

# Organic Law of Georgia

## Election Code of Georgia

### Section I. General Part

#### Chapter I. General Provisions

##### Article 1 - Scope of the Law

This Law regulates the relations on preparation and conduct of elections, referenda, and plebiscites of the President of Georgia, the Parliament of Georgia, the Mayor of Tbilisi, and a local self-government representative body Sakrebulo. This Law sets the rights and guarantees of the election participants, defines the procedure and powers for the establishment of the Electoral Administration, as well as the procedures for dispute resolution in cases defined by this Law.

##### Article 2 - Definition of terms

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

- a) **referendum** - a nation-wide polling by secret ballot aimed at overall, equal, and direct expression of will to decide especially important national issues, which is conducted throughout the territory of Georgia;
- b) **plebiscite** - a nation-wide polling by secret ballot for identifying the opinion of voters or part of voters concerning especially important national issues, results of which are of recommendatory character for the public authorities;
- c) **elections** - electoral process, the objective and outcome of which is to elect public officials and representative bodies of public authority;
- d) **general elections** - regular or extraordinary elections:
  - d.a) **regular elections** - elections conducted because of the expiration of the term of office of a representative body of public authority or a public official within the timeframe defined by the Constitution of Georgia, this Law, the Constitutions of the Autonomous Republics of Abkhazia and Ajara, and the respective laws;
  - d.b) **extraordinary elections** - elections conducted as a result of pre-term termination of the tenure of a representative body of public authority or a public official;
  - e) **by-elections** - elections conducted through the majoritarian electoral system in the respective electoral district in the manner laid down in this Law in order to fill a vacant seat of the representative body of state authority;
  - f) **re-run elections** - repeat elections conducted in the manner defined for regular elections, provided that:
    - f.a) one candidate runs in elections conducted through the majoritarian electoral system and his/her candidacy is withdrawn as defined by this Law;
    - f.b) none of election subjects running in the elections conducted through the proportional electoral system passes an electoral threshold or failure of elections is declared in more than half of the electoral districts;
    - f.c) election results are declared void by a court decision;
  - g) **repeat voting** - voting conducted again in the electoral precinct(s) where polling results are declared void, or voting conducted again in the entire multi-seat electoral district based on party lists where no party/electoral bloc has been awarded a seat;
  - h) **second round of elections (run-off)** - voting conducted in cases and within the timeframe laid down in this Law, when a winner cannot be determined in the first round of elections;
  - i) **election (polling) day** - the day of holding general elections, by-elections, or re-run elections, as well as run-off or repeat voting;
  - j) **elections conducted through the proportional electoral system** - election for members of the Parliament (MPs) of Georgia and for members of a local self-government representative body Sakrebulo based on party lists;
  - k) **elections conducted through the majoritarian electoral system** - election for members of the Parliament (MPs) of Georgia and for members of a local self-government representative body Sakrebulo according to single-seat electoral districts;
  - l) **suffrage** - active and passive right to vote;
  - m) **active suffrage** - the right of a citizen of Georgia to participate, by casting a vote, in general elections, referenda, and plebiscites conducted for electing the people's representatives to the representative body of public authority and for holding public offices;
  - n) **passive suffrage** - the right of a citizen of Georgia to run for the representative body of public authority and for public office;



- o) **electoral registration** - registration of parties, electoral blocs, initiative groups of voters and candidates by the respective election commission in order to obtain the right to run in elections;
- p) **candidate for election subject** - a person nominated for registration in the respective election commission to run in elections;
- q) **election subject** - a party, electoral bloc or initiative group of voters, or a candidate for member of public authority representative body or a candidate for public office registered by the respective election commission;
- r) **Electoral Administration of Georgia** - the Central Election Commission of Georgia (hereinafter – the ‘CEC’) and its staff, the Supreme Election Commissions of the Autonomous Republics of Abkhazia and Ajara (hereinafter – the ‘SEC’) and their staff, the District Election Commissions (DECs) and the Precinct Election Commissions (PECs);
- s) **Electoral Administration officer** - a member of any election commission and the commission staff;
- t) **party** - a political union of citizens acting in accordance with the Organic Law of Georgia on Political Unions of Citizens that is registered by the CEC with the view of running in elections;
- u) **electoral bloc** - a union of two or more parties registered by the CEC;
- v) **candidate for President of Georgia** - a citizen of Georgia nominated by a party or an initiative group of voters registered by the CEC to run for the President of Georgia;
- w) **candidate for Mayor of Tbilisi** - a citizen of Georgia nominated by a party/electoral bloc registered by the CEC to run for the Mayor of Tbilisi;
- x) **candidate nominated under a party list** - a citizen of Georgia entered in a party list registered by the respective election commission to run in elections for the Parliament of Georgia and a local self-government representative body Sakrebulo;
- y) **majoritarian candidate** - a citizen of Georgia nominated in an electoral district by a party/electoral bloc/initiative group of voters registered by the respective election commission to run in elections for the Parliament of Georgia, a local self-government representative body Sakrebulo;
- z) **electoral district** - an operation area (administrative electoral division) where elections and referenda are organized and conducted;
- z<sub>1</sub>) **majoritarian electoral district** – a single-seat electoral district established for the election of the Parliament of Georgia;
- z<sub>2</sub>) **local majoritarian electoral district** – a single-seat electoral district established for the election of the members of a local self-government representative body Sakrebulo through the majoritarian system;
- z<sub>3</sub>) **electoral precinct** - administrative electoral division established in the manner defined by the legislation of Georgia for polling and vote counting during elections or referenda;
- z<sub>4</sub>) **local self-government representative body Sakrebulo** - Sakrebulo of the capital of Georgia – Tbilisi, municipalities, and self-governing cities;
- z<sub>5</sub>) **political official** - the President of Georgia, an MP of Georgia, the Prime-Minister of Georgia, other members of the Government of Georgia and their deputies, members of the Supreme Representative Bodies of the Autonomous Republics of Abkhazia and Ajara, heads of the governments of the Autonomous Republics of Abkhazia and Ajara, as well as a member of a local self-government representative body and the head of its executive body, also State Trustee - the Governor;
- z<sub>6</sub>) **political/pre-election advertising** - commercial broadcast by mass media (hereinafter – the ‘media’) aimed at promoting/hindering the election of an election subject, where the election subject and/or its sequence number are displayed and which contains the signs of electioneering or appeals for or against the issue put forward for referendum/plebiscite;
- z<sub>7</sub>) **electioneering** - a set of measures carried out by an election subject/candidate for election subject aimed at running in and winning elections;
- z<sub>8</sub>) **election campaigning** - appeal to voters in favour of or against an election subject/candidate, as well as any public action facilitating or impeding its election and/or containing signs of electioneering, including the participation in organization/conduct of pre-electoral events, preservation or dissemination of election materials, work on the list of supporters, presence in the representations of political parties;
- z<sub>9</sub>) **election/referendum campaign expense** - the sum of funds of an election subject/referendum participant for an election/referendum campaign, as well as all goods and services obtained free of charge (reflected in market prices), except for free air time cost determined in the manner laid down in this Law;
- z<sub>10</sub>) **information on the election/referendum campaign expense** - information on the election/referendum campaign expense, all goods and services received free of charge, donation source, amount and date of the receipt of donation;
- z<sub>11</sub>) **electoral donations** - funds deposited by natural persons to the account of the respective election subject during the election/referendum campaign, as well as all types of material value and services obtained free of charge, except for free air time cost determined in the manner laid down in this Law;
- z<sub>12</sub>) **electoral documents** - applications, complaints, letters, business correspondence, protocols, ballot papers, special envelopes, legislative acts of the Electoral Administration of Georgia, check-lists, registration books, lists of voters, voter invitation cards, and other documents incoming and outgoing at the election commissions;



Z<sub>13</sub>) **biometric registration** – taking of a biometric photo and recording of personal data (questionnaire survey) in the manner laid down in this Law, as well as holding of a Georgian citizen's electronic identity card or a Georgian citizen's biometric passport, except when that document is issued after biometric registration as defined by this Law;

Z<sub>14</sub>) **campaign material** – a poster, flag, and any other material on which an election subject/candidate for election subject and/or its sequence number is depicted.

*Organic Law of Georgia No 878 of 27 July 2013 – website, 7.8.2013*

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

### **Article 3 - Basic principles for the conduct of elections, referenda, and plebiscites**

Basic principles for the conduct of elections, referenda, and plebiscites in Georgia shall be as follows:

a) universal suffrage to participate in elections/referenda/plebiscites:

a.a) any citizen of Georgia, who has attained the age of 18 before or on the day of an election/referendum/plebiscite and who meets the requirements defined by this Law, shall enjoy active suffrage, except for the persons who, under the Constitution of Georgia and/or this Law, have a restricted active suffrage;

a.b) any citizen of Georgia, meeting the requirements defined by this Law, shall enjoy passive suffrage, except for the persons who, under the Constitution of Georgia and/or this Law, have a restricted passive suffrage;

a.c) a citizen of Georgia, who is declared incapable by the court or is placed in prison/penal institution under a court judgment, shall not be qualified to participate in elections/referenda /plebiscites, except for the persons having committed a crime of little gravity;

b) equal suffrage:

b.a) voters shall participate in elections, referenda, and plebiscites on equal grounds;

b.b) every voter of the same electoral district shall have an equal number of votes;

c) direct suffrage:

c.a) elections in Georgia shall be direct;

c.b) the President of Georgia, an MP of Georgia, the Mayor of Tbilisi, and a member of a local self-government representative body Sakrebulo shall be elected directly by voters;

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

d.a) elections, referenda, and plebiscites in Georgia shall be held by secret ballot;

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

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

### **Article 4 - Publicity of elections**

In accordance with and for the purposes of this Law, the activities of the Electoral Administration of Georgia, election subjects, state authorities, and local self-government bodies shall be open and public.

### **Article 5 - Calculation of terms under this Law**

1. During elections, all the terms under this Law, including the terms for judicial recourse and for delivery of a court judgment, shall be counted in calendar days (including weekends and holidays as defined by the labour legislation of Georgia).

2. Expressions 'in N days from the given day', 'within N days period from the given day', 'not earlier/not later than N days from the given day', 'not earlier/not later than the N<sub>th</sub> day from the given day' shall imply the beginning of counting from the day following the indicated day.

3. Expressions 'N days before the given day', 'not earlier/not later than N days prior to the given day', 'not earlier/not later than the N<sub>th</sub> day prior to the given day' shall imply the beginning of counting from the day preceding the indicated day.

### **Article 6 - Announcement of Election Day as a holiday**

Regular elections/referenda/plebiscites, except for presidential elections, may be held on any day of the week. The polling day shall be announced as a



holiday.

## Chapter II. Electoral Administration of Georgia and Its Powers

### Article 7 - Status, system, and composition of the Electoral Administration of Georgia

1. The Electoral Administration of Georgia is an independent administrative body that shall be independent from other public bodies, within its powers, and shall be established in accordance with this Law. This Law shall lay down the powers and procedures for establishment of the Electoral Administration of Georgia.
2. The Electoral Administration of Georgia shall be composed of:
  - a) the CEC and its staff
  - b) the SEC and its staff
  - c) the DEC's
  - d) the PEC's.
3. The CEC is the supreme body of the Electoral Administration of Georgia that shall, within its competence, manage and control election commissions at all levels, and ensure the uniform application of the electoral legislation throughout the territory of Georgia.
4. If general elections and the elections for the Supreme Council of Ajara are conducted simultaneously, DEC's and PEC's formed for general elections shall perform the duties of DEC's and PEC's.
5. Members and staff of the CEC and the SEC, as well as members of DEC's, except for the assisting personnel and freelance workers and except for the DEC members laid down in Article 19(5) of this Law, shall be public servants and the Law of Georgia on Public Service shall apply thereto, unless otherwise defined by this Law.

### Article 8 - Election commission rules of procedure

1. This Law and the respective commission regulations adopted by CEC ordinance, shall lay down the rules of procedure for an election commission.
2. A session of an election commission shall be called by the chairperson or upon request of the deputy chairperson of the commission.
3. A session shall be authorized if attended by a majority of the total number of the election commission members.
4. A commission decision shall be deemed adopted if supported by a majority of the members present at the session (unless this Law provides for a higher quorum), but by not less than one-third of the total number of the election commission members. The decisions of an election commission regarding the decisions made by subordinate election commissions, including the nullification of electoral district/precinct results, the opening of packages received from the election commission, and the counting of election ballot papers, shall be adopted by not less than two-thirds of those present at the session.
5. In case of an equal number of votes, the chairperson of the session shall cast the deciding vote.
6. Issues of human resources shall be resolved at the session by a majority vote of the total number of the election commission members.
7. The chairperson of the session and the secretary of the election commission shall sign minutes of sessions.
8. The session minutes shall be executed within one day from the session.
9. An election commission member who objects to the decision of the commission shall have the right to express his/her dissenting opinion in writing, which shall be attached to the minutes of the session. At the same time a member having a dissenting opinion shall respect and obey the decision delivered by the commission. An election commission member shall have no right to impede, by his/her action/omission, the execution of a properly adopted decision.
10. An election commission shall accept, issue, and register electoral documents until 18:00 of the working day, except for cases defined by this Law.
11. Upon receipt of an application/complaint, the date and time of its receipt shall be recorded in the registration book of an election commission, as well as in the notice delivered to the applicant/complainant. The commission shall consider the application/complaint and shall make an appropriate decision.
12. The applicant shall confirm by signature in the registration book receipt of any document from an election commission.
13. An election commission shall have no right to consider an application/complaint if the deadlines and procedures for its submission are not met.
14. Electoral documents shall be available to the public. It is the duty of an election commission to make electoral documents and election information available to interested persons within two days after receiving such a request. If copies are requested, the amount and the payment procedures shall be regulated in accordance with the legislation of Georgia.



15. Sessions of an election commission shall be open. Members of the superior election commission and commission representatives, staff members of the respective and superior election commissions, representatives of media accredited in the respective commission, one representative of election subjects in the respective commission, as well as one observer from a domestic observer organization registered with the respective commission, one observer from an international organization registered with the CEC, together with an interpreter, shall have the right to attend sessions of an election commission. In the case of any breach of order and obstruction of the work of an election commission, the commission may decide to remove the troublemaker, which shall be recorded in the minutes of the session.

16. The following individuals shall have the right to stay at a polling station:

- a) members of the CEC, DEC and PECs
- b) representatives of the CEC and DEC
- c) representative of an election subject
- d) representatives of the press and media registered with the respective commissions
- e) observers.

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

18. In case of any breach of order and obstruction of the work of an election commission, the commission may decide to remove the troublemaker from the administrative building, as well as from the session during the session. The decision shall be recorded in the minutes of the session.

19. An election commission member shall be obliged to participate in the activities of the commission from the very day of his/her appointment (election) in the respective commission.

20. A DEC or PEC member shall be obliged to sign a summary protocol of polling or election results. If the DEC or PEC member objects to the information reflected in the protocol, he/she may indicate the same in the respective section of the summary protocol of polling and election results and attach a written dissenting opinion to the protocol.

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

22. If the commission chairperson and deputy chairperson are simultaneously, or the commission secretary is temporarily, unable to perform the duties defined by this Law, and if under the same Law an action falling within the exclusive competence of the chairperson or the secretary is to be carried out, the commission shall elect, without delay, under the procedures laid down in this Law for the election of relevant officials, an acting chairperson or a secretary from among his/her staff. The powers of the acting chairperson of the commission shall cease once the commission chairperson or deputy chairperson is able to perform their duties, and the powers of the acting secretary of the commission shall cease once the commission secretary is able to perform his/her duties.

23. If an election commission does not have a chairperson or a deputy chairperson, the commission secretary shall call a session to elect the commission chairperson and shall chair the commission until the chairperson is elected, and if the commission does not have a secretary, the senior member of the commission shall call and chair the commission session until the chairperson is elected.

24. In case of absence of the commission chairperson, or upon his/her instruction, the commission deputy chairperson shall perform his/her duties.

25. Persons authorized to be present at a polling station shall have the right to conduct photo and video shooting of the polling station, except for the polling booths, without obstructing the electoral process.

## **Article 9 - Remuneration**

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

<sup>1</sup>. During by-elections, double remuneration under the first paragraph of this article shall be paid only to DEC members and head officers in the electoral district where the by-elections are conducted.

2. PEC members and head officers (based on a superior DEC decree) shall receive salaries from the funds allocated for the conduct of elections from the 30<sup>th</sup> day before Election Day, until the superior DEC draws up a summary protocol of polling results.

3. The CEC shall determine the salary amount paid to head officers and members of the CEC, DEC and PECs, as well as to the CEC staff members.

*Organic Law of Georgia No 157 of 26 December 2012 – website, 30.12.2012*

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

1. The CEC shall be composed of a Chairperson and 12 members. The CEC Chairperson simultaneously shall act as a member of the CEC. Termination of the powers of the CEC Chairperson concurrently shall result in the termination of his/her membership. The Parliament of Georgia shall elect 5 members of the CEC, upon nomination by the President of Georgia, while the parties shall appoint 7 members in the manner defined by this Law.

2. Upon nomination by the President of Georgia, either the CEC members appointed by parties (except for a member appointed by the party obtaining



the best results in the previous parliamentary elections) or the Parliament of Georgia shall elect the CEC Chairperson as prescribed by this article. The term of office of the CEC Chairperson shall be five years.

3. The President of Georgia shall, after consultations with local non-entrepreneurial (non-commercial) legal entities, nominate 3 candidates for CEC Chairperson to the CEC not later than 30 days before the term of office of the CEC Chairperson expires, and if the term of office of the CEC Chairperson terminates, not later than 15 days after the termination.

4. The candidate for CEC Chairperson shall be a capable citizen of Georgia, who has attained the age of 25, is non-partisan, has higher education, is fluent in the official language of Georgia, meets the requirements of Article 12(5) of this Law, this paragraph and Article 17 of the Law of Georgia on Public Service, has work experience of not less than three years and holds a certificate of an Electoral Administration officer.

5. CEC members appointed by parties (except for a member appointed by the party with the best results in the previous parliamentary elections) shall decide to elect the CEC Chairperson within five days after the submission of the list of candidates. The senior member among those laid down in this paragraph shall convene and preside over the session. Voting for the election of the CEC Chairperson shall be secret. Each voting member shall have one vote. All 3 candidates shall be put to vote simultaneously. Any candidate who receives 4 or more votes shall be deemed elected as the CEC Chairperson. The chairperson of the session/senior member of the CEC shall sign the minutes of the session and the CEC decree regarding the CEC Chairperson election.

6. Unless the CEC Chairperson is elected within the timeframe defined by paragraph 5 of this article, the Parliament of Georgia shall, within seven days, elect the CEC Chairperson out of the same 3 candidates nominated by the President of Georgia.

7. A CEC decree regarding the Chairperson election shall be sent to the Parliament of Georgia within seven days, and in the case defined by paragraph 6 of this article, the decision of the Parliament of Georgia shall be submitted to the CEC within seven days.

### **Article 11 - Procedures for electing the CEC Deputy Chairperson and Secretary**

1. Not less than 2 members of the commission shall have the right to nominate the candidates for Deputy Chairperson and Secretary of the CEC.

2. The same candidate may be nominated only twice.

3. If the commission fails to elect the Deputy Chairperson and the Secretary within the time set, the commission member having received most votes during elections, and in case of an equal number of votes, the person defined by casting lots shall perform the duties of the Deputy Chairperson and the Secretary until they are elected.

### **Article 12 - Procedures for electing CEC members**

1. The President of Georgia shall select and submit to the Parliament of Georgia 5 candidates for CEC membership in the manner laid down in this article. The term of office of CEC members elected by the Parliament of Georgia shall be five years.

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

3. The President of Georgia shall issue a decree for holding a competition and setting up a competition commission not later than 30 days before the expiration of the term of office of the CEC members, and if a vacancy occurs, not later than 15 days from its occurrence. Half of the commission members shall be composed of the representatives of local non-governmental organizations (NGOs). Competition documents shall be submitted not later than 14 days after the announcement of the competition. If the above timeframe coincides with the election period, the President of Georgia shall announce the competition not later than seven days following the announcement of the final results of election. The powers of a CEC member shall terminate once a new member is elected.

4. A candidate for CEC membership shall be a legally capable citizen of Georgia, who has attained the age of 25, is non-partisan, has higher education, is fluent in the official language of Georgia, has work experience of not less than three years, and holds a certificate of an Electoral Administration officer.

5. The following individuals may not be elected/appointed as a CEC member:

a) a person who does not hold a certificate of an Electoral Administration officer

b) a person who has been dismissed from a position in the Electoral Administration by the election commission or the court due to violating the electoral legislation of Georgia

c) a person who has violated the electoral legislation of Georgia and the violation is confirmed by the court

d) a person who has been convicted of a crime and whose conviction has not been expunged

e) an election subject/a candidate for election subject and its representative

f) an observer.

6. Unless a minimum of 2 people are nominated for a vacant position within the timeframe determined by this Law, the competition shall continue until a minimum of 2 people are nominated for the vacant position.

7. The list of candidates shall be published within two days after the expiration of the deadline for nomination of candidates.

8. A competition commission shall submit to the President of Georgia not less than 2 and not more than 3 candidates for CEC membership for each vacancy not later than five days after the expiration of the deadline for nomination of candidates. Not later than seven days after the selection of



candidates, the President of Georgia shall make a decision on the selection of candidates and submit 2 candidates to the Parliament of Georgia for one vacant CEC member position.

9. The Parliament of Georgia shall elect CEC members by a roll-call vote not later than 14 days after the President of Georgia submits candidates for CEC membership to the Parliament of Georgia. Each candidate shall be put to a vote separately. The CEC member shall be deemed elected if supported by a majority of MPs of Georgia. If the number of elected persons exceeds the number of the positions to be occupied, the candidates with the best results shall be deemed elected. If a winner cannot be determined due to an equal number of votes, the candidates shall immediately be re-voted upon until a winner is determined among them.

10. If all the vacancies are not filled as a result of voting, the rest of the candidates shall be put to vote again. If the vacancy still remains unfilled, the President of Georgia shall, within three days, submit 2 candidates to the Parliament of Georgia for each unfilled vacancy from the list of other candidates participating in the competition. If the vacancy is still not filled, a competition shall be announced for the rest of the vacancies within three days and the nomination procedure shall start over.

11. The same candidate may be nominated only twice.

12. If the term of office of a CEC member elected by the Parliament of Georgia terminates early, for the purpose of electing his/her substitute, the President of Georgia shall, during the nearest session week of the Parliament of Georgia, submit once again to the Parliament of Georgia the names of candidates receiving not less than a majority of votes of the MPs of Georgia, or shall announce a competition not later than three days. The same procedure shall apply in case of absence of such candidates.

13. A resolution of the Parliament of Georgia regarding the election of a CEC member shall be submitted to the CEC within seven days after its adoption.

### **Article 13 - Procedure for appointing and terminating the term of office of CEC members by parties**

1. Seven members of the CEC shall be appointed by parties as laid down in this article.

2. Each member of the CEC shall be appointed by the political unions which receive funds from the State Budget in accordance with Article 30 of the Organic Law of Georgia on Political Unions of Citizens.

3. If the number of the parties under the second paragraph of this article is more than 7, each CEC member shall be appointed by 7 parties receiving more funding than others. If several parties have equal funding, the party having the best results in the election shall have priority. If parties united in one electoral bloc receive equal funding, the party being ahead in the list of bloc members shall have priority.

4. If the number of the parties under the second paragraph of this article is less than 7, it shall be filled up to 7 with the subsequent parties having the best results (based on the descending order of the votes received), which ran in the election independently or were united in an electoral bloc and were on the top of the list of bloc members (if the party named first refuses to appoint a commission member, that right shall be given to the second party, etc.), provided that they receive more than 3% of votes participating in the election. If the number of parties authorized to appoint commission members is not filled up to 7 after those procedures, all parties set forth in this paragraph, based on their election results, shall have the right to appoint one more commission member in order to fill up the number of members to 7.

5. If funding of any party from the State Budget of Georgia terminates or if another party receives more funding than the former, the powers of the commission member appointed by that party shall cease and the number of members shall be filled up to 7 with representative(s) of the party (parties) receiving more funding. If there is no such party or if that (those) party (parties) refuse(s) to appoint a member, the procedure laid down in paragraph 6 of this article shall be applied.

6. A party shall have the right to withdraw the CEC member appointed by it. No such withdrawal shall take place during the period from the day of calling elections to the day of summing up of the final election results. A party shall have the right to appoint a new CEC member within the aforementioned period only in case of resignation or death of the appointed member.

*Organic Law of Georgia No 877 of 27 July 2013 – website, 20.8.2013*

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

1. The CEC shall:

a) ensure the conduct of elections, referenda, and plebiscites within its powers, oversee the process of implementation of the electoral legislation throughout the territory of Georgia, and ensure its uniform application;

b) adopt by ordinance the regulations of the Electoral Administration;

c) in exceptional cases, if it is impossible to meet certain requirements/terms laid down in this Law, have the right to determine by ordinance electoral events and timeframes for upcoming elections/polling, as well as submit a proposal, if necessary, to the President of Georgia for fixing another date of elections in accordance with this Law;

d) determine by decree the conditions and procedures for giving appropriate information to prisoners eligible to vote in prison/penal institutions;

e) establish by decree electoral districts and specify their boundaries;

f) where necessary, in order to solve the issues defined by this Law, have the right to create a special group by decree adopted by at least two-thirds of the total number of members, define the powers and the term of the group;



- g) if any subordinate election commission does not or cannot fulfill the obligations under the legislation of Georgia, have the right to terminate the powers of the commission by decree adopted by at least two-thirds of the total number of members and create an interim group to be responsible for exercising the powers until a new commission is established;
- h) determine by decree a schedule for electoral events according to the timeframes defined by this Law;
- i) call by decree extraordinary elections, re-run elections, by-elections, repeat voting, and second round of elections;
- j) on its own initiative or based on an application/complaint, under the procedure laid down in this Law for resolution of electoral disputes, verify the legality of decisions and acts of election commissions and their officials, and if any violation is identified, cancel or change the decisions and acts by its decree; decide by decree on opening of packages from the respective PEC and re-counting of ballot papers/lists of voters. In case of re-counting of ballot papers, the CEC shall notify thereof all the electoral subjects and observer organizations whose representatives attended the counting of ballot papers at an electoral precinct, and shall ensure, upon request, the attendance of their representatives at the re-counting process.
- k) based on summary protocols of polling results of DEC and PECs, giving consideration to the final decision of the court about violations of the electoral legislation of Georgia, determine the results of elections for the Parliaments of Georgia (under party lists), elections for the President of Georgia, elections for the Tbilisi Sakrebulo, elections for the Mayor of Tbilisi, referenda/plebiscites, for which a CEC summary protocol of election results shall be drawn up;
- l) grant by decree an election/referendum/plebiscite observer status to a non-entrepreneurial (non-commercial) legal entity laid down in this Law, as well as to an international organization, an organization registered in another country, and a group of representatives of government agencies of another country;
- m) determine by ordinance the procedure for distributing and utilizing state funds allocated for the conduct of elections, referenda, and plebiscites;
- n) determine by decree the form of election/referendum/plebiscite ballot papers; texts of ballot papers for parliamentary elections of Georgia, presidential elections of Georgia, mayoral and Sakrebulo elections of Tbilisi, and for referenda/plebiscites; types of election boxes, election envelopes, and election commission seals; types of electoral documents that are not covered by this Law but are essential for organizing elections;
- o) be accountable to the Parliament of Georgia and submit a report to it within 60 days after summarizing results of each election;
- p) ensure computer processing of polling/election results received from DEC and provide their immediate posting on the CEC website, and if a decision is made in accordance with subparagraph (j) of this paragraph, post the decision on the CEC website as well;
- q) manage the activities of DEC and hear their reports from time to time;
- r) ensure publication and distribution of information materials;
- s) adopt by ordinance the regulations for certification of Electoral Administration officers and competitions for selecting CEC staff members and DEC members;
- t) ensure monitoring of training conducted by the legal entity under public law - Center for Electoral Systems Development, Reforms, and Training;
- u) consider election-related applications and complaints in the manner laid down in this Law, and make appropriate decisions within its competence;
- v) be responsible for making a unified list of voters, its computer processing, and posting on the CEC website of the information designated as public (first name, last name, date of birth, address according to an identity card of a citizen of Georgia, for internally displaced persons (IDPs) from the occupied territories of Georgia - an actual address also required, as well as the date of registration of a voter in the unified list of voters). A unified list of voters of the precincts designated for ethnic minorities shall be posted on the CEC website during elections in the language understandable to them;
- w) determine by ordinance additional rule for making a unified list of voters and polling procedures;
- x) approve by decree a staff list and cost estimation based on the recommendation of CEC Chairperson;
- y) approve by ordinance the procedures and conditions for special training of PEC members;
- z) determine by decree the form for reporting on expenses related to DEC elections/referenda;
- z<sub>1</sub>) maintain database for the election commission members who violated the electoral legislation of Georgia and the violation was confirmed by court, who were dismissed from the Electoral Administration office by an election commission or a court for violating the electoral legislation of Georgia, and who were imposed disciplinary liability measures for culpable non-performance or improper performance of their official duties;
- z<sub>2</sub>) approve by ordinance the regulations of the legal entity under public law - Center for Electoral Systems Development, Reforms, and Trainings;
- z<sub>3</sub>) adopt by ordinance the Code of Ethics for the Electoral Administration officers;
- z<sub>4</sub>) approve by decree a budget statement of the Electoral Administration of Georgia for the next year;
- z<sub>5</sub>) approve by decree strategic and annual action plans of the Electoral Administration of Georgia;
- z<sub>6</sub>) determine by decree the conditions and procedures for the conduct of elections in the Armed Forces units of Georgia dislocated abroad;
- z<sub>7</sub>) determine by decree a minimum number of signatures of supporters for the candidates nominated by an initiative group of voters;





z<sub>8</sub>) exercise other powers granted by this Law.

2. All CEC ordinances shall be published in the Legislative Herald of Georgia ('Saqartvelos Sakanonmdeblo Matsne') and may also be published through other media. CEC ordinances relating to the issues laid down in paragraph 1(f-1) of this article shall be published within three days after their adoption.

3. The CEC shall have the right to adopt ordinances on the issues falling within its competence, as well as regarding the election and other procedures that are not covered by this Law and/or other legislative acts.

#### **Article 15 - Powers of the CEC Chairperson, Deputy Chairperson, and Secretary**

1. The CEC Chairperson shall be the senior official of the Electoral Administration of Georgia.

2. The CEC Chairperson shall:

a) perform all administrative duties in the CEC;

b) preside over CEC sessions;

c) administer CEC funds;

d) under this Law, register parties and electoral blocs running in elections, as well as initiative groups of voters (for the election of the President of Georgia) and their representatives to the CEC;

e) register candidates for President of Georgia, party lists, and candidates for Mayor of Tbilisi;

f) issue respective certificates to the representatives of parties and electoral blocs running in elections, as well as to the representatives of initiative groups of voters (for the election of the President of Georgia);

g) issue respective certificates to candidates for President of Georgia and candidates for Mayor of Tbilisi;

h) issue respective certificates to the elected President of Georgia, the MPs of Georgia, the Mayor of Tbilisi, the members of the Tbilisi Sakrebulo; in case of pre-term termination of office of an MP of Georgia or a member of the Tbilisi Sakrebulo, issue respective certificates to their successors;

i) furnish the Interim Credentials Commission of a newly elected Parliament of Georgia with all documents necessary for verifying the powers of elected MPs, and after setting up the respective Standing Committee, furnish the Standing Committee with the same documents;

j) exercise other powers granted by the electoral legislation of Georgia;

k) except for the issues falling within the competence of the CEC as defined by the law, based on an order of the CEC Chairperson, assign administrative and financial duties to the head of a CEC structural unit for a particular period;

l) give assignments to the Deputy Chairperson, Secretary, other members and employees of the CEC staff in accordance with the regulations of the Electoral Administration.

3. The CEC Deputy Chairperson shall:

a) perform duties assigned to the CEC Chairperson if the CEC does not have a Chairperson or the Chairperson is unable to perform his/her duties;

b) exercise certain powers of the CEC Chairperson by a decree of the CEC Chairperson and with the CEC consent (the decree shall clearly specify scopes and terms of assigned powers).

4. The CEC Secretary shall:

a) distribute all electoral documents and correspondence submitted and addressed to the CEC;

b) register the representatives of an electoral bloc/party independently running in elections for the Parliament of Georgia and for local self-government, as well as the representatives of a party and an initiative group of voters nominating the candidate for President of Georgia (for presidential elections of Georgia) to DEC's and issue respective certificates thereto;

c) register observers appointed in the CEC by a non-entrepreneurial (non-commercial) legal entity/international organization with a status of election/referendum/plebiscite observer, register observers sent by the state bodies of another country, and issue observer certificates to them;

d) accredit representatives of the media and issue accreditation cards to them by decree;

e) draft summary protocols of election results;

f) exercise other powers granted by the electoral legislation of Georgia.

#### **Article 16 - The CEC staff**

1. The CEC staff shall ensure organizational, legal, and technical support of elections and referenda.



2. The CEC regulations shall determine the structure, rules of procedure, and powers of the CEC staff.

3. An Electoral Administration officer (except for the commission members appointed by a party in the manner laid down in this Law) shall have limited involvement in party activities.

4. The CEC staff may not employ those who do not hold certificates of an Electoral Administration officer issued by the CEC, except for assisting and technical personnel, as well as office employees from the agencies, the activities of which are not directly linked with the electoral procedures. The CEC shall determine by ordinance the list of such agencies and personnel.

#### **Article 17 - Legal entity under public law - Center for Electoral System Development, Reform, and Training**

1. The Center for Electoral System Development, Reform, and Training (hereinafter – the ‘Training Center’) is a legal entity under public law established on the basis of the Election Code. Powers of the Training Center shall be laid down in the legislation of Georgia and the regulations of the Training Center.

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

3. The following shall be the duties of the Training Center:

a) support electoral reforms;

b) draft, within its competence, proposals and recommendations for the improvement of electoral systems;

c) train and ensure professional development of Electoral Administration personnel and other interested individuals through close cooperation with local and international organizations;

d) exercise duties of the Fund prescribed by Article 30<sup>1</sup> of the Organic Law of Georgia on Political Unions of Citizens;

e) provide certification of Electoral Administration officers in the manner laid down in a CEC ordinance;

f) conduct election monitoring within its competence.

4. The CEC Chairperson shall, with the consent of the CEC, appoint and dismiss the head of the Training Center. The CEC shall express its consent by decree.

#### **Article 18 - Electoral districts**

The CEC shall determine electoral districts, their boundaries, names, and numbers in the manner laid down in this Law.

#### **Article 19 - Setting up of DEC**

1. A DEC shall be a standing territorial body of the Electoral Administration of Georgia. DEC shall be set up by a majority vote of the total number of CEC members. A DEC shall have an official seal with its name thereon, stamp, independent balance sheet, and settlement and current bank accounts. The DEC chairperson and accountant shall be responsible for the DEC expenditure authorized by the CEC. A DEC may spend funds allocated for elections from any account opened with any commercial bank and/or its branch office.

2. The CEC shall have the right to set up by decree at least one DEC in each self-governing unit and ten DEC in Tbilisi.

3. The DEC chairperson/member shall be elected for a term of five years, while the tenure of a DEC member elected by the CEC following the calling of an election under paragraph 5 of this article shall be determined for a period starting with their appointment and ending with the announcement of final results of the respective elections.

4. Five members of a DEC shall be elected for a five year-term by a majority vote of the total members of the CEC.

5. After calling an election, 7 members of a DEC shall be appointed by the parties under Article 13 of this Law and 1 member shall be appointed by a majority vote of the total members of the CEC for a period ending with the announcement of final results of the respective elections.

6. The decision of a party on the appointment of a DEC member shall be submitted to the CEC within seven calendar days after calling elections. If the authorized parties fail to appoint DEC members within the timeframe laid down in this paragraph, the CEC may fill the number of DEC members to 13 on the day following the expiration of the timeframe in the manner laid down in this Law.

