting lots;
- ▶ is responsible for keeping order at the polling place and on the adjacent territories;
- ▶ is responsible not to allow persons authorized to be present at the polling place at the polling place without wearing appropriate badges;
- ▶ submits to the upper DEC all election documentation after summarizing of polling results.

### **Deputy Chairperson**

- ▶ performs duties of the Commission Chairperson if the Commission does not have a Chairperson or he/she is unable to fulfill his/her duties;
- ▶ By the ordinance of the Commission Chairperson, fulfills some of his/her responsibilities.

### **Secretary**

- ▶ elaborates the session agenda and draft ordinances of the Commission;
- ▶ is responsible for the release of public information;
- ▶ Drafts protocols of the session of the Commission, including summary protocols of polling results.

## **First Session of the PEC**

*(Election Code – Article 8.3, 23; 25.21)*

The first session of the PEC shall be held no later than on the 34<sup>th</sup> day (August 28) before the Elections Day. The session is convened by the DEC chairperson.

A session is authorized, if attended by the majority of the total number of the Commission, not less than 7 members.

The session shall be chaired by the senior member of the commission, before electing the session chairperson.

### Procedure for election the chairperson /deputy chairperson

*(Election Code – Article 25)*

- ▶ The PEC chairperson/deputy chairperson shall be elected among the commission members, by the 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.
- ▶ The same candidate can be nominated only twice.
- ▶ The nominated candidate has the right to participate in a roll-call and vote in favor of his/her own candidacy.

#### **Attention!**

**If the chairperson/deputy chairperson of the commission fail to be 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.**

### Procedure for election the secretary

*(Election Code – Article 25)*

- ▶ The secretary of the PEC shall be elected from members appointed by the parties (except for member appointed by the United National Movement);

- ▶ Not less than 2 members of the PEC appointed by the parties shall be authorized to nominate a candidate for the secretary of the commission (except for member appointed by the United National Movement);
- ▶ Members of the PEC appointed by the parties select the commission secretary by a majority of the attending members of the commission, through a roll-call (except for member appointed by the United National Movement);
- ▶ If no secretary of the PEC is elected by the members of the commission appointed by the parties, secretary shall be elected **by a majority of the total number of the commission**, among the nominated candidates (not less than 7 members);
- ▶ If the secretary of the commission is still not elected, before his/her election, the responsibilities of the secretary shall be fulfilled by the commission member, who has obtained the highest votes during the roll-call; and in case of equality of votes, the responsibility of the secretary shall be fulfilled by the person defined through casting lots.
- ▶ In the case, the members of the PEC appointed by the parties fail to nominate the candidate for the commission secretary, this right is conferred to any 2 members of the commission. The commission secretary shall be elected among the commission members, by a majority of the commission (not less than 7 members).

#### **Attention!**

- ▶ **The nominated candidate has the right to participate in a roll-call and vote in favor of his/her own candidacy.**
- ▶ **Election of the secretary of the PEC shall be documented by the PEC ordinance.**

## 2.4. General List of Voters

### Publication procedures of the general list of voters

*(Election Code – Article 31)*

A general list of voters, designated for public information (wall list), which is signed by the DEC chairperson and the DEC secretary, shall be handed on to the PEC no later than on the day of its first meeting (no later than the 34<sup>th</sup> day before polling – August 28).

Final versions of the verified lists shall be transmitted to the PEC no later than on the second day (September 29) prior to polling :

- ▶ a version for the election commission (table list);
- ▶ a version designated for public information (wall list).

The wall list shall be immediately posted in a visible place at the PEC premises.

#### **Attention!**

**It is prohibited to issue the version of the election commission (table list) and its copy as public information.**

### Verification of data of the general list of voters

By 2012 Parliamentary Elections of Georgia, **Commission for Ensuring Voters' List Accuracy** shall ensure the accuracy of the list of voters throughout the whole territory of Georgia.

Under the decision of the Commission for Ensuring Voters' List Accuracy, general list of voters 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.

Above voters shall participate in the elections conducted under the majoritarian, as well as proportional electoral system, shall vote **in accordance with the last place of registration** and such voters shall be included in the lists of voters after the lists organized in alphabetical order.

Based on the decision of the Commission for Ensuring Voters' List Accuracy, 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”. The above voter shall participate in the polling in accordance with the general procedure.

Commission for Ensuring Voters' List Accuracy shall be entitled to register as a voter any person who **has attained 18, 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 (29.05.2012), possesses a citizenship of the European Union.

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 his/her own application.

**Observer organization** is entitled to look through the version of the list of voters designated for public information at the CEC, DEC and PEC and in case of detecting inaccuracy, request the amendment of the voters' data and the list.

**From August 1, 2012**, no later than on the 14<sup>th</sup> day (September 17) prior to the elections, the election administration shall immediately submit the applications filed to the election administration of Georgia on amendments to the lists of voters to the Commission on Verification of Voters' Lists.

Applications on amendments to the lists of voters shall be submitted directly to the **Commission on Verification of Voters' Lists or to the election administration of Georgia**. The election administration shall immediately submit received applications to the Commission on Verification of Voters' Lists. The Commission is under a duty to adopt a relevant well-founded decision within 2 calendar days of the submission of the application and immediately notify the election administration on the above decision, based on which the DEC chairperson shall issue an ordinance on:

- ▶ amending the voters' data/list, or
- ▶ refusing to amend the voters' data/list

**Attention!**

**An ordinance on refusing to amend the voters' data/list shall be well-grounded and from the following day of its adoption, upon request, shall be transmitted to the applicant.**

The Commission shall make a substantiated decision regarding the application of an interested person on including the entry - **"is abroad" or "removed from the address of registration"** in the general list of voters within 14 calendar days from submission of the application and immediately notify the election administration thereon.

The ordinance of the DEC chairperson on refusing to amend the voters' list, within 2 days of its adoption may be appealed in the relevant district/city court.

## **2.5. Special list of voters (*Election Code – Article 32*)**

The DEC shall draw up and approve by an ordinance the special list of voters, and no later than on the 3<sup>rd</sup> day before the polling day (September 28) shall convey it to the respective PEC.

The DEC shall include the following in the special list of voters:

- ▶ election administration officials unable to participate in the elections on the polling day under their place of registration, due to their assignment to election commissions;
- ▶ 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;
- ▶ voters serving sentence in prisons on the polling day;
- ▶ military servicemen of military compounds conscript and contract militarized forces and units of the Ministry of Defense and the Ministry of Internal Affairs of Georgia;
- ▶ voters being abroad on the polling day.

If on the polling day a voter addresses the PEC with the request to participate in the elections, who no later than on the 14<sup>th</sup> day before the Election Day (September 17) failed to address the Commission for Ensuring Voters' List Accuracy with the request to be registered in the list **(arrived from abroad, was discharged from the hospital, was released from the penitentiary institution)**, once the relevant documentation is submitted (certificate on crossing of a border – entry in the passport, certificate from the medical institution on discharge, or a certificate from the penitentiary institution on release), a voter shall be registered by the respective PEC and the commission shall attach to the voting lists the photocopies of relevant documentation (*Election Code – Article 31.12*).

## 2.6. The list of Mobile Ballot Box (*Election Code – Article 33*)

The PEC is responsible for drawing up of a mobile ballot box list. The list of a mobile ballot box shall be drawn up on the basis of general and special lists.

A voter is included in the mobile ballot box if:

- ▶ a voter is unable to independently visit the polling premises due to limited capabilities and/or health conditions (the number of such voters shall not exceed 3 percent of the existing voters in the general list of voters per election precinct. After filling up the above number, the PEC chairperson is obliged to notify the DEC on each new application submitted and wait for the relevant directions);
- ▶ a voter is on the territory of the polling station, but on a place difficult to access;

### **Attention!**

- ▶ **A voter addresses the PEC in writing or by telephone with a mobile vote request at least 2 days prior to polling (September 28).**
- ▶ **The Commission secretary shall include a voter in the mobile list of voters, in case the voter is included in the general list of voters and his/her actual location is assigned to the territory of the election precinct in which he/she is registered.**

- ▶ a voter is imprisoned;
- ▶ a voter is in hospital for treatment or in any other inpatient medical facility with no polling station established in it (no later than 2 days prior to polling, the DEC forwards to the PEC information on the voter being in an inpatient medical facility on the polling day);
- ▶ 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.

**Observers have the right** to verify whether the mobile vote request is well-grounded and any time before the elections raise before the PEC the issue on inclusion of these persons in the. The PEC makes decision on the above matter.

### **Attention!**

**Information concerning voters to be included into the list of mobile ballot box shall be immediately posted in a visible place of the polling station.**

## 2.7. Registration of subjects participating in the elections (*Election Code – Article 113-117*)

### Registration of parties

To obtain the right to participate in the elections, a party shall apply with the relevant application, signed by its leader(s), to the **CEC chairperson**:

- ▶ after the parliamentary elections are called, but no later than the 57<sup>th</sup> day before the Election Day (August 5), if, by date the election day is set, the party has a representative in the Parliament of Georgia;
- ▶ from 1 January until 1 August of the parliamentary election year, if the party has no representative in the Parliament of Georgia, or it is not receiving state funding.

### Registration of election blocs

Registered parties have the right to establish 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 43<sup>rd</sup> day (August 19) before the Election Day.

The appropriate CEC department shall check the application and statute and will forward its conclusion to the CEC chairperson no later than the day after the application is filed with the CEC. 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 do not meet the abovementioned requirements, the CEC chairperson shall notify the election bloc representative, in writing, on the noncompliance of the documents (including the areas of noncompliance). The corrected documents shall be resubmitted to the CEC no later than the 2nd 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.

No later than 30 days (September 1) before the Election Day, the CEC shall **publish** the list of registered parties and 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 parties and election blocs whose registration was declined or cancelled, and the reasons for such.

### Registration of party lists

Registered parties and election blocs shall submit the party lists to the CEC chairperson no later than on the 30<sup>th</sup> day (September 1) before the Election Day.

Each party and election bloc participating in elections independently has the right to submit one party list. The number of candidates for parliamentary elections in the submitted party lists must not be less than 100 and more than 200. 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.

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.

A party list is registered for elections by the **ordinance of the CEC chairperson**.



## Registration of Initiative Groups of Citizens

In order to nominate a candidate for the member of the Parliament of Georgia, an initiative group of voters, no later than on the 57<sup>th</sup> day (August 5) prior to polling shall submit an application to the relevant DEC. No later than on the following day of submission of the application, the **DEC chairperson** registers the initiative group of voters for the elections.

## Registration of candidates

The right to nominate a candidate for the member of the Parliamentary of Georgia in a majoritarian election district shall be granted to the following subjects, registered in accordance with the Election Code of Georgia:

- ▶ a party participating in elections independently;
- ▶ election bloc;
- ▶ initiative group of voters composed of 5 members.

The application on the nomination of a candidate in two copies shall be enclosed with the registration card filled out and signed by every candidate for member of the Parliament, photos of the candidates and a certificate on drug inspection.

**A representative of the initiative group of voters**, no later than on the 50<sup>th</sup> day (August 12) prior to polling, shall submit to the relevant DEC the above documentation, as well as 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.

Candidate for member of the Parliament of Georgia nominated by the initiative group of voters shall be registered under the **ordinance of the DEC chairperson** no later than on the 30<sup>th</sup> day (September 1) before the Election Day, while a candidate for member of the Parliament of Georgia nominated by the party/election bloc independently running for elections - no later than on the 25<sup>th</sup> day (September 6) before the Election Day (in case the data in the enclosed documentation does not comply with the requirements defined by the law, a party/election bloc shall be granted additional time for correcting the the documentation. Corrected data shall be verified and the issue of electoral registration shall be decided within 5 days from their submission, however, no later than on the 20<sup>th</sup> day (September 11) before the Election Day).

## 2.8. Accreditation of the representatives of the press and other means of mass media

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**s.

Accreditation of media representatives **operating on the territory of one election district** shall be conducted by the **secretary of the appropriate DEC**.

Applications on accreditation of representatives of the press and other media shall be submitted to the relevant election commission, no later than the 3<sup>rd</sup> day before the polling day (September 28).

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 after the receipt of the decision. In case of decline of

application for accreditation, the secretary shall issue an appropriate ordinance (**proper justification for the decline of the application shall be stated in the ordinance**) within the same timeframe.

## 2.9. Pre-election campaign (*Election Code – Article 45; 46*)

Pre-election campaign starts from the moment of calling of elections (*Election Code – Article 45*).

**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.

### **The following shall not be entitled to conduct and participate in pre-election agitation:**

- ▶ members of an election commission;
- ▶ judges;
- ▶ public officials of the Ministries of Internal Affairs and Defense, Prosecutor's Office, Intelligence Service and Special State Protection Service;
- ▶ The Auditor General;
- ▶ Public Defender of Georgia;
- ▶ aliens and foreign organizations;
- ▶ charity and religious organizations;
- ▶ Members of Georgian National Communications Commission (GNCC) and Georgian National Energy and Water Supply Regulatory Commission.
- ▶ Public officials of bodies of State and local self-government, while directly carrying out their duties; (The above restriction shall not apply to political public Officials<sup>2</sup> defined by the Election Code (*Election Code – Article 49.2*)).

### **Attention!**

#### **Pre-election campaign shall not be conducted in the premises of the following institutions:**

- ▶ **courts;**
- ▶ **military units;**
- ▶ **executive government agencies of Georgia.**

### **Agitation Material**

(*Election Code – Article 46*)

Observer organizations (candidates of an election subject) enjoy equal rights to produce pre-election appeals, statements, inscriptions, leaflets, photo materials, etc.

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

<sup>2</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 Ajara, Heads of governments of Abkhazia and Ajara, 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.

Election subjects (candidates) enjoy equal rights to produce pre-election appeals, statements, inscriptions, leaflets, photo materials, etc.

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

**The following shall be prohibited!**

- ▶ **Obstructing the dissemination and seizure of agitation materials, as well as the seizure of or hindrance to the use of transportation or other kinds of specially equipped means aimed at pre-election agitation;**
- ▶ **Posting of election posters on religious buildings, buildings of cultural heritage, interior and exterior of buildings of state authority, bodies of local self-government, courts, the Prosecutor's Office, military compounds and police, as well as on traffic signs;**
- ▶ **Removal, tearing down, covering up or damaging of election posters shall be inadmissible and punishable by the Law, unless they are posted in prohibited places.**

Printed agitation materials shall indicate:

- ▶ Names, addresses of the organizations ordering and producing them
- ▶ Information on the edition quantity, number and the date of issue.

**Attention!**

- ▶ **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 such number.**

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

## **Vote Buying**

*(Election Code – Article 47)*

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** for the election subjects, candidates and their proxies, done personally or through other persons:

- ▶ give funds, gifts and other material possessions (irrespective of their value) to the citizens of Georgia;
- ▶ sell goods to them at a preferential price;
- ▶ distribute or disseminate any goods free of charge (except for the agitation material as prescribed by Law);
- ▶ Motivate Georgian citizens by promising to give funds, securities and render other material possessions (regardless of their value).

From the moment of publication of the relevant legal act announcing elections until the publication of the final results of the elections, physical or legal persons **shall be prohibited** to perform such work or provide such services (except for performance of work or provision of services as defined under the Georgian Law on State Procurement) by utilization of personal funds and/or election subject funds, which according to the Georgian legislation falls within the competence of Georgian state and/or local self-government bodies.

**Attention!**

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 mentioned above, shall be revoked by the court decision.

**Prohibition of the abuse of administrative resources**

*(Election Code – Article 48)*

Administrative resource is a material value – property, necessary for performing of state functions. Persons with the right to participate in pre-election agitation **shall be prohibited** to **utilize** the following administrative resources:

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

**Attention!**

**Restrictions shall not be applied on the utilization of vehicles of office use by political public officials, as provided by the Election Code, except for the state authorized representatives – Governors and head officials of local self-government bodies, not elected though direct elections.**

**Prohibition of the use of budget funds**

*(Election Code – Article 49.3,4)*

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**.

**Attention!**

**In case of violation of these procedures, an authorized individual shall have the right to apply to court and demand suspension of expenses.**

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 also be prohibited**.

## Prohibition of occupational status or official capacity

(Election Code – Article 49.1,2,5)

Person entitled to participate in the pre-election agitation, holding an office in the bodies of state or local government, **shall be prohibited** to use his/her occupational status or official capacity in the course the campaign, which shall mean:

- ▶ engaging subordinated persons or individuals dependent otherwise in activities facilitating presentation and/or election of a candidate;
- ▶ collecting signatures and conducting pre-election agitation during official business trips, funded by the body of the state and local self-government;
- ▶ conducting pre-election agitation in the course of fulfillment of official duties.

### **Attention!**

**Restriction shall not apply to political public officials defined by Election Code, as well as to the cases where TV and radio broadcasters use an air-time allocated for pre-election agitation.**

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.

## Interagency Commission

(Election Code – Article 48.3-9)

In order to prevent and response to the violations of election legislation of Georgia by public servants, an Interagency Commission (hereinafter “the Commission”) has been set up under the National Security Council of Georgia from May 18, 2012, based on the Election Code of Georgia, which shall be composed of the representatives of the Ministries of Internal affairs, Justice, Regional Development and Infrastructure, Finance, Foreign Affairs, as well as National Security Council.<sup>3</sup>

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

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

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.

<sup>3</sup> See, the Commission composition and the Regulation at: <http://nsc.gov.ge/files/files/media/NSC%20Advisor%20Order.pdf>

## 2.10. Arrangement of a polling place

For carrying out polling procedures, members of the PEC are obliged to arrange a polling place in accordance with the procedures established by law, no later than one day before polling.

### The PEC shall arrange:

(Election Code – Article 58.4.a-c):

- ▶ voters' registration desk (one registration desk for every 300 voters) (Election Code – Article 61.2.e.b);
- ▶ secret polling booths: one booth for every 500 voters. 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. One pen shall be available in every polling booth; the extract from the Law defining cases, when a ballot paper shall be considered invalid shall be posted in the booth;
- ▶ special table for envelopes (shall be placed close to the ballot box);
- ▶ set up ballot boxes (unsealed).

A transparent ballot box has to be installed in a visible place at the polling premises so that the voter has an unimpeded access to it and immediately leave the polling station after putting an envelope in the box.



No later than on the 25<sup>th</sup> day (September 6) prior to the polling day, The PEC, upon the request of the handicapped voters, no later than on the 20<sup>th</sup> day (September 11) before the polling day applies to the state agencies and local self-government bodies with the request to insure that a polling place is temporarily and easily adaptable (Election Code – Article 58.3).

### The Following shall be posted in a visible place at the polling station:

(Election Code – Article 58.4.d; 58.5):

- ▶ list of voters;
- ▶ list of candidates participating in the elections (party lists, majoritarian candidate lists);
- ▶ procedure for filling in the ballot paper established by the CEC;
- ▶ an extract from the law, defining cases, when a ballot paper shall be considered invalid;
- ▶ public display protocols of polling results.







### Main Activities

- |      |   |
|------|---|
| 3.1. | Opening of the polling station                                  |
| 3.2. | Polling process   |
| 3.3. | Closing of the polling station, summarizing the polling results |

### 3.1. Opening of the polling station

Polling station shall be open at 07:00 in the morning of the polling day.