7. A DEC shall elect head officers from among its members by a majority vote of the total number of DEC members.

8. A DEC shall not be placed in the same building as the offices of Governor (state trustee) Administration, Sakrebulo and Municipality (Gamgeoba), political party (parties), court, and police.

9. A DEC may hire as many assisting and technical personnel (except for an accountant) as determined by CEC decree after calling an election until to the end of it.

10. A DEC may hire as many accountants as prescribed by paragraph 9 of this article until the end of the procedures laid down in Article 53(5) of this Law.



## Article 20 - Procedures for appointing/electing DEC members/head officers

1. A DEC shall consist of 13 members appointed/elected by the subjects defined by this Law in the manner and within the timeframe laid down in this Law.
2. If there is a respective vacancy, a DEC shall elect DEC head officers at the first session from among the commission members, for the term of membership, by a majority vote of the total number of members, through roll-call voting.
3. Not less than 2 members of the commission shall have the right to nominate candidates for DEC chairperson, deputy chairperson, and secretary.
4. The same candidate may be nominated only twice.
5. If a DEC fails to elect a head officer within the established timeframe, the commission member who receives the most votes during elections shall perform the duties of the head officer until he/she is elected; and in case of equal votes, the person elected by casting lots shall perform the duties of the head officer.
6. The CEC shall issue a decree for the conduct of competition not later than 60 days before the expiration of the term of office of a DEC member or not later than three days after the pre-term termination of his/her term of office.
7. The CEC shall elect a DEC member not earlier than 20 and not later than 10 days before the expiration of the term of office of the DEC member. The DEC head officers shall be elected within the same timeframe.
8. If the term of office of a DEC member elected by the CEC terminates early, the CEC shall elect the substitute within 15 days (and within seven days after calling Election Day). The DEC head officers shall be elected within the same timeframe if their term of office terminates early.
9. The term of office of one DEC member appointed by the CEC in accordance with Article 19(5) of this Law, and the term of office of commission members appointed by parties under Article 13 of this Law shall cease immediately after the announcement of final results of elections.
10. Candidates for DEC membership shall be selected by open competition.
11. Candidates for DEC membership shall be non-partisan persons with higher education, fluent in the official language of Georgia, and holding a certificate of an Electoral Administration officer.
12. Any capable citizen of Georgia, who has attained the age of 21 and who meets the requirements of this Law, may participate in a competition. The deadline for submission of competition documents shall be as follows:
  - a) in case of expiration of the term of office - within 14 days after the announcement of the competition;
  - b) in case of pre-term termination of office - within 10 days after the announcement of the competition, and if elections are called - within two days after the announcement of the competition.
13. A competition application shall specify: first name and last name, education (higher), occupation, scientific degree (if any), address (according to an identity card of a citizen of Georgia (registration certificate)), work place and position, contact address and telephone number (if any) of a candidate, number and name of an electoral district, in which the candidate wants to become a DEC member. The candidate shall sign the application and shall enclose with it:
  - a) two photos
  - b) a copy of an identity card of a citizen of Georgia (registration certificate)
  - c) a copy of a document of higher education of the candidate (scientific degree, if any)
  - d) a copy of a certificate of an Electoral Administration officer
  - e) employment record and description of the election-related experience of the candidate (if any).
14. If the submitted documents are inconsistent with the requirements prescribed by this article, the CEC Chairperson shall notify the candidate thereof (specifying the discrepancy) within two days. The corrected documents shall be returned to the CEC within two days, but not later than the registration deadline.
15. The CEC shall publish the list of candidates following the expiration of the time for filing documents.
16. The CEC shall elect DEC members by a roll-call vote. Each candidate shall be voted on separately. A person supported by a majority vote of the total number of CEC members shall be deemed elected. If the number of elected candidates exceeds the number of available vacancies, candidates with the most votes shall be elected. If the winner cannot be determined due to an equal number of votes received by some candidates, the candidates shall be put to a vote immediately in order to determine the winner. If a winner is still not determined, he/she shall be determined by casting lots. If all the vacancies are not filled after polling, the rest of the candidates shall be put to a vote again. If all the vacancies are not yet filled, the competition for the rest of the vacancies shall be announced once again.
17. The following subjects may not be elected/appointed as a DEC member:
  - a) a person who has not been granted the certificate of an Electoral Administration officer
  - b) a person dismissed from the position at the Electoral Administration by the election commission or a court for violation of the electoral legislation of



- c) a person who violated the electoral legislation and the violation was confirmed by a court
- d) a person who has been convicted of a crime (except when a fine is imposed as a sanction) and whose conviction has not been expunged
- e) an election subject/candidate and his/her representative
- f) an election observer.

18. If a person is elected/appointed as a DEC member, he/she shall, within seven days, meet the requirements defined by this Law for the restriction of activities and official incompatibility.

#### **Article 21 - Powers of DECs**

A DEC shall:

- a) ensure, within its powers, the conduct of elections, referenda, and plebiscites, oversee the process of implementation of the electoral legislation of Georgia, and ensure its uniform application;
- b) establish and specify by decree the boundaries of electoral precincts;
- c) if a subordinate PEC is unable or fails to perform the duties assigned to it under the legislation of Georgia, have the right to request the CEC to suspend the powers of that commission by a majority decision of the total number of DEC members;
- d) determine by decree the text of ballot papers for the election of local self-government bodies to be held in the electoral district;
- e) based on an application/complaint (if the application/complaint is filed in the manner and within the timeframe laid down in this Law) or on its own initiative, verify the legality of actions and decisions made by PECs and their officials (including the accuracy of registration of election participants, counting of ballot papers, etc.), and if violations are determined, make respective decisions (including changing of data in the PEC summary protocol of polling results after the verification or annul polling results in an electoral precinct). If the violation results in the replacement of an elected person in a single-seat district or in the replacement of any candidate running in the second round of elections, or in the replacement of persons elected in a multi-seat district (when holding elections for local self-government bodies), or in the change of a decision to declare elections held or to declare failure of elections (according to a majoritarian electoral district and during elections of local self-government bodies), and if such a verification is not sufficient for the DEC to establish the legality of the results, the DEC shall make a decision to declare polling results in the respective electoral precinct void and apply to the CEC for setting the date for a repeat vote. If the DEC decides to recount votes, it shall notify all election subjects and observer organizations, representatives of which attended the counting of ballot papers at an electoral precinct, and shall ensure, upon request, the attendance of their representatives at the re-counting process;
- f) based on summary protocols of polling results of PECs, giving consideration to the final decision about violations of the electoral legislation of Georgia, summarize electoral district voting results of respective elections/referenda/plebiscites and draw up a summary protocol of polling results of the DEC;
- g) based on summary protocols of polling results of PECs, giving consideration to any district/city court decision about violations of the electoral legislation of Georgia, determine the results of elections held through the majoritarian system in majoritarian electoral districts during the elections for the Parliament of Georgia and in an electoral district during the elections for local self-government bodies (except for the Tbilisi Sakrebulo elections), and draw up a summary protocol of polling results of the DEC;
- h) grant by decree the status of a domestic observer of elections/referenda/plebiscites to local non-entrepreneurial (non-commercial) legal entities laid down in this Law;
- i) ensure the conduct of extraordinary elections, re-run elections, repeat voting, and run-off elections;
- j) ensure the release and publication of election-related information materials;
- k) examine the election-related applications and complaints and make respective decisions within its powers;
- l) facilitate the compiling of lists of voters in the manner laid down in this Law and ensure publicity thereof and accessibility thereto;
- m) provide PEC members with workshops and training courses for the purpose of professional development;
- n) exercise other powers granted by this Law.

#### **Article 22 - Powers of chairpersons, deputy chairpersons, and secretaries of DECs**

1. The DEC chairperson shall:

- a) perform full administrative duties at the DEC;
- b) chair DEC sessions;
- c) administer DEC funds;



d) give assignments to the deputy chairperson, secretary, other DEC members, and assisting and technical personnel in accordance with the regulations of the Electoral Administration;

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

f) issue respective certificates to candidates nominated by a party/electoral bloc/initiative group of voters;

g) issue respective certificates to elected Sakrebulo members (except for Tbilisi Sakrebulo members) and if the term of office of the members are terminated early, issue respective certificates to the successors of the members;

h) furnish the CEC with all documents required for the verification of powers of elected Sakrebulo members and with other electoral documents laid down by the electoral legislation of Georgia;

i) exercise other powers granted by the electoral legislation of Georgia.

2. The DEC deputy chairperson shall:

a) perform the duties of the DEC chairperson if the DEC does not have a chairperson or the DEC chairperson is unable to perform his/her duties;

b) exercise certain powers granted by a decree of the DEC chairperson (the decree shall clearly specify scopes and terms of powers).

3. The DEC secretary shall:

a) distribute electoral documents and correspondence submitted and addressed to the DEC;

b) register the representatives of an electoral bloc/initiative group of voters/party independently running in elections to PECs and issue respective certificates to them;

c) register observers appointed by a non-entrepreneurial (non-commercial) legal entity with an election/referendum observer status in DEC and PECs and issue observer certificates to them;

d) accredit the media representatives and issue accreditation cards to them by its decree;

e) draw up minutes of election commission sessions, including the summary protocols of polling and election results;

f) exercise other powers granted by the electoral legislation of Georgia.

### **Article 23 - Electoral precincts**

1. In order to conduct polling and to count votes, an electoral district shall be divided into electoral precincts.

2. An electoral precinct shall be set up for not less than 20 and not more than 1,500 voters. The respective DEC shall set up electoral precincts, define their boundaries and numbers not later than July 1 of the election year, and shall publish, within two days, the respective information about the boundaries of the electoral precincts. Based on the data of local self-government bodies, the DEC shall define and specify the list and addresses of the residential buildings within the area of the electoral precinct, as well as the list and addresses of all facilities that may be used by the Electoral Administration for election purposes. If extraordinary elections of the Parliament of Georgia are called, the electoral precincts shall be set up not later than 40 days before Election Day.

3. Information about the boundaries of electoral precincts, specifying the addresses of all residential buildings (if any), shall be posted inside the DEC building.

4. In exceptional cases (a military unit with more than 50 voters (military servicemen, officers, persons with a special rank of the Georgian Ministry of Defense), hospital, and other inpatient facility with more than 50 voters, etc.), an electoral precinct may be set up not later than the 15<sup>th</sup> day before the polling day. A hospital (inpatient facility) or a military unit with not more than 50 voters (patients, military servicemen) shall be assigned by DEC decree to the nearest electoral precinct. At the well-founded written request of the commander of a respective military unit and by DEC decree, an electoral precinct may be set up within the military unit, in which the number of voters does not exceed 50 military servicemen.

5. A respective DEC shall specify the boundaries of electoral precincts, as well as the list of buildings and addresses located within the area of an electoral precinct not later than 50 days before Election Day based on the data and verification provided by the municipality, self-governing city, and local self-government bodies acting in the city area. The specified boundaries of electoral precincts shall be published immediately.

6. Electoral precincts within military units shall be set up in the manner laid down in this Law, according to the location of the military unit.

7. Electoral precincts abroad shall be set up by the CEC based on data provided by the Ministry of Foreign Affairs of Georgia, not later than the 30<sup>th</sup> day before Election Day, for not less than 20 and not more than 3,000 voters. The CEC shall summarize the results of the above electoral precincts in separate protocols.

8. A DEC shall, not later than five days after setting up an electoral precinct and within two days in cases laid down in paragraph 4 of this article, publish the numbers of electoral precincts, addresses, telephone (fax) numbers, and other information of PECs through the press and other media.

*Organic Law of Georgia No 901 of 29 July 2013 – website, 20.8.2013*



## **Article 24 - Setting up of PECs**

1. PECs shall be composed of 13 members appointed/elected by the subjects under this Law in the manner and within the timeframe defined by this Law.
2. A respective DEC shall elect 6 PEC members by a majority vote of the total number of DEC members.
3. The CEC shall elect 6 members of a PEC set up abroad by a majority vote of the total number of CEC members.
4. The subjects under this Law shall elect 7 PEC members in the manner prescribed by Article 13 of this Law.
5. The following subjects shall not be elected/appointed as PEC members:
  - a) a person dismissed from his/her position at the Electoral Administration of Georgia by the election commission or a court for the violation of the electoral legislation of Georgia
  - b) a person who violated the electoral legislation of Georgia and the violation was confirmed by the court
  - c) a person who has been convicted of a crime and whose conviction has not been expunged
  - d) an MP of Georgia or the head of staff of the Parliament of Georgia
  - e) ministers and deputy ministers of Georgia and the Autonomous Republics
  - f) heads of departments and divisions of the ministries
  - g) heads of local self-government representative and executive bodies – head of Sakrebulo, Gangebeli (head of local municipality), Mayor, and their deputies
  - h) military personnel serving under the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Ministry of Corrections and Legal Assistance of Georgia; officers of the Georgian Intelligence Service, the Special State Protection Service of Georgia, and the Investigation Department of the Ministry of Finance of Georgia
  - i) judges and their assistants
  - j) employees of the Prosecutor's Office
  - k) election subjects/candidates and their representatives
  - l) election observers.
6. A public officer may be appointed as a PEC member, except for persons laid down in paragraph 5 (d-j) of this article, and the requirements defined by the Law of Georgia on Public Service for official incompatibility shall not apply to them. In the course of exercising powers as a PEC member, the term of office of a public officer shall be suspended at his/her permanent place of work, for which purpose a leave of absence may be used.

## **Article 25 - Procedure for appointing/electing PEC members and head officers**

1. If there is a vacancy for a PEC chairperson, deputy chairperson, or secretary, the PEC shall elect the PEC chairperson, deputy chairperson, and secretary at the first session from among the commission members, for the term of membership, by a majority vote of the total number of members, by a roll-call vote. Not less than 2 members shall have the right to nominate a candidate. At the same time, PEC head officers may not be the representatives of the same election subject.
2. If a PEC fails to elect its chairperson, deputy chairperson, or secretary within the established timeframe, the commission member who receives the most votes during elections shall perform the duties of the chairperson, deputy chairperson, and secretary until he/she is elected; and in case of equal votes, the person determined by casting lots shall perform the duties of the chairperson, deputy chairperson, and secretary.
3. The same candidate may be nominated only twice.
4. A DEC shall elect 6 PEC members not earlier than the 50<sup>th</sup> day and not later than the 46<sup>th</sup> day before Election Day, except for the extraordinary elections for the President of Georgia. In this case, the DEC shall elect 6 PEC members not earlier than the 38<sup>th</sup> day and not later than the 36<sup>th</sup> day before Election Day. Members of the PEC set up in exceptional cases shall be elected not earlier than the 10<sup>th</sup> day and not later than the ninth day before Election Day.
5. The CEC shall elect 6 members of the PEC set up abroad not earlier than the 24<sup>th</sup> day and not later than the 20<sup>th</sup> day before Election Day.
6. The decision of the party authorized under Article 24(4) of this Law regarding the appointment of a PEC member shall be submitted to the respective DEC not earlier than the 50<sup>th</sup> day and not later than the 46<sup>th</sup> day before Election Day, except for the extraordinary presidential elections. In this case, the decision of an authorized party regarding the appointment of a PEC member shall be submitted to the respective DEC not earlier than the 14<sup>th</sup> day and not later than the ninth day before Election Day, and for a commission operating outside the country, the same decision shall be submitted to the CEC after setting up the PEC not later than the 20<sup>th</sup> day before Election Day.
7. The respective DEC shall publish the list of PEC members not later than the 29<sup>th</sup> day before Election Day, while the list of commissions set up in exceptional cases shall be published not later than the fifth day before Election Day, and the CEC shall publish the list of commissions operating abroad



not later than the 10<sup>th</sup> day before Election Day.

8. If on the 30<sup>th</sup> day, and for the commissions set up in exceptional cases, on the eighth day, and for the commissions operating abroad, on the 19<sup>th</sup> day before Election Day there are less members in the PEC than required, the superior DEC (in the first two cases) and the CEC (in the third case) may elect commission members within three days from among the competing candidates or by announcing another competition. The CEC shall determine the procedure, conditions, and terms of the competition for PEC membership candidates by its decree.

9. The decision of an authorized party about withdrawal of a PEC member or appointment of his/her legal successor shall be submitted to the respective PEC and the superior DEC, and for the commissions operating abroad, the decision shall be submitted to the CEC.

10. If a party authorized to appoint the legal successor of a commission member fails to exercise this right after the term of office of the commission member terminates early, or if the term of office of a commission member elected by a DEC or the CEC terminates early and because of this there are fewer members in the commission than required, the DEC or the CEC may appoint a new candidate within five days after expiration of the deadline for nomination of new candidates.

11. The CEC and DEC shall elect PEC members by roll-call vote. Each candidate shall be voted on separately. A person who is supported by a majority vote of the total number of the commission members shall be deemed elected. If the number of elected candidates exceeds the number of available vacancies, candidates with the most votes shall be elected. If the winner cannot be determined due to the equal number of votes received by some candidates, the candidates shall be put to a vote immediately in order to determine the winner. If a winner is still not determined, he/she shall be determined by casting lots. If all the vacancies are not filled after polling, the CEC shall make an appropriate decision.

12. A decision about election/appointment of a PEC member shall specify the first and last names of the elected/appointed member, as well as the number of the PEC in which the candidate has been elected/appointed as a member. A party decision about the appointment of a member shall include the following information about the elected commission member: contact address, telephone number, and identity card of a citizen of Georgia (registration certificate).

13. A candidate shall not be deemed a member of the commission if the deadlines for submission of respective documents laid down in this article are not met and/or the documents submitted are incomplete or inaccurate, and if the deficiency in documents is not corrected within the timeframe set forth in this paragraph. If the submitted documents do not meet the requirement defined by this article, the CEC or DEC chairperson shall, within two days, inform (specifying the discrepancy) the person who elected/appointed the commission member. Corrected documents shall be re-submitted to the respective DEC or the CEC within three days.

14. The term of office of a PEC member shall commence at the first session of the PEC and shall terminate upon drawing up of the summary protocol of polling results in the respective DEC.

15. (Deleted – 25.7.2013, No 864)

16. (Deleted – 25.7.2013, No 864)

17. (Deleted – 25.7.2013, No 864)

18. (Deleted – 25.7.2013, No 864)

19. (Deleted – 25.7.2013, No 864)

20. The term of office of a PEC member shall terminate upon election of his/her substitute commission member.

21. The first session of a newly set up PEC shall be held not later than the 34<sup>th</sup> day before the general election day. In exceptional cases and in electoral precincts operating abroad, the first session of the PEC shall be held not later than the third day after setting up the commission. The respective DEC chairperson shall call the first PEC session. An exception is the first session of a PEC set up abroad that shall be called by the CEC Chairperson.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

## **Article 26 - Powers of PECs**

1. A PEC is an interim territorial body of the Electoral Administration of Georgia, which is composed of the subjects laid down in Article 24 of this Law, officials appointed/elected by the CEC and the superior DEC.

2. A PEC shall:

a) within its powers, ensure the conduct of elections, referenda, and plebiscites in an electoral precinct, the implementation of the electoral legislation of Georgia, the compliance of the procedures under the electoral legislation of Georgia during polling, the exercise and the protection of the rights of voters, representatives, and observers guaranteed by the Constitution of Georgia and this Law;

b) verify the accuracy of the lists of voters, review complaints related to the lists of voters and if errors and inaccuracies are identified, apply to the superior DEC, not later than the following day, for making changes to the lists;

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

d) determine polling results at the PEC and draw up a summary protocol of polling results;

e) have the right to bring up a question to the superior DEC, by decision of a majority of the total number of its members, for declaring polling results



void;

f) distribute voter invitation cards among voters;

g) be responsible for the posting of information under the electoral legislation of Georgia in electoral precincts, for the proper preparation of the place where polling and ballot counting are to be conducted, and ensure the observance of order at the precinct;

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

i) guarantee the unconditional exercise of suffrage for voters on the polling day and assume full responsibility for the protection of those rights;

j) cancel decisions made by the PEC chairperson regarding temporary closure of the polling station, cessation of the polling process, reopening of the polling station, and continuation of polling following its closure;

k) exercise other powers granted by the electoral legislation of Georgia.

3. All decrees issued by a PEC and its chairperson shall be posted at the electoral precinct on the following day.

### **Article 27 - Powers of chairpersons, deputy chairpersons, and secretaries of PECs**

11. The PEC chairperson shall:

a) perform full administrative duties at the PEC;

b) chair PEC sessions;

c) receive and distribute electoral documents and correspondence submitted and addressed to the PEC;

d) assume personal responsibility for the storage and purposeful distribution of ballot papers, special envelopes, commission seals, summary protocols, and other electoral documents;

e) give assignments to the deputy chairperson, secretary and other members of the commission in accordance with the regulations of the Electoral Administration;

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

g) be responsible for keeping order inside the polling station and in the vicinity on the polling day;

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

i) submit all electoral documents to the superior DEC after the summarization of polling results;

j) exercise other powers granted by the electoral legislation of Georgia.

2. The PEC deputy chairperson shall:

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

b) exercise certain powers granted by a decree of the PEC chairperson (the decree shall clearly specify scopes and terms of the powers).

3. The PEC secretary shall:

a) draft the PEC decrees;

b) be responsible for the release of public information;

c) draw up minutes of PEC sessions, including summary protocols of polling results;

d) exercise other powers granted by this Law.

4. If PEC members fail to fulfill the requirements defined by this Law, disciplinary measures prescribed by Article 28(1)(2) hereof shall be imposed on them.

### **Article 28 - Disciplinary liability measures against PEC and DEC members**

1. The following shall constitute disciplinary misconduct by DEC and PEC members:

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

b) inflicting or culpably threatening to inflict property damage to the Electoral Administration of Georgia

c) absence at work without a good reason





- d) having missed 3 consecutive PEC sessions without a good reason
  - e) gross violation of the electoral legislation of Georgia and the respective election commission regulations
  - f) refusal to perform the mandatory signing of summary protocols of polling and election results.
2. The respective superior DEC may apply the following disciplinary measures against DEC and PEC members for any disciplinary misconduct:
- a) verbal warning
  - b) written warning
  - c) withholding salary/part of salary
  - d) early termination of powers (except for members appointed by parties).
3. Only one disciplinary measure may be applied for one incident of misconduct.
4. The respective superior election commission shall apply simple administrative proceedings under the General Administrative Code of Georgia for imposing disciplinary measures against DEC and PEC members. Disciplinary measures imposed on an election commission member shall be appropriate to the gravity of the disciplinary misconduct committed by the commission member.

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### **Article 29 - Early termination of tenure of election commission members/head officers**

1. The tenure of the CEC Chairperson/member shall terminate early by a resolution of the Parliament of Georgia (except for the CEC members appointed by parties set forth in Article 13 of this Law and other cases defined by this Law), and for DEC or PEC members – by a decree of the superior election commission (except for cases prescribed by paragraph 6 of this article and Article 13 of this Law), provided that:
- a) an election commission member fails, within seven days after his/her election, to cease activities and/or office that is incompatible with the commission member status;
  - b) an election commission member takes over a position incompatible with the commission member status under this Law;
  - c) the fact that an activity is incompatible with the status of the election commission member has been disclosed;
  - d) the data specified in the documents submitted for membership competition is inaccurate - from the day of the disclosure;
  - e) a member fails to fulfill the duties and powers of the CEC or DEC chairperson/member for two consecutive months or has not attended 3 consecutive sessions of the CEC or DEC without a good reason;
  - f) there is a guilty verdict of a court, or an election commission member violates the electoral legislation of Georgia and the violation is confirmed by a court – in the case of the entry into force of a court decision;
  - g) an election commission member is withdrawn by the party that appointed him/her in the manner laid down in this Law - in the case of the filing of an application for withdrawal;
  - h) the status of an election commission member, as a voter, is cancelled;
  - i) there are cases of systematic or gross violation of the electoral legislation of Georgia, regulations of the Electoral Administration, or there are other respective basis under the Law of Georgia on Public Service.
2. In case of resignation of the election commission chairperson, deputy chairperson, commission secretary:
- a) an application of resignation of the CEC Chairperson shall be submitted to the Parliament of Georgia;
  - b) an application of resignation of the CEC Deputy Chairperson and Secretary shall be submitted to the CEC;
  - c) an application of resignation of DEC or PEC chairperson, deputy chairperson, secretary shall be submitted to the respective election commission.
3. The CEC Chairperson shall be dismissed early by a resolution of the Parliament of Georgia, and the CEC Deputy Chairperson, Secretary, DEC or PEC chairperson, deputy chairperson, and secretary shall be dismissed early by a decree of the respective election commission.
4. In case of death of an elected CEC member, the Parliament of Georgia shall note that fact, and it will be included in the plenary session protocol of the Parliament of Georgia. In case of death of an elected DEC member, the CEC shall note that information and include it in the CEC session protocol.
5. Dismissal of an election commission chairperson, deputy chairperson, and secretary on the same grounds, as well as an application for early termination of powers of an election commission member twice in a row within six months shall be prohibited.
6. The tenure of election commission members appointed by parties under the first paragraph of this article (except for cases laid down in paragraph 1(g) of this article and Article 13 of this Law) shall terminate early by a court decision.
7. In case of one of the grounds laid down in the first paragraph of this article, the Parliament of Georgia shall discuss and decide upon the resignation,



early termination of powers of the election commission chairperson, deputy chairperson, or secretary within 15 days, or within five days when the decision is made by an authorized election commission. A decision shall be made according to the same procedure as applied during the election process.

8. Unless an application of resignation/early termination of powers is satisfied within the timeframe prescribed by this article, the election commission chairperson, deputy chairperson, or secretary shall be deemed to have resigned, and the term of office of the election commission member shall be deemed automatically terminated from the day following the expiration of the above timeframe.

9. An election commission member may not be withdrawn within 15 days before polling day.

### **Article 30 - Legal acts of the Electoral Administration of Georgia**

1. Legal acts of the Electoral Administration of Georgia shall be as follows:

a) an ordinance and a decree of the CEC, an order and a decree of the CEC Chairperson, a decree of the CEC Secretary, a summary protocol of polling results of the CEC

b) a DEC decree, a decree of the commission chairperson, a decree of the commission secretary, a summary protocol of polling and election results of a DEC

c) a PEC decree, a decree of the commission chairperson, a summary protocol of polling results of a PEC.

2. A CEC ordinance is a subordinate normative act that may be passed only in cases directly defined by law. An ordinance may also be passed in exceptional cases, from the commencement until the end of elections, if it becomes necessary to resolve issues that are not covered by this Law but are required for the conduct of elections. A manual, describing separate electoral procedures, may be adopted by an ordinance, which shall not contain standards that are new or different from the standards laid down in this Law but may contain detailed description of the procedures defined by this Law.

3. A CEC ordinance shall be deemed adopted if supported by at least two-thirds of the total number of CEC members. An ordinance shall be signed by the Chairperson and Secretary of the respective CEC session. A CEC ordinance shall enter into force immediately after its publication in the Legislative Herald of Georgia ('Saqartvelos Sakanonmdeblo Matsne'), unless a later date is defined by the ordinance. A CEC ordinance shall not be adopted later than four days before polling day. A CEC ordinance may be appealed from the moment of its adoption. A CEC ordinance shall be placed on the CEC website within 24 hours following its adoption.

4. Decrees of an election commission, its chairperson, and secretary, summary protocols of polling results are individual administrative-legal acts adopted/issued in cases and within the scope laid down in this Law and CEC ordinance. Commission decrees shall be signed by the chairperson of a respective commission session and the commission secretary, while other decrees shall be signed by the issuing official. Summary protocols shall be signed by authorized officers as laid down in this Law. A commission decree shall be deemed adopted, unless other quorum is identified by this Law, if it is supported by a majority of those present at the session, but not less than one-third of all members of the commission.

5. An order of the CEC Chairperson is an individual legal act issued with regard to intra-agency issues including human resources.

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

## **Chapter III. Lists of Voters**

### **Article 31 - Unified list of voters and its formation procedure**

1. The unified list of voters shall be a list of individuals having active suffrage and registered in the manner defined by the legislation of Georgia and shall be divided by electoral precincts.

2. The unified list of voters shall include the following data of voters:

a) first and last name

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

c) address (according to an identity card of a citizen of Georgia)

d) personal number of a citizen of Georgia

e) actual place of residence (for IDPs from the occupied territories of Georgia, specify temporary place of residence; for voters living abroad, specify 'on a consular registry' (except for elections for a Sakrebulo and the Mayor of Tbilisi), however, for those not entered in a consular registry of Georgia, specify 'abroad')

f) date of entering in the unified list of voters.

3. All data shall be entered in the unified list of voters according to the place of their registration. IDPs from the occupied regions of Georgia shall be entered in the unified list of voters in accordance with their actual place of residence.

4. The CEC shall be responsible for the formation of a unified list of voters, its computer processing, and posting on the CEC website of the information designated as public (first name, last name, date of birth, address according to an identity card of a citizen of Georgia, for IDPs from the occupied



territories of Georgia - an actual address also required, as well as the date of registration of a voter in the unified list of voters).

5. The unified list of voters shall be drawn up based on the data:

- a) of those registered in the respective territory within territorial agencies of the Ministry of Justice of Georgia, including of those who have attained the age of 18 by Election Day, as well as of deceased persons;
- b) communicated by the local self-government bodies about deceased individuals whose relatives have not applied to the territorial bodies of the Ministry of Justice of Georgia for obtaining a death certificate, as well as based on the data of streets and houses with changed names/numbers;
- c) communicated by the Ministry of Accommodation and Refugees of Georgia and/or its territorial agencies about IDPs from the occupied territories of Georgia;
- d) communicated by the Ministry of Defense of Georgia, Ministry of Justice of Georgia, Ministry of Corrections and Legal Assistance of Georgia, Ministry of Internal Affairs of Georgia, Georgian Intelligence Service and Special State Protection Service about both conscript and contract military servicemen of the Armed Forces and military units of Georgia, whose service conditions require them to stay at an address different from their place of registration in a different electoral district;
- e) communicated by the heads of consular offices of Georgia about voters on a consular registry of Georgia (except for elections for a Sakrebulo and the Mayor of Tbilisi);
- f) communicated by the Supreme Court of Georgia about persons who have been declared incapacitated by the court;
- g) communicated by the Ministry of Corrections and Legal Assistance of Georgia about persons who have been imprisoned as a preventive measure, who have been sentenced to prison for crimes of less gravity, as well as those who have been sentenced to prison for grave and/or especially grave crimes but who will be released from prison/detention facility by Election Day due to the expiration of their sentence.

6. In order to update a unified list of voters, the agencies described in subparagraphs (a-c) of this article shall submit updated or new information to the CEC about persons having voting rights, four times a year, within the timeframe laid down in this paragraph, namely, on February 1, May 1, July 15, and November 1 of each year, while the agencies listed in subparagraphs (f) and (g) of the same paragraph shall submit information to the CEC about persons having no voting rights, four times a year, within the timeframe laid down in this paragraph. Based on the submitted data, the CEC shall update the electronic database of the unified list of voters.

7. A party or an electoral bloc having gone through the electoral registration, observer organizations, and voters laid down in Article 39 of this Law shall have the right to access the version of the lists of voters available in the CEC, DEC or PEC that are designated as public information (a voter may request all data available only about himself/herself and members of his/her family and may amend it) and in case of any discrepancy, to request amendments to the data of voters and the lists of voters not later than 16 days before Election Day, or during a non-election period – at any time. The data shall be published and copies shall be provided in the manner defined by the legislation of Georgia for accessibility to and release of public information.

8. During elections, the Electoral Administration shall verify the lists of voters. A DEC shall review the verification results and make respective decisions within two calendar days after filing of an application, but not later than 14 days before Election Day. A decree issued by the same commission about the refusal to amend the data of voters/the lists of voters shall be well-founded and submitted to an applicant on the day following its publication, upon request.

9. A DEC decree for making amendments to the data of voters/the lists of voters shall be submitted to the CEC and respective PEC within two days.

10. A DEC decree about the refusal to amend the data of voters/the lists of voters may be appealed to any respective district/city court within two days. If a lawsuit is satisfied by the court, the court decision shall be submitted to the DEC within two days, but not later than the 11<sup>th</sup> day before Election Day. The DEC shall immediately submit appropriate information to the CEC and the respective PEC. Election commissions shall immediately make respective amendments to the data of voters/lists of voters.

11. A PEC shall be provided with a version of the unified list of voters that is designated as public information, signed by the DEC chairperson and its secretary, not later than the day of its first session, while the PEC shall be provided with the final version of specified lists (versions designated for an election commission and for public information) not later than the second day before Election Day. The versions of the unified list of voters designated for public information shall be posted in a visible place within PEC premises.

12. A DEC shall decide by decree the matter of registration of voters who have failed to go through registration within the timeframe defined in law, provided that an application and other respective documents (entry in a passport of a citizen of Georgia about crossing the state border, certificate from an inpatient facility, certificate of release from prison facility) are submitted. The DEC shall review the application of a voter within two days after its submission, or immediately if less than two days are left before Election Day. The voter shall be notified of a negative decision immediately. If such a voter applies to the Electoral Administration on polling day for participating in elections, the voter shall be registered by the respective PEC and shall attach photocopies of respective documents to the lists of voters.

13. It is prohibited to amend lists of voters within the last 10 days before Election Day, except for cases laid down in paragraph 12 of this article, and any amendments from the 13<sup>th</sup> to the 10<sup>th</sup> day before Election Day may be made only by a court decision.

14. The CEC shall, within five days after calling elections and thereafter not later than the fifth day before polling, post the total number of voters in Georgia and in every electoral district in Georgia on its website.

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

## **Article 32 - Special lists of voters**

1. Special lists of voters shall include:

<http://www.matsne.gov.ge>



a) Electoral Administration officers who are unable to vote in elections on the polling day according to their place of registration because of their activities in election commissions: the respective DEC shall enter Electoral Administration officers in the list of pre-defined electoral precincts not later than the fifth day before the polling day;

b) voters who undergo treatment in a hospital or in any other inpatient facility and who cannot be discharged from hospital on polling day because of their health problems: the head of the relevant medical institution shall draw up a list of those individuals and shall submit it to the respective DEC not later than the sixth day before the polling day;

c) voters serving a sentence in prison on the polling day: the head of the relevant penal institution shall draw up a list of those individuals and shall submit it to the respective DEC not later than the sixth day before the polling day;

d) conscript and contract servicemen of military (militarized) forces and units of the Ministry of Defense of Georgia and the Ministry of Internal Affairs of Georgia: the commander of the relevant military unit shall draw up a list of those individuals and shall submit it to the respective DEC:

d.a) not later than July 1 of the election year;

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

d.c) not later than the sixth day before the polling day, taking into account the number of conscripts.

e) voters who are staying abroad and who are registered with a consular office of Georgia on the polling day, as well as voters who are not registered with a consular office of Georgia but have gone through electoral registration in a PEC set up abroad or in a consular office not later than the 21<sup>st</sup> day before Election Day: the head of the relevant consular office shall draw up a list of those individuals and shall submit it to the CEC not later than the 20<sup>th</sup> day before the polling day. During the period of parliamentary and presidential elections, from the day of calling an election until not later than the 21<sup>st</sup> day before Election Day, voters shall be exempted from a consular fee charged for registration with a consular office;

f) individuals defined in paragraph 7 of this article.

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

3. A DEC shall, by a decree, draw up and approve special lists of individuals defined in the first paragraph of this article, as well as based on its own data, not later than the third day before Election Day, and shall immediately submit them to the respective PEC.

4. If voters are entered in a special list of voters, a respective note shall be made in the unified list of voters of an electoral precinct and shall be endorsed by signatures of the PEC chairperson and secretary.

5. Voters entered in a special list of voters shall vote in:

a) both majoritarian and proportional elections, provided that a voter changes his/her whereabouts within the same electoral district or the same local electoral district in case of local self-government elections (except for voters defined in paragraph 1(d) of this article);

b) parliamentary elections of Georgia held through the proportional electoral system, as well as presidential elections and referenda of Georgia, provided that a voter casts his/her vote in another electoral district.

6. During elections for a Sakrebulo or the Mayor of Tbilisi, voters set forth in paragraph 1(d) of this article staying on the polling day:

a) at appropriate locations permanently for one year or more, may participate in both majoritarian and proportional elections/referenda;

b) at appropriate locations permanently for less than one year, may participate in majoritarian elections, provided that their place of registration falls within the boundaries of the respective electoral district.