If by this time the numbers of the PEC members are less than seven, the DEC shall be immediately informed about this, which makes a relevant decision (*Election Code – Article 61.1*).

The PEC members are obliged to wear special uniforms designated for them during the polling day. Non-fulfillment of the above requirement shall be considered by the upper election commission as a disciplinary offence and shall constitute a basis for imposition of a disciplinary liability.



### Persons authorized to be present at the polling place

(*Election Code - Article 8.16; 39.3,6; 42.5; 44.5*).

Following persons are authorized to be present at the polling place:

- ▶ Members of the PEC;
- ▶ Members/representatives of the upper election commission;
- ▶ Representatives of election subjects (not more than 1 representative authorized to be present per each election subject);
- ▶ Observers of registered local observer organizations (not more than 1 representative authorized to be present from each local observer organization);
- ▶ Observers of registered international observer organizations (not more than 2 representatives authorized to be present from each international observer organization. Observers can be accompanied by an interpreter);
- ▶ Accredited mass-media representatives (not more than 3 representatives from each press and other mass-media source).

- ▶ Members of the Commission for Ensuring Voters' List Accuracy and the heads of regional representations who shall be authorized under the Commission decision to perform monitoring of general list of voters on the polling day at the polling station.

**Attention!**

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

**Pre-polling procedures to be carried out from the opening of the polling station until it starts**

*(Election Code – Article 61-62)*

From the opening of the polling station until the voting starts procedures are to be performed in the following sequence:

**I**

Immediately after opening of the polling station the polling day logbook shall be opened. *(Election Code – Articles 61.2.a).*

The chairperson of the commission shall delegate the polling day logbook to the secretary of the commission, who is responsible together with the commission chairperson for recording in the logbook every election procedure of the polling day and indicating the time of its implementation *(Election Code - Article 62.3).*

On the first and second pages of the logbook, the secretary of the commission shall put the first names and last names of all commission members present at the polling place (including reference to the subject which they represent) and first names and last names (including reference to the organization or election subject which they represent) of all persons authorized to be present at the polling place and certify them with signature.

**II**

The PEC chairperson shall inspect the integrity of the sealed package, which contains the special stamp of the PEC, open and put the first special carve on the seal, the sample of which shall be recorded in the polling day logbook *(Election Code - Article 61.2.b).*



**III**

Chairperson of the commission shall cast lot to distribute functions.

Functions to be assigned to members of the PEC:

- ▶ member of the commission responsible for regulating the flow of voters;
- ▶ registrar of voters (at least one registrar per 300 voters);
- ▶ supervisor of ballot boxes and special envelopes;
- ▶ 2 members of the commission to accompany the mobile ballot box. These commission members shall not be members of the election commission nominated by one election subject.

**Attention!**

**Chairperson of the commission/deputy/secretary of the commission shall not participate in casting lots.**

Prior to casting lots, the PEC chairperson shall compare the number of PEC members to the number of functions to be assigned.

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

- ▶ **less by one member**, the number of the registrar commission members of voters shall be reduced;
- ▶ **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;
- ▶ **less by three members**, chairperson of the commission performs the functions of the supervisory commission members of ballot boxes and special envelopes.

In the first place the chairperson of commission **reveales by casting of lots, two members of commission responsible for accompanying the mobile ballot box.**

**Attention!**

**Persons identified by casting lots shall not be members of the election commission nominated by one election subject (*Election Code – Article 61.2.d*)**

The PEC chairperson:

- ▶ analyses how many Commission members appointed by parties participates in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;
- ▶ writes the title of the function to be assigned on 2 papers with the same pen “Carrier of a mobile ballot box”;
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;
- ▶ members of the Commission participating in casting lots shall pick up the paper one by one.

**Attention!**

- ▶ **If the commission member appointed by the party refuses to participate in the casting lots, the casting lots is conducted between other commission members appointed by the parties.**
- ▶ **If the number of members appointed by the parties participating in the casting lots does not exceed 2 and they are not appointed by the same election subject, in this case the casting lots is not conducted. Distributed functions shall automatically be assigned to them (based on the consent).**
- ▶ **If the commission members appointed by the party refuses to participate in the casting lots or the members participating in the casting lots are less in respect of distributed functions, other members of the commission shall also participate in the casting lots.**
- ▶ **If the member appointed by the party refuses to fulfill the function distributed as a result of casting lots, the commission chairperson shall substitute him/her with any commission member left without functions as a result of casting lots (preferably the member appointed by the party).**

Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day logbook on the results of casting lots.

After selecting members of the Commission to accompany the mobile ballot box, the chairperson shall **assign other functions** to the commission members by conducting additional casting lots.

The PEC chairperson:

- ▶ analyses how many commission members participate in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;
- ▶ writes the title of the function to be assigned with the same pen “Regulator of the flow of voters”, “Registrar”, “Supervisor of ballot boxes and special envelopes” ;
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;
- ▶ members of the commission participating in casting lots shall pick up the paper one by one.

Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day log-book on the results of casting lots.

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 recorded by the commission secretary on the 5<sup>th</sup> page of the polling day logbook (*Election Code – article 61.2.g*).

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 (*Election Code – article 61.4*).

#### IV

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 (*Election Code – article 61.5*).

#### **Attention!**

**Representative appointed by the party nominating the commission secretary, as well as the election bloc, within which the party is integrated, shall not participate in the casting lots (*Election Code – article 61.5*).**

#### V

Commission chairperson announces the number of voters according to the lists, number of ballot papers and packages of special envelopes received (*Election Code – article 61.6.a-b*).

#### VI

Commission chairperson checks and seals the general and mobile ballot boxes with a seal that has a unique number (*Election Code – article 61.6.c*)

#### VII

Commission chairperson hands in materials to commission members.



#### **Commission chairperson shall give to registrars of voters:**

- ▶ General voters list distributed according to the alphabet; one of the registrars shall also be given a special list (if any);
- ▶ One book containing proportional and one book with majoritarian ballot papers;
- ▶ Seal of the registrar selected through casting lots, prior to such transfer, commission chairperson makes a special carve on a seal of a registrar (sample of the seal shall be recorded in the polling day logbook) (*Election Code – article 61.8*);
- ▶ Ink.



### **Attention!**

**Chairperson of the commission shall post the alphabetical sequence of voters' last names according to the lists placed on the relevant table.**

**Commission chairperson shall give to the regulator of the flow of voters** ultra-violet lights for inking verification procedure.



**Commission chairperson shall give to supervisor of ballot boxes and special envelopes** main ballot box and special envelopes.



## **VIII**

Control sheets are filled in (*Election Code – article 61.10*).

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). All present members of PEC shall sign the control sheets.

### **Attention!**

**Control sheet has to be filled out immediately after materials have been handed on to commission members, before the polling starts (DO NOT WAIT FOR THE FIRST VOTER).**

After the **first voter** appears, goes through registration and takes a ballot paper, the commission secretary includes data of the first voter in the control sheet.

The chairperson of the commission shall insert one copy of the control sheet into the main ballot box, 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.

Control sheet data shall also be included on the 4<sup>th</sup> page of the polling day logbook.

### **Attention!**

**After the first voter is registered, the commission chairperson shall inform the DEC on sealing of box(es), placing control sheet(s) in the box(es), making first carve on the special seal of the commission, as well as the registrar and including the sample of the carve in the polling day log book.**

## **3.2. Polling process**

### **Conduct of polling**

Polling is conducted on the polling day (*October 1*) from 08:00 to 20:00.

Voting takes place in accordance with the following rules and sequence:

## **I**

Upon entering the polling place, a voter shall go through the inking verification procedure conducted by regulator of the flow of voters.



### Regulator of the flow of voters:

- ▶ regulates the flow of voters entering the polling station;
- ▶ asks the voter to present a personal identification card of a citizen of Georgia/ID card or a passport of a Georgian citizen;

#### **Attention!**

**In accordance with the procedures established by Article 185<sup>1</sup> of the Election Code, a citizen of the European Union member state registered in the list of voters, born in Georgia and over the recent 5 years has permanently lived in Georgia, shall have a right to cast a vote in the elections. Such an individual, while being at the precinct, shall use a passport of a member state of the European Union instead of a passport of a Georgian citizen and a Personal Identification Card.**

- ▶ checks with ultra-violet lights whether the voter has already been inked;
- ▶ checks how many voters are standing at the registration table designated for voters. If there are more than two voters standing at the registration table, temporarily halts the entrance of the voter into the polling room;
- ▶ points the voter towards the registration table designated for the alphabetical letter corresponding to the first letter of the voter's last name.

#### **Attention!**

**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.**

## **II**

Voters' registration procedure is conducted by a registrar.

### The registrar of voters:

- ▶ asks the voter to present a personal identification card of a citizen of Georgia /ID or a passport of a citizen of Georgia, (in the case of IDPs from the occupied territories of Georgia – an IDP certificate together with a personal identification card of a Georgian citizen); requests the citizen of the European Union member state, registered in the general list, to present the passport of a member state of the European Union.



#### **Attention!**

**If the data of a voter was not found in the general list, the registrar is obliged to instruct the voter to address the last registrar for verifying his/her data. The above registrar shall verify the voter's data in the data of voters included in the lists of voters after the lists organized in alphabetical order, with an entry – "removed from the address of registration" (if any).**

#### **Attention!**

**If a voter appears at the polling station and his/her status in the general list is - "is abroad", the voter shall participate in the polling in accordance with the general procedure defined by the general rules.**

- ▶ verifies the availability of a voter's name in the list of voters, after which he/she conducts inking (inking is not used at prisons/penitentiary institutions, hospitals, other medical institutions).