7. In order to participate in elections for the Parliament of Georgia held through the proportional/majoritarian system and in elections for the President of Georgia, as well as in referenda, voters defined in paragraph 1(d) of this article entered into a special list of voters shall vote according to the location of the military unit. If a voter wishes to vote according to his/her place of registration, he/she shall, not later than 16 days before Election Day, apply to the respective PEC to be entered into the unified list of voters according to the place of registration.

8. If a voter is entered into a mobile ballot box list, the special list of voters shall specify 'mobile box', the reason for entering the voter into the list and shall be endorsed by signatures of the PEC chairperson and secretary.

### **Article 33 - Mobile ballot box list**

1. A mobile ballot box list shall be drawn up based on unified and special lists of voters (except for the voters staying abroad on polling day) if:

a) a voter is unable to independently visit polling station because of disability and/or health problems;

b) a voter is in prison;

c) a voter is in hospital or in any other inpatient facility for treatment where no electoral precinct will be opened;

d) a voter is a military serviceman serving in a military unit at the state border of Georgia that is located far from the electoral precinct and where no electoral precinct will be opened;



e) a voter is within the territory of the electoral district but his/her location is difficult to access.

2. If a voter is unable to visit polling station on polling day, he/she shall apply to the PEC for mobile voting at least two days before the polling day. On the polling day, a DEC shall transfer information of any voter undergoing treatment at an inpatient facility to the respective PEC not later than two days before the polling day. The voter shall be entered into the mobile ballot box list after:

a) the PEC secretary registers and endorses with his/her signature a written application or telephoned verbal application of a voter specifying the precise time of the telephone call and the telephone number;

b) the transfer of a voter into the mobile ballot box list is specified in the unified or special lists of voters that shall be endorsed by signatures of the PEC chairperson and secretary.

3. Information of voters to be entered into the mobile ballot box list shall immediately be posted in a visible place within the electoral precinct. PEC members, representatives of election subjects, and observers shall have the right to verify whether the request for mobile voting is well-substantiated and shall raise a question before the PEC whether it is advisable to enter those individuals into the mobile ballot box list any time before Election Day. The PEC shall decide the above issue.

4. Number of voters laid down in paragraph 1(a) of this article shall not exceed 3 percent of the voters on the unified list of voters per electoral precinct. After reaching the maximum number of voters, the respective DEC shall decide on adding more voters to the mobile ballot box list by the two-thirds of members attending the DEC session.

5. A mobile ballot box list shall include the data of voters already entered into the unified list of voters and shall additionally specify sequence numbers of voters in the unified or special lists of voters.

6. A mobile ballot box list shall be posted, as soon as it is drawn up, in a visible place within PEC premises and polling stations.

*Organic Law of Georgia No 1273 of 20 September 2013 – website, 2.10.2013*

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

1. The PEC shall, on the first day of the commission session, put up the lists of voters and the procedures defined by law for the filing of complaints about the lists of voters, as well as shall put up the mobile ballot box list, immediately after it is drawn up, in a conspicuous place at the PEC premises and polling stations. The PEC chairperson shall be responsible for failure to meet these requirements.

2. In the lists set forth in the first paragraph of this article, based on the verification of data entered into the lists within the timeframe defined by this Law, the column 'Actual Status' alongside the last name of a voter who:

a) is registered in a consular office of Georgia abroad, shall specify 'on a consular registry';

b) is staying abroad but is not registered in a consular office of Georgia, shall specify 'abroad';

c) is doing fixed-term or contractual military service at the military forces and military units of Georgia, shall specify 'doing military service';

d) is entered into a special list of voters, shall specify: 'member of commission', 'in hospital', or 'imprisoned';

e) is entered into the mobile ballot box list, shall specify: 'mobile ballot box'.

#### **Article 35 - Voter invitation cards**

1. A PEC may, not later than two days before polling, issue a voter invitation card to all voters registered in the territory of the electoral precinct and entered into the list of voters, which shall specify the following:

a) date and time of polling

b) address, floor, and room numbers of polling stations

c) number of a voter on the list of voters

d) procedures for filing an application by a voter for mobile voting because of health problems or other reason, telephone (fax) numbers of the PEC, and other information

e) number of the electoral precinct

f) first name, last name, date of birth (day, month, year) of a voter

g) place of registration of a voter.

2. Failure to receive the voter invitation card may not constitute a basis for limiting the right to vote.



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

1. In order to obtain the right to run in elections, the chairperson of the relevant election commission shall register election subjects based on procedures defined by this Law.
2. In order to be registered, election subjects shall submit an application and relevant documents to the respective election commission in the manner laid down in this Law.
3. The respective office of the election commission shall, within the timeframe defined by this Law, examine the submitted documents and present a report to the commission chairperson who is authorized to make a decision on registration. If the submitted documents do not meet the requirements laid down in this Law, the commission chairperson shall, within two days (unless another timeframe is prescribed by this Law), inform the representative of a party/electoral bloc/initiative group of voters about the decision (by specifying the discrepancy) and give them three days (unless another timeframe is prescribed by this Law) to adjust documents. The election commission shall, within two days after submission of documents (unless another timeframe is prescribed by this Law), re-examine corrected documents and decide upon registration. In case of refusal to provide registration, the election commission shall forthwith communicate its decision to the representative of a party/electoral bloc/initiative group of voters that is authorized to be informed of the decision immediately upon request.

## **Article 37 - Lists of supporters**

1. Voters shall endorse the initiative of an election subject to run in an election by signing the form of the list of supporters.
2. The CEC shall by decree approve a sample of the form of the list of supporters.
3. The form of a list of supporters shall include the following data of a voter:
  - a) first and last name
  - b) date of birth (day/month/year)
  - c) number of an identity card of a citizen of Georgia and personal number
  - d) address (according to an identity card of a citizen of Georgia)
  - e) date of signature
  - f) signature.
4. The form of a list of supporters shall include first and last name, address (according to an identity card of a citizen of Georgia), and contact telephone number of the person in charge of collecting signatures, as well as the date of filling out the form. The person in charge of collecting signatures shall endorse the form by his/her signature.
5. The upper left corner of the form of the list of supporters shall specify the name (first and last name) of an election subject whose initiative to run in elections is supported by voters.

## **Article 38 - Verification of the lists of supporters**

1. The CEC shall verify the lists of supporters of a party and a candidate for President of Georgia, and the respective DEC shall verify the lists of supporters of other candidates.
2. The election commission shall verify the signatures in turn on the forms of the lists of supporters. If the number of signatures of supporters is less than the minimum amount required or if the number of signatures of supporters, taking into account the signatures invalidated as a result of verification, is less than the minimum amount required, the invalidated part of the list of supporters shall be returned to the respective election subject and shall be given two days to correct the discrepancy. The election commission shall, in the manner defined above, verify once again the corrected part of the lists of supporters submitted by the election subject. If the number of signatures of supporters is still less than the minimum amount required, the election commission shall completely invalidate the list of supporters and shall, by decree of the commission chairperson, refuse to register the electoral subject.
3. The signature of a voter in the list of supporters shall be considered invalid if:
  - a) the first and last names are not specified or are incompletely specified;
  - b) the date of birth (day, month, year) is not specified or is incompletely specified;
  - c) the place of registration (settlement, street, building, and apartment number) is not specified or is incompletely specified;
  - d) the date of signature is not specified or does not meet the deadline defined by this Law for drawing up the list of supporters;
  - e) it is not signed or is signed by another person and this is confirmed in writing by the voter in whose stead the list was signed;
  - f) a voter listed as a supporter of a candidate nominated in an electoral district is registered in an other electoral district;
  - g) a signatory, by an application submitted to the respective election commission, confirms that the list was signed by deception, intimidation, or under



pressure, and the signature on the application was notarized;

h) the personal number of a citizen of Georgia is specified incompletely or inaccurately.

4. A signature shall be considered invalid if it is made on a form not endorsed by the person in charge of collecting signatures or if such a form does not include data or includes incomplete data set forth in Article 37(4) of this Law.

5. The deadline for verifying the list of supporters of a party shall be 10 days after its submission, while the deadline for verifying the list of supporters of a candidate shall be three days after its submission.

6. Representatives of election subjects may attend the process of verification of the list of supporters.

7. Only the CEC members, respective DEC members, and appropriate officers of the CEC, as well as the court, if appealed to court, may have access to the lists of supporters. The lists of supporters shall be destroyed within 10 days after the expiration of the timeframe for bringing a lawsuit to the court about electoral registration.

## Chapter V. Election Monitoring and Media

### Article 39 - Domestic and international observers

1. Domestic and international observer organizations shall have the right to observe elections provided they meet the terms and conditions defined in this Law and have been registered with the CEC or the relevant DEC.

2. A domestic observer organization may be a local non-entrepreneurial (non-commercial) legal entity registered in accordance with the legislation of Georgia not later than one year before the polling day with statutes and regulations (constituent documents) that provide for, at the time of registration, monitoring elections and/or protecting human rights. A domestic observer organization shall be registered with the CEC or the respective DEC for the purpose of observing elections.

3. A domestic observer organization shall observe elections through its representative, domestic observer. An organization is authorized to have not more than 1 observer at each electoral precinct at any one time.

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

a) public/political officials

b) MPs of Georgia

c) members of a local self-government representative body Sakrebulo

d) heads and deputy heads of the local self-government executive body

e) judges

f) staff of the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Ministry of Corrections and Legal Assistance of Georgia, the Georgian Intelligence Service, and the Special State Protection Service of Georgia

g) officials of the Prosecutor's Office

h) election subjects and their representatives

i) members of an election commission.

5. An international observer organization may be a representative of another country, an organization registered in another country or an international organization, the constituent document/statute of which provides for monitoring elections and/or protecting human rights and the activity of which is based on the following internationally recognized principles:

a) respect for the legislation, sovereignty of Georgia and international human rights norms

b) non-interference with the election process

c) political impartiality

d) financial independence from the participants of the election process and transparency of funding sources

e) implementation of the provisions recognized by the Declaration of Principles for International Election Observation.

6. An international observer organization shall be registered with the CEC in order to monitor elections. In addition, the CEC shall be authorized to request additional information when registering an organization in order to determine the compliance of the organization's activity with the principles set forth in the paragraph 5 of this article. An international observer organization shall observe elections through its representatives – international observers. One organization may have not more than 2 international observers at the same time at each electoral precinct.

7. International observers defined in paragraph 6 of this article may be accompanied by an interpreter who shall be registered with the CEC together with international observers.



#### **Article 40 - Registration of observer organizations**

1. The CEC shall register an international observer organization as well as a domestic observer organization observing elections in more than one electoral district.
2. The respective DEC shall register a domestic observer organization observing elections in a particular electoral district.
3. In order to be registered, a domestic election observer organization shall apply to the relevant election commission not later than the 10<sup>th</sup> day before the polling day and shall submit its constituent documents/statutes notarized according to the legislation of Georgia. The application shall include the name of the electoral district(s) where the organization shall observe elections. The election commission shall make a decision on registration within five days after receipt of the application.
4. In order to be registered, an international observer organization shall apply to the CEC not later than the seventh day before the polling day and shall submit a copy of its constituent document. If an observer (or group of observers) represents a foreign state authority, he/she/it shall only file an application and a proxy document. The CEC shall decide on the registration of an organization, an observer (or group of observers) set forth in this paragraph within two days after the application is filed.
5. The election commission may not refuse to register an observer organization if it meets the requirements of this Law. A decree of the election commission for the refusal of registration shall be well-founded and shall be delivered to the organization not later than the day following the day of the decision. A decree of the election commission may be appealed to the court within two days after its receipt. The court shall render a decision within two days after the application is filed with the court.
6. An international observer organization registered by the CEC shall submit information about observers and copies of their identity cards to the CEC Secretary not later than the second day before the polling day. A decree of the CEC shall determine the content and the form of that information.
7. A domestic observer organization registered by the CEC shall submit a list of observers appointed at the CEC, DEC, and PECs to the CEC Secretary not later than the fifth day before the polling day. The list shall be accompanied by copies of identity cards of Georgian citizens held by domestic observers. A domestic observer organization registered by the DEC shall submit a list of observers appointed to a DEC and/or its subordinate PEC to the DEC secretary within the same timeframe. The list shall include the name (first and last name, and place of registration) of an observer.
8. A domestic observer registered with the CEC may observe elections at all election commissions of any level in accordance with the procedures prescribed by the third paragraph of Article 39 of this Law.
9. The election commission secretary shall, within two days after the submission of the list of observers, register observers nominated pursuant to this Law and shall issue an observer certificate to the observer organization. An observer certificate shall at the same time serve as a badge to be worn by the observer.
10. An observer from a domestic observer organization at a DEC and an observer observing elections at an electoral precinct within the territory of the electoral district shall, on the polling day, have the right to observe elections at any electoral precinct in the territory of the relevant electoral district in the manner laid down in the third paragraph of Article 39 of this Law.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

#### **Article 41 - Rights of observers**

1. An observer shall have the right to:
  - a) attend and observe sessions of election commissions;
  - b) be present at the polling place at any time during polling day, move without restrictions within the precinct territory and observe all stages of the polling process from any point in the precinct in a free and unhindered manner;
  - c) replace another registered representative (if any) of the nominating organization at any time on the polling day;
  - d) take part in the inspection of ballot boxes before they are sealed and after they are opened;
  - e) observe the registration of voters in the lists of voters, the issuance of ballot papers and special envelopes and the certification thereof, without disrupting the polling process;
  - f) attend the procedures of counting votes and summarizing results;
  - g) observe the process of mobile voting;
  - h) observe the vote counting under such conditions in which ballot papers may be visible;
  - i) observe the process of compiling summary protocols of election results and other documents by the election commission;
  - j) address the DEC chairperson with an application (complaint) regarding issues related to the procedures of voting and polling, whereby the applicant requests a response to identified cases of specific violations;





- k) request a voter to show how many ballot papers and special envelopes he/she has in hand;
- l) appeal the actions of an election commission in the manner laid down in the legislation of Georgia;
- m) observe the ballot box, the placing of special envelopes into the ballot box, the opening of ballot boxes, the counting of ballot papers, and the drawing up of protocols;
- n) review the summary protocols of polling and election results drawn up by election commissions, request and receive the copies of such protocols from the relevant election commission.

2. An observer may not:

- a) interfere with the duties and activities of an election commission;
- b) influence the free expression of the will of voters;
- c) agitate in favour of or against an election subject;
- d) wear symbols and signs of any election subject;
- e) be without a badge in the polling station on polling day;
- f) breach other requirements of this Law.

3. The procedures laid down in the electoral, administrative, and/or criminal legislation of Georgia shall define liability for the violation of rights granted to local/international observers, election subjects, and media representatives by this Law or liability for the interference with their activity.

4. Violation of the requirements of paragraph 2(a-d) of this article by an observer, election subject, and media representative shall give rise to liability in the manner laid down in the electoral legislation of Georgia.

5. An election commission shall provide all conditions for an observer to implement his/her powers regarding all procedures within the election commission, including during the process of counting ballot papers and summarizing results.

#### **Article 42 - Representative of an election subject and his/her powers**

1. A representative of an election subject (a party independently running in elections, an electoral bloc, an initiative group of voters) shall represent the election subject in its relationship with the respective election commission.

2. A party, an electoral bloc, an initiative group of voters (during elections for the President of Georgia), a presidential candidate independently running in elections, during one or several types of elections, may appoint only 2 representatives at every election commission. During the parliamentary and local self-government elections of Georgia, an initiative group of voters may appoint representatives to the respective election commissions.

3. An election subject set forth in the second paragraph of this article shall notify the respective election commission about the appointment of a representative. If the appropriate information is submitted in full, the election commission chairperson shall, within 24 hours, by decree, note that information about registration of an observer, and the respective election commission officer shall issue an observer certificate, which at the same time shall be a badge to be worn by the observer.

4. The head of a party/electoral bloc/the candidate for President of Georgia or any person authorized by him/her, the person representing a candidate for President of Georgia/an initiative group of voters to the superior commission shall sign an application for the appointment of a representative of an election subject. The application shall include first and last names, year of birth, address, contact telephone number (if any) of the representative.

5. Only 1 representative of the election subject shall have the right to attend sessions of the respective election commission, request to give a speech and express his/her opinion, make decisions on various issues, and enjoy other rights granted by this Law. On the polling day, the representative shall enjoy unlimited rights prescribed by the first paragraph of Article 41 and the second paragraph of Article 67 of this Law.

6. An election subject shall have the right to withdraw and/or replace its representative at any time and inform the respective election commission thereof.

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

*Organic Law of Georgia No 877 of 27 July 2013 – website, 20.8.2013*

#### **Article 43 - Funding of representatives of election subjects**

1. A political party receiving funds in accordance with the Organic Law of Georgia on Political Unions of Citizens, as well as an electoral bloc in which the political party is united shall receive, on Election Day, GEL 100 for each electoral precinct and GEL 150 for each electoral district in order to provide their representation at DEC and PECs.

2. The CEC shall deposit the amount of funds allocated for a representative of a qualified election subject as prescribed by the first paragraph of this article into the account of the respective election subject not later than three days before Election Day. An election subject shall have the right to reallocate those funds to respective representatives in district and precinct election commissions so as to fund the activity of not more than 2 representatives per commission. Moreover, various representatives shall be funded in at least half of the electoral districts and precincts.



3. If a political party receiving funds does not have a representative in an electoral district and/or electoral precinct and/or if the deposited funds are not fully appropriated, the party shall return the respective amount of funds to the State Budget of Georgia within 15 days after the election results are summarized.

*Organic Law of Georgia No 877 of 27 July 2013 – website, 20.8.2013*

#### **Article 44 - Representatives of the press and other media**

1. Representatives of the press and other media accredited to the respective election commission may attend sessions of the election commission and be present at the polling stations on polling day.
2. The CEC Secretary or the secretaries of respective DEC's shall provide the accreditation of representatives of the press and other media operating in the territory of several electoral districts, while the secretary of the respective DEC shall provide the accreditation of media representatives operating in the territory of one electoral district.
3. An application for accreditation of representatives of the press and other media shall be submitted to the respective election commission not later than three days before polling day.
4. The secretary of the respective election commission shall decide, within one day after filing an application, on the accreditation of representatives of the press and other media and shall issue respective certificates to the accredited representatives within one day after the decision. In case of refusal of accreditation, the secretary shall issue a respective decree (the refusal of accreditation shall be duly justified in the decree) within the same timeframe.
5. The same press and other media organization may have not more than 3 representatives at any one time at the electoral precinct on polling day.

### **Chapter VI. Electioneering**

#### **Article 45 - Electioneering (election campaigning)**

1. Electioneering (election campaigning) shall begin as soon as a legal act calling elections is issued and published. Political parties and candidates for election subject shall enjoy equal rights and have equal obligations as laid down in this Law.
2. During the electioneering (election campaigning) period a political party, a candidate for election subject, or an election subject may produce pre-election slogans, statements, inscriptions, papers, photo materials, etc. It is prohibited to prevent their dissemination and seizure, as well as to seize vehicles and other means equipped with special devices used for campaigning purposes, or to prevent their application for election campaigning purposes.
3. Political parties, candidates for election subject, election subjects, and their supporters may present a program for further activity. The election program shall not contain propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.
4. Any individual may conduct and participate in election campaigning, except for:
  - a) election commission members
  - b) judges
  - c) public officers of the Ministry of Internal Affairs and the Ministry of Defense, the Prosecutor's Office, the Intelligence Service, and the Special State Protection Service of Georgia
  - d) the Auditor General
  - e) the Public Defender of Georgia
  - f) aliens and foreign organizations
  - g) charitable and religious organizations
  - h) public officers of state authorities and local self-government bodies during normal business hours and/or when they are directly performing their duties
  - i) members of the Georgian National Communications Commission (GNCC) and the Georgian National Energy and Water Supply Regulatory Commission (GNEWSRC).
5. It is prohibited to conduct electioneering (election campaigning) in the premises of the following institutions:
  - a) executive agencies of Georgia
  - b) courts
  - c) military units.



6. Local self-government bodies shall be obliged to support political parties/election subjects to organize and hold meetings and gatherings with voters, public debates and discussions, assemblies and manifestations, and to ensure the safety of those events.

7. It is prohibited to carry on election campaigning at any event/presentation funded from the State Budget of Georgia/the budget of local self-governing unit. That action shall be regarded as the use of administrative resources.

8. In order to conduct mass electoral events, the premises administered by state authorities or local self-government bodies shall be available free of charge for the election commissions.

9. Local self-government bodies shall draw up, within five days after the commencement of electioneering, a list of premises where electioneering (election campaigning) is likely to be conducted and shall submit it to the DEC. The DEC shall make public the list of premises allocated by the local self-government bodies within two days after the receipt thereof, shall ensure equal availability of the premises for all political parties and election subjects, and shall draw up a schedule, in agreement with political parties and election subjects, for the electoral events (if the events of different election subjects coincide and the election subjects fail to come to agreement, the sequence of events shall be determined by casting lots). The list of premises allocated by local self-government bodies shall be also posted on the CEC website.

10. A DEC shall give a well-grounded written response to any respective application filed by an election subject for the use of premises within 24 hours from filing the application. Any failure to give a response within the above timeframe shall be regarded as the consent to the application.

11. It is prohibited to conduct election campaigning at the polling station on polling day.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 878 of 27 July 2013 – website, 7.8.2013*

*Organic Law of Georgia No 1273 of 20 September 2013 – website, 2.10.2013*

#### **Article 46 - Campaign materials**

1. Campaign materials may be displayed on buildings and premises and other facilities with the consent of their owners or possessors.

2. It is prohibited to place/post campaign materials on cultural buildings, premises of cultural heritage, in the interior and exterior of premises of state authorities, local self-government bodies, courts, the Prosecutor's Office, military units, and police, as well as on traffic signs.

3. Bookmaking regarding any election-related issue is prohibited.

4. Local self-government bodies shall determine the list of premises, as prescribed by the second paragraph of this article, where the campaign materials are prohibited to be placed, as well as shall determine the places and/or install stands for posting and displaying campaign materials. Stands must be of such a size that all election subjects are provided with equal conditions for the display of campaign materials.

5. Local self-government bodies shall publish the information about places and/or installed stands designated for posting and displaying campaign materials in accordance with this article not later than 10 days before calling elections.

6. Printed campaign materials shall specify the names and addresses of organizations that manufactured and ordered them, as well as information of circulation, sequence number, and date of issue. It is prohibited to disseminate printed campaign materials without indicating the above information. An election subject shall be required to indicate the sequence number on printed campaign materials only after having been assigned that number.

7. Copies of printed campaign materials shall be submitted to the election commission where an election subject has gone through electoral registration.

7<sup>1</sup>. Removal, tearing off, covering, or damaging campaign materials, unless they are located in a forbidden place, shall be prohibited and punishable by this Law.

8. The relevant election subject shall, within 15 days after the official publication of final results of elections, ensure the removal of campaign materials. Otherwise, the election subject shall be held liable under the legislation of Georgia.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

*Organic Law of Georgia No 878 of 27 July 2013 – website, 7.8.2013*

#### **Article 47 - Bribery of voters**

1. From the moment of publication of the respective legal act calling elections until the publication of final results of elections, it is prohibited:

a) for election subjects, candidates for election subject, and their representatives to give funds, gifts, and other material possessions (irrespective of their value) to the citizens of Georgia, personally or through other persons; to sell goods to election subjects, candidates for election subject, and their representatives at a preferential price; to distribute or disseminate goods free of charge (except for campaign materials defined by this Law) among election subjects, candidates for election subject, and their representatives; and to motivate Georgian citizens by promising to give them funds, securities, and other material possessions (irrespective of their value);

b) for individuals or legal entities to perform such work or to provide such services through utilizing personal funds and/or election subject funds (except for the performance of work or the provision of services laid down in the Law of Georgia on State Procurement) that fall within the competence



of the state authorities and/or local self-government bodies of Georgia under the legislation of Georgia.

2. Registration of the election subject that, personally or through any representative or any other individual or legal entity acting in his/her behalf, has carried out prohibited activities prescribed by this article shall be revoked by a court decision if those facts are confirmed.

#### **Article 48 - Prohibition of the use of administrative resources during electioneering and election campaigning**

1. Any person having the right to participate in election campaigning in accordance with Article 45(4) of this Law shall be prohibited from using administrative resources in the course of the electioneering in support of or against any political party, candidate for election subject, or election subject. In addition, it is prohibited to:

- a) use premises occupied by state authorities and local self-government bodies, as well as by organizations funded from the State Budget of Georgia, provided that other political parties, candidates for election subject, or election subjects are unable to use similar premises under the same conditions;
- b) use means of communication, information services, and other kinds of equipment designated for state authorities and local self-government bodies, as well as for organizations funded from the State Budget of Georgia (except for political parties);
- c) use means of transportation owned by state authorities or local self-government bodies.

2. Restrictions prescribed by paragraph 1(c) of this article shall not apply to the use of service vehicles by public political officials that are protected by the Special State Security Service as defined in this Law.

3. In order to ensure that public officers prevent and respond to violations of the electoral legislation of Georgia, an interagency commission shall be set up under the Ministry of Justice of Georgia.

4. An interagency commission shall be established on July 1 of the election year, and in case of extraordinary elections it shall be established within three days after calling elections.

5. An order of the Minister of Justice of Georgia shall determine the composition of an interagency commission, while the regulations of an interagency commission shall determine its rules of procedure. The Minister of Justice of Georgia shall approve such regulations of an interagency commission. An interagency commission shall meet when necessary, but not less than once in two weeks, and after the expiration of the registration term for election subjects, at least once a week.

6. Qualified election subjects, as well as political unions that inform an interagency commission about any violation of the electoral legislation by public officers shall participate in the commission activity with deliberative vote.

7. An interagency commission shall consider issues related to information disseminated through the media about violation of electoral legislation by public officers, as well as information about violations reported to the interagency commission by political unions (election subjects), or observer organizations.

8. In order to ensure the publicity of activities of interagency commissions, the representatives of domestic and international observer organizations may be invited to the commission session.

9. If any statement of violation is confirmed, the commission shall have the right to recommend to any public officer, an administrative body, or the CEC to take respective measures within a reasonable time.

*Organic Law of Georgia No 878 of 27 July 2013 – website, 7.8.2013*

#### **Article 49 - Prohibition of the use of budgetary funds, office, or official position**

1. A person having the right to participate in election campaigning, who holds an office within the state authorities or local government bodies, shall be prohibited to use his/her official status or capacity in the course of election campaigning and electioneering in support of or against any political party, candidate for election subject, or election subject. For the purposes of this article, the above-stated shall include:

- a) getting any career subordinate or otherwise dependent person involved in an activity that may support to presentation and/or election of a candidate;
- b) collecting signatures and conducting election campaigning during business trips funded by state authorities or local self-government bodies;
- c) conducting election campaigning during working hours and/or in the course of performing official duties.

2. The restriction prescribed by paragraph 1(c) of this article shall not apply to public political officials determined by this Law, as well as to the cases where TV and radio broadcasters use air-time allotted for election campaigning.

3. From the 60<sup>th</sup> day before and including Election Day, it is prohibited to implement such projects/programs that have not been previously included in the State Budget of Georgia, the republic budget of any Autonomous Republic of Georgia, or the budget of any local self-government unit, except when projects/programs are funded within the allocations prescribed by the respective program code of the respective budget and/or by the funds from such allocations, as well as by the funds allocated by donors at least 60 days before Election Day. If the procedures under this paragraph are not met, an authorized person may apply to the court to suspend expenses.

4. From the 60<sup>th</sup> day before and including Election Day, it is prohibited to increase the amount of welfare benefits (pensions, hardship allowances, allowances, etc.), except for benefits the increase of which was prescribed by the legislation of Georgia at least 60 days before Election Day. It is also prohibited to fund the welfare benefits (pensions, hardship allowances, allowances, etc.) that were not prescribed by the legislation of Georgia at least 60 days before Election Day. If the procedures under this paragraph are not met, an authorized person may apply to the court to suspend expenses.



5. Paragraphs 3 and 4 of this article shall not apply to the funding of measures taken for liquidation of consequences of natural disasters or other force majeure circumstances, and during by-elections, the same paragraphs shall apply only to the electoral districts where by-elections are conducted.

6. In the course of election campaigning, it is prohibited to produce, by funds from the State Budget/local self-government unit budget of Georgia, campaign materials, video or audio materials, or to create the website or any part thereof where any election subject/political party or its sequence number assigned during elections is displayed and/or which comprise materials in support of/against any election subject/political party. It is also prohibited to show an election subject/political party or a sequence number assigned thereto during elections in a public service announcement (PSA) made by funds from the State Budget/local self-government unit budget of Georgia in the course of any election campaigning.

7. From the expiration of the term of registration for election subjects until the end of polling day, it is prohibited to reshuffle head officers of any local self-government body, police, and the Prosecutor's Office, except when the term of their office has expired and/or they violate the law.

*Organic Law of Georgia No 878 of 27 July 2013 – website, 7.8.2013*

#### **Article 50 - General regulations for election campaigning media coverage**

1. Broadcast licence holders, not later than from the 50<sup>th</sup> day before polling until the polling day, including the Public Broadcaster and Ajara TV and Radio of the Public Broadcaster shall meet the following conditions:

a) if airtime is allotted for pre-election campaigning and political advertising, publicly announce and weekly submit to the GNCC the following information: from and until what date and at what intervals the airtime is allotted, its duration and schedule of the allotted airtime during one day, the airtime fee, and service provided;

b) paid airtime allotted by any TV or radio broadcaster during one day may not exceed 15% of its total daily broadcasting time and none of election subjects shall be granted more than one-third of this time. The paid airtime fee shall be equal for all election subjects (both for qualified and unqualified subjects);

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

d) during the period set forth herein, political advertising may not be broadcast at any other time, except the time interval allotted for these purposes.

2. From the announcement of elections until the summarization of election results, newspapers funded by the central or local budget shall meet the following conditions:

a) if a newspaper allocates space for election campaigning and political advertising, it shall weekly publish the following information in the same newspaper: from what date, at what intervals and until when the newspaper space is allocated, the size of the space allocated in one newspaper, and in case of free newspaper space, the share of free space out of the total space allocated, the space fee, and service provided;

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

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

d) when publishing a campaign letter and a political advertisement, an inscription 'paid political advertising' or 'free political advertising' shall be made above the heading and in the corner of the advertisement;

e) during the period set forth in this paragraph, a political advertisement shall not be published in violation of the requirements prescribed by this paragraph.

3. All newspapers, except for the ones set forth in the second paragraph of this article, shall have the right to allot pre-election advertising time to any election subject under any conditions.

4. If any election subject fails to use its airtime or newspaper space, a broadcast licence holder, the Public Broadcaster, Ajara TV and Radio of the Public Broadcaster, and a newspaper shall have the right to distribute this time or space equally among other election subjects.

5. It is prohibited to publish public opinion poll results with regard to elections, except for the possible number of voters in elections and the number of voters participating in elections on polling day, within 48 hours before polling day and until 20:00 of that day. From the day of calling elections until the publication of final results of elections by the CEC and during one month thereafter, the following shall be indicated when publishing public opinion poll results with regard to elections: the person ordering the poll (name in accordance with public or electoral registration and legal address if a legal entity or a state body has ordered the public opinion poll; and first name, last name, and address according to a Georgian citizen's identity card if an individual has ordered the public opinion poll), whether the poll is paid or free of charge, the organization conducting the public opinion poll (name according to public or electoral registration and legal address), date of the poll, methods used, exact formulation of the questions put in the poll, possible margin of errors.

*Organic Law of Georgia No 834 of 12 July 2013 – website, 25.7.2013*

#### **Article 51 - Information support to election campaigning**

1. In the course of election campaigning, when broadcasting social-political programs and elections, a broadcaster shall observe the principle of impartiality and fairness in accordance with the Law of Georgia on Broadcasting, the Code of Conduct of Broadcasters and this Law.

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



3. The obligations prescribed by this Law concerning equal allotment of airtime, creation of equal conditions for participating in debates, and election advertising shall apply only to qualified election subjects and to the broadcasters set forth in paragraphs 5 and 6 of this article.

4. For the purposes of this article, a qualified election subject shall be an election subject, the affiliated party of which meets the following requirements:

a) independently ran in the previous parliamentary election and received not less than 4% of votes;

b) independently ran in the previous election for local self-government conducted through the proportional system and received not less than 3% of votes throughout the country;

c) was the first member in the list of the electoral bloc that received in the previous parliamentary election not less than 4% of the votes;

d) was the first member in the list of the electoral bloc that received in the previous local self-government election conducted through the proportional system not less than 3% of votes throughout the country.

5. A general broadcaster, as well as a broadcaster broadcasting pre-election advertising shall be obliged to allot to each qualified election subject 90 seconds of airtime in every three hours free of charge and without discrimination. Any unused airtime cannot further be added to the other time allotted thereto.

6. The Public Broadcaster, Ajara TV and Radio of the Public Broadcaster as well as any community broadcaster that allots airtime for pre-election advertising shall be obliged to allot to each qualified election subject 60 seconds of airtime. Any unused airtime cannot further be added to the other time allotted thereto.

7. For the purposes of this article, a qualified election subject for presidential elections shall be considered a candidate nominated by a political union funded from the State Budget of Georgia in accordance with Article 30 of the Organic Law of Georgia on Political Unions of Citizens based on the results of the previous parliamentary or local self-government elections.

8. A broadcaster shall have the right to recognize as a qualified election subject the political party that, according to the public opinion poll conducted throughout the territory of Georgia in accordance with the terms and conditions set forth in this article, has gained not less than 4% of votes in not less than 5 public opinion polls conducted during the election year or in the public opinion poll conducted a month before elections. Discriminatory use of sociological surveys by any broadcaster shall not be permitted.

9. A local broadcaster shall be obliged to recognize a political party/bloc as a qualified election subject if:

a) it meets the requirements set forth in paragraph 4 of this article;

b) its candidate(s) won the previous parliamentary elections conducted in the majoritarian electoral district falling within the local broadcaster's coverage area, the candidate(s) moved to the second round of elections or received not less than 25% of votes;

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

10. A local broadcaster shall have the right to recognize the following as a qualified election subject:

a) a political party that obtained not less than 10% votes in the previous parliamentary or local self-government elections conducted in the respective majoritarian electoral district;

b) a political party that enjoys support of not less than 25% of voters according to the public opinion poll conducted in the respective majoritarian electoral district in the manner defined by this Law, as identified by not less than two successive surveys conducted during the election year;

c) a majoritarian candidate nominated by an initiative group of voters that enjoys support of not less than 25% of voters according to the public opinion poll conducted in the respective majoritarian electoral district in the manner defined in this Law, as identified by not less than two successive surveys conducted during the election year.

11. For the purposes of this Law, a public opinion poll shall meet the following requirements:

a) it shall be based on the acknowledged scientific methodology of representative random selection that provides 95% credibility of results with a margin of error not exceeding 3%;

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

c) it shall be feasible to provide convincing scientific explanation if there are significant discrepancies or changes in the results of the same or other comparative public opinion polls;

d) it shall not constitute a tool for manipulating public opinion or fundraising and it shall not be conducted via telephone, mail, and/or internet;

e) it shall be based on transparent methodology that enables providing an independent double-check of the results;

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

f.a) an organization having conducted a public opinion poll

f. b) a person having ordered or funded a public opinion poll

f. c) the exact formulation and sequence of questions put in a public opinion poll

f.d) the time of conducting field opinion poll



f.e) the number of individuals interviewed and the method of selection

f.f) in what area or among what category of people the selection was conducted

f.g) whether the survey is based on the opinions of all respondents

f.h) the number of respondents who refused to participate in the poll, who did not answer a question, or who could not be interviewed

f.i) the sample size

f.j) the margin of error

f.k) information about any other factors that might have caused a significant impact on the results.

12. The Public Broadcaster and Ajara TV and Radio of the Public Broadcaster (legal entities under public law) shall be obliged to allot airtime for pre-election advertising for all other parties and electoral blocs, other than the qualified election subjects, and the airtime shall be equally distributed among these subjects.

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

14. The obligation to allot free airtime prescribed by this article shall be solely applied to the local broadcaster in the course of by-elections.

15. The GNCC shall determine the procedure for participation and use of the media in the electoral process, shall supervise the observance of provisions under this Law by any broadcaster, and shall give respective response to violations of those provisions. The GNCC shall purchase the services necessary for media monitoring in accordance with the legislation of Georgia.

16. It is prohibited to broadcast any paid and/or free pre-election advertising through TV or radio on polling day.

17. Within the period from the entry into force of a legal act of the President of Georgia concerning the appointment of an election date to Election Day, a person authorized to broadcast shall be obliged to include in the package offered to customers the Public Broadcaster, Ajara TV and Radio of the Public Broadcaster, a common broadcaster licensed under the Law of Georgia on Broadcasting that broadcasts within the service delivery area of the person authorized to broadcast (for satellite broadcasting the broadcasting area, for the purposes of this article, shall be the entire territory of Georgia), and a common broadcast licence holder that is available for at least 20% of the population of Georgia. In this case, a person authorized to broadcast may not have the right to claim compensation from the broadcaster for the transmission of a broadcast channel, while a person authorized to broadcast shall ensure to transmit broadcast channels set forth in this paragraph to customers under equal and non-discriminative financial conditions.

18. A person authorized to broadcast may, pursuant to paragraph 17 of this article, within the period from the entry into force of a legal act of the President of Georgia concerning the appointment of an election date to Election Day, provide the transit of broadcasting set forth in paragraph 17 of this article without permission of the respective broadcaster.

19. A person authorized to broadcast shall be obliged to comply with the obligations prescribed by paragraph 17 of this article within three days after the entry into force of a legal act of the President of Georgia concerning the appointment of an election date. If a person authorized to broadcast fails to comply with the obligations under this article, it shall be given a warning. Any failure to eliminate the violation within three days after being warned or any repeated failure to comply with the obligations shall lead to the suspension of authorized broadcasting for a period of one year.

20. The GNCC shall consider and decide the imposition of administrative punishments set forth in paragraph 19 of this article on its own initiative or based on an application of the respective broadcaster within 48 hours after identifying the fact of default on obligations or after the receipt of the respective application of the same broadcaster.

21. Rights and obligations set forth in paragraphs 17-20 of this article shall apply to the person authorized to broadcasts and the broadcasters acting within the relevant area in the following cases: prior to the second round of voting if the second round of elections is appointed, and for the respective timeframe during by-elections.

*Organic Law of Georgia No 6605 of 29 June 2012 – website, 16.7.2012*

*Organic Law of Georgia No 834 of 12 July 2013 – website, 25.7.2013*

*Organic Law of Georgia No 877 of 27 July 2013 – website, 20.8.2013*

## **Chapter VII. Election/Referendum Funding**

### **Article 52 - Financial support for preparation and conduct of elections/referenda**

1. Costs incurred by the Electoral Administration of Georgia for preparation and conduct of elections/referenda, as well as its activity carried out within the term of its office shall be funded from the State Budget of Georgia.

2. The CEC shall, on an annual basis and according to the procedures defined by this Law, submit to the Parliament of Georgia a budget statement of the Electoral Administration of Georgia for the following year in order to determine the budgetary financing for the following year.

3. If the budgetary funds allocated for the preparation and conduct of elections/referenda are not deposited into the CEC account within the timeframe



established by this Law, the CEC shall have the right to file an action in the district/city court of Georgia.

4. Enforcement of the allocation of funds to the CEC may not be carried out from the State Budget of Georgia intended for enforcement of court judgments.
5. The Electoral Administration of Georgia, represented by the CEC, may receive grants from persons duly authorized by law. The grant shall be used in accordance with the agreement between the CEC and the authorized person.
6. For the purpose of unimpeded conduct of elections during an election/referendum, the Electoral Administration of Georgia shall have the right to conduct state procurement under simplified procedures as prescribed by the Law of Georgia on State Procurement.
7. Lodging a complaint against actions/decisions of the CEC or a tender commission regarding state procurement during the election/pre-election period may not result in the suspension of procurement procedures.

#### **Article 53 - Funds necessary for elections/referenda**

1. The CEC shall, not later than 55 days before polling, submit to the Ministry of Finance of Georgia a plan for funding the preparation and conduct of elections/referenda.
2. The Ministry of Finance of Georgia shall, not later than 50 days before polling day, according to the submitted plan, deposit into the CEC account the funds allocated from the State Budget of Georgia for elections/referenda.
3. The CEC shall by ordinance regulate the distribution and use of election funds, necessary for the conduct of elections, by election commissions.
4. The CEC shall, not later than 45 days before polling day, deposit funds allocated for a DEC into its current account.
5. A DEC shall, not later than 30 days after polling, cease all settlements with organizations and individuals and shall, within 10 days, deposit funds remaining in its account into the CEC account. A DEC shall, within two weeks after depositing the account balance funds, submit a financial report to the CEC.

#### **Article 54 - Election/referendum campaign expense**

1. An election/referendum campaign shall be funded from:
  - a) the funds of a political union if the party independently participates in the election/referendum;
  - b) the funds of the first party on the list of an electoral bloc if political unions come together as one election subject;
  - c) the election funds opened by an initiative group of voters to fund the campaign of an independent candidate.
2. The campaign expense shall mean the amount of funds designated for the election/referendum campaign of an election subject, as well as all types of goods and services obtained free of charge (calculated at market prices), except for the cost of free airtime, as defined by this Law.
3. A candidate nominated by an election subject shall use the fund of the election subject nominating the candidate.
4. An election subject shall be obliged to submit to the State Audit Office of Georgia the information about the bank account, from which the necessary costs shall be funded for an election campaign.
5. Election/referendum campaign funds shall be the money deposited into the relevant bank account, as well as all goods and services received free of charge (calculated at market prices).
6. During elections, an election subject may not use other financial means than the respective funds.
7. Restrictions defined by the Organic Law of Georgia on Political Unions of Citizens shall apply to the election/referendum campaign funds and sources of funding, except for the exclusion prescribed by paragraph 8 of this article.
8. Where an electoral bloc finances the election campaign, the parties united in the electoral bloc may, without restriction, transfer funds available in the fund of their political unions into the fund of the political union that is registered as number one on the list of the bloc.

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

#### **Article 56 - Financing of an election campaign fund from the State Budget of Georgia**

1. An election subject that has obtained 5% or more of votes in a parliamentary election or that has obtained 10% or more of votes in the first round of a presidential election shall receive a one-time amount of not more than GEL 1,000,000 from the State Budget of Georgia to cover election campaign expense in both rounds. The election subject shall receive funding based on the information furnished concerning election campaign expense after submission of the report set forth in Article 57 of this Law. 2. In order to fund election campaign expense from the State Budget of Georgia, an election subject shall apply to the CEC in writing not later than 38 days before elections.
3. The relevant funds prescribed by the first paragraph of this article shall be deposited into the account of an election subject not later than the 15<sup>th</sup> day following the summarization of election results, based on the CEC summary protocol of election results.





#### **Article 57 - Report of election campaign expense**

1. Once an electoral bloc is registered with the CEC, political unions united in the bloc shall be obliged to suspend activities of their party funds and use solely the fund of the party being the first on the list of the electoral bloc.
2. An election subject, once in three weeks following the registration, shall be obliged to publish information, in the forms defined, about the sources, amounts, and dates of receipt of donations.
3. Election subjects shall, not later than one month after the announcement of final results of elections, submit to the State Audit Office a report of funds having been used up to the time of reporting, together with an audit (audit firm) report, specifying the source of funds. The election subjects that have received, based on preliminary data, the required number of votes as defined by this Law, shall submit the same to the State Audit Office not later than 18 days after the polling day. Any auditor (audit firm) operating in the territory of Georgia may carry out an audit.
4. Political unions united in an electoral bloc shall submit to the State Audit Office, together with the reports of their election campaign expense, a bank document evidencing the suspension of financial operations of the accounts of their funds.
5. Election subjects that nominated majoritarian candidates running in the second round of elections, not later than one month after the publication of final results of the second round, shall submit, in the form established by the State Audit Office, the information about the funds remaining unused by the election subject; while the election subjects that have received, based on preliminary data, the required number of votes as defined by this Law, shall submit the same not later than the eighth day after polling.
6. If the election subjects having received the required number of votes as prescribed by this Law fail to submit a report of their election campaign funds within the specified timeframe, or if any violation of the requirements prescribed by law is confirmed, the State Audit Office shall notify the election subjects in writing and request them to remedy the deficiency and submit detailed information about the relevant violations in writing. If the State Audit Office deems that the violation is of an essential nature and could have affected the election results, it may recommend to the relevant election commission to apply to court and request to summarize election results without taking into account the votes received by that election subject.
7. The State Audit Office shall determine the form of a report for funds used for elections and the procedure for its completion.

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 877 of 27 July 2013 – website, 20.8.2013*

### **Chapter VIII. Polling**

#### **Article 58 - Arrangement of a polling station**

1. The state authorities and local self-government bodies shall provide the premises and inventory required for the preparation and the conduct of elections to electoral commissions for temporary use free of charge. Furthermore, the above bodies shall cover the utility costs of the premises provided.
2. A PEC may not be established and a polling place may not be allocated in the same premises where the following are located:
  - a) a party
  - b) state authorities or local self-government bodies, except when there are no other appropriate premises within the territory of an electoral precinct for the conduct of polling in accordance with this Law; a DEC shall make an appropriate decision
  - c) police departments (except for PECs formed in exceptional cases).
3. The bodies set forth in the first paragraph of this article shall ensure (if a relevant decree of the commission is delivered to them not later than the 20<sup>th</sup> day before polling day), at the request of a PEC, that a polling place is temporarily easily adaptable for the voters with disabilities requiring a wheelchair, if there are any in the electoral precinct, provided the persons concerned file an appropriate application with the PEC not later than the 25<sup>th</sup> day before polling day.
4. At a polling station:
  - a) polling booths shall be installed for a secret ballot. One side of the booth shall be open up to half of its height, and the upper half shall be covered with a curtain. Not less than one booth shall be provided for every 500 voters. One writing pen shall be available in every polling booth;
  - b) places shall be allocated for registration of voters and special envelopes;
  - c) a transparent ballot box shall be installed in a visible place;
  - d) lists of voters, party lists, lists of candidates, procedures for filling out a ballot paper established by the CEC, as well as an extract from this Law defining the cases when a ballot paper is deemed invalid, and demonstration protocol(s) of polling results shall be posted in a visible place.
5. If any election subject entered into a ballot paper no longer runs in elections, a notice thereof shall be posted in a visible place both at the polling station and in the secret ballot booth (room).



6. In order to ensure that polling is secret, photo and video filming in a polling booth shall be prohibited.

#### **Article 59 - Keeping order at polling stations on polling day**

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

2. Decisions made by the PEC chairperson for keeping order at a polling station shall be binding upon all members of the election commission, upon all persons authorized to be present at the polling station and upon voters.

3. No armed individual may enter a polling station.

4. If the commission operations are hindered and order is violated, a PEC may expel a troublemaker from the place where the PEC is located. The chairperson and members of the commission shall sign a respective act drawn up for the expulsion. The act shall specify the first and last names of the troublemaker, as well as the numbers of the electoral district and electoral precinct, and account of the violation and the exact time of its commitment.

5. A PEC shall decide to remove a representative of an election subject from the premises.

6. If the polling process or safe movement of electoral documents under this Law is threatened at a polling station or its adjacent territory, at the request of the PEC chairperson, police officers may be summoned to the polling station and its adjacent territory. Police officers shall leave the polling station and adjacent territory with the consent of the PEC chairperson as soon as the disturbance of public order is removed.

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

1. Polling shall take place at a polling station on the election (polling) day from 8:00 to 20:00 hours.

2. It is prohibited to lock the polling station during voting or to terminate or suspend voting, except when it is impossible to ensure the universal and equal suffrage and free expression of the will of voters.

3. The PEC chairperson shall unilaterally decide to close a polling station temporarily, to terminate or suspend polling, to re-open the polling station, and to resume polling, and he/she shall be fully responsible for making such a decision.

4. In case of the temporary closure of a polling station, a PEC shall, immediately after polling is terminated or suspended, decide to approve or revoke the decision made by the PEC chairperson. After suspension of polling, the PEC shall have the right to decide to terminate polling and to close the electoral precinct. The PEC shall make the above decisions by a decree specifying the cause and the time of temporary closure of the polling station, termination, or suspension of polling. As soon as the cause of temporary closure of the polling place or suspension of polling is removed, the polling process shall be resumed by a decree of the commission chairperson. If polling is declared terminated, it shall not be resumed.

5. A voter may stay at the polling station only during the time required for voting.

6. A PEC shall declare polling completed any time before 20:00 at electoral precincts set up at military units, hospitals, and other inpatient facilities and hard-to-access areas, provided all voters on the list of voters participated in the polling.

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

#### **Article 61 - Opening of electoral precincts**

1. An electoral precinct shall open at 7:00 a.m. If by this time the number of PEC members is less than 7, the superior DEC shall be immediately informed thereof, and it shall immediately make an appropriate decision.

2. Polling procedures from the time of opening an electoral precinct up to the time of starting polling shall be carried out in the following sequence:

a) immediately after opening an electoral precinct the polling day record book shall be opened. All persons authorized to be present at the polling place shall sign the first and second pages of the book, and if necessary, the tenth and following pages as well;

b) the PEC chairperson shall inspect the integrity of the sealed package that contains a special seal of the PEC, shall open the package and carve a notch into the edge of the seal, the sample of which shall be recorded in the polling day record book;

c) the PEC chairperson shall prepare papers for casting lots on same kind of sheets with the same pen, shall set a special PEC seal thereto and shall fold the papers so that the text inside cannot be read. The total number of blank and filled out papers shall be equal to the number of commission members participating in casting of lots. The commission chairperson shall conduct casting of lots in the presence of the commission members and persons authorized to be present at a polling station. The commission chairperson/deputy chairperson/secretary may not participate in the casting of lots. The papers shall be thrown onto the table and the commission members participating in casting of lots shall pick them up one by one;

d) the commission chairperson shall identify, by casting lots, 2 commission members from among the members appointed by parties to accompany a mobile ballot box (if necessary); moreover, those persons may not be the election commission members nominated by one election subject;

e) another casting of lots shall be conducted to assign other duties to the commission members, in which the following members shall be selected:

e.a) a commission member responsible for regulation of the flow of voters at a polling room and for verification of the inking of voters



e.b) commission members registering voters (at least 1 member per 300 voters) who shall also issue ballot papers after signing and sealing the assigned place on the reverse side of a ballot paper

e.c) a member of the commission supervising ballot boxes and special envelopes

f) after the casting of lots is finished, the PEC secretary shall make a note on the 3<sup>rd</sup> page of the polling day record book about the results of assigning duties by casting lots;

g) the duties of a commission member defined by casting lots may be delegated to another commission member only with permission of the commission chairperson and that shall be noted by the commission secretary on the 5<sup>th</sup> page of the polling day record book by specifying the time.

3. If the number of commission members in terms of the duties to be assigned appears on the polling day to be:

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

b) less by two members, the commission deputy chairperson shall perform the duties of the commission member regulating the flow of voters in the polling room;

c) less by three members, the commission chairperson shall perform the duties of the member of the commission supervising ballot boxes and special envelopes.

4. The DEC shall decide the matter of remuneration of a PEC member who appears before the commission after the end of the lot casting procedure, while the PEC chairperson shall decide the issue of assigning duties to that person.

5. The commission chairperson shall select, by casting lots, not more than 2 representatives from among the election subjects present at the polling station, who shall observe the process of registering complaints. If the representatives find (identify) any violation during the registration of complaints, the commission shall decide on registration of the complaint in the manner prescribed. Moreover, representatives selected through casting lots and a registrar of complaints (commission secretary) may not be a person nominated by one and the same election subject.

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

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

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

c) check and put a seal with a unique number on main and mobile ballot boxes in the manner determined by the CEC.

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

8. The PEC chairperson shall carve a notch on the edge of special seals of the registrars of voters selected by casting lots, the sample of which shall be recorded in the polling day record book. The PEC chairperson shall give one seal to each registrar.

9. The PEC secretary shall announce the data set forth in paragraph 6(a)(b) of this article and shall incorporate (except for the number of special envelopes) it into the demonstration protocol of polling results and the polling day record book.

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

11. Polling shall start at 8:00 a.m. on the polling day.

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

## **Article 62 - Polling day record book**

1. The polling process at an electoral precinct as well as claims, complaints, and comments concerning the progress of polling shall be recorded in a polling day record book (hereinafter the 'record book').

2. The record book shall be maintained in the Georgian language, while for those electoral districts for which ballot papers are also printed in other languages understandable to the local population, the record book may also be maintained in the respective language.

3. The record book shall be delivered to the commission secretary who is, together with the commission chairperson, in charge of recording every election procedure during the polling day in the record book and of specifying the time of implementation thereof.

4. One copy of the record book together with ballot papers shall be delivered to PECs.

5. The record book shall be bound with a lace; the lace shall be sealed, the sheet to be sealed shall be signed by the DEC chairperson and secretary, and shall be affixed with a DEC seal. Every page of the record book shall be numbered and the number of the electoral district and the electoral precinct shall be specified on each page.

6. The PEC secretary shall record on page 4 of the record book the amount of unused ballot papers and envelopes delivered to persons accompanying a



mobile ballot box that remain in the ballot box after polling.

7. The commission secretary shall record on page 5 of the record book the information regarding temporary delegation of a commission member's duties defined by casting lots to another member of the commission.

8. The commission secretary shall record on pages 6 and 9 of the record book every set of data to be entered into the summary protocol when summarizing polling results.

9. All persons authorized to be present at a polling place may record in the record book all claims, complaints, and comments related to the polling procedure on the polling day (page 10 and the following pages of the record book shall be used for this purpose), and may specify witnesses (if any). Persons making records in the record book shall specify their first and last names, and address as provided on the identity card of a citizen of Georgia.

10. No one shall have the right to prevent any person authorized to be present at a polling place from making records in the record book.

11. The record book shall be closed after summarizing polling results and shall be signed by the chairperson and secretary of the election commission. It shall be approved by PEC seal. The record book together with the applications/complaints received shall be sealed and delivered to the superior DEC together with the PEC summary protocol(s).

### **Article 63 - Ballot papers and special envelopes**

1. Ballot papers shall be printed under a CEC decree and in accordance with the sample established by the CEC in the Georgian language, while in Abkhazia ballot papers shall be printed in the Georgian and Abkhazian languages, and if necessary, in other languages understandable to the local population.

2. For electoral precincts in which live voters with vision disabilities live, the CEC shall ensure the use of technologies allowing the voters to fill out a ballot paper independently.

3. The CEC shall ensure the printing of ballot papers and the production of ballot boxes (main and mobile), while the relevant DEC shall be responsible for the accuracy of the data to be entered into ballot papers for the elections of a local self-government representative body Sakrebulo (except for the Tbilisi (capital city of Georgia) self-government body Sakrebulo). Ballot papers shall be printed under permanent supervision of observers and persons authorized by the CEC and DEC. Two commission members appointed by decree of the respective election commission and observer organizations registered under this Law may observe the process of printing of ballot papers (at every place of printing). The observer organizations shall agree upon nominating not more than 3 observers.

4. The respective election commission shall, within two days after adoption of the appropriate decree, publish data about the place where ballot papers are printed and ballot boxes are produced, as well as about the persons responsible for printing ballot papers and producing ballot boxes.

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

6. The chairperson and secretary of an election commission shall be personally responsible for the storage and proper distribution of ballot papers in the election commission.

7. In order to provide a precise recording of ballot papers, each type of ballot paper shall be numbered sequentially (the number shall be specified on the counterfoil of a ballot paper; a ballot paper and its counterfoil shall be separated from each other by a perforated line) and bound in 50 copies in the form of a notebook. Each notebook shall specify on its cover page the type of ballot paper, the lines for a notebook number, numbers of ballot papers in the notebook, numbers and names of electoral districts and electoral precincts, the lines for signatures of a PEC chairperson and a PEC member (registrar of voters), to whom the notebook is to be delivered, as well as the line for recording the number of unused ballot papers.

8. The number of special envelopes delivered to each PEC shall equal to the total number of voters in an electoral precinct, while the number of ballot paper notebooks shall be equal to a multiple number of 50 of the total number of voters in an electoral precinct.

9. The CEC shall transfer ballot papers and special envelopes to DEC. On the other hand, the DEC shall transfer ballot papers and special envelopes to PECs not later than 12 hours before polling starts.

10. The number of ballot papers and special envelopes shall be precisely registered. Two copies of a delivery and acceptance certificate shall be drawn up after the CEC transfers ballot papers and special envelopes to a DEC and the DEC transfers them to a PEC. A delivery and acceptance certificate shall specify the names of the commissions having transferred and having received ballot papers and special envelopes, the amount of special envelopes, the type of ballot papers, the amount of ballot paper notebooks (specifying their numbers and the numbers of ballot papers), the identity of persons having issued and having received them. A delivery and acceptance certificate shall be signed by the persons having issued and having received the documents (one copy of the certificate shall remain with the commission having transferred ballot papers and special envelopes, while another copy shall be given to the commission having received the ballot papers and special envelopes). A representative of the election commission that is given ballot papers and special envelopes shall request one copy of a delivery and acceptance certificate to be transferred to the respective DEC/PEC. A delivery and acceptance certificate shall represent public information.

11. Signatories to a delivery and acceptance certificate set forth in paragraph 10 of this article shall, prior to drawing it up, and after determining the compliance of ballot paper information, count ballot papers and enter data into the delivery and acceptance certificate. Thereafter, ballot papers shall be sealed again and that shall be endorsed by the signatures of the parties.

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

a) the name of an election/referendum and the date of the election/referendum;

b) the name and the number of an electoral district;



c) the number of an electoral precinct (on counterfoil of a ballot paper and on ballot paper itself);

d) during elections conducted through the proportional electoral system – the sequence number and name of the electoral bloc/party independently running in the election; during elections for the President of Georgia, the Mayor of Tbilisi and elections conducted through the majoritarian system – the sequence number, first name, and last name of a candidate, the name of a nominating election subject. If a majoritarian candidate is nominated by an initiative group of voters, the ballot paper shall specify ‘independent’ alongside the sequence number;

e) a referendum paper shall also specify the question to citizens concerning the referendum issue and options of possible answer: ‘yes’ and ‘no’;

f) the procedure for filling out a ballot paper.

13. If it turns out that a ballot paper was supposed to be in another electoral precinct/district or the quantity thereof does not comply with the one determined in advance, or it has a typographical or other defect, the superior election commission shall be immediately notified thereof, while the relevant election commission may, by an appropriate certificate, enter the actual number of ballot papers into the summary protocol.

14. The reverse page of a ballot paper shall specify the following:

a) the place for affixing a signature by the registrar of voters;

b) the place for affixing a special stamp by the registrar of voters.

15. If an election subject is withdrawn from an election, a stamp ‘withdrawn from election’ shall be placed on a ballot paper after the name of an election subject.

16. Ballot papers are state property. It is prohibited to take ballot papers out of a polling station, to take them away, or to destroy them on the polling day without permission.

17. Ballot papers shall be printed on a paper with protective signs and only the CEC shall have the right to order and purchase such papers.

18. The violation of the restrictions prescribed by paragraph 16 of this article, as well as the dissemination and use of forged ballot papers, is a criminal offence punishable by law.

19. A PEC shall issue a ballot paper(s) and special envelopes based on a list of voters against an identity card of a citizen of Georgia, passport of a citizen of Georgia, refugee certificate for IDPs from the occupied territories of Georgia (together with the identity card of a citizen of Georgia).

20. Each voter shall be given one special envelope and the appropriate amount of ballot papers on the polling day.

21. Voters shall be given two types of ballot papers during elections for the Parliament of Georgia – one for majoritarian and the other for proportional elections.

22. A commission member acting as a registrar of voters shall endorse the issuance of a ballot paper(s) by his/her signature on the list of voters.

23. Voters shall endorse receipt of a ballot paper(s) by his/her signature on the list of voters.

#### **Article 64 - Inking of voters**

1. Inking of voters shall be conducted in every electoral precinct (except for the cases set forth in paragraph 5 of this article), which implies applying of invisible and nonhazardous indelible ink on the voter's right thumbnail or forefinger nail (in the case of impossibility to perform this action, the invisible and indelible ink shall be applied on the voter's right nail of another finger, and if this is also impossible, the same procedure shall be conducted on the left hand).

2. A voter shall go through the inking verification procedure provided by the respective election commission member upon entering a polling room. The commission member shall illuminate the place for inking with a special device and after making sure that a voter has not been inked before, he/she shall grant the voter the right to participate in polling. If the device determines that a voter has been inked before, the voter shall be restricted from participating in polling and his/her name shall be recorded in the record book.

3. A voter who has gone through the inking verification procedure shall move to the registration desk, where the registrar of voters shall ink a voter and issue a ballot paper(s). In case of refusal to inking, a voter shall have no right to vote and a ballot paper(s) shall not be issued to him/her.

4. If a member of the election commission, an observer present at an electoral precinct and/or a representative of an election subject becomes suspicious of the inking or inking verification procedure, he/she shall have the right to require the repeated conduct of the procedure set forth in the second and/or third paragraph of this article. The same persons shall have the right to require respective responses to any identified violation of the inking procedure.

5. Inking shall not apply to prisons/penitentiary institutions, hospitals and other inpatient facilities (for patients), or to mobile voters.

6. A voter who has gone through the inking procedure and has participated in an election may not vote again at the same or another electoral precinct.

7. An individual violating the requirements set forth in this article shall be held liable under the legislation of Georgia.

#### **Article 65 - Conduct of polling**

1. Each voter shall vote personally. It is restricted to vote in the place of another person.



2. Voting shall be conducted under the procedure and in the sequence as follows:

- a) upon entering the polling room, a voter shall go through the inking verification procedure; if a voter has not been inked before, he/she shall be given the right to cast a vote. A commission member responsible for regulating the flow of voters shall allow the voter into the polling room only if there are not more than 2 voters at the registration desk assigned to him/her;
- b) a voter having entered the polling room shall go to the registration desk corresponding to the first letter of his/her last name in the list of voters and shall produce to the registrar of voters his/her identity card of a citizen of Georgia or his/her passport of a citizen of Georgia, as well as an IDP card for an internally displaced person from the occupied territories of Georgia (together with an identity card of a Georgian citizen). After the registrar verifies the availability of a voter's name in the list of voters, he/she shall conduct inking, after which the registrar of voters shall sign in a respective box in the list of voters, and then a voter shall endorse the receipt of a ballot paper(s) by his/her signature. When issuing the ballot paper(s), the registrar of voters shall endorse it (them) by signing in a respective box on the reverse side and shall emplace a special seal;
- c) after endorsing a ballot paper(s), a voter shall enter a secret polling booth and fill out the ballot paper(s) in the manner defined by this Law. After filling out the ballot paper(s), the voter shall fold it (them) so that it is impossible to see who/what he/she voted for;
- d) a voter shall take the folded ballot paper(s) to a desk standing separately, shall independently take a special envelope and put the ballot paper(s) therein. Only a voter shall have the right to put a ballot paper(s) in a special envelope. An election commission member may not open the filled out ballot paper(s) or otherwise violate the secrecy of voting;
- e) not more than 1 voter at a time shall be allowed at a ballot box;
- f) a commission member supervising a ballot box and special envelopes shall be permanently present by the ballot box. He/she shall keep closed the ballot box opening for inserting envelopes and shall open it only after making sure that a voter has only one envelope in hand;
- g) after the end of the election, the ballot box opening for inserting envelopes shall be sealed.

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

- a) a member of an election commission
- b) a candidate
- c) a representative of an election subject
- d) an observer.

4. If a voter or a PEC member spoils a ballot paper or a special envelope, he/she shall inform the PEC chairperson thereof, re-submit the spoiled ballot paper/special envelope, and get a new one. A corner of the spoiled ballot paper/special envelope shall be cut off in the presence of a voter, the word 'spoiled' shall be written thereon, and then the spoiled ballot paper/special envelope shall be signed by the PEC chairperson and stored separately.

5. Members of a PEC and persons authorized to be present at a polling place may require a voter, before he/she goes into the polling booth and places the ballot paper(s) into a special envelope, to show them that he/she has the exact number of ballot papers and special envelopes in hand as defined by this Law. A voter shall be obliged to comply with this requirement.

6. A PEC secretary shall, on the polling day, count the number of signatures of voters in the list of voters twice, at 12:00 and at 17:00, and record the number of signatures of voters in the PEC demonstration protocol and record book.

7. If the seal integrity of a ballot box is lost during elections, a PEC shall stop the voting process and shall decide by decree whether or not to re-seal the ballot box and resume polling.

8. A polling place shall be closed at 20:00. Voters standing in the line by that time may vote. For this purpose, one of the election commission members shall, by order of the PEC chairperson, register the first and last names of voters waiting in the line and inform the PEC chairperson about the number thereof, while the commission secretary shall enter the number of voters standing in the line into the record book. The PEC chairperson shall announce that only voters standing in the line have the right to vote.

9. After closing a polling place, authorized persons of a PEC set up for exceptional cases shall take the ballot box and electoral documents of an electoral precinct established for exceptional cases to a polling place pre-designated by a DEC.

## **Article 66 - Mobile voting**

1. The mobile voting procedure shall start at 9:00 and end at 19:00. A mobile ballot box shall be returned to an electoral precinct not later than 20:00.
2. Persons set forth in Article 33 of this Law shall have the right to cast a vote through mobile voting.
3. From 9:00 on polling day, the PEC chairperson shall provide the election commission members accompanying a mobile ballot box with the mobile ballot box list, special envelopes, and necessary number of ballot papers signed and sealed with a special seal by the registrar of voters.
4. Two members of a PEC selected by casting lots and persons authorized to be present at a polling place shall participate, at their own discretion, in polling conducted according to the location of voters.
5. If a vehicle is used during mobile voting, a PEC shall allocate space in the vehicle for 2 observers selected by casting lots from among persons authorized to be present at a polling station.



6. A voter shall cast a vote through mobile voting in case his/her actual whereabouts is assigned to the territory of an electoral precinct where he/she is registered.
7. One transparent mobile ballot box shall be used to conduct polling according to the actual whereabouts of voters. The PEC secretary shall enter into the record book the amount of ballot papers and special envelopes delivered to the election commission members accompanying a mobile ballot box. After the end of polling, the amount of ballot papers and special envelopes in a ballot box as well as unused ones shall be summarized in order to make a comparison thereafter. After the completion of the above procedure, a corner of each unused ballot paper and special envelope shall be cut off, the word 'spoiled' shall be written thereon, and then it shall be signed by the PEC chairperson and stored separately. All procedures related to polling at an electoral precinct shall apply to mobile voting as well. The powers of representatives and observers shall also be identical.
8. If, in the cases prescribed by Article 33 of this Law, both the place of registration and the actual whereabouts of a voter are assigned to one and the same electoral district, the voter shall have the right to participate in elections conducted through the proportional and majoritarian electoral systems and a respective ballot paper and special envelope shall be issued to him/her. Otherwise, a voter shall have the right to participate only in elections conducted through the proportional electoral system.
9. Polling procedures set forth in paragraph 8 of this article shall be conducted by the PEC on the territory where there is a military unit, a hospital or other inpatient facility or a penitentiary establishment, in which a voter is located.
10. After the end of polling, the mobile ballot box opening shall be sealed so that it cannot be opened without damaging the seal.
11. Polling procedure through mobile voting may not take place for the voters staying abroad on polling day.

*Organic Law of Georgia No 1273 of 20 September 2013 – website, 2.10.2013*

#### **Article 67 - Procedures to be conducted before opening ballot boxes**

1. After the end of polling, the PEC chairperson shall carve a second notch into the commission and registrar seals in the presence of persons authorized to be present at a polling station. The PEC chairperson shall, as laid down in Article 61(2) of this Law, select by casting lots not less than 3 counting officers, while observers shall select not more than 2 supervisors from among the members by mutual agreement (if observers fail to come to agreement, the PEC chairperson shall select 2 supervisors from among them by casting lots). The record book shall include the sample of seals with the carved notches.
2. The commission chairperson shall select by casting lots not more than 2 representatives from among the representatives present at an electoral precinct who shall participate in the process of counting valid and/or invalid ballot papers, together with the counting officers selected from among the commission members by casting lots. Moreover, representatives of the election subjects who are at the same time the counting officers selected by casting lots from among the commission members appointed by the same election subjects shall not participate in casting lots for above-mentioned representatives.
3. Counting officers shall sequentially count the total number of voters participating in polling by unified, special, and mobile ballot box lists of voters. The PEC secretary shall immediately incorporate the results into a demonstration protocol and a polling day record book, and then wrap and seal separately the unified, special, and mobile ballot box lists of voters.
4. The commission secretary shall cut an edge off any unused ballot paper. Unused and spoiled ballot papers shall be bound in separate packages. Each package shall specify the name and number of an electoral precinct, and the type of ballot paper.
5. Packages shall be sealed and signed by counting officers and the PEC chairperson.
6. Polling procedures at an electoral precinct set up in exceptional cases shall be conducted in accordance with the general procedures. After the end of polling, a PEC established in exceptional cases shall seal the ballot box opening, list of voters, and unused and spoiled ballot papers. The ballot box, list of voters, and sealed unused and spoiled ballot papers shall immediately be submitted to an electoral precinct (main electoral precinct) pre-designated by decree of a DEC.
7. The main electoral precinct shall open the ballot box of an electoral precinct established in exceptional cases laid down in paragraph 8 of this article, and shall mix special envelopes and ballot papers from that box with the special envelopes and ballot papers available at the main electoral precinct.
8. A ballot box of an electoral precinct established in exceptional cases shall be opened after mobile and main ballot boxes of the main electoral precinct are opened. The results of the main electoral precinct and the electoral precinct established in exceptional cases shall be recorded in one summary protocol.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

#### **Article 68 - Opening of ballot boxes**

1. The PEC chairperson shall check the seal integrity on a ballot box in the presence of PEC members and persons authorized to be present at a polling place.
2. If the seal integrity is lost but a PEC considers that this has not led to violation of the requirements of this Law, the procedure of summarizing results shall be resumed under a PEC decree. Otherwise, a ballot box shall be sealed and the PEC decree and the sealed ballot box shall immediately be submitted to the superior DEC.
3. Counting officers shall move ballot boxes to a desk standing separately and take their places on opposite sides so as to maintain two meters distance between PEC members and persons authorized to be present at the polling station. Two supervisors and two representatives selected from among the observers shall stand next to counting officers.



4. A PEC shall first open mobile ballot boxes. Counting officers shall take special envelopes from the mobile ballot box and place them on the desk, check whether there is a control sheet in the mobile ballot box and compare it with the control sheet kept with the PEC for comparison. If any difference between the two control sheets is identified or if the control sheet is missing in the mobile ballot box, all special envelopes and ballot papers shall be bundled in one package and labeled 'invalid' and then submitted to the superior DEC after the polling and vote counting procedures are completed at the electoral precinct. After this procedure, counting officers shall open the main ballot box.

5. Counting officers shall take special envelopes and ballot papers from the main ballot box and place them on a separate desk, check whether there is a control sheet in the main ballot box and compare it with the control sheet kept by the PEC chairperson for comparison. If any difference between the two control sheets is identified or the control sheet is missing in the main ballot box, all special envelopes and ballot papers shall be bundled in one package and sealed. A respective protocol shall be drawn up and immediately submitted to the superior DEC. If violations do not occur, counting officers shall mix special envelopes from the main and mobile ballot boxes and start counting ballot papers.

#### **Article 69 - Counting of votes**

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

a) the first counting officer shall take a ballot paper out of a special envelope, announce for whom the vote has been cast and transfer one type of ballot paper to the second counting officer, another type of ballot paper to the third counting officer, etc., while he/she shall place special envelopes separately. Counting officers shall sort ballot papers separately by the votes given to each election subject;

b) unidentified type of ballot papers and ballot papers deemed by counting officers invalid shall be placed separately from ballot papers raising doubt about their validity.