**Attention!**

**In the 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.**

- ▶ signs in the designated place in the list of voters, and after that the voter endorses the receipt of a ballot paper(s) with his/her signature.
- ▶ once the ballot papers are issued endorses them with the signature on the back side in the designated place and certifies the ballot paper(s) with a special stamp.

**Attention!**

**In case of transfer of functions of a registrar, the registrar is obliged to recount the number of signatures and ballot papers issued by him/her in the list of voters (including the spoiled ballot papers conveyed to the chairperson) and report the results to the chairperson. Should the numbers not be equal, an explanation should be written and attached to the summary protocols of polling results.**

**III**

Voter goes into the secret polling booth and fills out the ballot paper. It is prohibited to fill out the ballot paper in presence any other person.



**Attention!**

- ▶ **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 member of the election commission, a candidate, a representative of an election subject, an observer (*Election Code – article 65.3*).**
- ▶ **If a voter or a member of PEC spoils a ballot paper or a special envelope, he/she should inform the chairperson of PEC on this. According to the order of the PEC chairperson, the registrar is obliged to replace spoiled ballot paper with a new one. The spoiled ballot paper/special envelope shall be cut a corner in the presence of the voter by the PEC chairperson, inscribed "spoiled", signed by the chairperson of PEC and stored separately (*Election Code – article 65.4*).**

**IV**

The voter goes to the desk standing separately. Following the instruction of supervisor of ballot boxes and special envelopes, voter takes a special envelope and puts the ballot paper(s) in it.



**Supervisor of ballot boxes and special envelopes:**

After having checked that a voter has only one envelope at hand, opens the ballot box section for inserting envelopes and points the voter to insert a special envelope into the ballot box.

**V**

A voter inserts the special envelope into the ballot box.

**Attention!**

- ▶ **Not more than one voter at a time can be present at the ballot box.**
- ▶ **Observer, candidate representative are entitled to observe the ballot box, process of insertion of special envelopes into the ballot box.**

## VI

Having inserted the special envelope into the ballot box, a voter leaves the polling station.

### Procedure for casting a vote by a voter due to his/her physical condition

*(The CEC Decree N20/2012, dated June 21, 2012)*

A voter unable to independently cast a vote (inking, signing the receipt of a ballot paper, inserting a ballot paper in the ballot box) due to the absence of his/her upper limbs, shall participate in the polling process under the following procedures:

- ▶ a voter shall not go through the inking verification and inking procedure;
- ▶ while handing ballot paper(s) to the voter, a registrar of voters shall make a note - “physical condition” in the box of the general list of voters - “signature of a voter” and verify it with his/her signature;
- ▶ a voter has a right to ask for help to any person, except of the election commission member, candidate, proxy and observer;
- ▶ a person selected for help by the voter shall put the ballot paper(s) in a special envelope and thereafter insert it (them) in the ballot box instead of this voter, in his/her presence. The same person shall help the voter to fill in the ballot paper(s) in the polling booth.

### Keeping order at the polling place on the polling day

*(Election Code – article 59)*

The PEC chairperson shall be responsible for keeping order at the polling place on the polling day. 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.



In cases of hindering the operations of the commission and violation of order, the PEC shall be authorized take a decision on removing a violator from the polling place in which the PEC is located. Relevant act is issued and signed by the chairperson and members of the commission on this matter.

#### **Attention!**

**Armed individuals shall be prohibited to enter the polling premises. If at the polling place and adjacent territory, the polling process or a free movement of election documentation is threatened, at the request of the chairperson, police officer shall be called to the polling place and the adjacent territory and remain there until the public order is restored.**

### Registration of voters participating in the polling

*(Election Code - article 65.6)*

On the polling day it is recommended, that the registrars count the number of signatures of voters in the list of voters and the ballot papers issued by them at 10:00, 12:00, 15:00, 17:00, and at 19:00, without causing hindrance to the voting process (including spoiled ballot papers transferred to the chairperson).

**Attention!**

**If a difference is revealed between data, the registrar should immediately write an explanation note which shall be attached to the summary protocol(s) of voting.**

At 12:00 and at 17:00, the secretary of commission records the number of signatures of voters participating in the polling in the list of voters in the public display protocols and the PEC log-book and informs the DEC.

**Mobile voting**

Mobile voting procedure starts at 9:00 and ends at 19:00. After the conclusion of polling, the cut (ballot box section for inserting envelopes) of the mobile ballot box should immediately be sealed. The mobile ballot box should be returned to the polling station no later than 20:00 (*Election Code – Article 66.1*).



Persons authorized to be present at the polling place can observe the conduct of polling procedure by means of a mobile ballot box if they wish to do so. If a vehicle is used during mobile voting, the PEC shall assign space in the car for **2 observers selected through casting lots** among persons authorized to be present at the polling place.

The PEC chairperson provides the members of election commission accompanying the mobile ballot box with, (*Election Code – article 66.3*):

- ▶ sealed mobile ballot box with a control sheet inserted in it;
- ▶ mobile ballot box list;
- ▶ special envelopes;
- ▶ necessary amount of ballot papers signed and sealed with a special stamp by the registrar of voters.

Above data shall be included on the 4<sup>th</sup> page of the polling day logbook by the commission secretary.

**Attention!**

**Inking shall not apply to mobile voters (*Election Code – Article 64.5*).**

In case a voter casts a vote through a mobile voting **due to his/her physical condition**, a member of the election commission accompanying the mobile ballot box shall make a note - **“physical condition”** across the column of the mobile ballot box list - **“signature of a voter”** and verify it with his/her signature;

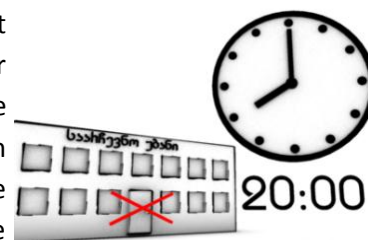
a person selected for help by the voter (except of the election commission member, candidate, proxy and observer) shall fill in the ballot paper(s), put it (them) in a special envelope and insert in the mobile ballot box instead of this voter, in his/her presence (*The CEC Decree N20/2012, dated June 21, 2012*).

After returning to the polling station members of the election commission accompanying the mobile ballot box shall give unused ballot papers and special envelopes to the commission secretary. The commission secretary shall cut an edge of such spoiled ballot papers and special envelopes; inscribe "spoiled" and after the signature of the chairperson of the PEC, store them separately.

### 3.3. Closing of a polling station, summarizing of polling results

#### Closing of a polling station

The polling procedure is concluded and 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. As soon as the last voter casts a vote, the polling procedure is announced to have concluded, after which the PEC seals the ballot box section for inserting envelopes (*Election Code – Article 65.8*).



#### **Attention!**

- ▶ **PEC set up for exceptional cases, can announce conclusion of polling any time before 20:00, provided all voters on the voters' list have already cast their votes.**
- ▶ **After the conclusion of polling, PECs formed for exceptional cases seals the cut (ballot box section for inserting envelopes), the list of voters, unused and spoiled ballot papers (ballot papers shall be cut an edge prior to sealing).**

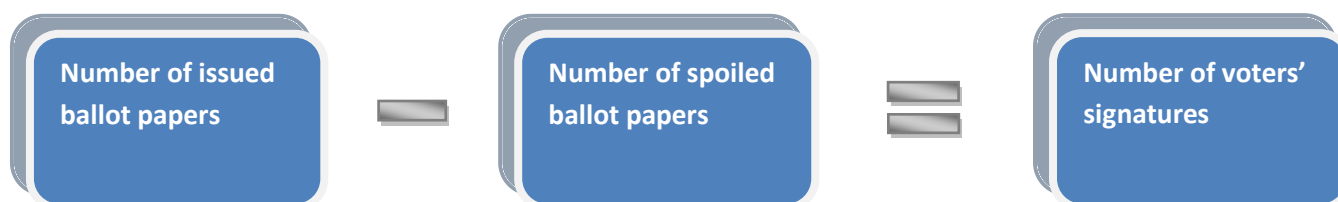
Chairperson of the PEC shall make sure that all persons, except for those authorized to be present at the polling place during counting of votes, leave the precinct. Secretary of the PEC should indicate identity of persons present during counting of votes in the polling day logbook.

#### **Attention!**

**After closure of the polling station, representatives of the PEC set up for exceptional cases, shall submit ballot box and sealed election documentation of the PEC set up for exceptional cases, to the polling station (main polling station) pre-determined by DEC.**

#### Arrangement of a polling station for the vote counting procedure

After conclusion of polling, Chairperson of the commission approaches each registrar, who under the instructions by the Chairperson of the commission (considering the data included in the explanation written before the completion of the polling process by the registrars (if any)) shall count:



**Attention!**

- ▶ In case a difference between data is identified, registrar shall re-count and verify the number. If the difference remains, registrar shall write an explanation note (with the reasons indicated) which shall be appended to the summary protocols.
- ▶ Data included in the explanation notes written by the registrars (if any) shall be taken into account in the course of drawing up summary protocols of polling results.

After the conclusion of polling, chairperson of PEC shall put a **second carve** on the commission and registrar seals in presence of persons authorized to be present at the polling place. The sample of seals with the cut shall be included in the logbook (*Election Code - Article 67.1*).

The chairperson of the PEC, in presence of persons authorized to be present at the polling place, selects not less than three counting officers from the commission members, by casting lots, while the **observers** shall select no more than two supervisors from their members based on mutual consent. If observers fail to agree, the chairperson of the PEC shall identify two supervisors from them by casting lots (*Election Code - Article 67.1*).

In order to reveal **counting officers**, casting of lots is conducted in accordance with the following procedure - the chairperson of the PEC:

- ▶ analyses how many commission members participate in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;
- ▶ writes the title of the function to be assigned on papers with the same pen "1<sup>st</sup> counting officer", "2<sup>nd</sup> counting officer", "3<sup>rd</sup> counting officer";
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;

Members of the commission participating in casting lots shall pick up the paper one by one. Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day logbook on the results of casting lots (*Election Code - Article 61.2.f*).

The chairperson of the commission shall select, by casting lots from the representatives present at the polling station, no more than **2 representatives**, who participate in the counting process of valid and/or invalid ballot papers together with the counting officers selected by casting lots from the commission members (*Election Code - Article 67.2*).

**Attention!**

**A representative and a counting officer (commission member) selected by casting lots shall not be the person nominated by the same party (*Election Code - Article 67.2*).**

Chairperson of the commission and counting officers prepare the preceinct for the procedure of counting votes:

- ▶ Counting officers take their places at one side of the desk;
- ▶ Chairperson of the commission takes a place so as to be able to see each counting officer;
- ▶ Secretary of the commission takes a place by the side of the chairperson and fills out the logbook;

- ▶ Other persons authorised to be present at the polling station take their places at the desk in such a way as to maintain two meters distance (from the counting officers) (*Election Code - Article 68.3*).

Chairperson of the PEC shall take to the counting officer's desk:

- ▶ general list of voters, special list, mobile ballot box list;
- ▶ unused ballot papers;
- ▶ spoiled ballot papers;
- ▶ main and mobile ballot boxes;
- ▶ control sheets stored for comparison;
- ▶ candles, flashlight (in case of electricity black-out);
- ▶ calculator.



### Procedures to be conducted before the opening of a ballot box

(*Election Code - Article 67*)

Counting officers consecutively count the total number of voters participating in the polling, according to (*Election Code - 67.3*):

- ▶ general list of voters;
- ▶ special list of voters;
- ▶ mobile ballot box list.

The PEC secretary immediately incorporates the results into the public display protocol and the polling day logbook.

Commission secretary shall cut an edge of the unused ballot papers. Unused and spoiled ballot papers shall be bound in separate packages (*Election Code - Article 67.4*).

### Sealing of lists of voters, spoiled and unused ballot papers

(*Election Code - Article 67.3; 67.4*).

**Secretary of the Commission** shall separately seal:

- ▶ general list of voters;
- ▶ special list;
- ▶ mobile ballot box list



**Counting Officers** separately seal:

- ▶ Unused ballot papers;
- ▶ Invalid ballot papers;

Counting officers indicate on each of the packages a name and number of the polling station, type of election documentation. The package envelope is sealed and **signed by the counting officers and chairperson of PEC**.



## Opening of the mobile ballot box

(Election Code - Article 68.1,2,4)

The commission shall first open the mobile ballot box. Chairperson of the PEC checks the integrity of the seal on the ballot box in presence of PEC members and persons authorized to be present in the voting building.



### **Attention!**

**If the seal is damaged, but the commission presumes that this fact has not violated the requirements of the 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.**

Counting officers shall take special envelopes from the mobile ballot box and place them on the desk, after which:

- ▶ they check whether there is a control sheet in the mobile ballot box;
- ▶ compare the control sheet with the control sheet kept with PEC for comparison;
- ▶ in the case no discrepancy is identified, chairperson of the commission instructs counting officers to temporarily return special envelopes to the mobile box.



### **Attention**

**In case the control sheet turned out not to be in the mobile ballot box, or a difference was identified between the two control sheets, 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.**

## Opening of the main ballot box

(Election Code - Article 68.1,2,5)

Chairperson of the PEC checks the integrity of the seal on the ballot box in presence of PEC members and persons authorized to be present in the voting building.

### **Attention!**

**If the seal is damaged, but the PEC presumes that this fact has not violated the requirements of the 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 DEC.**

### Counting officers:

- ▶ place special envelopes and ballot papers from the main ballot box and place them on the desk;
- ▶ check whether there is a control sheet in the main ballot box and compare it with the control sheet kept with PEC for comparison.

#### **Attention**

**In case a difference was identified between the two control sheets, or the control sheet turned out not to be in the main ballot box, all special envelopes and ballot papers shall be bundled, sealed, appropriate protocol shall be drawn up, and materials shall be immediately transferred to the DEC.**

### Opening of a ballot box of the PEC set up for special cases

*(Election Code - Article 67.7-8)*

Ballot box of a polling station set up for exceptional cases (if any) shall be opened after mobile and main ballot boxes of the main polling station are opened.

If no error is identified while opening the ballot box(s), counting officers shall mix together the special envelopes from main and mobile ballot boxes of the polling stations established for special cases (if any), and start counting of votes.

### Counting of Votes

Counting officers take places at one side of the desk. Two supervisors selected out of observers, as well as two representatives of the election subjects revealed through casting lost shall stand next to them.

### Sorting of ballot papers

*(Election Code - Article 69)*

#### The first counting officer:

- ▶ takes the ballot paper out of the special envelope;
- ▶ announces to whom the vote was cast;
- ▶ transfers the ballot papers of one type to the second counting officer, the second type of ballot papers to the third counting officer, etc;
- ▶ places special envelopes separately.

#### Counting officers sort separately:

- ▶ votes given to each election subject;
- ▶ Invalid ballot papers;
- ▶ Ballot papers with suspicious authenticity.

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

- ▶ the special envelope is not in an approved form;
- ▶ the number of ballots in the special envelope exceeds the established number;
- ▶ ballot paper in the ballot box was without a special envelope;
- ▶ ballot paper is not endorsed with the signature of a registrar and a special stamp;

- ▶ it is impossible to determine for which candidate a voter cast a vote;
- ▶ ballot paper was assigned to another polling station (such ballot papers shall be packed in a separate bundle and their quantity shall be recorded only in the logbook). This data is not recorded in the protocol.

After the sorting is complete, commission reviews and decides by vote the question of validity of **ballot papers deemed as having suspicious authenticity**.

Chairperson of the commission shall put ballot papers that are deemed valid to the pile of valid ballot papers (in accordance with the number of votes cast for each election subject), while ballots that are deemed invalid are added to the pile of invalid ballot papers.



### Counting of ballot papers

After sorting the ballot papers chairperson of the commission orders the counting officers to count:

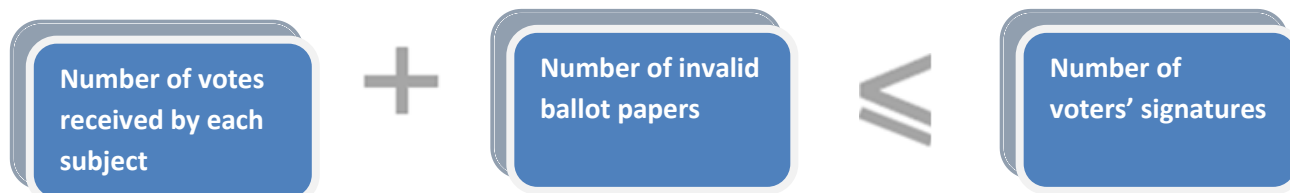
- ▶ Invalid ballot papers;
- ▶ votes given to each election subject.

#### **Attention!**

**Every 10 ballot papers belonging to an election subject are bound with a metal clip and each package, both complete and incomplete, shall be inscribed the number of ballot papers in a package. These packages shall be bound into a single bundle.**



Chairperson of the commission announces number of votes cast for each election subject. With an objective to verify data, secretary of the commission together with the chairperson of the commission shall check the correctness:



If the total sum of votes received by the subjects and invalid ballot papers **is more** than the number of signatures of voters, the chairperson of the commission shall instruct the counting officers to re-count the data, result of which shall be included in the polling day logbook and the public display protocol by the commission secretary.

### Sealing of ballot papers

*(Election Code - Article 69.6,9)*

After the completion of counting of ballot papers, the chairperson instructs the counting officers to seal in separate envelopes:



- ▶ ballot papers that have been found invalid ( with appropriate inscription - “invalid”);
- ▶ bundle of ballot papers belonging to an election subject.

### **Attention!**

**The bundle of ballot papers cast for the each election subject should have an inscription including the title and number of the election precinct, information about the election subject (title, first and last name) and the number of votes received by the election subject, also the number of ballot papers in the bundle.**

On each package the counting **officers inscript** the number of the district and the precinct, type and number of ballot boxes. Counting officers and chairperson of the commission sign across the sealing line of the envelope.

## **Drawing up of a summary protocol of polling results**

*(Election Code - Article 71)*

The secretary of the PEC in agreement with the PEC chairperson shall draw up each summary protocol of polling results and registers it in the registration book.

### **Attention!**

- ▶ **Data included in the explanation notes written by the registrars (if any) shall be taken into account in the course of drawing up summary protocols of polling results.**
- ▶ **All members of the PEC shall be obliged to sign the summary protocol(s) of polling results.**
- ▶ **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, but is nevertheless under a duty to sign the summary protocol of polling results.**
- ▶ **It is prohibited to modify the data in the summary protocol(s).**
- ▶ **when correcting a mistake, an inscription "corrected" shall be put immediately along the relevant data in the summary protocol and an amendment protocol shall be set up.**

## **Public nature of a summary protocol**

*(Election Code - Article 71.8)*

The PEC is responsible for posting a copy of the summary protocol of polling results for public information.



If requested, the PEC shall immediately give the **copy of the protocol** enclosed with the dissenting opinions of the commission members to the representatives of an election subject or the member of the PEC appointed by the party and the **observers of the observer organization**.



The copy of the protocol should be certified by the PEC stamp and signatures of the PEC chairperson and its secretary. The person receiving the copy of the protocol should endorse such receipt by a signature in the PEC logbook.