2. One of supervisors selected from among observers shall stand next to the second counting officer as set forth in paragraph 1(a) of this article, and another supervisor shall stand next to the third counting officer as set forth in the same subparagraph. Supervisors shall have the right to observe the entire procedure of counting votes, make remarks on errors, require rectification of errors, and unless the requirement is met, appeal the PEC action to the superior DEC, and thereafter in court. Persons authorized to be present at a polling station may require the counting officer to put aside any ballot paper raising doubt about its validity.

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

a) the ballot paper is not endorsed by the signature and special seal of a registrar of voters;

b) it is impossible to determine for which election subject a voter cast a vote;

c) the number of ballot papers in a special envelope exceeds the number required;

d) the special envelope does not comply with the sample;

e) the ballot paper in a ballot box is without a special envelope;

f) the ballot paper was intended for another electoral precinct.

4. Any corrections, changes, or amendments to a ballot paper after a voter casts a vote shall give rise to liability under the legislation of Georgia.

5. Ballot papers raising doubt about their validity shall be verified after all ballot papers are sorted into different categories. A PEC shall decide by voting whether each ballot paper is valid. Ballot papers that are deemed valid shall be added to the pile of valid ballot papers, while ballot papers that are deemed invalid shall be added to the pile of invalid ballot papers.

6. After the procedure set forth in paragraph 5 of this article, the ballot papers that have been determined to be invalid shall be counted and labeled 'invalid'. Such ballot papers shall be bundled in a package and signed by counting officers and the PEC chairperson, and the PEC secretary shall immediately enter the quantity thereof in the demonstration protocol and the record book. Valid ballot papers intended for another electoral precinct shall be packed in a separate bundle and the quantity thereof shall be entered only in the record book.

7. Each package of ballot papers shall be packed and sealed in an envelope of appropriate size. The number of the electoral precinct and the type and quantity of ballot papers contained therein shall be specified on each package.

8. After the procedure set forth in paragraph 7 of this article, the number of votes cast for each election subject shall be counted and ballot papers shall be packed according to the procedure set forth in paragraph 9 of this article. The bundle of ballot papers belonging to each election subject shall separately be wrapped and sealed. The number of votes obtained by each election subject shall immediately be recorded by the PEC secretary in the demonstration protocol and the record book.

9. Every 10 ballot papers shall be bound with metal clips and each package, either complete or incomplete, shall specify on the top of the package the quantity of ballot papers in the package. The packages shall be bound in a single bundle. The bundles shall specify on the top of the bundle the name and the number of an electoral precinct, the information about an election subject(s) (name, first and last names), the number of votes received by an election subject(s), and the number of ballot papers in the bundle.

#### **Article 70 - Summary protocols of polling and election results**

1. Polling and elections results shall be entered in summary protocols of polling and election results of the CEC, DEC, and PECs.

2. A summary protocol is an individual administrative-legal act evidencing the polling and election results. A summary protocol and its copy, certified in





the manner defined by this Law, shall have equal legal force.

3. It is prohibited to modify data in a summary protocol. The superior election commission shall consider whether a summary protocol is void. Modification of any summary protocol data shall give rise to liability of the respective election commission chairperson and secretary as defined by this Law.

4. If any mistake is made during filling out a summary protocol, in order to correct it, an inscription 'corrected' shall immediately be put alongside the respective data in a summary protocol. An election commission shall draw up an amendment protocol that shall specify the amended data entered into a summary protocol and the date and time of drawing up the protocol. All members of an election commission attending the session shall sign the amendment protocol. A commission seal shall be put on the amendment protocol, the amendment protocol shall be registered in the election commission registration book, and shall be attached to the summary protocol in which data were amended.

5. Each type of summary protocols (summary protocols of PEC polling results and summary protocols of DEC polling and election results) shall be assigned individual numbers that shall not be reiterated.

6. Summary protocols shall be registered accurately. The CEC shall ensure the printing of summary protocols. Summary protocols shall be printed under the constant supervision of observers and persons authorized by the CEC. The person printing summary protocols shall be solely responsible for exact compliance of the number of printed protocols transferred to the CEC with that of ordered protocols in order to prevent printing and dissemination of an excess number of protocols.

7. An election commission chairperson shall be responsible for keeping the protocols in the election commission and for distributing them as required.

8. A DEC shall provide a PEC with each type of summary protocol of polling results at an electoral precinct.

9. Summary protocols shall be printed on paper with protective markings that can only be ordered and purchased by the CEC.

10. Summary protocols shall be printed in the Georgian language, while in Abkhazia they shall be printed in the Abkhazian language, and for electoral districts for which ballot papers have been printed in a different language understandable to the local population, summary protocols shall be printed in the corresponding language.

#### **Article 71 - Drawing up summary protocols of polling results by PECs**

1. Upon determination of all data set forth in the third paragraph of this article, the PEC secretary shall, in agreement with the PEC chairperson and in accordance with all available information, draw up each type of summary protocol of polling results.

2. Two summary protocols shall be drawn up during elections for the Parliament of Georgia and for the local self-government representative body Sakrebulo. One protocol shall be drawn up in accordance with election results conducted through the proportional electoral system, and another protocol shall be drawn up in accordance with election results conducted through the majoritarian electoral system. During elections for the President of Georgia, the Mayor of Tbilisi and by-elections, one summary protocol shall be drawn up.

3. A summary protocol of polling results shall specify the following:

- a) the number and the name of an electoral district, the number of an electoral precinct
- b) the number of an electoral precinct set up in exceptional cases (if any) that is attached to the main electoral precinct
- c) the name of elections/referenda
- d) the polling date (it shall also specify if it is a repeat voting or the second round of elections)
- e) the numbers of seals of PECs and registrars of voters
- f) the number of voters in an unified list
- g) the number of voters in a special list
- h) the number of signatures of voters participating in elections in the list of voters at 12:00 and 17:00
- i) the total number of voters participating in elections (according to signatures in the lists of voters)
- j) the number of received ballot papers
- k) the number of invalid ballot papers
- l) the name of election subjects, the number of votes cast therefor
- m) the date and time of drawing up of the protocol
- n) the protocol data, with which a PEC member disagrees (a commission member shall make this note in the column 'dissenting opinion' and shall sign it).

4. All PEC members shall be obliged to sign a summary protocol of polling results, thus evidencing their presence at an electoral precinct. The protocol shall be endorsed by the PEC seal.

5. If a PEC member does not agree with the data entered in a PEC summary protocol of polling results, he/she shall have the right to attach his/her



dissenting opinion to the protocol in writing.

6. If a PEC member expresses a dissenting opinion, it is still the PEC member's duty to sign a summary protocol of polling results.

7. A summary protocol of polling results (attached with dissenting opinions of PEC members), together with a sealed package of ballot papers and lists of voters, shall immediately be submitted to the superior DEC, and the superior DEC shall submit the same protocol, together with the DEC summary protocol, to the CEC.

8. A PEC shall be responsible for posting a copy of a summary protocol of polling results for public review. A PEC shall, if requested, immediately give a copy of the protocol (attached with dissenting opinions of commission members) to representatives of a party/electoral bloc/initiative group of voters or to a PEC member appointed by a party and to observers from an observer organization. The copy of a protocol shall be certified by the PEC seal and signatures of the PEC chairperson and secretary (these protocols shall have the same legal force as PEC summary protocols for polling results). Any representative/observer shall endorse the receipt of a protocol by signing in the PEC record book.

9. From the day following the polling day, a DEC shall issue the copies of summary protocols for polling results. Those copies shall be endorsed by signatures of the DEC chairperson and secretary and by the DEC seal (those protocols shall have the same legal force as PEC summary protocols for polling results). Any representative/observer shall endorse the receipt of a protocol by signing in the DEC record book.

10. Failure to issue a summary protocol of polling results, if requested in the manner defined by this Law, shall give rise to the liability of authorized persons of a commission in the manner defined by this Law.

11. A summary protocol of polling results, together with lists of voters and signatures of the voters participating in polling, shall be delivered to a DEC. A DEC, on the other hand, shall deliver the same lists to the CEC that shall sort and archive them.

12. After the completion of all polling procedures, the registration book of a PEC shall be closed, signed by the PEC chairperson and secretary, and endorsed by a PEC seal.

13. A PEC seal shall be sealed in a separate package. The package shall be signed by the PEC chairperson, its secretary, and other PEC members.

14. It is the duty of a PEC to submit immediately the copy of a summary protocol of polling results, upon filling it out, to the CEC through all technical means available (including fax, where possible).

#### **Article 72 - Procedures for drawing up and submitting applications/complaints on polling day**

1. An application/complaint shall be delivered to the PEC chairperson, his/her deputy, or the secretary of the commission. The commission secretary shall register the application/complaint in the record book and send a notice (signed by the secretary) to the applicant/complainant specifying the date, time, and registration number of the application/complaint submitted to the commission.

2. An application/complaint shall include:

- a) the date and time of drawing up the application/complaint
- b) the first name, last name, and place of registration of the applicant/complainant
- c) the number of the electoral precinct
- d) if there is a witness - his/her first name, last name, and place of registration
- e) the essence and time of the violation
- f) if an offender is identified - all possible data obtained about him/her
- g) an explanation by the offender (if any)
- h) other additional information.

3. The PEC chairperson shall immediately respond to the application/complaint and eliminate any existing violation. If the commission chairperson fails to eliminate the violation, or otherwise refuses to respond to the application/complaint, the applicant/complainant has the right to immediately submit the application/complaint about the violation to the respective superior DEC. The DEC shall be required to take respective measures to eliminate the violation, and in the course of examination of the application/complaint, discuss the possibility of annulling the polling results of the respective precinct.

4. If the PEC eliminates the violation identified in the application/complaint, the respective note 'violation eliminated' shall be made in the record book specifying the exact time.

#### **Article 73 - Applications and complaints about violation of polling and vote counting procedures**

1. An application/complaint about a violation of polling procedure in an electoral precinct shall be drafted immediately upon identifying any violation of this Law in the manner defined by Article 72 of this Law, from 7:00 a.m. until a ballot box is opened on polling day.

2. An application/complaint about violations that occurred during the procedure of counting votes or summarizing polling results and requesting a revision or annulment of polling results shall be drawn up within the period from opening a ballot box until drafting a summary protocol of polling results in the manner defined by Article 72 of this Law.



3. The PEC secretary shall register an application/complaint set forth in the second paragraph of this article in the record book and the PEC shall submit it to the superior DEC within three calendar days after the polling day (as laid down in this Law for the receipt of documents by a DEC). An application/complaint about the same violation may be submitted directly to a DEC by an applicant/complainant within the same timeframe.

#### **Article 74 - Consideration of applications/complaints about counting votes and summarizing polling results**

1. The DEC secretary shall, upon the receipt of an application/complaint set forth in Article 73 of this Law, register the application/complaint in the DEC registration book. The commission shall review the application/complaint and make a decision within one calendar day after its registration with the DEC. The DEC shall deliver a decision by issuing a decree that may be appealed only to the court as defined by this Law.

2. If the procedure for submission of information set forth in paragraph 2(a-d) of Article 72 of this Law is not met, the respective official who is in charge of receiving applications/complaints in an election commission shall identify the omission for the applicant/complainant and define a reasonable term for its rectification. The commission secretary shall make a respective note thereof in the commission registration book. The note shall be signed by the applicant/complainant and the respective official of the commission. Unless the omission is rectified within the period defined, the respective election commission shall apply the procedure set forth in paragraph 5 of this article.

3. The applicant/complainant shall have the right to rectify any omission within the period established by an authorized official of the election commission by submitting a similar application/complaint about the violation where the grounds for the omission shall be eliminated and/or the applicant shall submit an application specifying the data of the determined omission.

4. If the omission is rectified, a respective note shall be made in the registration book of the election commission specifying the exact time and date of rectification, and it shall be signed by the person rectifying the omission and the respective official of the commission.

5. An application/complaint submitted in violation of the procedures set forth in Articles 72 and 73 of this Law and paragraphs 3 and 4 of this article shall not be considered upon a decision made by the respective election commission.

#### **Article 75 - Summarization of polling and election results in DECs**

1. A DEC shall, based on summary protocols of PECs, and taking into account the consequences of examination of violations of the electoral legislation of Georgia, not later than the 11<sup>th</sup> day after polling, summarize polling results of a referendum, election for the President of Georgia, for the Parliament of Georgia, for the Mayor of Tbilisi, and for the Tbilisi Sakrebulo. A DEC shall also determine the results of elections for the Parliament of Georgia and for a local self-government representative body Sakrebulo and shall determine the summary protocols of polling and election results held in the electoral district. Those protocols shall be submitted to the CEC not later than the following day.

2. A summary protocol of the DEC polling/election results shall include the following:

- a) the number and name of the electoral district
- b) the name of the election/referendum
- c) the polling date (it shall also specify if it is a repeat voting or a second round of election)
- d) the number of voters in the electoral district
- e) the number of voters in the electoral district participating in the election
- f) the number of received ballot papers
- g) the number of invalid ballot papers
- h) the names of election subjects, and the number of votes cast for election subjects
- i) the number of valid ballot papers (the total number of votes cast for all election subjects)
- j) the identifying number of the electoral precinct where polling results were annulled, the total number of voters in the same precinct and the basis for annulment of polling results
- k) the number of ballot papers issued to the electoral precincts where polling results were annulled
- l) the date and time of drawing up a protocol
- m) the protocol data with which a DEC member disagrees (this note shall be made and signed by the commission member in the box 'dissenting opinion')
- n) the data enumerated in a summary protocol of election results in this paragraph, as well as the names of the person(s) elected, the names of persons advanced to the second round, and the name of the person elected in the second round.

3. If a DEC annuls polling results of any electoral precinct(s) and if the total number of voters in this precinct(s) is such that a repeat voting shall not affect the identification of person(s) elected or person(s) moved to the second round, the DEC shall determine who is the person elected or who is the person(s) moved to the second round without taking into account the results from that precinct(s).

4. All DEC members attending the commission session shall be obliged to sign a summary protocol of polling/election results. The protocol shall be endorsed by the DEC seal.



5. If a DEC member disagrees with the data included in a summary protocol, he/she may specify in the protocol with what he/she disagrees, and may attach a written dissenting opinion to the protocol.
6. The DEC secretary shall include the data set forth in this article, upon determination, in the demonstration protocol posted at a visible and accessible place in the DEC.
7. A DEC summary protocol of polling/election results (attached with dissenting opinions of DEC members), as well as DEC decrees about amending PEC summary protocols (if such amendments have been made) shall immediately be submitted to the CEC.
8. A copy of a DEC summary protocol (attached with dissenting opinions of DEC members) shall, upon request, immediately be submitted to representatives of a party/electoral bloc/initiative group of voters and to observers from an observer organization. The copy of the protocol shall be endorsed by the DEC seal and the signatures of the DEC chairperson and secretary (those protocols shall have the same legal force as DEC summary protocols). The representative/observer shall confirm the receipt of the protocol by signing in the record book.
9. If a certified copy of a summary protocol that is requested in the manner defined by this Law is not issued, it shall give rise to liability of the commission chairperson and secretary under the legislation of Georgia.

#### **Article 76 - Summarization of election results at the CEC**

1. The CEC shall, based on protocols received from DEC members and PECs, not later than the 19<sup>th</sup> day after polling, summarize election results for the Parliament of Georgia, the President of Georgia, and the Mayor of Tbilisi. The CEC shall draw up a summary protocol of election results.
2. The CEC shall summarize election results and draw up a summary protocol of election results specifying the following:
  - a) the number of voters
  - b) the number of voters participating in the election
  - c) the number of ballot papers deemed invalid
  - d) the number of votes cast for election subjects.
3. A summary protocol of election results shall be signed by the CEC Chairperson and the CEC Secretary. One counterpart of the protocol shall be kept with the CEC and the other counterpart shall be given to the authorities defined by this Law. Copies of the protocol shall be given to all persons concerned.
4. The CEC shall ensure the posting of summary protocols of polling results on the CEC website at the same time when summary protocols from electoral precincts are received. The Electoral Administration officers shall be prohibited to make announcements about preliminary results of elections, unless the results are duly published on the CEC website.
5. It is prohibited to summarize election results by the CEC until election disputes pending in the courts of common jurisdiction are resolved, without giving full consideration to the court decisions.
6. In the case of any application/complaint and/or dissenting opinion of any CEC member, the CEC may summarize election results based on PEC summary protocols.
7. Upon summarizing the final results of elections, the CEC shall post information about election results on its website by each electoral precinct. The CEC shall, not later than the following day, give this information to the press and other media.
8. The CEC shall make the protocols set forth in Article 71(14) of this Law public, as well as shall ensure the immediate publication thereof on the CEC website. At the same time, if electoral precinct results have been appealed to the court in the manner defined by the legislation of Georgia, the CEC shall be obliged to make proper note thereof in the respective protocol published on the website immediately after the official notification.

### **Chapter IX. Electoral Dispute Resolution**

#### **Article 77 - Term and procedure for appeal**

1. Violation of the electoral legislation of Georgia may be appealed to the respective election commission. The decision of an election commission may be appealed only to a superior election commission or to the court in the manner and within the timeframes as laid down in this Law, unless otherwise prescribed hereby.
2. Decisions of PEC/PEC head officers may be appealed to the respective DEC within three calendar days after decisions are adopted. The respective DEC shall examine the appeal within one calendar day. The decision of the DEC may be appealed to the respective district/city court within two calendar days. The respective district/city court shall examine the appeal within two calendar days. The decision of the district/city court may be appealed to the Court of Appeals within one calendar day after the decision is delivered. The Court of Appeals shall examine the appeal within one calendar day. The decision of the Court of Appeals shall be final and may not be subject to appeal.
3. If a DEC decision is appealed to the CEC based on the appeal of a PEC decision, an application/complaint shall not be considered.
4. Decisions of DEC/DEC head officers may be appealed to the CEC within one calendar day after decisions are made. The CEC shall examine the appeal



within one calendar day. The decision of the CEC may be appealed to the Tbilisi City Court within one calendar day after its delivery. The Tbilisi City Court shall examine the appeal within two calendar days. The decision of the Tbilisi City Court may be appealed to the Court of Appeals within one calendar day after the decision is delivered. The Court of Appeals shall deliver its decision within one calendar day after filing the appeal. The decision of the Court of Appeals shall be final and may not subject to appeal.

5. A decision of the CEC/CEC head officers may be appealed to the Tbilisi City Court within two calendar days after the decision is delivered. The Tbilisi City Court shall examine the appeal within two calendar days. The decision of the Tbilisi City Court may be appealed to the Court of Appeals within two calendar days after the decision is delivered. The Court of Appeals shall deliver its decision within two calendar days after filing the appeal. The decision of the Court of Appeals shall be final and may not subject to appeal.

5<sup>1</sup>. A decision adopted by the GNCC in accordance with Article 51(19) of this Law or failure by the GNCC to adopt a decision may be appealed to the Tbilisi City Court within 48 hours after its announcement in the manner defined by the Code of Administrative Offences of Georgia. The Tbilisi City Court shall consider the complaint within two calendar days. The decision of the Tbilisi City Court may be appealed to the Tbilisi Court of Appeals within 48 hours after the decision is delivered. The Tbilisi Court of Appeals shall deliver its decision within two calendar days after filing the complaint. The decision delivered by the Tbilisi Appeal Court shall be final and may not subject to appeal.

6. If a lawsuit/complaint is lodged with the court, the court shall immediately inform a DEC/CEC about receipt of the lawsuit/complaint and about the decision once it is delivered. The decision of the District/City Court shall be given to parties before 12:00 on the following day.

7. If a party fails to appear at the court hearing, the court shall deliver its decision based on an inquiry into case materials and in accordance with the provisions of Articles 4, 17, and 19 of the Administrative Procedures Code of Georgia.

8. An application/lawsuit/complaint shall be considered to be lodged with an election commission/court from the moment it is registered with the respective election commission/court.

9. Lodging of an application/lawsuit/complaint with the election commission/court shall not suspend the validity of the appealed decision.

10. It is prohibited to extend timeframes for appeal and dispute resolution as determined in this article, unless otherwise defined by this Law.

11. An application/lawsuit/complaint, as set forth in Article 78 of this Law, submitted to the election commission/court concerning election disputes by the persons other than those specified in the same Article, shall not be considered.

12. The legislation of Georgia shall determine the timeframes and procedures for appealing election commission decisions and violations of the electoral legislation of Georgia. The legislation of Georgia shall also define the timeframe for examining an application/lawsuit/complaint and delivering a decision, as well as the group of claimants, unless otherwise defined by this Law.

13. The timeframes and procedures for appealing violations of electoral legislation during elections conducted within the competence of the Supreme Election Commission of an Autonomous Republic shall be determined in the manner defined by the legislation of the Autonomous Republic.

14. Applicants/observer organizations/election subjects shall be informed about the time and place of consideration of the complaint by an election commission in accordance with the requirements defined by this Law.

15. If an applicant is an observer organization or its representative registered with an election commission, the respective observer or the observer organization registered with the election commission shall be notified of the time and place of consideration of the complaint.

16. If the applicant is an election subject or its appointed representative, the appointed representative of the election subject, based on Article 42 of this Law, shall be notified of the time and place of the consideration of the complaint.

17. If the applicant is a member of an election commission, he/she shall be personally informed of the consideration of the complaint.

18. Parties shall be required to clearly specify the applicant's contact number (home and/or cell phone numbers), as well as fax number and email address (if any) in the complaint.

19. Parties may be summoned to the consideration of a complaint either in writing or by telephone (including cell phone, text message), email, fax, or other technical means in order to meet the timeframes for examination of complaints as defined by this Law. Summoning a party through technical means shall be confirmed by:

a) contacting the person at the telephone number specified thereby;

b) sending an e-mail, fax, or text message with acknowledgement of receipt through the relevant technical means. If such acknowledgement is received, the party shall be deemed to be summoned. The party shall also be deemed summoned if it is impossible to contact him/her through the technical means set forth in the complaint (if the cell phone, fax, computer is switched off, etc.).

20. When a party is summoned by any technical means, a report shall be drawn up and attached to the complaint submitted at a commission session.

21. The CEC report shall be drawn up and signed by an officer and the head of Legal Department of the CEC.

22. A report in a subordinate election commission shall be drawn up by one of the commission members by order of the commission chairperson, and shall be signed by that member and the chairperson of the commission.

23. The Electoral Administration of Georgia shall be obliged to inform a party of the time and place of examination of a case not later than three hours before the examination commences.

24. The form of a report shall be approved by the CEC decree.

25. The failure of a party to appear shall not be the grounds for postponing the consideration of a complaint.



26. A party attending the commission session shall be provided with draft documents and copies related to the consideration of the complaint, as well as draft documents and copies that will be presented at the commission session prior to the commencement of the session.
27. A party shall have the right to participate in the process of consideration of a complaint in the manner laid down in the electoral legislation of Georgia.
28. A decision whether or not to consider a complaint shall be made based on an accurate inquiry into and study of the evidence submitted by the parties and the materials obtained by the Electoral Administration of Georgia on its own initiative.
29. A party participating in the process of consideration of a complaint, upon request, shall be provided with the decision about the complaint (except for minutes of a commission session) not later than 12:00 of the day following adoption of the decision, taking into account the timeframes for drawing up the respective documents as defined in the legislation of Georgia.
30. A written commission decision shall be sent to a party who has failed to appear at the consideration of a complaint, notwithstanding that he/she has been summoned.
31. If a party fails to appear at a commission session during consideration of a complaint, the date of serving a written document of delivered decision upon that party shall not be basis for starting an appeal period for the commission decision.
32. An election commission shall be obliged to specify in its decision the term and place (name and address of an institution) to which the decision may be appealed.

*Organic Law of Georgia No 6605 of 29 June 2012 – website, 16.7.2012*

### **Article 78 - Electoral disputes and group of claimants**

1. The Organic Law of Georgia on the Constitutional Court of Georgia and the Law of Georgia on Constitutional Legal Proceedings shall define the standards regulating elections and the timeframes and procedures for lodging a constitutional claim with the Constitutional Court of Georgia concerning the constitutionality of elections conducted or to be conducted based on the above standards.
2. A representative of any registered (for election purposes) party/electoral block/initiative group of voters to a respective election commission, an organization with observer status, a member of the respective DEC or PEC, or a citizen whose application for being entered into the list of voters has not been satisfied by the election commission, shall have the right to file a complaint with the court concerning the lists of voters.
3. A representative of any registered (for election purposes) party/electoral block to the CEC, an organization with observer status, or a member of the CEC shall have the right to file a complaint with the court concerning the establishment of electoral districts within the timeframe defined by this Law.
4. A representative of any registered (for election purposes) party/electoral block to a respective DEC, an organization with observer status, or a member of the respective DEC shall have the right to file a complaint with the court concerning the establishment of electoral districts within the timeframe defined by this Law.
5. An individual determined by the legislation of Georgia shall have the right to file a complaint with the court concerning the appointment/election of a member of the CEC/DEC within the timeframe defined by this Law.
6. A representative of any registered (for election purposes) party/electoral block/initiative group of voters to a respective DEC, an organization with observer status, or a member of a respective DEC or PEC shall have the right to file a complaint with the court concerning the appointment/election of a PEC member within the timeframe defined by this Law.
7. A registered (for election purposes) party/electoral bloc, an organization with observer status, or a member of a respective or superior election commission, whose term of office terminates early, shall have the right to file a complaint with the court concerning the decree of an election commission and its chairperson for pre-term termination of the term of office of an election commission member or an election commission head officer, as well as concerning the failure to adopt a decision about pre-term termination of the term of office (if there is the basis set forth in Article 29 of this Law), within the timeframe defined by this Law.
8. A member of the CEC, a representative of any registered (for election purposes) party/electoral bloc to the CEC, an organization with observer status, or more than half of the commission members, whose term of office terminated early under a decree, shall have the right to file a complaint with the court concerning the CEC decree for pre-term termination of the term of office of a subordinate election commission, as well as concerning the failure to adopt a decision about pre-term termination of the term of office.
9. The CEC shall have the right to file a complaint with the court concerning the failure to deposit funds allocated for elections from the State Budget of Georgia, within the timeframe defined by this Law, to the CEC account. The claim shall be lodged within 10 calendar days after the expiration of the above timeframe.
10. The following entities shall have the right to file a complaint with the court concerning the electoral registration of a party, electoral bloc, initiative group of voters, and their representatives:
  - a) a party, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), provided the CEC Chairperson failed to register the party, electoral bloc, initiative group of voters, or their representatives, or provided the CEC cancelled their registration;
  - b) a party, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a local self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), provided the DEC chairperson failed to register the initiative group of voters, or their representatives, or provided the CEC cancelled their registration;



c) a party independently running in elections, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), at least 2 persons with observer status (appointed as observers in the CEC), provided they believe that a party, an electoral bloc, or an initiative group of voters have been registered in violation of the requirements of the electoral legislation of Georgia;

d) a party independently running in elections, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a local self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), at least 2 persons with observer status (appointed as observers in the respective electoral district), provided they admit that an initiative group of voters was registered in violation of requirements of the electoral legislation of Georgia.

11. The following entities shall have the right to file a complaint with the court concerning a decree of the election commission chairperson for registration of a candidate for President of Georgia, a party running independently in elections, a party list presented by an electoral bloc, separate candidates entered into the party list, a candidate nominated in a single-seat electoral district, and a candidate for Mayor of Tbilisi:

a) a party, an electoral bloc, a majoritarian candidate, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), a representative of an initiative group of voters to the respective DEC (during elections for a self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), provided the CEC Chairperson failed to register the candidate for President of Georgia, the candidate for Mayor of Tbilisi, the party, the party list presented by the electoral bloc or party, separate candidates entered into the list, and provided the DEC chairperson failed to register the candidates nominated by the party, electoral bloc, initiative group of voters during elections for the Parliament of Georgia, or to register the party list presented by the party, electoral bloc, or separate candidates entered into the list, or the candidates nominated by the party, electoral bloc, initiative group of voters during elections for a local self-government representative body Sakrebulo and/or provided the chairpersons of the above commissions cancelled their registration;

b) a registered (for election purposes) party independently running in elections, a registered electoral bloc, a representative of a registered initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), a candidate for Mayor of Tbilisi, or at least 2 persons with observer status (appointed as observers in the CEC), provided they admit that the CEC Chairperson registered the party/electoral bloc list, separate candidates entered into the party/electoral bloc list, candidate for President of Georgia, the candidate for Mayor of Tbilisi in violation of the requirements of the electoral legislation of Georgia, and provided separate candidates entered into the party/electoral bloc list fail to meet the requirements set forth in the Constitution of Georgia and the legislation of Georgia or those requirements have been met in violation of the procedures defined by the legislation of Georgia;

c) a registered (for election purposes) party independently running in elections, a registered electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a local self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), or at least 2 persons with observer status (appointed as observers in the DEC), provided they admit that the DEC chairperson registered the party/electoral bloc list, separate candidates nominated through the majoritarian system or entered into the party/electoral bloc list in violation of the requirements defined by the electoral legislation of Georgia, and provided separate candidates nominated through the majoritarian system or entered into the party/electoral bloc list fail to meet the requirements of the Constitution of Georgia and the legislation of Georgia or those requirements have been met in violation of the procedures defined by the legislation of Georgia;

12. The following entities shall have the right to file a complaint with the court concerning the CEC decree for registration of domestic and international observer organizations: the domestic or the international observer organization if the CEC has not registered the organization, a party/electoral bloc having gone through electoral registration, a representative of a registered initiative group of voters to the CEC, a registered organization with observer status, provided the entities admit that the observer organization was registered in violation of the electoral legislation of Georgia.

13. The following entities shall have the right to file a complaint with the court concerning a DEC decree for registration of a domestic observer organization: the domestic observer organization if the CEC failed to register the organization, a party/electoral bloc having gone through the electoral registration, a representative of a registered initiative group of voters to the DEC, a registered organization with observer status, provided the entities admit that the observer organization was registered in violation of the electoral legislation of Georgia.

14. The following entities shall have the right to file a complaint with the court concerning the CEC/DEC secretary decree for accreditation of representatives of the press and other media: the representatives of the press and other media, whose applications for accreditation have not been satisfied by the election commission, a party/electoral bloc having gone through electoral registration, a representative of an initiative group of voters to the respective election commission, or an organization with observer status.

15. The following entities shall have the right to file a complaint with the court concerning the actions set forth in the first paragraph of Article 47 of this Law:

a) a party, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections of the President of Georgia and the Mayor of Tbilisi), an organization with observer status, an election commission, provided the complaint concerns the violation of the abovementioned procedure by the party, electoral bloc, candidate for President of Georgia or Mayor of Tbilisi;

b) a party, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a local self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), a majoritarian candidate, an organization with election observer status, election commission, provided the complaint concerns the violation of the abovementioned procedures by the candidate nominated to the single- or multi-seat electoral district.

16. A person determined by the legislation of Georgia shall have the right to file a complaint concerning the violation of the provisions of Article 46(3) and Article 50(1-4) of this Law by the press and other media.

16<sup>1</sup>. Persons determined by Article 51(17) of this Law shall have the right to file a complaint with the court concerning a decision of the GNCC or failure by the GNCC to adopt a decision set forth in Article 51(19) of this Law.

17. In the case of violation of the provisions of Articles 48 and 118 of this Law, the following entities shall have the right to file a complaint with the court concerning a decree of the election commission chairperson: a party nominating a candidate, an electoral bloc, an initiative group of voters, the candidate for whom the decree has been issued, a representative of another party, electoral bloc, initiative group of voters to the CEC having gone through electoral registration (during elections for the President of Georgia and the Mayor of Tbilisi), an organization with observer status, a representative of the initiative group of voters to the DEC (if it concerns a majoritarian candidate), unless the commission confirms the abovementioned



violation.

18. (Deleted - 25.7.2013, No 864).

19. A complaint concerning the issues set forth in paragraph 17 of this article shall be filed with the respective district/city court not later than the day following polling day. The court shall deliver its decision not later than the following day after filing of the complaint. The court decision of the district/city court may be appealed to the Court of Appeals not later than the following day after delivering the decision and the Court of Appeals shall deliver its decision not later than the following day after filing of the complaint.

20. In the case of appealing a PEC summary protocol, the following persons shall have the right to file a complaint with the court concerning the respective decree of superior DEC: a representative of any registered (for election purposes) party, electoral bloc, initiative group of voters to the respective DEC, an organization with observer status.

21. The following persons shall have the right to file a complaint with the court concerning a DEC decree for annulment or disclaimer of annulment of polling results in an electoral precinct: a representative of any party, electoral bloc, initiative group of voters, a majoritarian candidate, an observer from an organization with observer status at the respective DEC.

22. The following persons shall have the right to file a complaint with the court concerning a CEC decree for declaring elections conducted or declaring failure of elections: a party independently running in elections, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), a candidate for Mayor of Tbilisi, a representative of an initiative group of voters to the DEC (if it concerns the electoral district), a majoritarian candidate, an organization with observer status.

23. The following entities shall have the right to file a complaint with the court concerning the respective CEC decree in the case of appealing a DEC summary protocol: a party independently running in elections, an electoral bloc, a representative of an initiative group of voters to the DEC, a majoritarian candidate, and an organization with observer status.

24. The following entities shall have the right to file a complaint with the court concerning a CEC summary protocol of election results: a party independently running in the elections, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia and the Mayor of Tbilisi), a candidate for Mayor of Tbilisi, a majoritarian candidate, an organization with observer status.

*Organic Law of Georgia No 6605 of 29 June 2012 – website, 16.7.2012*

*Organic Law of Georgia No 864 of 25 July 2013 – website, 19.8.2013*

## **Chapter X. Penalties for Violation of Electoral Legislation**

### **Article 79 - Participation in election campaigning in violation of law**

Participation in election campaigning in violation of the requirements of this Law shall be subject to a penalty in the amount of GEL 2,000.

### **Article 80 - Hindering dissemination of pre-election appeals and materials**

1. Pursuant to this Law, hindering dissemination of, or seizure of, election appeals, statements, signboards, papers, photos, and other materials, as well as seizure of or hindering the use of motor vehicles or other means of transportation equipped with special devices designated for election campaigning shall be subject to a penalty in the amount of GEL 1,000.

2. The same action conducted by officials shall be subject to a penalty in the amount of GEL 2,000.

### **Article 81 - Conduct of election campaigning in institutions where such activities are prohibited**

The conduct of election campaigning in institutions where such activities are prohibited by this Law and the issue of a permit for such activities by an authorized person shall be subject to a penalty in the amount of GEL 1,000.

### **Article 82 - Violation of the procedures for publishing election-related public opinion poll results**

The publication of the results of a public opinion poll conducted in relation to elections without the required information within the timeframe determined by law or the violation of other procedures related to publication shall be subject to a penalty in the amount of GEL 1,500.

### **Article 83 - Placement of political/pre-election advertising in violation of law**

1. The violation of the requirements under this Law related to election campaigning, placement of political/pre-election advertising and transmission or publication of information shall be subject to penalty imposed on electronic media in the amount of GEL 1,500, and on printed media - in the amount of GEL 500.





2. The same action repeated during one year after the imposition of an administrative penalty shall be subject to penalty imposed on electronic media in the amount of GEL 5,000, and on printed media - in the amount of GEL 1,500.

#### **Article 84 - Liability of election subjects for violation of the Organic Law of Georgia on Political Unions of Citizens**

1. Election subjects, including electoral blocs, political unions within an electoral bloc, initiative groups of voters and candidates nominated by an initiative group shall be liable for violations of the Organic Law of Georgia on Political Unions of Citizens, as well as for actions aimed at avoiding the requirements of law for funding political activities.

2. The liability set forth in the first paragraph of this article shall be imposed by the Organic Law of Georgia on Political Unions of Citizens and under procedures defined by this Law.

#### **Article 85 - Failure to submit a report for election campaign fund**

1. Failure to comply with the statutory obligation to submit a report for election campaign fund and/or submitting a report for election campaign fund with inaccurate data shall be subject to a penalty imposed on a political union of citizens in the amount of GEL 1,500.

2. The same action conducted by a political union of citizens receiving state funding shall be subject to a penalty imposed on a political union of citizens in the amount of GEL 3,000.