The PEC is responsible to immediately **convey to the CEC** the summary protocols of polling results together with the amendment protocol and explanatory note by the registrar (where such exists).

### Sealing of a registration book, polling day logbook, transmission of election documentation to the DEC

After completion of all polling procedures, the registration book of PEC and polling day log- book shall be closed, signed by the PEC chairperson and its secretary, and endorsed with the stamp of PEC.

#### Commission seals:

- ▶ the logbook and appeals/complaints;
- ▶ special stamp of the PEC.

#### **Attention !**

**Summary protocols shall not be sealed.**

(All members of the commission shall sign the sealed package of the commission stamp).

Persons authorised by the PEC shall transfer the inventory and election documentation bag holding sealed election documentation to the DEC.

A receipt-delivery act is drawn up for these purposes. The document is signed by persons transferring the documents and those receiving them. Both parties are given one copy of the document.



## Chapter 4

### Period After the polling day

#### Main Activities

- |      |   |
|------|---|
| 4.1. | Summarizing polling and election results by the DEC |
| 4.2. | Summarizing election results by the CEC             |

#### 4.1. Summarizing polling and election results by the DEC

On the basis of summary protocols of the PEC, considering the results of examination of a violation of the election legislation, the DEC shall, no later than 11 days (October 12) following the polling, summarize the polling results of the Parliament of Georgia and draw up the summary protocols.

All members of the DEC attending the commission session are obliged to sign the summary protocols of polling results. The protocols shall be endorsed by the DEC stamp.

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.

A copy of the DEC summary protocol (enclosed with the dissenting opinions of the DEC members), upon its request, shall be immediately forwarded to the **observer** 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 protocol). An observer shall verify the receipt of the protocol with his/her signature in the book of records.

## 4.2. Summarizing election results by the CEC

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 (October 20).

### **Attention!**

**The CEC shall ensure the posting of the summary protocols of polling results on the CEC website in parallel with the receipt of the summary protocols from the election precincts.**

The summary protocol of the polling results shall be signed by the CEC chairperson and the CEC secretary. One copy of the protocol shall be kept by the CEC. Copies of the protocol shall be transmitted to all interested persons.

Upon summarizing the final results of the elections, the CEC shall publish the information on the election results on its web site, base on each election precinct and no later than the following day, convey this information to the press and other media.

## Chapter 5

## Rules for filing an application/complaints to the election commissions and their examination procedure

### 5.1. Rules for filing an application/complaints to the PEC and their examination procedure

#### Application/Complaints

From the opening of the precinct until the ballot box is opened

#### Persons filing an application/complaint and their rights

##### The following persons in the PEC or upper DEC:

- ▶ Representative of a party/election bloc
- ▶ Representative of voters' initiative group
- ▶ Observers of an organization having an election observer status

##### are entitled to:

from the opening of the precinct (**from 7:00**) until the ballot box is opened, for act and decisions of the PEC and its members (except for drawing up of summary protocol of polling results)

- ▶ file a complaint on violations of the polling procedures on the polling day, for which they should draft an application/complaint (see Annex №2) immediately to the PEC upon detecting the violation in compliance with the requirements of the Election Code. (see Annex №3);
- ▶ upon drawing up of the complaint, submit an application/complaint to the PEC secretary, chairperson or a deputy chairperson.

**Attention!**

**Application/complaint form provided in Annex №2 is recommendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №3.**

### **Registration of the application/complaint with the PEC**

The PEC secretary shall register applicant/complainant submitted to the PEC in accordance with the following procedure:

- ▶ The PEC secretary notes the identity of the applicant in the logbook;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ The PEC secretary shall register the application/complaint on the 10<sup>th</sup> page of the logbook
- ▶ As a proof of receipt of an application/complaint, commission secretary shall issue a (signed) notification to the applicant signed and stamped by the secretary.

**In case the respective official refuses to receive an application/complaint and/or the commission failed to eliminate the violation detected by the representative, the applicant may call the hotline number at: 251 00 51/ext of the district.**

### **Identification of errors to application/complaints**

Secretary of the commission, chairperson or a deputy chairperson are obliged to indicate the error of the application/complaint to the applicant and define the reasonable term for its rectification if the application/complaint does not include:

- ▶ date and time of drafting the application/complaint;
- ▶ name, address and place of registration of the applicant/complainant;
- ▶ number of the election precinct;
- ▶ in case of a witness - his/her first name, last name and place of registration.

The time given for rectification should be reasonable, that the error may be duly eradicated.

**Note: Term for rectification of the error is defined by agreement between secretary, chairperson or a deputy chairperson of the PEC and the applicant/complainant. In case agreement between parties is not reached, the term for rectification of error is unilaterally determined by the secretary of the PEC.**

Person filing the application/complaint and person receiving it sign along the relevant inscription on error in the registration book.

### **Procedures for correcting an error**

The applicant/complainant shall be entitled to correct any error, within the established period of submission of an application/complaint, by submitting the similar application/complaint, where the grounds for determining the error shall be eliminated, and/or submit an application that shall include the information based on which the error has been established.



If the error is corrected, person receiving application/complaint notes -“**error eradicated**”- along the registered application/complaint in the registration book, with reference to exact date and time when the error was corrected. Applicant/complainant and secretary of the commission shall sign along the relevant note in the registration book.

**Note!**

**In case the error is not corrected during the defined period, the application/complaint shall not be reviewed, on which the PEC shall deliver ordinance (title of which should indicate reasons for not reviewing the application/complaint).**

### Responding to the application/complaints

The PEC chairperson shall immediately respond to the application/complaint and eliminate any existing violation.

The commission chairperson or the secretary are obliged to indicate along the complaint in the registration book and the polling day logbook as to how the problem has been eliminated/solved/resolved, as well as what were the reasons for refusing the satisfaction or why was the complaint not reviewed.

If the error identified in the application/complaint is corrected by the respective official of the PEC (secretary, chairperson, deputy chairperson), an appropriate note “error eradicated” is made in the registration book, with reference to exact time when the error was corrected.

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 DEC.

**Application/complaint shall not be reviewed** and the PEC shall issue an ordinance on not reviewing the application/complaint, if:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint does not note essence and time of violation;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes established by law.

Specific reason for leaving the application/complaint unconsidered shall be indicated in the title of the ordinance.

### Application/Complaints

**From the opening of the ballot box until the summary protocol is drawn up**

### Persons filing an application/complaint and their rights

**The following persons In the PEC or upper DEC**

- ▶ Representative of a party/election bloc
- ▶ Representative of voters' initiative group
- ▶ Observers of an organization having an election observer status

**are entitled to:**

From the opening of the ballot box until the summary protocol of polling results is drawn up (other than drawing up the summary protocol of polling results) file a complaint regarding violations of procedures of counting of votes and summarizing polling results and request revision or nullification of the polling results.

**In case the respective official refuses to receive an application/complaint and/or the commission failed to eliminate the violation detected by the representative, the applicant may call the hotline number at: 251 00 51/ext of the district.**

Registration of an application/complaints and identification/correction of an error shall be carried out in accordance with the above procedure.

The PEC shall forward the submitted application/complaint to the upper DEC within **3 calendar days** of the polling day.

The application/complaint may be conveyed to the DEC by the applicant/complainant within the same timeframe.

Upon receipt of the application/complaint by the DEC, the commission secretary shall register it in the registration book of the commission and hand on to the applicant a written notification endorsed by his/her signature.

#### **Examination of an application/complaint**

The DEC shall review the application/complaint and make a decision within 1 calendar day from its registration with the DEC. The DEC shall make a decision by an ordinance, which shall be appealed **only before the court** in accordance with the procedures established by the Election Code.

**Submitted application/complaint shall not be reviewed** and the DEC shall issue an ordinance on not reviewing the application/complaint, if:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint does not note essence and time of violation;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes established by law

the title of the ordinance should indicate specific reasons for not reviewing the application/complaint.

#### **Application/Complaints**

#### **Appealing the summary protocols of polling results of the PEC**

#### **Persons filing an application/complaint and their rights**

##### **The following persons:**

- ▶ Representative of a party having electoral registration
- ▶ Representative of election bloc
- ▶ Representative of voters' initiative group at the relevant DEC
- ▶ Observers of an organization having an election observer status

are entitled to:

appeal the summary protocol in the upper DEC within 3 calendar days from drafting of such protocol, if it is established that PEC summary protocol of polling results is drafted in violation of the requirements of election legislation as provided in

**Note:** if an application is submitted through violation of the appeal terms and/or by an unauthorized person as defined by the Election Code, the DEC shall adopt an ordinance on not reviewing the application/complaint. The title of the ordinance shall indicate reasons for not reviewing the application/complaint).

## 5.2. Rules for filing an application/complaints to the DEC and their examination procedure

### Application/Complaints

#### On violation of procedures for counting of votes and summarizing polling procedures

##### Persons filing an application/complaint and their rights

- ▶ Representative of a party/election bloc
- ▶ Representative of voters' initiative group
- ▶ Observers of an organization having an election observer status

are entitled to:

Address application/complaint on violation of procedures for counting of votes and summarizing polling results to upper election commission in accordance with the procedure established by organic law of Georgia - "Election Code of Georgia"

- ▶ On violations of the polling procedures on the polling day after the opening of the precinct (**from 7:00**) until the ballot box is opened, for which they should draft an application/complaint immediately upon detecting the violation (**see Annex №2**) in compliance with the requirements of the Election Code. (**see Annex №3**);

##### **Attention!**

**Application/complaint form provided in Annex №2 is recommendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №3.**

- ▶ From the opening of the ballot box until the summary protocol of polling results is drawn up (other than drawing up the summary protocol of polling results) file a complaint regarding violations of procedures of counting of votes and summarizing polling results and request **revision or nullification of the polling results**.