#### **Article 86 - Refusal to submit materials to the election, referendum, or plebiscite commissions or failure to comply with their decisions**

A refusal to submit all required materials to election, referendum, or plebiscite commissions or the failure to comply with their decisions shall be subject to a penalty imposed on the respective officials in the amount of GEL 1,000.

#### **Article 87 - Modification of data entered in summary protocols of polling and election results**

Modification of data entered in summary protocols of polling and election results shall be subject to a penalty imposed on the respective election commission chairperson and/or the respective election commission secretary in the amount of GEL 2,000 in each case.

#### **Article 88 - Prohibition on the use of administrative resources and the abuse of power or office during election campaigning and electioneering**

Any violation of the requirements of this Law in the course of using administrative resources or exercising official duties or an official capacity during election campaigning and electioneering shall be subject to a penalty in amount of GEL 2,000.

#### **Article 89 - Failure to issue copies of summary protocols of elections, referenda, or plebiscites**

Any violation of the requirements of this Law for the issue of copies of summary protocols of elections, referenda, or plebiscites shall be subject to penalty imposed on the respective election commission chairperson and/or secretary in the amount of GEL 1,000.

#### **Article 90 - Hindering a person authorized to be present at a polling station in making notes in the record book**

Hindering a person authorized to be present at a polling station in making notes in the record book shall be subject to a penalty imposed on the respective persons in the amount of GEL 500.

#### **Article 91 - Restriction of rights for observers, election subjects, and media representatives**

Any restriction of the rights set forth in this Law for domestic/international observers, election subjects, and media representatives, or for hindering their activities shall be subject to a penalty imposed on the respective persons in the amount of GEL 500.

#### **Article 92 - Violation of duties and requirements by observers, election subjects, and media representatives**

Any violation of the requirements set forth in Article 41(2)(b-d) of this Law by an observer, election subject, or media representative shall be subject to a penalty imposed on the respective persons in the amount of GEL 500.

#### **Article 93 - Legal proceedings**



1. The CEC, as well as the persons authorized by the CEC and respective DEC's (officials), shall draw up protocols of administrative offences set forth in Articles 79, 81 and 86-92 of this Law.
2. The GNCC shall draw up protocols of administrative offences set forth in Articles 82 and 83 of this Law.
3. The State Audit Office shall draw up protocols of administrative offences set forth in Articles 84 and 85 of this Law.
4. The relevant local self-government bodies shall draw up protocols of administrative offences concerning illegal removal, tearing off, covering, or damaging of election posters, in terms of the administrative offences set forth in Article 80 of this Law.
5. In the case of administrative offences prescribed by this Chapter, legal proceedings shall be conducted in accordance with the Code of Administrative Offences of Georgia, unless otherwise defined by this Law.

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

## SECTION II. SPECIAL PART

### Chapter XI. Elections for the President of Georgia

#### **Article 94 - Elections for the President of Georgia**

The President of Georgia shall be elected on the basis of universal, equal, and direct suffrage, by secret ballot, for a term of five years. The same person may be elected as the President of Georgia for only two consecutive terms.

#### **Article 95 - Conduct of regular elections for the President of Georgia**

1. Regular elections for the President of Georgia shall be conducted in October of the calendar year in which the President's term expires. The President of Georgia shall, by the Prime Minister's countersignature, fix the date of elections not later than 60 days before the election.
2. No election shall be conducted during a state of emergency or martial law.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 96 - Passive suffrage**

Any citizen of Georgia having the right to vote, who has attained the age of 35, who lived in Georgia for at least five years, and who has lived in Georgia for the last three years before the day when the election is scheduled, may be elected President of Georgia.

#### **Article 97 - Right to nominate a candidate for President of Georgia**

1. A political union of citizens (a party) or an initiative group of 5 voters shall have the right to nominate a candidate for President of Georgia.
2. The nomination of a candidate for President of Georgia shall be approved by signatures of not less than 25,000 voters (0,75% of the total number of voters).

#### **Article 98 - Procedures for nominating a candidate for President of Georgia**

1. A party registered with the CEC and an initiative group of voters shall have the right to nominate one candidate for President of Georgia.
2. In order to nominate a candidate for President of Georgia, a party and an initiative group of voters shall file an application to the CEC Chairperson not later than the 50<sup>th</sup> day before the polling day. After the filing of an application, the party and the initiative group of voters shall have the right to collect signatures of supporting voters.
3. The following information about a candidate for President of Georgia shall be specified in the application:
  - a) first name and last name
  - b) date of birth
  - c) occupation



d) position (activity)

e) place of work

f) place of registration

g) party membership

h) period of residence in Georgia

i) name of the nominating party, first and last names, numbers of identity cards of a citizen of Georgia (passports of a citizen of Georgia), place of registration, contact telephone numbers and other information (if any) of the members of the initiative group of voters and their representative.

4. A written consent to run in elections, a copy of birth certificate and three photos of the person nominated as a candidate for President of Georgia shall be attached to the application.

5. A party leader or all members of an initiative group of voters shall sign the application.

#### **Article 99 - Lists of supporters of a candidate for President of Georgia**

1. In order to register a candidate for President of Georgia, a representative of a party or an initiative group of voters shall submit a list of supporting voters of the candidate to the CEC not later than 40 days before polling day.

2. The list of supporting voters of the candidate for President of Georgia shall include the signatures of not less than 25,000 voters (0,75% of the total number of voters).

#### **Article 99<sup>1</sup> - Incompatibility of the status of a candidate for President of Georgia with his/her official capacity**

1. The following officials shall resign from their positions not later than the second day after filing with the CEC an application for registration as a candidate for President of Georgia:

a) the Prime Minister of Georgia, as well as the Ministers of Georgia and the Autonomous Republics and their deputies, the heads of government and state departmental agencies and their deputies

b) members of the National Security Council

c) members of the Council of the National Bank of Georgia

d) the Auditor General and his/her deputies

e) state trustees - governors and their deputies

f) chairpersons of Sakrebulo, heads of district municipalities, mayors of cities

g) officers of the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Intelligence Service of Georgia, and the Special State Protection Service of Georgia

h) judges

i) the Public Defender and his/her deputy

j) advisors of the President of Georgia

k) members of the High Council of Justice of Georgia

l) the head of the Civil Service Bureau and his/her deputies

m) prosecutors, their deputies and assistants, investigators

n) members of the GNCC and the GNEWSRC.

2. A respective legal act about resignation/dismissal of an official set forth in the first paragraph of this article shall immediately be submitted to the CEC. Otherwise, the person shall be refused registration as a candidate for President of Georgia, and if registration has been completed, it shall be canceled.

*Organic Law of Georgia No 878 of 27 July 2013 - website, 7.8.2013*

#### **Article 100 - Registration of a candidate for President of Georgia**

1. The CEC Chairperson shall register a candidate for President of Georgia by decree not later than the 30<sup>th</sup> day before Election Day.



2. The CEC Chairperson shall provide a candidate for President of Georgia with the respective certificate within three days after the registration.
3. The CEC Chairperson shall not register a candidate for President of Georgia if:
  - a) the data prescribed by Article 98(3-5) of this Law are incomplete or inaccurate;
  - b) the list of supporting voters contains less than 25,000 signatures of voters (0,75% of total number of voters);
  - c) the timeframe set forth by the first paragraph of Article 99 of this Law is not met.
4. The CEC, not later than the sixth day after registration of a candidate for President of Georgia, shall announce the registration of a candidate for President of Georgia through the press and other media, specifying the first name, last name, date of birth, position (activity), place of residence, and place of employment.
5. A candidate for President of Georgia may withdraw his/her candidacy at any time not later than 10 days before polling day by filing a written application to the CEC.

#### **Article 101 - Cancellation of electoral registration of political parties and initiative groups of voters**

1. The CEC shall by decree cancel the registration of a party where:
  - a) the party applies for cancellation;
  - b) the Constitutional Court of Georgia prohibits operation of the party;
  - c) the party fails to present or to register a candidate for President of Georgia or the electoral registration of the candidate for President of Georgia nominated by the party is cancelled.
2. The CEC shall by decree cancel electoral registration of an initiative group of voters where:
  - a) the initiative group of voters applies for cancellation;
  - b) a candidate for President of Georgia nominated by the initiative group of voters is not registered or the electoral registration of a candidate for President of Georgia nominated by the initiative group of voters is cancelled.
3. A decision prescribed by this article shall be deemed adopted if it is supported by at least two-thirds of the total members of the CEC.

*Organic Law of Georgia No 901 of 29 July 2013 - website, 20.8.2013*

#### **Article 102 - Determination of sequence numbers for candidates for President of Georgia**

1. A sequence number shall be determined for a candidate for President of Georgia 25 days before elections in the manner prescribed by this article. In order to determine a sequence number, respective procedures shall be conducted in the CEC premises in the presence of persons authorized to be present at CEC sessions.
2. A candidate nominated by a political union that received the most votes during the previous parliamentary elections conducted through the proportional system shall be the first to choose a sequence number. A representative of a political union shall file an application to the CEC, whereby a candidate nominated by the political union shall choose the number assigned to the political union that nominated him/her during the previous parliamentary elections or shall take number 'one'. The candidates whose nominating parties took second and third places according to the results of the previous parliamentary elections shall have the right to successively choose a sequence number under the same procedure. The nominating parties shall have the right to maintain the number assigned to them during the previous parliamentary elections or to choose numbers 'two' or 'three' accordingly, except when the number assigned to them during the previous parliamentary elections has been assigned to a candidate nominated by the political union that placed higher in the previous parliamentary elections.
3. If a sequence number was assigned to an electoral bloc during the previous parliamentary elections, a candidate nominated by the party that is the first in the electoral bloc list shall have the right to use the same number.
4. Except for the cases set forth in the second and third paragraphs of this article, a sequence number shall be defined for a presidential candidate by casting lots.
5. In order to cast lots, the CEC Chairperson shall write numbers corresponding to the number of presidential candidates on sheets of paper of the same type, size and shape with the same pen. Each sheet of paper shall be certified by the CEC seal. Thereafter, the numbers chosen in accordance with the second paragraph of this article shall be set aside. All remaining sheets of paper shall be folded so as to make it impossible to read the numbers written thereon. The CEC Chairperson shall put these sheets of paper in a transparent box and one representative of each presidential candidate shall take one sheet of paper out of the box. The number identified by casting lots shall be assigned to a presidential candidate.
6. If the electoral registration of a presidential candidate is cancelled, the remaining candidates shall maintain their assigned sequence numbers.
7. The CEC shall publish the lists of registered presidential candidates through the press and other media not later than 24 days prior to polling.

#### **Article 103 - Guarantees for the activities of presidential candidates of Georgia and their representatives**



1. Candidates for President of Georgia shall participate on an equal basis in electioneering from the moment of registration with the CEC. Candidates for President of Georgia shall enjoy equal rights to use the press and other media throughout the territory of Georgia in the manner defined in this Law.
2. Candidates for President of Georgia and their representatives may not be dismissed from office or transferred to another job or position during electioneering without their consent.
3. Candidates for President of Georgia shall not be detained, arrested, or searched until final results of elections are officially announced, unless the CEC gives its consent to an application of the Chief Prosecutor of Georgia. An exception shall be the case in which a candidate is caught in the act of committing a crime, which shall immediately be reported to the CEC. If the CEC issues the relevant decree the detained or arrested candidate for President of Georgia shall immediately be released.
4. The CEC decree about giving its consent set forth in this article shall be voted upon within three calendar days after receiving an application from the Chief Prosecutor of Georgia.

*Organic Law of Georgia No 668 of 30 May 2013 - website, 24.6.2013*

#### **Article 104 - Summarization of election results**

1. The candidate for President of Georgia who receives more than one half of the votes cast during an election shall be deemed elected. The number of votes cast by invalid ballots may not be included in the number of votes cast by voters participating in elections.
2. If none of candidates obtain the necessary amount of votes in the first round of elections, the second round of elections shall be called.
3. The CEC shall, not later than the 20<sup>th</sup> day after polling, summarize election results at its session according to electoral districts and draw up a relevant summary protocol to be approved by CEC decree.
4. The CEC shall summarize election results in accordance with DEC summary protocols, while in the case of a complaint/application or any dissenting opinion of a commission member, the results of separate districts shall be summarized on the basis of PEC summary protocols.
5. PECs, and then DEC, shall be required to transfer sealed packages of the lists of voters to the CEC along with summary protocols of polling and election results.
6. The CEC shall, within five days after summarizing results, officially announce and publish the results of elections through the press and other media.

#### **Article 105 - Second round of elections**

1. If no candidate gets the necessary amount of votes in the first round of elections, the second round of elections shall be called.
2. The second round of elections shall be called by a decree of the CEC. The second round of elections shall be held two weeks after the official announcement of the first round election results.
3. The two candidates with the best results in the first round of elections shall be authorized to run in the second round. If the candidates in second place receive an equal number of votes during the first round, the candidate who is permitted to run in the second round shall be decided by casting lots.
4. The candidate who receives the most votes in the second round of elections shall be deemed elected.
5. If candidates receive an equal number of votes in the second round, the candidate who received more votes in the first round of elections shall be considered elected.

#### **Article 106 - Re-run elections**

1. Re-run elections shall be held if all participating candidates withdraw their candidacies in the first or the second round of elections.
2. Re-run elections shall be held within two months after the summarization of the results of general elections.
3. The Parliament of Georgia shall call re-run elections.
4. The information about calling re-run elections shall be published in the press and other media.
5. Re-run elections shall be held in the manner laid down in this Law for general elections and within the timeframe determined by the CEC, but not later than two months after the summarization of the results of general elections.

#### **Article 107 - Extraordinary elections for President of Georgia**

1. If the tenure of the President of Georgia is terminated prior to expiration of his/her term, an extraordinary election shall be held not later than the 45<sup>th</sup> day after the termination of the tenure of the President of Georgia.



2. If pre-term termination of the tenure of the President of Georgia coincides with Parliamentary holidays or a non-session week, the Parliament of Georgia shall be convened not later than 48 hours after termination of the tenure of the President of Georgia.
3. The Parliament of Georgia shall call an extraordinary election for the President of Georgia not later than 72 hours after termination of the tenure of the President of Georgia.
4. The Parliament of Georgia shall ensure the conduct of extraordinary election for the President of Georgia through the CEC.
5. In order to nominate a candidate for President of Georgia, a party or an initiative group of voters shall file an application to the CEC not later than the 40<sup>th</sup> day before the extraordinary election.
6. In order to register a candidate for President of Georgia, a representative of a party, or of an initiative group of voters shall submit a list of not less than 25,000 supporting voters (0,75% of the total number of voters) to the CEC not later than the 30<sup>th</sup> day before the extraordinary election.
7. The CEC shall register candidates for President of Georgia not later than the 25<sup>th</sup> day prior to the extraordinary election.
8. In the case of an extraordinary election for President of Georgia, the extraordinary election shall be held within 45 days after the pre-term termination of the tenure of the President of Georgia in the manner laid down in this Law for general elections.

## **Chapter XII. Elections for the Parliament of Georgia**

### **Article 108 - Calling of parliamentary elections of Georgia**

1. Regular elections for Parliament of Georgia shall be held in October of the calendar year in which the term of office of the Parliament expires.
2. The President of Georgia shall announce an election date, by the Prime Minister's countersignature, not later than 60 days prior to the election.
3. If the timeframe for an election coincides with a state of emergency or martial law, the election shall be held not later than 60 days after lifting the state of emergency or martial law.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

### **Article 109 - Procedure for election and terms of powers of the Parliament of Georgia**

1. The Parliament of Georgia shall have 77 members elected through the proportional electoral system and 73 members elected through the majoritarian electoral system.
2. The term of the elected Parliament of Georgia shall be four years.

### **Article 110 - Majoritarian electoral districts during elections for the Parliament of Georgia**

1. For the purposes of parliamentary elections of Georgia, 73 single-seat majoritarian electoral districts, including 10 majoritarian electoral districts in Tbilisi, shall be established.
2. For the purposes of parliamentary elections, each municipality (self-governing city/district), except for Tbilisi, shall be a single-seat majoritarian electoral district.
3. For the purposes of parliamentary elections, majoritarian districts may not be established within the occupied territories of Georgia.

### **Article 111 - Passive suffrage**

1. Any citizen of Georgia having the right to vote, who has attained the age of 21 and speaks Georgian, may be elected as an MP of Georgia.
2. A citizen who has not resided in Georgia for the last two years and who is not on a consular registry of Georgia in any other country, may not be elected as an MP of Georgia.
3. A citizen who is a drug addict or a drug user may not be elected as an MP of Georgia. If the respective election commission declares such a person elected, the Parliament of Georgia may not recognize his/her authority.
4. A party, electoral bloc, and majoritarian candidate registered with the respective election commission shall have the right to run in elections for the Parliament of Georgia.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*



## **Article 112 - Incompatibility of the status of a candidate for MP of Georgia with his/her official capacity**

1. The following officials shall resign and shall be dismissed from their positions not later than the second day after filing an application to the CEC for registration as a candidate for MP of Georgia:

- a) the President of Georgia
- b) ministers of Georgia, as well as ministers of the Autonomous Republics, heads of government and state departmental agencies and their deputies
- c) members of the Security Council of Georgia (except for MPs)
- d) members of the Council of the National Bank of Georgia
- e) the Auditor General and his/her deputies
- f) state trustees - governors and their deputies
- g) chairpersons of Sakrebulo, heads of district municipalities (Gmgebeli), mayors of cities
- g) officers of the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Intelligence Service of Georgia, and the Special State Protection Service of Georgia
- i) judges
- j) the Public Defender of Georgia and his/her deputy
- k) advisors to the President of Georgia
- l) members of the High Council of Justice of Georgia (who are not MPs of Georgia)
- m) the head of the Public Service Bureau and his/her deputies
- n) prosecutors, their deputies, assistants, and investigators
- o) members of the GNCC and the GNEWSRC.

2. A respective legal act about resignation and dismissal of an official set forth in the first paragraph of this article shall be immediately submitted to the respective election commission. Otherwise, the person shall be refused to be registered as a candidate for MP of Georgia, and if registration has been completed, it shall be canceled.

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

## **Chapter XIII. Registration of Election Subjects Running in Elections for the Parliament of Georgia**

### **Article 113 - Registration of parties/cancellation of registration**

1. In order to obtain the right to run in elections for the Parliament of Georgia, a party shall file an application, signed by its leader(s), to the CEC Chairperson:

- a) after the calling of parliamentary elections but not later than the 57<sup>th</sup> day prior to Election Day if the party has a representative in the Parliament of Georgia at the date when Election Day is called;
- b) from January 1 to August 1 of the parliamentary election year if the party has no representative in the Parliament of Georgia or the party does not receive funding from the State Budget.

2. An application for registration shall be accompanied with a registration certificate and statutes of the party or notarized copies thereof and a document evidencing that the party has a representative in the Parliament of Georgia (if any);

3. An application for registration shall include the following information about a party:

- a) the name of the party in full and in short, if any, and/or the abbreviated name under which the party runs in elections;
- b) the first and last name, address (according to the place of registration), telephone number and specimen of signature of a leader(s) of the party;
- c) the first and last name, address (according to the place of registration), telephone number, and scope of powers of a representative of the party;
- d) if there are several leaders, the scope of powers of each leader in relation to the party's electoral process.

4. The name, in full or in short, and/or the abbreviated name of a party set forth in paragraph 3(a) of this article shall not coincide with:

- a) the official name, in full or in short, and/or the abbreviated name of another party already registered by the Ministry of Justice of Georgia (in case of coincidence, the party may not use the name);



b) the name, in full or in short, and/or the abbreviated name of an electoral bloc running in elections if the bloc filed the application to the CEC earlier (in case of coincidence, the party may not use the name);

c) the name, in full or in short, and/or the abbreviated name used by another party/electoral bloc during the previous parliamentary elections, unless the consent thereto of the party/electoral bloc is obtained.

5. In the case prescribed by paragraph 1(b) of this article, the respective CEC office shall provide a party representative with a sample of the list of supporting voters. The respective CEC office shall check the application and documents attached thereto and shall submit its report to the CEC Chairperson not later than the day after the filing of the application.

6. In the case prescribed by paragraph 1(a) of this article, the CEC Chairperson shall, not later than the day after filing of the report set forth in paragraph 5 of this article:

a) register the party and its representative for election purposes if the application filed and the documents attached meet the requirements of this Law;

b) submit a written notification to a representative of the party about any non-compliance of the filed application and the attached documents with the provisions of this Law (specifying the details of non-compliance) and give the party three days after receipt of notice for correction of the application and documents.

7. A corrected application and documents set forth in paragraph 6(b) of this article shall be verified and the decision about electoral registration shall be made within two days after submission of the application and documents. If the corrected application and documents meet the requirements of this Law, the CEC Chairperson shall register the party and its representative for election purposes. Otherwise, the CEC Chairperson shall, within the same timeframe, issue a decree refusing to provide electoral registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of Law that are the basis for refusal). A representative of the party shall immediately be notified about the decree and shall be provided with a copy of the decree upon request.

8. In the case prescribed by paragraph 1(b) of this article, the CEC Chairperson shall, not later than the third day after the provision of the report set forth in paragraph 5 of this article, notify the party representative in writing about any non-compliance of the application and attached documents with the provisions of this Law (specifying the details of non-compliance). The corrected application and documents shall be returned to the CEC within three days.

9. A party that has no representative in the Parliament of Georgia or that is not a qualified election subject shall, within 60 days after receiving the sample form of the list of supporting voters, but not later than August 15, submit a list of at least 25,000 voters (0,75% of the total number of voters) to the CEC in support of the party's participation in parliamentary elections of Georgia. A qualified election subject shall, within 60 days after receiving the sample form of the list of supporting voters, but not later than August 15, submit a list of at least 1,000 supporting voters to the CEC in support of the party's participation in parliamentary elections of Georgia. The respective CEC office shall verify the list of supporting voters in the manner and within the timeframe defined in Article 38 of this Law.

10. If an application, attached documents (or a corrected application and documents), and the list of supporting voters under this article are submitted within the timeframe defined in this Law and meet the requirements thereof, the CEC Chairperson shall, based on a report of the respective CEC office, register the party and its representative for election purposes within ten days after receipt of the report, but not later than the 59<sup>th</sup> day before Election Day. Otherwise, the CEC Chairperson shall issue a decree within the same timeframe about the refusal to provide electoral registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). A representative of the party shall immediately be notified about the decree and shall be provided with a copy of the decree upon request.

11. The CEC shall, not later than the 30<sup>th</sup> day before Election Day, publish the list of registered parties through the press and other media in the sequence in which applications were filed, as well as publish a list of registration applications of the parties that were refused electoral registration or whose registration was cancelled, specifying the reasons for such.

12. The CEC Chairperson shall by decree cancel the registration of a party where:

a) the party applies for cancellation

b) the Constitutional Court of Georgia prohibits operation of the party

c) the electoral registration of the electoral bloc, to which the party is a member, is cancelled in accordance with paragraph 14(c) or (d) of Article 114 of this Law

d) the party leaves or is expelled from the electoral bloc before the summarization of parliamentary election results after the expiration of the deadline for the submission of party lists by the bloc

e) the party fails to submit a party list or the submitted party list has not been registered

f) the number of candidates in the party list, not later than the 2<sup>nd</sup> day before Election Day, is less than the minimum number laid down in this Law.

#### **Article 114 - Registration of electoral blocs/cancellation of registration**

1. Parties registered by the CEC Chairperson shall have the right to establish an electoral bloc and to leave an electoral bloc. In order to register an electoral bloc, an application signed by authorized leaders of all parties united in the bloc and a copy of the statutes of the bloc shall be submitted to the CEC not later than the 43<sup>rd</sup> day before the day of a regular election.

2. An application shall include the following information about an electoral bloc:

a) name, in full or in short, and/or abbreviated name (if any) under which the bloc runs in the election, and the list of parties united in the bloc





- b) first and last name, and address (according to the place of registration) of a leader(s)
  - c) first and last name, address (according to the place of registration), telephone number, and scope of powers of a representative
  - d) if there are several leaders, the scope of powers of each leader with relation to the electoral process.
3. The name, in full or in short, and/or the abbreviated name of an electoral bloc set forth in paragraph 2(a) of this article may not coincide with:
- a) official name, in full or in short, and/or the abbreviated name of another party already registered by the Ministry of Justice of Georgia (in case of coincidence, the bloc may not use the name);
  - b) name, in full or in short, and/or the abbreviated name of another electoral bloc running in elections if the bloc filed the application to the CEC earlier (in case of coincidence, the bloc may not use the name);
  - c) name, in full or in short, and/or the abbreviated name used by another electoral bloc during the previous parliamentary elections, unless the consent thereto of the previously registered bloc is obtained.
4. The statutes of an electoral bloc, signed by the leaders of all parties united in the bloc, shall include:
- a) name, in full or in short, and/or the abbreviated name (if any) of the electoral bloc under which the bloc runs in the election
  - b) list of the parties united in the electoral bloc
  - c) governing body (if any) of the electoral bloc, leaders and their powers
  - d) procedure for decision-making within the electoral bloc, including the procedures for acceptance, withdrawal or exclusion of a party from the bloc, nomination of candidates for a representative body by the bloc, and cancellation of such nomination
  - e) person(s) authorized to sign electoral bloc documents on behalf of the electoral bloc
  - f) procedure for using the seal of one of the electoral bloc member parties during election activities
  - g) procedure for appointment of the persons in charge of electioneering expense, the manager, and the accountant
  - h) procedure for making amendments to the electoral bloc statutes.
5. A party member of one electoral bloc may not be a member of another electoral bloc, or may not run independently in the same election.
6. The CEC Chairperson shall, upon the acceptance of an application and statutes as set forth in the first paragraph of this article, give to the representative of an electoral bloc a document evidencing the submission of the above application and statutes.
7. The respective CEC office shall verify an application and statutes submitted as set forth in the first paragraph of this article and shall submit its report to the CEC Chairperson not later than the day after the filing of an application. The CEC Chairperson shall, not later than the day after the receipt of the report, provide electoral registration of an electoral bloc and its representative if the submitted documents meet the requirements laid down in paragraphs (1-5) of this article. If the submitted documents do not meet the abovementioned requirements, the CEC Chairperson shall notify the electoral bloc representative, in writing, about non-compliance of the documents with the provisions of this Law (specifying the details of non-compliance). Corrected documents shall be re-submitted to the CEC not later than the second day after notification. The CEC Chairperson shall make a final decision on registration within two days after acceptance of the corrected documents. If the corrected documents meet the requirements of this Law, the CEC Chairperson shall register the electoral bloc and its representative. Otherwise, the CEC Chairperson shall issue a decree refusing registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). A representative of the electoral bloc shall immediately be notified about the decree and a copy of the decree shall be provided to the representative upon request. The registration procedure set forth in this paragraph shall end on the 37<sup>th</sup> day before Election Day.
8. A party having gone through electoral registration may join a registered electoral bloc prior to the expiration of the term for registration of electoral blocs. For these purposes, the party shall, with consent of the bloc, file an application with the CEC Chairperson.
9. The CEC Chairperson by a decree shall, upon registration of an electoral bloc, cease the powers of representatives of the parties united in the bloc to all election commissions. The electoral bloc may appoint 2 representatives to each election commission.
10. If a party (parties) withdraws or is expelled from an electoral bloc before the expiration of the deadline for nomination of party lists/candidates, each of them may continue running in elections. If only one party remains in an electoral bloc for the above reason, the CEC shall by decree cancel the electoral registration of the electoral bloc, and the parties previously united in the bloc may continue running in elections.
11. If a party withdraws or is expelled from an electoral bloc after the expiration of the deadline for nomination of party lists/candidates, the CEC Chairperson shall by decree cancel the electoral registration of the party. If only one party remains in the bloc for the above reason, the CEC shall by decree cancel electoral registration of the electoral bloc and the party remaining shall be the legal successor of the bloc.
12. The CEC shall, not later than the 30<sup>th</sup> day before Election Day, publish the list of registered electoral blocs through the press and other media by the sequence in which applications were filed, as well as shall publish a list of electoral blocs that were refused to be registered or whose registration was cancelled specifying the reasons for such.
13. A party/electoral bloc registered in accordance with this Law may, on the basis of its application, take part in elections at all levels to be held until the following parliamentary elections. A party united in an electoral bloc shall have the right to run, either independently or as a part of another electoral bloc, in elections at all levels to be held until the following parliamentary elections.
14. The CEC Chairperson shall by decree cancel the registration of an electoral bloc provided that:



- a) the bloc applies for cancellation;
- b) the electoral bloc dissolves or only one party remains in the bloc due to abandoning the bloc by a member party (parties), or because of its (their) expulsion, or cancellation of electoral registration;
- e) the electoral bloc fails to submit a party list or the submitted party list is not registered;
- f) the number of candidates in the bloc party list, not later than the second day before Election Day, is less than the minimum number laid down in this Law.

#### **Article 115 - Submission of party lists**

1. Parties running in elections independently and electoral blocs may submit party lists.
2. Each party running in elections independently and electoral bloc may submit one party list.
3. The number of candidates for MP of Georgia in a submitted party list may not be less than 100 and more than 200.
4. A candidate nominated in a majoritarian electoral district may also be on the party list. In such a case, the party list shall specify that the candidate is nominated in a majoritarian electoral district.
5. One and the same person may not be on different party lists.
6. Parties and electoral blocs shall lay down the procedure for drawing up party lists. When drawing up party lists, consideration shall be given to maintaining balance between the sexes with respect to additional funding as defined by the Organic Law of Georgia on Political Unions of Citizens.
7. After the electoral registration, a party/electoral bloc shall, not later than the 30<sup>th</sup> day before Election Day, submit a party list to the CEC Chairperson. Attached to the party list shall be a registration card filled out and signed by each candidate for MP of Georgia and with photos of the candidates.
8. If a candidate is simultaneously nominated for a majoritarian electoral district, a certificate of drug test shall be submitted together with the registration card and photo. Those documents shall be submitted in 2 copies, one copy of which shall be given to the respective election commission within two days after receipt.
9. A party list shall specify the following information for each candidate:
  - a) first and last name
  - b) date of birth (day/month/year)
  - c) address (according to the place of registration)
  - d) personal number of a citizen of Georgia
  - e) place of work (name of institution, organization, enterprise, etc.)
  - f) position (if unemployed, specify 'unemployed')
  - g) party membership (if not a party member, specify 'non-partisan')
  - h) in the case of nomination for a majoritarian electoral district, the name and number of the district.
10. A registration form shall specify the following information for each candidate:
  - a) first and last name
  - b) date of birth (day/month/year)
  - c) gender
  - d) address (according to the place of registration)
  - e) personal number of a citizen of Georgia
  - f) place of work (name of institution, organization, enterprise, etc.)
  - g) position (if unemployed, specify 'unemployed')
  - h) party membership (if not a party member, specify 'non-partisan')
  - i) the fact of residence in Georgia for at least last two years before calling elections, or the fact of being on a consular registry of Georgia
  - j) in the case of nomination for a majoritarian electoral district, the name and number of the district
  - k) consent to run in elections under the given party list and/or to run in that majoritarian district



l) the fact that a candidate was an MP of Georgia after the previous election

m) signature and date of signature.

11. The CEC shall issue registration cards prescribed by paragraphs 7 and 8 of this article to the representative of a party/electoral bloc in advance.

#### **Article 116 - Nomination of candidates in majoritarian electoral districts**

1. The following entities shall have the right to nominate a candidate for MP of Georgia in a majoritarian electoral district:

a) a party running in elections independently

b) an electoral bloc

c) an initiative group of 5 voters.

2. Any party running in elections independently/electoral bloc may nominate one candidate to be elected through the majoritarian system in every electoral district. An initiative group of voters may nominate one candidate in the respective majoritarian electoral district.

3. In order to nominate a candidate for MP of Georgia, an initiative group of voters shall file an application to the respective DEC not later than the 57<sup>th</sup> day before polling, after which day the initiative group of voters may start collecting signatures of supporting voters.

4. The application shall specify the following information about a candidate for MP of Georgia:

a) first and last name

b) date of birth (day/month/year)

c) occupation

d) position (activity)

e) place of work

f) place of registration

g) party membership

h) duration of residence in Georgia

i) first and last name, number of identity card of a citizen of Georgia (passport number of a citizen of Georgia), place of registration, contact telephone number, and other information (if any) of members of the nominating initiative group of voters, and their representative.

5. The application signed by all members of the initiative group of voters shall be accompanied by written consent of any nominated candidate for MP of Georgia to run in elections, a copy of his/her identity card and two photos.

6. The DEC chairperson shall, not later than the day after filing an application, register an initiative group of voters. Unless the requirements determined by paragraphs 1-5 of this article are met, the DEC chairperson shall immediately notify the applicant about any error. Corrected documents shall be re-submitted to the DEC chairperson for registration not later than the following day.

7. In order to register a candidate for MP of Georgia, a representative of the initiative group of voters shall, not later than the 50<sup>th</sup> day before polling, submit a list of supporters of the candidate to the relevant DEC.

8. A party running independently in the election /electoral bloc/initiative group of voters shall nominate their majoritarian candidates to the electoral district in the manner laid down in Article 115(7-11) of this Law.

9. Nomination of a candidate by an initiative group of voters shall be endorsed by signatures of not less than one percent of supporting voters registered in the territory of the respective electoral district, except when the nominated candidate was elected as an MP of Georgia during the previous parliamentary elections.

10. The respective DEC chairperson shall, by decree, not later than the 30<sup>th</sup> day before Election Day, register a candidate for MP of Georgia.

11. The DEC chairperson shall, within three days after the registration, issue a respective certificate to the candidate for MP of Georgia.

12. The DEC chairperson shall not register a candidate for MP of Georgia if:

a) the data set forth in paragraph 8 of this article is not complete or accurate;

b) the number signatures in the list of supporting voters is less than required;

c) the requirements and the timeframes set forth in paragraph 7 of this article are not met.

*Judgment No 1/1/539 of the Constitutional Court of Georgia of 11 April 2013 - website, 19.4.2013*



#### **Article 117 - Verification and electoral registration of party lists and documents of candidates for MPs nominated in majoritarian electoral districts**

1. The CEC Chairperson shall by decree register a party list, while the respective DEC chairperson shall by decree register a majoritarian candidate nominated in an electoral district, provided that all documents under this Law comply with the requirements laid down herein. Respective commissions may not consider the issue of electoral registration where the timeframes for the submission of documents set forth in this Law are not met.

2. A designated office of the CEC shall verify the party list presented by a party/electoral bloc and shall submit its report to the CEC Chairperson within 10 days after submission of the list, but not later than the 26<sup>th</sup> day before Election Day. The CEC Chairperson shall, within three days, but not later than the 25<sup>th</sup> day before Election Day:

a) register the party list and the candidates nominated by a party/electoral bloc only if the submitted party list and the documents attached thereto comply with the requirements defined by this Law;

b) give written notice to the representative of the party/electoral bloc of any discrepancy between the requirements defined by this Law and the data in the party list and documents attached thereto (specifying the details of the discrepancy), and the representative shall have three days to correct the discrepancy in the party list or other documents;

3. The corrected data set forth in paragraph 2(b) of this article shall be verified and the issue of electoral registration shall be resolved within five days after submission of corrected data, but not later than the 20<sup>th</sup> day before Election Day. If the corrected data complies with the requirements of this Law, the CEC Chairperson shall register the party list or the part of the list that complies with the requirements defined by this Law (if the number of candidates in that part is not less than the required minimum). The CEC Chairperson shall, within the same timeframe, issue a decree regarding the refusal of electoral registration for other candidates (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). If the number of other candidates in the party list that comply with the requirements of this Law remains less than the required minimum, neither the party list nor the candidates nominated by the party/electoral bloc shall be registered and the CEC Chairperson shall, within the timeframe set forth above, issue a decree regarding the refusal of registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). A representative of the party shall immediately be notified about the decree and shall be provided with a copy upon request.

4. The respective DEC chairperson shall register/refuse to register a majoritarian candidate nominated by a party/electoral bloc in an electoral district in the manner and within the timeframe set forth in the second and third paragraphs of this article. A party/electoral bloc shall be obliged to submit registration documents of a majoritarian candidate to the CEC within the timeframe laid down in this Law.

5. The electoral registration shall be denied to a candidate for MP of Georgia, and either a decree of the respective election commission chairperson (in the cases set forth in subparagraphs (a-e) and (g) of this paragraph) or a court decision (in the case set forth in subparagraph (f) of this paragraph) shall cancel the electoral registration of any registered candidate, provided that the applications and documents submitted to the election commission fail to comply with all the requirements defined by this Law or other provisions laid down in the same Law are not met, namely, if:

a) the data set forth in applications and documents is incomplete or inaccurate;

b) the candidate entered in the party list is a member of another party running in the elections;

c) the candidate is entered in more than one party list and he/she gives or gave his/her consent to be entered simultaneously into more than one party list;

d) the candidate entered in the party list gives his/her consent to be nominated for a majoritarian electoral district by another party/electoral bloc;

e) the other election is held during the parliamentary election of Georgia and the candidate for MP of Georgia gives or gave his/her consent to run in that election with the status of a candidate;

f) the requirements laid down in Article 47(1) and/or Article 48 are not met.

g) the majoritarian candidate failed to take a drug test or the drug test proves that the candidate is a drug user.

6. A decree issued by the CEC/DEC chairperson regarding the refusal of electoral registration of a party list and candidates for MP of Georgia nominated by a political party/electoral bloc/initiative group of voters may be appealed in the manner laid down in Articles 77 and 78 of this Law.

#### **Article 118 - Cancellation of electoral registration for registered majoritarian candidates**

The CEC Chairperson shall by decree cancel the electoral registration of any registered majoritarian candidate, provided:

a) the candidate applies for cancellation;

b) the Constitutional Court of Georgia prohibits operation of the party nominating the candidate;

c) the electoral registration of nominating party/electoral bloc/initiative group of voters is cancelled pursuant to Article 114(14) of this Law;

d) the person dies;

e) in other cases as defined by this Law.



## **Article 119 - Determination of sequence numbers for election subjects**

1. A sequence number shall be determined for an election subject 30 days before elections in the manner laid down in this article. In order to determine a sequence number, appropriate procedures shall be conducted in the respective election commission premises in the presence of persons authorized to be present at the session of the commission.
2. A political union that received the most votes during the previous parliamentary elections conducted through the proportional system may be the first to choose a sequence number. A representative of a political union shall file an application with the CEC, whereby the political union shall maintain the sequence number assigned to it during the previous parliamentary elections or shall take number 'one'. The political unions that were in second and third places according to the results of the previous parliamentary elections shall have the right to successively choose a sequence number under the same procedure. Those political unions may maintain the number assigned to them during the previous parliamentary elections or may choose numbers 'two' or 'three' accordingly, except when the number assigned to them during the previous parliamentary elections has been assigned to a political union that placed higher in the previous parliamentary elections.
3. If a sequence number was assigned to an electoral bloc during the previous parliamentary elections, a party nominated first in the electoral bloc list may use the same number.
4. If political parties having run in the previous parliamentary elections create an electoral bloc for elections, they shall specify in the statute of the bloc the sequence number that they will use for the party.
5. A sequence number for all election subjects shall, except for the political unions set forth in the second paragraph of this article, be determined by casting lots.
6. In order to cast lots, the commission chairperson shall write numbers corresponding to the number of parties and electoral blocs on sheets of paper of the same type, size, and shape with the same pen. Each sheet of paper shall be certified by the commission seal. Thereafter, the numbers chosen in accordance with the second paragraph of this article shall be set aside. All remaining sheets of paper shall be folded so as to make it impossible to read the numbers written thereon. The CEC Chairperson shall put the sheets of paper in a transparent box and one representative of each party and electoral bloc shall take one sheet of paper out of the box. The number identified by casting lots shall be assigned to an election subject.
7. Majoritarian candidates nominated by a party/electoral bloc shall have the same sequence number assigned to the nominating political party/electoral bloc.
8. The respective DEC shall assign a sequence number, by casting lots, to the candidate nominated by an initiative group of voters. In order to cast lots, the commission chairperson shall write numbers corresponding to the number of majoritarian candidates nominated by the initiative group of voters in the electoral district on sheets of paper of the same type, size, and shape with the same pen. The numbers shall start from the number following the highest sequence number assigned to parties/electoral blocs running in elections. Each sheet of paper shall be endorsed by the commission seal. All sheets of paper shall be folded so as to make it impossible to read the numbers written thereon. The commission chairperson shall put the sheets of paper in a transparent box and one representative of each initiative group of voters shall take one sheet of paper out of the box. The number identified by casting lots shall be assigned to an election subject.
9. If electoral registration of an election subject is cancelled, the remaining election subjects shall maintain their assigned sequence numbers.
10. The CEC shall publish the lists of registered parties, including data of the candidates registered in a majoritarian electoral district that is entered in a ballot paper, through the press and other media not later than 25 days before polling.

## **Article 120 - Revocation of decisions on nomination of candidates for MP of Georgia**

1. A candidate for MP of Georgia, as well as the nominating party or electoral bloc, shall have the right to refuse, at any time, but not later than 10 days before polling day, to run in the election or to accept the nominated candidate, in which case they shall file an application with the respective election commission.
2. A party running independently in elections or an electoral bloc may, after the recognition of authority of the elected members of Parliament/Sakrebulo, revoke its decision about nominating a candidate for member of Parliament/Sakrebulo remaining in the party list. A party/electoral bloc may not revoke its decision about nominating a candidate for member of Parliament/Sakrebulo remaining in the party list when the authority of the member of Parliament/Sakrebulo elected under the same list ceases, until the authority of his/her successor is recognized. The candidacy nominated by the party, electoral bloc shall be withdrawn by CEC decree, based on an application signed by the party leader (the person determined by the statutes of the party/electoral bloc), within three days after submission of the application. Unless the application is satisfied within this time, the candidate for member of Parliament/Sakrebulo shall be deemed withdrawn from the party list on the day following the end of the third day.
3. A candidate for MP of Georgia may withdraw his/her candidacy from a party list after the recognition of authority of the elected MPs by filing an application with the CEC. The candidacy shall be withdrawn by a decree of CEC Chairperson within three days after filing the application. If the application is not satisfied within this time, the candidate for MP shall be deemed withdrawn from the party list on the day following the end of the third day.
4. The CEC shall immediately publish, through the press and other media, information about the withdrawal of an election subject or some candidates from elections.

## **Article 121 - Release of candidates for MP of Georgia from official duties**

A candidate for MP of Georgia shall be granted unpaid leave for the electioneering period based on his/her application and an appropriate certificate.



#### **Article 122 - Immunity of candidates for MP of Georgia**

1. A candidate for MP of Georgia shall not be detained, arrested, or searched until the CEC officially publishes final election results, while a person announced by the CEC as an elected MP of Georgia shall not be detained, arrested, or searched until the final decision is made about the recognition of his/her authority, unless the CEC approves an application filed by the Chief Prosecutor of Georgia. An exception shall be the case in which a candidate is caught in the act of committing a crime, which shall be immediately reported to the CEC. If the CEC issues a decree, the detained or arrested candidate for MP of Georgia shall be released immediately.

2. The CEC decree for giving its approval as set forth in this article shall be put to vote within three calendar days after filing of an application by the Chief Prosecutor of Georgia.

*Organic Law of Georgia No 668 of 30 May 2013 - website, 24.6.2013*

### **Chapter XIV. Summarizing Results of Parliamentary Elections of Georgia**

#### **Article 123 - Counting of votes at PECs**

1. A PEC shall summarize the polling results and shall enter them into summary protocols of the final results of elections held through the majoritarian and proportional systems.

2. A summary protocol of the results of elections held through the proportional electoral system shall be drawn up according to party lists, while a summary protocol of the results of elections held through the majoritarian electoral system shall be drawn up according to the candidates nominated in the majoritarian electoral district.

#### **Article 124 - Summarization of polling results at DECs**

1. A DEC shall, based on protocols of PECs and decisions of district/city courts, summarize polling results at its session and shall enter them into summary protocols of final results of elections held through the majoritarian and proportional systems.

2. The DEC shall, based on an application/complaint, decide by decree to open packages received from PECs and to re-count ballot papers.

#### **Article 125 - Summarization of election results at the CEC**

1. The CEC shall, based on protocols received from DECs, PECs and on final court decisions, summarize the election results for the Parliament of Georgia at its sessions and shall draw up protocols not later than the 19<sup>th</sup> day after Election Day.

2. One counterpart of the protocol shall be kept with the CEC, the second counterpart shall be delivered to the Parliament of Georgia, while the copies endorsed by the CEC seal shall be delivered to the representatives of election subjects.

3. A candidate for MP of Georgia, who receives more votes than others, but not less than 30% of the total number of votes cast in elections in the respective majoritarian electoral district, shall be deemed elected in the majoritarian electoral district. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.

4. Seats of MPs of Georgia shall be granted only to the party list that receives not less than 5% of the votes cast in the election. The number of votes cast in the election shall not include the number of votes recorded on invalid ballot papers.

5. In order to determine the number of seats obtained by a party list, the number of votes obtained by that list shall be multiplied by 77 and divided by the total number of the votes cast for election subjects. The integer part of the number thus received shall represent the number of the seats obtained by the party list.

6. If the total number of the seats obtained by a party/electoral bloc is less than 77, undistributed seats shall, first of all, be added in succession to the election subjects who have passed the electoral threshold but obtained less than 6 seats, in order to increase the number of seats to 6.

7. If the number of seats obtained by any election subject still is less than 6 after the distribution of seats as defined in paragraph 6 of this article, in order to increase the number of seats to 6, one seat shall be deducted in succession from the election subjects that have obtained more than 6 seats so that the number of seats remaining with the election subject is not less than 7 as a result of the deduction.

8. If there are still undistributed seats remained after the procedures prescribed by paragraph 6 of this article, they shall be distributed in succession, until no seats are left, to the election subjects that have obtained not less than 6 seats without a supplement.

9. If the number of votes received by 2 or more party lists turns out to be equal, the seat shall be awarded to the list that was registered with the CEC earlier.

10. If a candidate for MP of Georgia is elected both through the majoritarian electoral system and under the party list, he/she shall be deemed elected



through the majoritarian electoral system. The place of the candidate in the party list shall be taken by another candidate in the manner laid down in Article 130(2) of this Law.

11. The candidates for MP of Georgia whose sequence numbers in the party list are less than or equal to the number of seats obtained by the list shall be deemed elected under the party list. The number of MPs elected under that list shall remain unchanged.

12. If polling results of more than half of electoral precincts in any electoral district are declared void as a consequence of gross violations of this Law and that affects the election results, or if polling results of several electoral precincts, in which the total number of voters is more than half of the total number of voters in the electoral district, are declared void and that affects the election results, the majoritarian election results in the electoral district shall be deemed void and the CEC shall call for a re-run election in the electoral district.

13. If polling results are declared void during elections conducted through the proportional electoral system as a consequence of gross violations of this Law in more than half of or in several electoral districts, in which the total number of voters is more than half of the total number of voters in Georgia, the election results shall be declared void and the CEC shall call for re-run elections.

14. If an application/complaint is filed for the verification or invalidation of polling results, the CEC shall by decree decide on opening the sealed packages and re-counting the ballot papers received from the respective PEC, or the CEC shall assign that activity to the respective DEC/special group. If necessary, the CEC may summarize election results based on protocols drawn up by PECs.

15. In an electoral precinct in which the polling results have been declared void, the CEC shall call a repeat vote in that precinct, provided that the difference between the votes cast for the candidates with the best results in the electoral district is less than the total number of voters in the electoral precinct. If the polling results of the repeat vote are also declared void, the election results shall be summarized without giving consideration to the results from that precinct.

16. A repeat vote may be called either after the first round or after the second round of elections. If necessary, the CEC shall have the right to assign the same or a different composition of the PEC to hold a repeat vote. A repeat vote shall be held within two weeks after the first or second round of elections.

17. A repeat vote during elections held through the proportional electoral system shall be called if the total number of voters in those precincts, in which the results have been declared void, is more than 10% of the total number of voters in Georgia. In this case, the repeat vote shall be held not later than two weeks after general election day.

18. Summary protocols of the final election results shall include the names and numbers of the electoral districts and precincts in which elections were declared void. Further, the protocols shall indicate the number of voters in the districts and precincts, the reasons for declaring the elections void, the total number of voters in each electoral district, the number of voters participating in election, the number of MPs elected, and the list of elected MPs in alphabetical order.

19. The CEC shall, within five days after summarization of the final election results, publish the summary protocol of election results through the press and other media.

#### **Article 126 - Second round of parliamentary elections of Georgia**

1. If no MP of Georgia is elected in the first round of majoritarian elections, the CEC shall call a second round of elections along with summarizing the first round results. The second round of elections shall be held not later than the 14<sup>th</sup> day after the first round. The two candidates having the best results in the first round shall run in the second round of the election. If more than 2 candidates obtained the same results or several majoritarian candidates who were in second place coming after the one with the best results received an equal number of votes, all of the candidates shall run in the second round of elections.

2. A candidate who receives the most votes in the second round of elections shall be deemed elected. If candidates receive an equal number of votes, the candidate with more votes in the first round elections shall be deemed elected. If the votes received in the first round are also equal, re-run elections shall be called.

#### **Article 127 - Re-run elections for the Parliament of Georgia**

1. If elections are declared failed and if election results in the majoritarian electoral district are declared void, re-run elections shall be held.

2. Re-run elections shall be held within two months after the failure of elections is declared, as well as after election results are declared void. The CEC shall by decree announce an Election Day and determine timeframes for electoral events not later than seven days after declaring failure of elections or after declaring election results void.

3. The CEC shall by decree announce the date for re-run elections to be held in majoritarian electoral districts along with the timeframes for electoral events not later than two months before Election Day.

4. If elections held through the proportional electoral system are declared conducted but none of the parties and electoral blocs have received at least 5% of the votes cast in the elections, re-run elections shall be held under CEC decree within two weeks after summarizing the election results.

5. Only the parties and electoral blocs that received at least 2% of the votes cast in the general elections shall have the right to participate in re-run elections. The party lists of the parties and electoral blocs participating in re-run elections shall remain unchanged. Changes in the lists shall be made only in the manner laid down in this Law.

#### **Article 128 - Extraordinary elections for the Parliament of Georgia**



In case of pre-term dissolution of the Parliament of Georgia, extraordinary elections for the Parliament of Georgia shall be held on the 60<sup>th</sup> day after the issuance of a presidential edict on pre-term dissolution of the Parliament, and the President of Georgia shall set the date for the extraordinary elections as soon as the edict on pre-term dissolution of the Parliament comes into effect.

#### **Article 129 - By-elections for the Parliament of Georgia**

1. By-elections for the Parliament of Georgia shall be held in April or October in the manner laid down in this Law if any MP elected from a majoritarian electoral district is withdrawn. If the term of office of an MP terminates between February 15 and July 15, by-elections for the Parliament of Georgia shall be held in October of the same year, while by-elections for the Parliament of Georgia shall be held in the nearest April if an MP's term of office terminates between July 15 and February 15. By-elections may not be held during the year of regular elections for the Parliament of Georgia.

2. CEC decree shall, not later than two months before Election Day, set a date of by-elections for the Parliament of Georgia and timeframes for electoral events.

3. With the purpose of running in parliamentary elections of Georgia, a party/electoral bloc that was registered with the CEC during the previous parliamentary elections shall, after by-elections are called, but not later than the 57<sup>th</sup> day before Election Day, file an application with CEC, signed by the leader(s), in order to obtain the right to run in by-elections.

*Organic Law of Georgia No 154 of 21 December 2012 - website, 8.1.2013*

#### **Article 130 - Procedure for replacing an MP of Georgia who withdraws**

1. If an MP of Georgia who was elected under the party list of party independently running in the elections withdraws, his/her seat shall be occupied by the next successful candidate for MP in the party list within one month, provided that the candidate gives his/her consent within 15 days after the vacancy. Otherwise, the vacancy shall be taken by the next successful candidate in the list, etc. If there is no candidate remaining in the party list, the seat of the MP of Georgia shall be cancelled.

2. If an MP of Georgia who was elected under the party list of an electoral bloc withdraws and the party list specifies that he/she was a member of one of the parties of an electoral bloc, the seat of the member who withdraws shall be occupied within one month by the next successful candidate of the same party in the list, if the candidate gives his/her consent to become an MP of Georgia within 15 days after the vacancy. Otherwise, the vacant seat shall be occupied by the candidate of the same party named next in the list, etc. Unless the party list specifies that the person is a member of one of the parties of the electoral bloc, his/her successor shall be appointed in the manner laid down in the first paragraph of this article.

3. After the Parliament of Georgia recognizes the authority of MPs, the status of a candidate for MP shall be suspended for the persons remaining in the party lists. Immediately after the pre-term termination of powers of an MP elected under the party list, the status of a candidate for MP shall be reinstated to the person who is the successor of that MP according to this article.

#### **Article 131 - Registration of elected MPs of Georgia**

The CEC shall, within two days after summarizing the final results of elections, register the elected MPs of Georgia and give them temporary certificates as MPs of Georgia.

#### **Article 132 - Drug testing of elected MPs of Georgia**

1. All candidates for MP of Georgia supposedly elected under the party list of the parties/electoral blocs, which have passed the electoral threshold according to preliminary results, shall not later than the 7<sup>th</sup> day after polling day pass a drug test and an appropriate certificate shall be completed stating that the candidate for MP either is or is not a drug user.

2. If a person who is elected an MP under the party list fails to pass a drug test within the timeframe set forth in the first paragraph of this article and/or refuses to take the drug test, the Parliament of Georgia shall adopt a resolution denying recognition of authority of the MP.

3. The institution authorized to conduct drug testing shall, not later than the 14<sup>th</sup> day after elections, submit to the CEC the certificate of drug testing and the list of elected MPs who have passed the drug test.

4. In the case described in the second paragraph of this article, the CEC shall determine a successor for an MP in accordance with the first and second paragraphs of Article 130 of this Law.

5. A drug test shall be carried out by an authorized institution. The CEC shall draw up a list of such institutions by decree, not later than the 57<sup>th</sup> day before Election Day.

### **Chapter XV. Elections for a Local Self-Government Representative Body Sakrebulo**

#### **Article 133 - Calling of elections for a local self-government representative body Sakrebulo**





1. Elections for a local self-government representative body Sakrebulo shall be conducted once in four years.
2. The President of Georgia shall, by the Prime Minister's countersignature, call elections for a local self-government representative body Sakrebulo not later than 60 days before expiration of the term of the Sakrebulo.
3. Elections for a local self-government representative body Sakrebulo may not be conducted during a state of emergency or martial law. If an election time coincides with a state of emergency or martial law, the election shall be held not later than 60 days after the state of emergency or martial law has been lifted.
4. Information about calling elections for a local self-government representative body Sakrebulo shall be published through the press and other media not later than the day after the calling of elections.
5. If the term of a Sakrebulo terminates early, extraordinary elections of the Sakrebulo shall be held within 45 days.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 134 - Active and passive suffrage**

1. Any citizen of Georgia, who has attained the age of 21 by the polling day and who has lived in Georgia at least for the previous two years, may be elected as a member of a local self-government representative body Sakrebulo.
2. A citizen of Georgia may not simultaneously be a member of another representative body.
3. Voters permanently or temporarily residing abroad by the day when elections are called may not participate in the election for a local self-government representative body Sakrebulo or for the Mayor of Tbilisi.
4. Fixed-term and contract military servicemen shall participate in the election for a local self-government representative body Sakrebulo according to the location of the military unit.

#### **Article 135 - Term of powers of a local self-government representative body Sakrebulo**

The powers of a newly elected Sakrebulo shall start, and the powers of the previous one shall terminate upon the first meeting of the newly elected Sakrebulo.

#### **Article 136 - Incompatibility of the status of a candidate for member of a local self-government representative body Sakrebulo with its official capacity**

1. The term of office of the following officials shall terminate after being nominated as a candidate for Sakrebulo member:
  - a) the President of Georgia
  - b) Ministers of Georgia and of the Autonomous Republics of Abkhazia and Ajara, heads of state and government departmental agencies and their deputies
  - c) members of the National Security Council of Georgia
  - d) members of the Council of the National Bank of Georgia
  - e) the Auditor General and his/her deputies
  - f) the head of administration of the Parliament of Georgia
  - g) state trustees - governors and their deputies
  - h) officers of the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the Intelligence Service of Georgia, and the Special State Protection Service of Georgia
  - i) judges
  - j) the Public Defender of Georgia and his/her deputy
  - k) members of the advisory body of the President of Georgia (except the MPs)
  - l) assistants to the President of Georgia
  - m) (deleted - 29.6.2012, No 6601)
  - n) members of the GNEWSRC and other national regulatory commissions
  - o) the head of the Public Service Bureau and his/her deputies



p) prosecutors, their deputies, assistants, and investigators.

2. The powers of officials set forth in the first paragraph of this article shall terminate before their nomination as candidates in the respective election commission.

3. The same person may not be nominated as a candidate in the elections for a local self-government representative body Sakrebulo of two different self-governing units.

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 6601 of 29 June 2012 – website, 13.7.2012*

#### **Article 137 - Electoral districts**

1. Each independent self-governing unit constitutes one electoral district for elections of a local self-government representative body Sakrebulo.

2. Within two days after calling elections, the CEC shall publish information about the electoral districts and their borders through the press and other media.

3. For elections of a local self-government representative body Sakrebulo, the appropriate DEC's shall establish local majoritarian electoral districts and shall define their boundaries within two days after the elections are called, taking into consideration territorial and administrative peculiarities of the respective self-governing unit.

4. The DEC's shall, within three days after elections are called, publish through the press and other media, information concerning local majoritarian electoral districts with an indication of their boundaries.

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

#### **Article 138 - Electoral system**

Elections of a Sakrebulo shall be held through the proportional and majoritarian electoral systems.

#### **Article 139 - Right to vote**

In the course of elections of Sakrebulo of a municipality or a self-governing city, a voter shall be authorized to one vote through the proportional electoral system and one vote through the majoritarian electoral system.

#### **Article 140 - Composition of a local self-government representative body Sakrebulo**

1. The Sakrebulo of a municipality shall be composed of 10 members elected through the proportional system and one member elected through the majoritarian electoral system from each community and city in the corresponding territory, included within the composition of the municipality.

2. The Sakrebulo of a self-governing city shall be comprised of:

a) 10 members elected through the majoritarian system and 15 members elected through the proportional system, if the number of voters exceeds 75,000;

b) Five members elected through the majoritarian system and 10 members elected through the proportional system, if the number of voters is less than 75,000.

#### **Article 141 - The right to run for a Sakrebulo**

1. A party, an electoral bloc, a candidate nominated by a party, an electoral bloc, and an initiative group voters composed of 5 people, registered with the respective election commission, shall be authorized to run for a Sakrebulo.

2. The nomination of a candidate by an initiative group of voters shall be endorsed by the signatures of 1% (not less than 50 voters) of supporting voters, registered in the territory of a corresponding local electoral district.

3. Registration of a candidate, nominated by an initiative group of voters, and assignment of a sequence number to him/her shall be regulated by this Law, in accordance with the regulations determined by the Parliament of Georgian for the elections.

#### **Article 142 - Registration of parties/electoral blocs**



1. In order to run for a Sakrebulo, the party/electoral bloc having been registered in the previous parliamentary elections with the right to participate in the elections, shall apply to the CEC through a written application signed by its head(s), after calling of an election but not later than the 57<sup>th</sup> day before Election Day.

2. In order for parties which have not been registered with the CEC in the previous parliamentary elections to run for a Sakrebulo, they shall apply to the CEC after the calling of an election, but not later than the 57<sup>th</sup> day before Election Day.

3. A party that does not have a representative in the Parliament of Georgia or a party, failing to comply with the requirements of the first paragraph of this article, shall be given a sample of the list of supporters by the respective CEC office immediately after the receipt of an application, but not later than the 57<sup>th</sup> day before Election Day. The party shall be required to submit to the CEC Chairperson the signatures of 25,000 (0,75% of total number of voters) supporters not later than the 50<sup>th</sup> day before Election Day. The respective office of the CEC shall verify the lists within two days of the submission and present its report to the CEC Chairperson.

4. The application shall have attached either a certificate of registration of the party and its statutes, or copies of these documents attested by a notary.

5. The application shall include the following information about the party:

- a) the name, in full or in short, and/or abbreviation, under which it runs in the election
- b) the first and last name, address (according to the place of registration), telephone number and facsimile of the head(s)
- c) the name, address (according to the place of registration), telephone number and scope of powers of the representative
- d) in case there are several heads – the scope of powers for each head with respect to the election process.

6. The name, in full or in short, and the abbreviation referred to in paragraph 5(a) of this article shall not coincide with:

- a) the official name, short title or abbreviation of another party registered by the Ministry of Justice of Georgia (if it coincides, the party may not use it)
- b) the title, short title or abbreviated name of the electoral bloc under which it participates in the elections, if this bloc has applied to the CEC earlier (if it coincides, the party may not use it)
- c) the name, short title or abbreviation used by another party/electoral bloc during the previous parliamentary elections, unless that party/bloc gives its consent.

7. The designated office of the CEC shall verify the application and its attached documents and shall submit its report to the CEC Chairperson not later than the day following submission of the application.

8. Not later than the day following submission of the report referred to in paragraph 7 of this article, the CEC Chairperson shall:

- a) register the party and its representative for election purposes if the application filed and the documents attached meet the requirements of this Law;
- b) submit a written notification to a representative of the party about any non-compliance of the filed application and the attached documents with the provisions of this Law (specifying the details of non-compliance) and give the party two days after receipt of notice for correction of the application and documents.
- c) in the case prescribed by the third paragraph of this article, decide on the final registration of the party only after verifying the list of supporters.

9. A corrected application and documents set forth in paragraph 8(b) of this article shall be verified and the decision about electoral registration shall be made not later than the following day after their submission. If the corrected application and documents meet the requirements of this Law, the CEC Chairperson shall register the party and its representative for election purposes (except for cases prescribed by the third paragraph of this article). Otherwise, the CEC Chairperson shall, within the same timeframe, issue a decree refusing to provide electoral registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). A representative of the party shall immediately be notified about the decree and shall be provided with a copy of the decree upon request. These procedures shall be completed not later than the 37<sup>th</sup> day before Election Day.

10. If an application, attached documents (or a corrected application and documents), and the list of supporting voters under this article are submitted within the timeframe laid down in this Law and meet the requirements thereof, the CEC Chairperson shall, based on a report of the respective CEC office, register the party and its representative for election purposes not later than the day following submission of the report. Otherwise, the CEC Chairperson shall issue a decree within the same timeframe about the refusal to provide electoral registration (the decree shall specify the reasons for the refusal to provide electoral registration and the provisions of this Law that are the basis for refusal). A representative of the party shall immediately be notified about the decree and shall be provided with a copy of the decree upon request.

11. Parties registered by the CEC may establish and abandon from an electoral bloc. In order to register an electoral bloc, not later than the 43<sup>rd</sup> day before Election Day, the CEC Chairperson shall be provided with the application signed by all authorized heads of all parties united in the bloc and the electoral bloc's statute.

12. The application shall include the following information concerning the electoral bloc:

- a) the name and, if applicable, short title and/or abbreviation of the bloc, under which it participates in the elections, as well as the list of the parties united in the bloc
- b) the first and last names and addresses (according to the place of registration) of the head(s)
- c) the first and last names, addresses (according to the place of registration), telephone number and the scope of powers of the representative



d) in case there are several head(s) – the scope of powers of each head with respect to the election process.

13. Name of the electoral bloc, its short title and abbreviation set forth in paragraph 12(a) of this article shall not coincide with:

- a) an official name, short title or the abbreviation of another party (except for the party united in the same bloc), registered by the Ministry of Justice of Georgia (if it coincides, the party shall have no right to use it)
- b) a name, short title and abbreviation of another electoral bloc, under which it participates in the elections, if this bloc has applied to the CEC earlier (if it coincides, the bloc shall have no right to use it)
- c) a name, short title and abbreviation used by another electoral bloc during the previous parliamentary elections, unless the other electoral bloc give its consent.

14. The statutes of the electoral bloc signed by the heads of all parties united in the electoral bloc shall include:

- a) the name and, if applicable, short title and/or abbreviation of the electoral bloc, under which the bloc participates in the elections
- b) a list of parties united in the electoral bloc
- c) the management body (if any) of the electoral bloc, head officials and their powers
- d) the decision-making procedure of the electoral bloc, including the rules for admission, withdrawal and exclusion of a party from the bloc, and nomination and cancellation of nomination of candidates for membership of the representative body by the bloc
- e) a person authorized to sign bloc documentation
- f) the procedure for using the stamp of one of the parties united in the bloc in relation to election activities
- g) the procedure for appointing persons responsible for election campaign expense, a manager and an accountant
- h) the procedure for amending the statutes of the electoral bloc.

15. A party united in the electoral bloc shall not join another electoral bloc or independently participate in one and the same elections.

16. Upon receipt of the application and statutes set forth in paragraph 11 of this article, the CEC shall provide the representative of the bloc with a document confirming their receipt.

17. The respective CEC office shall verify the application and statutes set forth in paragraph 11 of this article, and shall submit its report to the CEC not later than the day following the filing of the application with the CEC Chairperson. The CEC Chairperson shall immediately register the electoral bloc and its representative if the submitted documents meet the requirements under paragraphs 12-15 of this article. If the submitted documents fail to meet the abovementioned requirements, the CEC Chairperson shall notify in writing the representative of the electoral bloc of the non-compliance of the documents with the provisions of this Law (detailing the non-compliance). Corrected documents shall be returned to the CEC not later than the next day following notification. Final decision on registration shall be made by the CEC Chairperson immediately after the receipt of the corrected documents. If the corrected documents meet the requirements of this Law, the CEC Chairperson shall register the electoral bloc and its representative. Otherwise, the CEC Chairperson shall issue a decree denying registration (the decree shall specify the reasons for the refusal to provide electoral registration and the applicable provisions of this Law that are the basis for refusal). The representative of the electoral bloc shall immediately be informed of this decree and upon his/her request provided with a copy of the decree. These procedures shall be completed by the 37<sup>th</sup> day before Election Day.

18. A party that has been registered shall be authorized to join a registered electoral bloc before the expiration of the term for registration of electoral blocs. To that effect, the party shall submit to the CEC Chairperson an appropriate application along with the consent of the electoral bloc.

19. Upon completion of registration of the electoral bloc the powers of representatives of party members united in the bloc in every election commission shall, by CEC Chairperson decree, be terminated and the bloc shall be authorized to appoint 2 representatives to each election commission.

20. In case of withdrawal or exclusion of the party/parties from the electoral bloc before the expiration of the term for submission of party lists/candidates, each party shall be authorized to continue to participate in the elections. If, for this reason, only one party remains in the bloc, the electoral registration of the bloc shall be cancelled under the CEC Chairperson's decree and the parties previously united in this bloc shall have the right to continue to participate in the elections.

21. In case of withdrawal or exclusion of a party from an electoral bloc after expiration of the term for submission of party lists/candidates, registration of the party shall be cancelled by CEC Chairperson's decree. If, for this reason, only one party remains in the bloc, the registration of the bloc shall be cancelled by CEC Chairperson's decree and the remaining party shall become the successor of the bloc.

22. Not later than on the 30th day before Election Day, the CEC shall publish through, the press and other mass media, the list of registered parties and electoral blocs made up in chronological order of submission of applications, as well as the list of those parties and electoral blocs that have been denied registration or whose registration has been revoked, accompanied with the corresponding reasons.

### **Article 143 - Submission of party lists**

1. In order to run for a Sakrebulo through the proportional electoral system, parties and electoral blocs independently participating in the elections shall submit their party lists to the corresponding DEC chairperson following the registration, but not later than 30 days before Election Day.

2. All parties and electoral blocs independently participating in the elections shall be authorized to submit only one party list.



3. The number of candidates for membership of a Sakrebulo in the submitted list shall not be less than 10 not more than 30.

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

5. The procedure for drawing up a party list shall be determined by parties and electoral blocs, taking into account that the seats acquired by the party or the electoral bloc on the basis of the election results shall be distributed sequentially from the beginning of the list onwards and shall ensure gender balance with respect to additional funding as envisaged by the Organic Law of Georgia on Political Unions of Citizens.

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

- a) first and last names
- b) date of birth
- c) occupation
- d) position (activity)
- e) place of work (if unemployed, indicate 'unemployed')
- f) party affiliation (in case of being a party member; and if not, indicate 'nonpartisan')
- g) personal number of a citizen of Georgia
- h) place of registration
- i) title and number of the local majoritarian electoral district, if nominated.

7. The party list shall be verified by the signature of the leader of the party independently participating in the elections. A party list of an electoral bloc shall be endorsed by the signatures of the leaders of all parties united in the bloc.

8. The candidates personal data (first name, last name, personal number of a Georgian citizen, place of registration, date of birth), two photos of each candidate and two copies of the registration card signed by him/her indicating its date of completion, shall be enclosed with the party list, as well as his/her consent to run for office under the party list. The registration card shall specify that the candidate has permanently resided in Georgia for five years.

9. The corresponding DEC shall forward the registration cards for Sakrebulo elections in advance to the representative of a party/electoral bloc. Upon the receipt of the documents, the representative of a party, electoral bloc shall be provided with the dated certificate confirming the receipt of the documents.

#### **Article 144 - Nomination of candidates for member of a Sakrebulo in majoritarian electoral districts**

1. The following entities shall have the right to nominate a candidate for member of a local self-government representative body Sakrebulo in the respective electoral district:

- a) a party running in elections independently
- b) an electoral bloc
- c) an initiative group of 5 voters.

2. In order to nominate a majoritarian candidate in an electoral district, a party/electoral bloc/initiative group of voters running independently in elections shall file an application with the respective DEC not later than 30 days before Election Day.

3. The application shall specify the following information about a majoritarian candidate:

- a) first and last name
- b) date of birth (day/month/year)
- c) occupation
- d) position (activity)
- e) place of work (if unemployed, specify 'unemployed')
- f) personal number of a citizen of Georgia
- g) place of registration
- h) name of the electoral district, in which he/she is nominated as a majoritarian candidate
- i) party membership (if a party member, but if not, specify 'non-partisan').



4. An application for nomination of a candidate for member of a local self-government representative body Sakrebulo shall be submitted to the respective election commission. The application shall be endorsed by signatures of authorized representatives of the party or all parties incorporated in the electoral bloc.
5. The application shall have attached two photos of the candidate and two copies of the registration card signed by the candidate. The registration card shall specify that the candidate has permanently resided in Georgia for at least five years and that the candidate has given his/her consent to run in the polling in the given electoral district.
6. A majoritarian candidate nominated by an electoral bloc in an electoral district may, at the same time, be entered in the party list of the respective party/electoral bloc.