##### **Attention!**

**An application/complaint on violations conducted from the opening of the ballot box until drafting of the summary protocol of polling results (other than drawing up the summary protocol of polling results) shall be forwarded to the upper DEC within 3 calendar days from the polling day. The applicant/complainant may submit application/complaint concerning the same violation directly to DEC, within the same timeframe.**

The PEC summary protocol of polling results may be appealed in the upper DEC within 3 calendar days from drafting of such protocol, if it is established that PEC summary protocol of polling results is drafted in violation of the requirements of election legislation as provided in

#### **Registration of the application/complaint with the District Election Commission (DEC)**

The DEC secretary shall register applicant/complainant submitted to the DEC in accordance with the following procedure:

- ▶ The DEC secretary notes the identity of the applicant in the DEC registration book;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a (signed) notification to the applicant/complainant signed and stamped by the secretary.
- ▶ Commission secretary is responsible for checking that an application/complaint includes all required information established by organic law of Georgia - "Election Code of Georgia" **(See Annex №3)**

**In case secretary of the DEC refuses to register an application/complaint, the applicant may call the hotline number at: 032-251 00 51**

#### **Identification of errors to application/complaints**

Secretary of the commission shall indicate the error of the application/complaint to the applicant and define the reasonable term for its rectification if the application/complaint does not include:

- ▶ date and time of drafting the application/complaint;
- ▶ name, address and place of registration of the applicant/complainant;
- ▶ number of the election precinct;
- ▶ in case of a witness - his/her first name, last name and place of registration;

The time given for rectification should be reasonable, that the error may be duly corrected.

**Attention: Term for rectification of the error is defined by agreement between secretary of the DEC and the applicant/complainant. In case agreement between parties is not reached, the term for rectification of error is unilaterally determined by the secretary of the election commission.**

Person filing the application/complaint and person receiving it sign along the relevant inscription on error in the registration book.

#### **Procedures for correcting an error**

The applicant/complainant shall be entitled to correct any error, within the established period of submission of an application/complaint, by submitting the similar application/complaint, where the grounds for determining the error shall be eliminated, and/or submit an application that shall include the information based on which the error has been established.

If the error is corrected, person receiving application/complaint notes **-"error corrected"**- along the registered application/complaint in the registration book, with reference to exact date and time when the error was corrected. Applicant/complainant and secretary of the commission shall sign along the relevant note in the registration book.

**Attention!**

**In case the error is not corrected during the defined period, the application/complaint shall not be reviewed, on which the PEC shall deliver ordinance (title of which should indicate reasons for not reviewing the application/complaint).**

**Responding to the application/complaints**

Application/complaint **shall not be reviewed**, on which the decision on disregarding the application/complaint shall be delivered by the DEC when:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint does not note essence and time of violation;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes established by law, on which (the title of the ordinance should indicate reasons for not reviewing the application/complaint).

Specific reason for leaving the application/complaint unconsidered shall be indicated in the title of the ordinance.

**Summoning of parties for consideration of application/complaint**

DEC has to inform the party on the time and place of consideration of the complaint in the election commission **no later than 3 hours before the start of examination of the case, if the applicant is:**

- ▶ an observer organization or its representative, registered in the election commission; time and place of consideration of the complaint shall be notified to the respective observer or this organization, registered in the election commission of this organization;
- ▶ an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
- ▶ a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

For considering the complaint, the parties may be summoned in writing, by telephone (including cell phone, text message), email, fax or other technical means.

Summoning of the party **by technical means** shall be confirmed by:

- ▶ contacting on the telephone number indicated by him/her;
- ▶ email, fax or text message – through confirmation received by relevant technical means.

**The party shall also be considered summoned in case it is unfeasible to contact him/her through technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.)**

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session

Act shall be drawn up by one of the members of the commission, as assigned by the commission chairperson, and signed by the person drafting the act and the district election commission chairperson.

Absence of the party shall not be a ground for postponing the examination of the complaint.

### Examination of an application/complaint at the DEC

Decision on examination of the complaint shall be taken based on accurate inquiry into and study of evidences submitted by the parties and materials acquired by the election administration of Georgia on its own initiative.

A party shall have a right to participate in the process of examination of the complaint as established by the Georgian election legislation.

A party **is entitled to** conduct relations with an electoral commission by means of:

- ▶ a representative
- ▶ a lawyer

A representative should present to the election commission **proof of representation** certified in accordance with rules established by law:

- ▶ Representation of an initiative group of voters is proved by power of attorney issued by the group and certified by the notary officer.
- ▶ Representation of an organisation (party/election bloc/observer organisation) is proved by a proxy certificate issued by the person in charge of that organisation.
- ▶ Representation by a lawyer is proved by power of attorney /credentials issued in due manner on the name of the lawyer by the person granting such proxy.

#### **Attention!**

**If a representative does not present a duly approved document of representation, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be taken without considering his/her position on the issue.**

Application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC which takes decision **within 1 calendar day from its registration in DEC**. The latter delivers decision in the form of an ordinance, which may be appealed only in the court according to the rule established by Election Code.

#### **Application/Complaints**

**On violations of election legislation (except for the polling day)**

Decisions of PEC/commission head officials may be appealed to the relevant DEC **within 3 calendar days** after their delivery.

The DEC examines the appeal on decisions of PEC/commission head officials **within 1 calendar day**.

#### **Registration of the application/complaint with the District Election Commission (DEC)**

The DEC secretary shall register applicant/complainant submitted to the DEC in accordance with the following procedure:

- ▶ The DEC secretary notes the identity of the applicant in the DEC registration book;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a (signed) notification to the applicant/complainant signed and stamped by the secretary.

### **Attention!**

In addition to the requirements established by the legislation, parties are requested to clearly indicate in their application/complaint contact details of the applicant/complainant: a telephone number, (home/cell phone), as well as fax and email (if any).

### **Responding to the application/complaint**

Application/complaint **shall not be reviewed**, on which the decision on disregarding the application/complaint shall be delivered by the DEC when:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes and rules established by law.

### **Attention!**

DEC does not identify defect for application/complaints on violations of election legislation (except for the polling day). Provided relevant grounds are present, the application/complaint will be disregarded without establishing defect on it.

**Summoning of parties for consideration of application/complaint and examination of application/complaint** are conducted in a uniform manner which has already been discussed above, in relation to **application/complaints** on violation of procedures for counting of votes and Polling procedure.

## **Appeal Term and Procedure**

### **Decisions of DEC/commission head officials**

Decisions of DEC/commission head officials regarding decisions of PEC/commission head officials (including on drawing up of a summary protocol) may be appealed to the relevant district/city court **within 2 calendar days**.

Decisions of DEC/commission head officials (except for those mentioned above) may be appealed to CEC **within 1 calendar day** after their delivery,

### **Attention!**

DEC decisions may be appealed to the relevant district/city court within 2 calendar days in following exceptional cases of:

- ▶ DEC ordinance on refusal to amend voters' data/lists.
- ▶ DEC ordinance on refusal to register an observer organization.



### Application/Complaints

### On violations of election legislation

#### Addressing application/complaint to the CEC

Subjects defined by the Election Code are entitled to adress application/complaint to the CEC on:

- ▶ violations of election legislation of Georgia;
- ▶ decisions of DEC/commission head officials.

Decisions of DEC/commission head officials (including on drawing up of a DEC summary protocol of polling results) may be appealed within **1 calendar day** after their delivery.

#### Registration of application/complaint with the CEC

The CEC administrative department registers application/complaint submitted to the CEC.

Immediately upon receipt, application/complaint is consecutively registered in the registration book according to the turn of receipt. Each document is assigned relevant registration number; date, time, and number of pages of each application/complaint is registered in the registration book along with identity and contact details of the applicant/complainant. Written notification of receipt of the document shall be given to the applicant/complainant indicating:

- ▶ Exact date and time of receipt of application/complaint;
- ▶ Registration number assigned to the document in the registration book.

The CEC official receiving the application/complaint shall provide proof of receipt of such application/complaint with signature and seal.

#### **Attention!**

- ▶ **In addition to the requirements established by the legislation, parties are requested to clearly indicate in their application/complaint contact details of the applicant/complainant: a telephone number, (home/cell phone), as well as fax and email (if any).**
- ▶ **In case a CEC official refuses to register an application/complaint, you may call the hotline number at: 032-251 00 51.**

#### Responding to application/complaint

Application/complaint **shall not be reviewed**, on which the decision on disregarding the Application/complaint shall be delivered by the CEC when:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint concerns a decision of the DEC taken with regard to appeal of the PEC decision;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes established by law.

#### **Attention!**

**CEC does not identify defect for application/complaints on violations of election legislation. Provided relevant grounds are present, the application/complaint will be disregarded without establishing defect on it.**

### Summoning of parties for consideration of application/complaint

CEC has to inform the party on the time and place of consideration of the complaint in the election commission **no later than 3 hours before the start of examination of the case.**

#### If the applicant is:

- ▶ an observer organization or its representative, registered in the election commission; time and place of consideration of the complaint shall be notified to the respective observer or this organization, registered in the election commission of this organization;
- ▶ an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
- ▶ a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

For considering the complaint, the parties may be summoned in writing, by telephone (including cell phone, text message), email, fax or other technical means.

Summoning of the party **by technical means** shall be confirmed by:

- ▶ contacting on the telephone number indicated by him/her;
- ▶ email, fax or text message – through confirmation received by relevant technical means.

**The party shall also be considered summoned in case it is unfeasible to contact him/her through technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.).**

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session

Act shall be drawn up in the CEC by an official of the CEC legal department, and signed by the person drafting the act and the head of unit.

Absence of the party shall not be a ground for postponing the examination of the complaint.

### Examination of an application/complaint at the CEC

Decision on the examination of the complaint shall be taken based on accurate inquiry into and study of evidences submitted by the parties and materials acquired by the election administration of Georgia on its own initiative.

A party shall have a right to participate in the process of examination of the complaint as established by the Georgian election legislation.

A party **is entitled to** conduct relations with an electoral commission by means of:

- ▶ a representative
- ▶ a lawyer

A representative should present to the election commission **proof of representation** certified in accordance with rules established by law:

- ▶ Representation of an initiative group of voters is proved by power of attorney issued by the group and certified by the notary officer.
- ▶ Representation of an organisation (party/election bloc/observer organisation) is proved by a proxy certificate issued by the person in charge of that organisation.

- ▶ Representation by a lawyer is proved by power of attorney /credentials issued in due manner on the name of the lawyer by the person granting such proxy.

**Attention!**

**If a representative does not present a duly approved document of representation, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be taken without considering his/her position on the issue.**

Application/complaint on decisions of DEC/commission head officials shall be reviewed by the CEC which takes decision **within 1 calendar day from its registration with the CEC.**

**Appeal Term and Procedure**

**Decisions of CEC/commission head officials**

Decisions of CEC/commission head officials (including on drawing up of a summary protocol of polling results), may be appealed to Tbilisi City Court, by persons specified in article 78 of the Election Code **within 2 calendar days** after its delivery.

## **5.4. Drawing up of a protocol on administrative violations**

Subjects specified by Election Code are entitled to adress application/complaint to the CEC or DEC on administrative violations envisaged by **articles 79, 81 and 86-92** of the organic law of Georgia -Election Code – and article **174<sup>2</sup>** of the Code of Georgia for Administrative Offences.

CEC protocols on administrative violations shall be drawn up by Chairperson of the CEC; relevant DEC protocols – designated person authorised by the commission ( chairperson/ deputy chairperson of the DEC)

An application/complaint on drawing up a protocol on administrative violations is subject to unilateral review through oral hearing from a person authorised to complete such protocol with the participation of interested parties; a protocol on oral hearing is drawn up. Following an oral hearing of an application/complaint, a person authorised to complete such decision:

- ▶ upholds the application/complaint and drawing up of a protocol on administrative violations;
- ▶ makes a statement on refusal to uphold an application/complaint.

**Attention!**

**When examining a case of administrative violations, presence of a person charged with an administrative offence is mandatory. Where this person is avoiding appearance, he/she may be summoned by persuasion by the Ministry of Internal Affairs.**

Protocol on administrative violations is completed in two copies, from which the first copy remains with a person authorised to complete such protocol and the second copy is issued to the offender.

**Attention!**

**Protocol on administrative violations and materials attached to it should be sent to relevant district/city court for review immediately after such protocol is drafted.**

Decision (ordinance) of the CEC chairperson on refusal to uphold the application/complaint on drawing up of a protocol on administrative violations shall be appealed before the Tbilisi City Court 2 calendar days after the decision is made.

Decision of the authorised member of the DEC (ordinance) on **refusal** on drawing up of a protocol on administrative violations **may be appealed to the CEC within 1 calendar day** from its delivery.

### 5.5.Complaints Registry

For timely submission of information on complaints to voters and all interested persons and organisations, in the election period following information is uploaded on the CEC website complaint registry page (<http://sachivrebi.cec.gov.ge/>):

- ▶ Complaints submitted to the CEC and related information;
- ▶ Information on court cases occurring during election period, related to election issues, and with the participation of the CEC

#### **Attention!**

**Information in the registry is inserted by the CEC Relations with the Court and Election Disputes Unit, no later than 1 day after the receipt of relevant information.**

- ▶ Complaints submitted to the DEC and related information; in particular: registration number, date of submission, information on the person submitting the complaint, application/complaint, date and place of examination of the application/complaint, pertaining decision, scanned version of the application/complaint and the decision.
- ▶ Complaints submitted to the PEC and related information; in particular: registration number, date of submission, information on the person submitting the complaint, application/complaint, date and place of examination of the application/complaint, pertaining decision, scanned version of the application/complaint and the decision.

#### **Attention!**

**In order to place abovementioned information in the registry, within 1 day from the delivery of a decision by DEC, DEC conveys information to the CEC Organizational Department, Election Information Management Unit responsible for placing information in the registry no later than 1 day from the receipt of such information.**

Employee of the relevant structural unit placing information is responsible for its comprehensiveness and accuracy.

Administration of complaints uploaded on the web-site is carried out by the CEC Legal Department, Relations with the Court and Election Disputes Unit together with the CEC Organizational Department, Election Information Management Unit.

Information placed in the registry is free-of-charge and public.

Information placed in the registry can be used freely. Interested persons may use the information placed in the registry with mandatory identification of the source.

Approved by the CEC ordinance N89/2012, dated July 20, 2012

საქართველოს საარჩევნო ადმინისტრაცია

The Election Administration of Georgia

ცენტრალური საარჩევნო კომისია

Central Election Commission

საერთაშორისო დამკვირვებლის მიერ წარმოსადგენი ანკეტა

Application for the Accreditation as an International Observer

საქართველოს პარლამენტის არჩევნები 2012

Parliamentary Elections of Georgia 2012

პერსონალური ინფორმაციაPersonal Detailsგვარი \_\_\_\_\_ სახელი \_\_\_\_\_  
Surname: Mr/Ms First Nameპასპორტის ნომერი: \_\_\_\_\_  
Passport Number:მოქმედების ვადა: \_\_\_\_\_ გამცემი ორგანო: \_\_\_\_\_  
Valid Until: Issued By:დაბადების თარიღი: \_\_\_\_\_ მოქალაქეობა: \_\_\_\_\_  
Date of Birth: Citizenship:საცხოვრებელი მისამართი: \_\_\_\_\_  
Home Address:ტელეფონი: \_\_\_\_\_ ფაქსი: \_\_\_\_\_ ელ.ფოსტა: \_\_\_\_\_  
Telephone: Fax: Email:სამუშაო ადგილი: \_\_\_\_\_  
Place of Employment:თანამდებობა: \_\_\_\_\_  
Occupation:წარმდგენი ორგანიზაცია: \_\_\_\_\_  
Sending Body/Organization:

პროფესიული გამოცდილება  
**Professional Experience**

საარჩევნო სადამკვირვებლო გამოცდილება (ქვეყანა, მისია, ფუნქცია, წელი)  
**Election Observation Experience (Country, Mission, Function and Year):**

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სხვა საარჩევნო გამოცდილება: \_\_\_\_\_  
**Other Relevant Election Experience:**

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დოკუმენტს თან ერთვის პასპორტის ასლი ☐  
**A copy of the passport is enclosed** ☐

ხელმოწერა/Signed -----

თარიღი/Date -----

- a) When presenting an application/complaint to the PEC, indicate name and number of the election Precinct and District.  
 b) When presenting an application/complaint to the DEC, indicate name and number of the District.

**Application/complaint**  
**(underline needful)**

**Applicant/complainant** \_\_\_\_\_  
 Name, Last name, Address according to the place of registration, and contact telephone number

\_\_\_\_\_  
 Fax, E-mail (if any)

**Violation: polling procedure** ☐

**time of violation** \_\_\_\_\_  
 Hour, minute

**Counting of votes/ summarizing polling results** ☐

**No"---" "-----" Precinct**

**Essence of the violation:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Witness (if any)** \_\_\_\_\_  
 Name, Last name, address according to the place of registration

**In case an offender is revealed - all possible date obtained on him/her :** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Explanation by the offender (if any);** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**(other additional information)** \_\_\_\_\_  
 \_\_\_\_\_

**Based on the abovementioned, please review my application/complaint and respond accordingly**  
**(whenever requesting nullification or other response, indicate relevant request)** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**"---" "-----" 20---- Year**

**Applicant/complainant:** \_\_\_\_\_  
**of the application/complaint** \_\_\_\_\_  
 (Time of completion (hour, minute)) /Signature/



## Required Information Content for Application/Complaint for Submission to the Election Commission

Application/complaint shall include:

- ✓ date and time of drafting the application/complaint \*;
- ✓ name, address and place of registration of the applicant/complainant \*;
- ✓ number of the election precinct\*;
- ✓ in case of a witness - his/her first name, last name and place of registration \*;
- ✓ essence and time of violation \*\*;
- ✓ in case an offender is revealed - all possible data obtained on him/her\*\*;
- ✓ explanation by the offender (if any)\*\*;
- ✓ Contact details of the applicant/complainant: a telephone number (home and/or cell phone\*\*\*;
- ✓ as well as fax and email (if any) of the \*\*\*;
- ✓ other additional information.

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\* Failure to indicate the above required information accurately/fully is considered as a ground for establishing defect on the application/complaint, and can serve as a ground for not reviewing it, if the gap is not duly filled.

\*\* Failure to indicate the above required information is considered as a ground for not reviewing an application/complaint without prior establishment of a defect on it.

\*\*\* Indication of inaccurate/incomplete information cannot be considered as a ground for establishing defect on the application/complaint and not reviewing it, but can serve as a ground for impossibility to summon a party to the examination of the complaint.

[illegible]



ბამოცემა დაფინანსებულია ევროკავშირისა (EU) და ბაეროს  
ბანვითარების პროგრამის (UNDP) მიერ. ბამოცემის შინაარსი  
ნარმოადგენს საარჩევნო სისტემების ბანვითარების,  
რეფორმებისა და სწავლების ცენტრის პასუხისმგებლობას და  
არ ბამოხატავს ევროკავშირისა თუ ბაეროს ბანვითარების  
პროგრამის შეხედულებებს.

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*Empowered lives.  
Resilient nations.*