#### **Article 145 - Registration of party lists and candidates for members of a Sakrebulo nominated in a local majoritarian electoral district**

1. The respective DEC chairperson shall register a party list within two days after its submission.
2. The respective DEC chairperson shall register candidates for members of a Sakrebulo nominated in a local majoritarian electoral district within two days after their nomination.
3. Registration of candidates for members of a Sakrebulo shall end not later than 21 days before Election Day.
4. The respective DEC chairperson shall issue certificates to candidates for members of a Sakrebulo within three days after registration of candidates.
5. A candidate nominated in an electoral district shall be registered if the following documents are submitted:
  - a) registration card of the candidate specifying that the candidate has permanently resided in Georgia for at least five years
  - b) an application for nomination of the candidate endorsed by signatures of the leaders of the respective parties/electoral blocs
  - c) two photos of the candidate
  - d) the candidate's consent to run in the polling.
6. A party list or a candidate nominated by a party/electoral bloc shall not be registered if the following information is either missing or incompletely entered into the registration card:
  - a) first and last name
  - b) personal number of a citizen of Georgia
  - c) date of birth (day/month/year)
  - d) place of registration
  - e) party membership (if a party member, and if not, specify 'non-partisan')
  - f) position and work place (if unemployed, specify 'unemployed')
  - g) permanent residence in Georgia for the previous two years
  - h) the candidate's consent to run in the polling
  - i) name and number of the local majoritarian electoral district, in which the candidate is nominated as a majoritarian candidate
  - j) date of completion of the registration card.
7. The DEC chairperson shall not register a candidate if the requirements listed in paragraphs 5 and 6 of this article are not met.
8. A party/electoral bloc shall have the right to request to run in elections under the number assigned to it during the previous parliamentary elections. The party/electoral bloc shall submit an application to this effect to the CEC not later than the 40<sup>th</sup> day before Election Day. If during the previous parliamentary election the sequence number was assigned to an electoral bloc, the first party in the list of the bloc members shall have the right to use this number. Unless the right under this paragraph is exercised in the election to be held through the proportional electoral system, the sequence of parties and electoral blocs independently running in the election for a local self-government representative body Sakrebulo shall be determined according to the appropriate sequence of results of the previous parliamentary elections. Unless an electoral bloc that ran in the previous parliamentary elections runs in the Sakrebulo elections, the first party in the list of the bloc members shall have the right to use the sequence number assigned to the electoral bloc. If the first party in the list waives the right, the following party in the list shall have the right to use the number, etc. If the parties that ran in the previous parliamentary elections create a bloc for Sakrebulo elections, they shall specify in the bloc statutes which party's sequence number they intend to use. If any party/electoral bloc fails to exercise the right to use the sequence number, the parties/electoral blocs standing next in the list shall move up.
9. The sequence of parties/electoral blocs shall be determined by casting lots held in accordance with the procedure set forth in Article 119(2-6) of this Law not later than the 35<sup>th</sup> day before Election Day. The sequence numbers of these parties/electoral blocs shall start with a number greater by one than the last assigned sequence number of the election subject set forth in paragraph 8 of this article.
10. In order to hold elections through the majoritarian electoral system, candidates nominated by parties and electoral blocs shall be assigned the same



sequence number as their nominating election subjects.

11. If registration of a party/electoral bloc is cancelled after the assignment of sequence numbers, the remaining parties/electoral blocs shall maintain their previously assigned sequence numbers.

12. Information regarding the sequential order of election subjects shall be published by the press and other media not later than three days after the expiration of the registration term. A list of subjects that were refused registration shall also be published within the same timeframe.

#### **Article 146 - Revocation of decisions on nomination of candidates**

1. After registration, a party/electoral bloc shall have the right to revoke its decision to nominate a candidate not later than 10 days before Election Day.
2. A candidate may withdraw his/her candidacy not later than 10 days before Election Day by filing an application with the respective DEC.
3. The respective DEC shall immediately publish information about the withdrawal of a candidate or revocation of a decision to nominate a candidate.

#### **Article 147 - Ballots**

1. Two types of ballots shall be produced for the elections of local self-government representative bodies Sakrebulo.
2. Ballot papers designed for local self-government representative body Sakrebulo elections held through the proportional electoral system shall include the names of parties/electoral blocs (the bloc name shall be followed by the names of parties incorporated in the bloc), listed in number sequence.
3. A ballot paper designed for local self-government representative body Sakrebulo elections held through the majoritarian electoral system shall include sequence numbers, and the first and last names of all candidates nominated to be elected in the relevant local majoritarian electoral district. The name of a respective party or electoral bloc shall be specified with the last name of candidate(s) nominated by the party or the electoral bloc. Information about a candidate shall be entered in the ballot papers in the order determined by the relevant DEC by casting lots, not earlier than the 24<sup>th</sup> day and not later than the 20<sup>th</sup> day before Election Day.
4. In the ballot paper designed for local self-government representative body Sakrebulo elections held through the proportional electoral system, voters shall mark the sequence number of not more than 1 party/electoral bloc.
5. In the ballot paper designed for local self-government representative body Sakrebulo elections held through the majoritarian electoral system that includes the data of candidates, voters shall mark the sequence number of not more than 1 candidate.

#### **Article 148 - Determination of election results held through the proportional electoral system**

1. In order to determine the number of seats obtained by a party list, the number of votes received by the party list shall be multiplied by the number of seats in the electoral district and divided by the total number of votes received by the parties/electoral blocs that received at least 5% of the votes cast in the elections. The resulting integer shall be the number of seats acquired by the party. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.
2. If the total number of seats obtained by a party in an electoral district is less than the total number of seats, each undistributed seat shall first be assigned to the party that failed to obtain a seat in the manner prescribed by the first paragraph of this article, but that received more than 5% of the votes cast in the election. Thereafter, undistributed seats shall be assigned to the party that acquired at least one seat. In such a case, one seat shall be given sequentially to the party that received more votes in the election. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.
3. If more than 10 election subjects received 5% or more of the votes, the distribution procedure described in the first paragraph of this article shall not apply. In such case, one seat shall be assigned to each of those 10 election subjects that received more votes than others. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.
4. If 2 or more parties receive an equal number of votes, a seat shall be assigned to the one that was first registered with the respective DEC to run in the Sakrebulo election.
5. Candidates whose sequence numbers in a party list are less or equal to the number of seats obtained by the given party shall be deemed elected to Sakrebulo through the proportional electoral system.
6. If a candidate for member of a Sakrebulo is elected either from a single-seat majoritarian district or on a party list, he/she shall be deemed elected from the single-seat majoritarian electoral district and shall be removed from the party list, while the next candidate on the list shall move up under the procedure prescribed by this Law.

#### **Article 149 - Determination of election results held through the majoritarian electoral system**

1. A candidate receiving more votes than other candidates shall be deemed elected to a Sakrebulo through the majoritarian electoral system.
2. If two candidates receive an equal number of votes, the candidate who was registered first with the respective DEC shall be deemed elected.



#### **Article 150 - Summarizing of Sakrebulo election results in DECs**

1. A DEC may annul polling results in the electoral precinct where the law is grossly violated. Polling results may not be summarized in the DEC until a decision is made on complaints that could annul polling results in the precinct.
2. Elections shall be declared invalid in an electoral district if the number of invalid ballots in the district is more than half of the total number of voters participating in the election in that district and the results would affect the results of the election.
3. A DEC shall determine election results and draw up a protocol at its session.
4. During elections for a local self-government representative body Sakrebulo, a DEC shall, based on protocols received from PECs, determine the following:
  - a) total number of voters
  - b) number of participants in the election
  - c) number of invalid ballot papers
  - d) number of votes cast for each election subject.
5. A DEC summary protocol of election results shall be drawn up in three copies, one of which shall be transferred to the CEC, the second one shall be maintained with the respective DEC, and the third one shall be transferred to the seat commission of the respective Sakrebulo.
6. One original copy of the protocol shall be sent to the CEC not later than five days after the end of polling, the second original copy shall be maintained with the respective DEC, the third original copy shall be transferred to the credentials committee of the Sakrebulo, and certified copies of the protocol shall be sent to representatives of parties and electoral blocs.
7. A DEC shall, after summarizing results, immediately post a copy of the summary protocol of election results in a visible place for public availability.
8. A DEC shall, within 10 days after summarization of election results, publish the Sakrebulo election results in the relevant districts through the press and other media. Information shall include party membership (if a party member, and if not, specify 'non-partisan'), date of birth, occupation, position, and place of work of elected Sakrebulo members.

#### **Article 151 - Convening of the first session of a local self-government representative body Sakrebulo**

The CEC shall convene the first session of a local self-government representative body Sakrebulo throughout the territory of Georgia within 30 days after the final results of elections are summarized.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 152 - Repeat and re-run voting**

1. If polling is declared void in an electoral precinct, the respective DEC shall call repeat voting that shall be conducted within two weeks after the polling day. Repeat voting shall be held only if the difference between the candidate with the best results and the following candidate with the best results out of the candidates to be elected to the Sakrebulo is less than the total number of voters in the same precinct or in invalidated precincts.
2. If polling results are annulled in electoral precincts during repeat voting, the respective DEC shall summarize the election results held in the electoral district without considering results from those precincts.
3. If elections are declared invalid in an electoral district, re-run voting shall be held within two weeks.

#### **Article 153 - Registration of elected members of the local self-government representative body Sakrebulo**

The respective DEC chairperson shall, within five days after summarization of final results of elections, register persons elected as members of the local self-government representative body Sakrebulo and shall provide them with appropriate certificates of election.

#### **Article 154 - Procedure for filling vacancies of members of a Sakrebulo**

1. If the term of office of a Sakrebulo member elected through the proportional system terminates early, the candidate in the party list who received the next highest number of votes shall take his/her place in Sakrebulo within two weeks, provided that the candidate accepts membership in the Sakrebulo within ten days after being notified by the CEC. If no candidate is left in the party list, the seat shall be annulled.
2. If the vacancy is of a member who was elected by the party list of an electoral bloc and the party list specifies that the member was a member of one of the parties in the electoral bloc, the candidate for member of Sakrebulo from the same party who received the next highest number of votes shall take his/her place within one month, provided that the candidate accepts membership in the Sakrebulo within ten days after the vacancy occurs. Otherwise, the vacancy shall be filled by the next candidate in the same party list, etc. Unless the party list specifies that he/she is a member of one of the parties of the electoral bloc, his/her successor shall be defined in the manner as prescribed by the first paragraph of this article.





3. If the term of office of not less than 5 members of Sakrebulo elected through the majoritarian system terminate early, by-elections shall be held during the nearest September-October period in the manner prescribed by by this Law. If less than 60 days remain prior to the conduct of by-elections, the by-elections shall be held in the September-October period of the next year. By-elections shall not be held if less than two years remain prior to the expiration of the terms of the Sakrebulo.

4. The CEC shall set the date of by-elections by decree. The CEC shall, not later than two months before Election Day, define the terms of electoral activities.

5. Candidates winning by-elections shall serve the remaining term of office of the Sakrebulo members elected through the majoritarian system that they replace.

## **Chapter XVII. Elections for the Sakrebulo of the Capital of Georgia – Tbilisi**

### **Article 155 - Elections of the self-government body Sakrebulo of the capital of Georgia - Tbilisi**

1. During elections of the Sakrebulo of the capital of Georgia – Tbilisi (hereinafter “Tbilisi Sakrebulo”), the norms determined by this Law shall be applied unless otherwise set forth in this Chapter.

2. During a state of emergency or martial law, elections of the Tbilisi Sakrebulo shall not be conducted. If the term of an the election coincides with a state of emergency or martial law, elections shall be held within 60 days after the lifting of the state of emergency or martial law.

3. Elections of the Tbilisi Sakrebulo are conducted through the majoritarian and proportional electoral systems.

4. The Tbilisi Sakrebulo is composed of 50 members, out of which 25 members are elected in the territory of local single-seat majoritarian electoral districts, and 25 – through the proportional electoral system in the whole territory of Tbilisi.

5. Considering the number of voters and existing boundaries of territorial units, the CEC shall by decree, within five days after calling of elections, set up local single-seat majoritarian electoral districts of Tbilisi and shall define their boundaries.

### **Article 156 - Electoral districts**

1. There are ten electoral districts set up for Tbilisi Sakrebulo elections, conducted through the proportional electoral system:

a) Mtatsminda

b) Vake

c) Saburtalo

d) Krtsanisi

e) Isani

f) Samgori

g) Chughureti

h) Didube

i) Nadzaladevi

j) Gldani.

2. The CEC shall exercise the functions of an election commission in summarizing the election results of the Tbilisi Sakrebulo held through the proportional system.

3. Election results of the Tbilisi Sakrebulo conducted through the majoritarian electoral system shall be summarized and determined by the relevant DEC.

### **Article 157 - Right to participate in Tbilisi Sakrebulo elections**

1. A party, electoral bloc, candidates nominated by the party, electoral bloc and an initiative group of voters composed of at least 5 persons, if registered by the election commission as determined by this Law, shall have the right to take part in Tbilisi Sakrebulo elections.

2. Only parties and electoral blocs shall be authorized to participate in the elections held through the proportional electoral system and to acquire the seat of the Tbilisi Sakrebulo.

3. Candidates nominated by parties/electoral blocs/initiative group of voters shall have the right to run for the local single-seat majoritarian elections of



Tbilisi Sakrebulo. An individual may not be nominated in more than one single-seat majoritarian electoral district.

4. A person nominated as a candidate for election to the Tbilisi Sakrebulo may not be simultaneously nominated as a candidate in elections of another Sakrebulo.

5. Incompatibility of the status of a candidate in the Tbilisi Sakrebulo election with his/her official capacity shall be determined by Article 136 of this Law. Paragraph 5(e) of Article 117 of this Law shall not apply to the incompatibility of the status of a candidate.

#### **Article 158 - Submission of party lists**

1. For obtaining seats of the Tbilisi Sakrebulo through the proportional electoral system, party lists shall be submitted to the CEC by the parties and electoral blocs not later than 30 days prior to the polling day.

2. Party lists of candidates to be elected in the Tbilisi Sakrebulo through the proportional electoral system shall include not less than 50 and not more than 100 candidates.

3. A party list may include a candidate nominated in the majoritarian electoral district. In such a case, a party list shall make a note of the nomination of the candidate for a single-seat majoritarian electoral district.

4. Party list may include members of the party and those individuals who are not members of other parties participating in the elections, while the party list of an electoral bloc may include members of parties united in the bloc or those individuals who are not members of other parties running in elections. A party/electoral bloc may nominate any capable citizen of Georgia, who speaks the Georgian language and has attained 21 years of age by the polling day, as a candidate for Sakrebulo elections.

5. The procedure for drawing up of the party list shall be defined by the parties and electoral blocs. While drafting the party list, it should be taken into account that the seats acquired by a party/electoral bloc in accordance with the election results, shall be distributed sequentially, from the top of the list.

6. Party list shall indicate the following information on each candidate:

a) first and last name

b) date of birth

c) occupation

d) position (activity)

e) place of work (if unemployed, specify 'unemployed')

f) party affiliation (if not a party member, specify 'non-partisan')

g) personal number of a citizen of Georgia

h) place of registration

i) name of the local single-seat majoritarian electoral district in the case of nomination as a majoritarian candidate.

7. The party list of a party independently participating in the elections shall be endorsed with the signatures of the leader; the party list of an electoral bloc shall be endorsed with the signatures of leaders of all parties in the bloc.

8. Two photos of each candidate and a registration card (in two copies) signed by the candidate indicating the date of its completion shall be included with the party list. In addition to the candidate's personal data, the registration card shall reflect that the candidate has resided in Georgia for at least five years, as well as include his/her consent to run for office under this party list.

#### **Article 159 - Nomination of majoritarian candidates for membership in the Tbilisi Sakrebulo**

1. The following shall be authorized to nominate majoritarian candidates for membership of Tbilisi Sakrebulo:

a) a party independently participating in elections

b) an electoral bloc

c) an initiative group of voters composed of at least 5 persons.

2. A party, electoral bloc and an initiative group of voters may nominate any capable citizen of Georgia, who speaks an official language and has attained 21 years by the time of polling day, as a candidate in elections of the Tbilisi Sakrebulo.

#### **Article 160 - Ballot papers**

1. During Tbilisi Sakrebulo elections, a voter shall be given one majoritarian ballot paper and one proportional ballot paper.



2. Voters participating in the elections shall mark only one assigned sequence number on the ballot paper.

#### **Article 161 - Ascertaining the results of majoritarian elections of the Tbilisi Sakrebulo**

A majoritarian candidate receiving the most number of votes in a single-seat majoritarian electoral district shall be deemed elected to the Tbilisi Sakrebulo. If two candidates receive an equal number of votes, the candidate who was the first to file an application for registration with the relevant DEC, shall be deemed elected.

#### **Article 162 - Procedure for distribution of seats in the Tbilisi Sakrebulo through the proportional system**

1. Seats in the Tbilisi Sakrebulo through the proportional system shall be distributed only to those election subjects who have received at least 4% of votes cast by the voters in the election. Seats shall be distributed pursuant to the rules established by this article.

2. To determine the number of seats received by the party lists, the number of votes received by the party lists shall be multiplied by the number of proportional seats for the Tbilisi Sakrebulo and shall be divided by the sum of votes received by those parties/electoral blocs having acquired not less than 4% of the votes cast by the voters participating in the elections. The whole part of the resulting number is the number of seats received by the party lists. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.

3. During proportional elections for the Tbilisi Sakrebulo, if the total number of seats received by the party lists is less than the total number of seats, each undistributed seat, in proportion to the votes received, shall be awarded to those party lists, which have obtained at least one seat under the rule set forth by the second paragraph of this article.

4. If two or more party lists receive an equal number of votes, a seat shall be assigned to the party that registered first with the CEC to participate in elections of the Tbilisi Sakrebulo.

5. Candidates whose assigned sequence numbers in a party list are less than or equal to the number of seats acquired by the party list, shall be deemed elected to the Sakrebulo through the proportional electoral system.

6. If a candidate for membership in the Sakrebulo is elected both from a single-seat majoritarian district and through a party list, he/she shall be deemed elected from the single-seat majoritarian electoral district and shall be removed from the party list, while the candidate shall be replaced in the list according to the rules prescribed by this Law.

#### **Article 163 - Registration of members elected to Tbilisi Sakrebulo**

Within five days of the summarization of the final results of the elections, the CEC shall register the members of the Tbilisi Sakrebulo and issue appropriate certificates to them certifying their election.

#### **Article 164 - Procedure for replacement of a member who withdraws from the Tbilisi Sakrebulo**

1. If the authority of a member of Tbilisi Sakrebulo elected through the proportional system terminates before its expiration, the candidate who received the next highest number of votes in the party list shall take his/her place in Sakrebulo within two weeks, if he/she accepts membership in the Sakrebulo within 10 days after being notified by the CEC. If no candidate appears in the party list, the seat shall be annulled.

2. In case a withdrawn member of Tbilisi Sakrebulo has been elected by an electoral bloc party list and the electoral bloc noted he/she is a member of one of the parties of the electoral bloc, within one month his/her seat shall be occupied by the candidate who received the next highest number of votes in the same party list, if he/she consents to membership in the Tbilisi Sakrebulo within ten days after the vacancy occurs. Otherwise, the vacancy shall be filled by the person receiving the next highest number of votes in the same party list etc. In case the party list failed to indicate that he/she is a member of a party in the electoral bloc, his/her successor shall be determined according to the rule defined by the first paragraph of this article.

3. A successor of the withdrawn member of Tbilisi Sakrebulo elected through proportional system shall, within 10 days of having notified the CEC, consent to Sakrebulo membership. Otherwise, the vacancy will be filled by the candidate determined in accordance with the second paragraph of this article. If no candidate appears in the party list, the seat shall be annulled.

4. If the term of not less than 5 members of Tbilisi Sakrebulo elected through the majoritarian system terminate early and more than two years remain prior to the expiration of the terms of office of the Sakrebulo, a by-election shall be conducted during the nearest September-October period under rules defined in this Law. If less than 60 days remain prior to the conduct of by-elections, the latter shall be held in September-October of the next year.

5. The date of by-elections shall be set by CEC decree. The CEC shall define the terms of electoral events not later than two months prior to Election Day through decree.

6. Candidates, who have won the by-elections, shall take the places of withdrawn Tbilisi Sakrebulo members, elected through the majoritarian system for the remaining term of office of the Sakrebulo.

### **Chapter XVIII. Elections of the Mayor of Tbilisi, the Capital of Georgia**



## **Article 165 - Elections for the Mayor of Tbilisi - the capital of Georgia**

1. During elections for the Mayor of Tbilisi – the capital of Georgia (hereinafter - Mayor of Tbilisi), the norms determined by this Law shall apply unless otherwise prescribed by this chapter.
2. The Mayor of Tbilisi shall be elected on the basis of universal, equal, and direct suffrage through secret ballot by the electorate of Tbilisi for a term of four years.
3. Elections for the Mayor of Tbilisi shall be called by the President of Georgia, by the Prime Minister's countersignature, not later than 60 days prior to expiration of mayoral powers.
4. Elections for Mayor of Tbilisi shall not be conducted during a state of emergency or martial law. If the elections coincide with a state of emergency or martial law, elections shall be held not later than 60 days after the state of emergency or martial law has been lifted.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

## **Article 166 - Electoral districts**

1. Tbilisi shall comprise one electoral district for election of the Mayor of Tbilisi, the boundaries of which coincide with boundaries of the electoral districts formed in accordance with the first paragraph of Article 156 of this Law.
2. The CEC shall summarize the results of elections for the Mayor of Tbilisi.

## **Article 167 - Registration of candidates for the Mayor of Tbilisi and definition of their assigned sequence numbers**

1. A citizen of Georgia with the right to suffrage, who has attained the age of 25 and speaks the Georgian language, may be elected Mayor of Tbilisi. A citizen who has not lived in Georgia for the previous two years may not be elected Mayor of Tbilisi.
2. A party/electoral bloc/initiative group of voters, registered in accordance with Article 142 of this Law, shall be authorized to nominate a candidate for Mayor of Tbilisi not later than 30 days prior to the polling day.
3. Incompatibility of the status of a candidate for Mayor of Tbilisi with his/her official capacity shall be defined as prescribed by Article 136 of this Law. Article 117(5)(e) of this Law shall not apply to the incompatibility of the status of a candidate for Mayor of Tbilisi.
4. The CEC Chairperson shall register candidates for Mayor of Tbilisi within two days after their nomination, taking into consideration the requirements of this article.
5. A candidate for Mayor of Tbilisi shall be given the number of the election subject nominating him/her.
6. A decision of an election subject on nominating a candidate for Mayor of Tbilisi shall be accompanied by a registration card indicating the candidate's:
  - a) first and last name
  - b) date of birth (date, month, year)
  - c) gender
  - d) address (according to the place of registration)
  - e) personal number of a citizen of Georgia
  - f) place of work (name of institution, organization, enterprise, etc.)
  - g) position (if unemployed, indicate 'unemployed')
  - h) party affiliation (if he/she is not a party member, indicate 'nonpartisan')
  - i) the candidate's consent to run for office of Mayor of Tbilisi
  - j) signature and date.
7. A Tbilisi mayoral candidate shall not be registered, and the registration of an already registered candidate shall be canceled, in accordance with CEC ordinance (in cases as prescribed by subparagraphs 'a'- 'c' of this paragraph) or under a court decision (in case of subparagraph (d)), if the application and documents submitted to the election commission fail to meet all the requirements of this Law or other conditions set forth by this Law are not met, namely:
  - a) data included in the applications and documents is incomplete or inaccurate;
  - b) there is, or there was, consent of the Tbilisi mayoral candidate to run for office at the same time in another Sakrebulo;
  - c) the requirements set forth in the third paragraph of this article are not met;
  - d) the requirements under the first paragraph of Article 47 and/or Article 48 of this Law are not met.



#### **Article 168 - Summarizing the election results for the Mayor of Tbilisi**

A candidate shall be deemed elected Mayor of Tbilisi, who receives the most votes but not less than 30% of votes cast by voters participating in the elections. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.

#### **Article 169 - Second round, re-run and extraordinary elections of the Mayor of Tbilisi**

1. If none of the candidates receives the necessary percentage of votes as determined by Article 168 of this Law in election for Mayor of Tbilisi, a second round of elections shall be called. Those 2 candidates having received the highest number of votes shall participate in the second round, and the candidate who receives the most votes in the second round shall be declared to have won. If the candidates receive an equal number of votes, the candidate, who received more votes in the first round, shall be deemed elected. If those votes were equal, re-run elections shall be held in two months.

2. The CEC shall call the second round of elections by decree. The second round of elections shall be held within one month after the polling day.

3. If the term of the Mayor of Tbilisi terminates early, and if more than two years are left prior to the regular expiration of the term, extraordinary elections for the Mayor of Tbilisi shall be conducted. The President of Georgia shall call extraordinary elections, by the Prime Minister's countersignature, within six months after the termination of powers of the Mayor of Tbilisi.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

### **Chapter XIX. Referendum and Plebiscite**

#### **Article 170 - General provisions**

The regulatory norms for organizing, conducting and ascertaining election results prescribed by the first chapter of this Law shall be used during the organization, conduct and summarization of the results for a referendum unless otherwise determined by this chapter.

#### **Article 171 - Conducting a referendum**

1. The President of Georgia shall, upon the request of the Parliament of Georgia, the request of the Government of Georgia, the request of not less than 200,000 voters or on his/her own initiative, call a referendum within 30 days after the receipt of the request.

2. A Referendum cannot be held in case of:

a) an armed attack on Georgia

b) martial law

c) public disorder, military takeover, armed rebellion, ecological disasters and epidemics or in other cases when state bodies are unable to duly apply their constitutional powers.

3. A Referendum cannot be appointed on the same issue within one year after the date when the results of a referendum conducted on the same issue were officially published.

4. Referenda shall be organized and held in the Georgian language in Georgia, and also in the Abkhazian language in Abkhazia.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 172 - Referendum issues**

1. A referendum can be held on especially important state issues, including issues and principles prescribed by the Constitution of Georgia, Laws of Georgia, International Treaties and Agreements of Georgia.

2. Referenda cannot be held:

a) for adoption or repeal of a law;

b) for amnesty or pardon;

c) on ratification and denunciation of International Treaties and Agreements;

d) on issues that restrict the fundamental constitutional rights and freedoms of individuals.



### **Article 173 - Calling of a plebiscite and rules for its conduct**

1. A plebiscite is a public opinion poll with the purpose of learning the opinion of the Georgian electorate or part of it, concerning particularly important state issues.
2. The Prime Minister of Georgia shall call a plebiscite.
3. The results of a plebiscite shall be recommendatory to state bodies.
4. The rules determined by this Law shall be applied to the conduct of a plebiscite except for provisions under Article 171.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

### **Article 174 - Appointment of a referendum**

1. The President of Georgia shall call a referendum by an edict that shall be countersigned by the Prime Minister of Georgia, except when a referendum is called at the request of the Government of Georgia.
2. The CEC shall organize and hold a referendum.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

### **Article 175 - Initiative group for holding a referendum**

1. If the initiative to hold a referendum comes from the voters, an initiative group shall be formed. The list of the initiative group shall include the first and last name and place of residence of each member of the group. An initiative group shall clearly and specifically formulate the issues proposed for the referendum.
2. An initiative group shall apply to the CEC with a request to register the issue to be submitted for the referendum by the initiative group. The issue should be formulated in agreement with the initiative group.
3. The CEC shall register the issue proposed for a referendum and the membership of the initiative group, and publish this information and the address of the initiative group in the official press.
4. The issue proposed for a referendum shall be included in the papers of voter signatures.
5. A registration certificate shall be issued to the initiative group within a month after applying for registration. Registration may be denied if the requirements of this Law are not met.
6. An initiative group shall be authorized to appeal a registration denial to the corresponding district (city) court within five days after the decision. The court shall review the appeal and make a decision within five days, and that can be further appealed according to rules determined by Georgian legislation.

### **Article 176 - Rule and terms for collecting signatures**

1. An initiative group shall start the collection of signatures from the day of receipt of the registration certificate.
2. Signatures shall be collected on a sample paper as determined by the CEC and agreed with the initiative group. Each such paper shall be signed by not more than 50 citizens; the signatories shall include their first and last name, date of birth, number of the personal identification card, address and the date of signature. A person responsible for collecting the signatures shall sign every paper filled out with the abovementioned data indicating his/her address. The signature of a person responsible for collecting the signatures shall be attested by a notary or by a local self-governing body.

### **Article 177 - Review of the results for collecting signatures**

1. The completed signature pages shall be forwarded to the initiative group that will summarize information about the results of collecting signatures, and together with the signature pages will forward it to the CEC not later than three months from the date of receipt of the registration certificate.
2. The CEC shall inspect the submitted materials and if it decides that they meet the requirements of this Law, the CEC shall submit its report and the request of the initiative group to conduct a referendum to the President of Georgia not later than one month after receipt of the materials.
3. If a citizen signs a statement on holding a referendum two or more times, all of his/her signatures shall be deemed invalid.

### **Article 178 - Making decision with regard to the request on holding a referendum**

1. The President of Georgia shall make one of the following decisions regarding the request for holding a referendum:

a) appoint a referendum date;



b) provide a well-grounded refusal to hold a referendum.

2. An edict of the President of Georgia regarding the appointment of a referendum date or the well-grounded refusal to hold a referendum shall be published within 30 days after the receipt of the request of the Parliament of Georgia/the Government of Georgia for holding a referendum, as well as after the receipt of the report set forth in Article 177 of this Law. The decree of the President of Georgia shall be countersigned by the Prime Minister of Georgia, except when a referendum is called at the request of the Government of Georgia.

3. An edict on holding a referendum shall specify the date of the referendum and the exact wording of the issue put up for referendum. The edict shall be published through the official press and other media for public availability within not later than three days after the issue of the decree.

4. The Government of Georgia shall, within seven days after the publication of the edict of the President of Georgia on appointment of a referendum date, adopt a resolution for the arrangement of the referendum, which shall determine the funding and other referendum-related issues.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 179 - Terms for conducting a referendum**

1. A referendum shall be held not earlier than two months and not later than six months from the date of a decision by the President of Georgia to hold the referendum.

2. In exceptional cases, the President of Georgia shall be authorized to define another date for holding a referendum.

#### **Article 180 - Withdrawal of a request for holding a referendum**

The Parliament of Georgia, the Government of Georgia, an initiative group of voters shall have the right to withdraw its request for holding a referendum before the President of Georgia makes a decision to hold the referendum.

*Organic Law of Georgia No 1019 of 6 September 2013 – website, 23.9.2013*

#### **Article 181 - Election commissions**

The CED, DEC, and PECs shall ensure the organization and conduct of a referendum.

#### **Article 182 - Participation of initiative group members in the work of referendum commissions**

In case a referendum has been called at voter request, the initiative group shall be eligible to appoint its representative to the election commissions.

#### **Article 183 - Summarizing the referendum results and enforcement of the decision**

1. A Referendum issue shall be deemed adopted if more than half of the referendum participants vote in favor of it. The number of votes cast in the election may not include the number of votes recorded on invalid ballot papers.

2. It is prohibited to make a decision on the referendum in the period between calling a referendum and publishing the referendum results.

3. The decision taken as a result of the referendum shall be enforced from the date of its publication; it shall have a legal force and is final. The results of a referendum have a direct effect.

4. Legislative and executive authorities of Georgia are obliged to harmonize Georgian legislation and other legal acts with the referendum results within one month.

5. A decision made as a result of the referendum may be changed or canceled only by holding another referendum.

6. The Constitutional Court of Georgia has the right to invalidate the referendum results under the procedures as prescribed by the law.

### **Chapter XX. Transitional and Final Provisions**

#### **Article 184 - Verification of lists of voters for the Parliamentary Elections of 2012**

1. The Commission for Verification of the List of Voters is an independent administrative body that, within the limits of its powers, is independent from other state bodies.

2. Representatives of government, opposition parties and non-governmental organizations (NGOs) shall compose the Commission based on the principle



of equal representation. The Commission shall be composed of not less than 15 members.

3. The President of Georgia shall establish and define the composition of the Commission on the proposal of parties and NGOs.

4. The Commission staff, in accordance with procedures determined by Commission Regulation, shall provide organizational-technical and informational support to the Commission for Verification of the Lists of Voters.

5. The chairperson, deputy chairperson and the secretary of the Commission shall be elected from the members of the Commission for Verification of the Lists of Voters. The Commission chairperson shall be elected from the members nominated by the opposition parties.

6. Rules of procedure of the Commission for Verification of the Lists of Voters shall be defined under Commission Regulation, approved by the President of Georgia on recommendation of the Commission.

7. The Commission session shall be authorized if attended by a majority of the total number of members of the Commission. The Commission shall make its decision by a majority vote of members present at the session, but not less than one-third of the total number of members of the Commission. The Commission decision may be appealed to the Tbilisi City Court within ten days of its adoption (except for cases prescribed by paragraph 11 of this article).

8. The Commission for Verification of the Lists of Voters shall provide verification of voter lists on the whole territory of Georgia through various means, including door-to-door verification.

9. The following activities shall be implemented for the purpose of conducting the 2012 Parliamentary elections:

a) for the purpose of verification of the unified list of voters for the 2012 Parliamentary Elections, the Ministry of Corrections and Legal Assistance of Georgia and the Special State Protection Service of Georgia, as well as the institutions set forth in Article 31(5)(a-c) of this Law about the persons with one suffrage as of 15 July 2012 and institutions listed in subparagraphs 'f' and 'g' of the same paragraph shall, within the terms determined by this paragraph, forward to the Commission for Verification of the Lists of Voters updated or most recent data on persons without the right to vote.

b) not later than 1 July 2012, the Ministries of Defense and Internal Affairs of Georgia shall submit to the Commission for Verification of the Lists of Voters and the CEC, data on conscript and contract military servicemen of the Georgian military (paramilitary) forces and units with suffrage, whose work conditions require their presence at an address different from their place of registration and that are located in a different electoral district;

c) on 15 July 2012, the Ministry of Corrections and Legal Assistance of Georgia shall submit to the Commission for Verification of the Lists of Voters data on individuals with suffrage having committed crimes of minor gravity;

d) the heads of consular offices of Georgia shall submit to the Commission for Verification of the Lists of Voters and the CEC data determined by Article 32(1)(e) of this Law not later than the 20th day prior to polling.

9<sup>1</sup>. The list determined by paragraph 10 of this article, based on amendments made within the timeframe prescribed by this Law, and under the decision of the Commission for Verification of the Lists of Voters, the box 'actual condition' next to the last name of a voter, whose presence abroad is confirmed by application of a person registered at the same address, shall include an entry 'is abroad'. A voter, so determined by this paragraph, shall participate in polling in accordance with the general procedure set forth by this Law.

9<sup>2</sup>. The list determined by paragraph 10 of this article, under the decision of the Commission for Verification of the Lists of Voters, shall include the following voters with the entry – 'removed from the address of registration':

a) whose residence at the registration address is not confirmed by application of a person registered at the same address;

b) whose registration was terminated by the legal entity under public Law within the Ministry of Justice of Georgia–State Services Development Agency.

9<sup>3</sup>. Voters determined by paragraph 9<sup>2</sup> of this article shall vote in accordance with their last place of registration during the 2012 Parliamentary Elections. Such voters shall be included in the lists of voters designated for election commissions and in public information, after arranging the lists in alphabetical order. Voters determined by this paragraph shall participate in elections conducted through the majoritarian, as well as the proportional electoral systems.

10. As prescribed by this article (8-9), the Commission for Verification of the Lists of Voters shall ensure the verification and transmission of the lists of voters to the CEC prior to 1 August 2012. The list submitted to the CEC by the Commission is the unified list of voters for the parliamentary elections in 2012.

11. From 1 August 2012, not later than the 14th day prior to the elections, the Electoral Administration of Georgia shall immediately submit to the Commission for Verification of the Lists of Voters the applications filed with the Electoral Administration of Georgia on changes made to the lists of voters. The Commission is under a duty to adopt a relevant substantiated decision, within two calendar days of the submission of the application, regarding the application received from the Electoral Administration or filed directly with the Commission within the timeframe set forth by this paragraph. The commission shall immediately notify the Electoral Administration on the above decision, based on which an appropriate DEC chairperson shall issue a relevant decree that may be appealed in the manner laid down in this Law (except for cases prescribed by paragraph 111 of this article).

11<sup>1</sup>. From 1 August 2012, a person interested in making an entry in the unified list of voters as prescribed by this article(91 and 92) shall file an application with the Electoral Administration of Georgia not later than 1 September 2012. The Electoral Administration shall immediately submit the application to the Commission for Verification of the List of Voters. The Commission shall make a substantiated decision about the application received from the Electoral Administration or filed directly with the Commission within 14 calendar days after submission of the application and shall immediately notify the Electoral Administration thereof.

11<sup>2</sup>. Members of the Commission for Verification of the Lists of Voters and heads of regional representative offices, not later than the 14th day before the elections, shall be authorized to conduct monitoring of the unified list of voters at any time based on the Commission decision, including on the





polling day at the electoral precincts.

12. State agencies are obliged to cooperate with the Commission for Verification of the Lists of Voters in order to adjust the unified list of voters.

13. The activity of the Commission for Verification of the Lists of Voters shall be financed from the State Budget of Georgia.

14. Edict No 726 of 15 November 2011 concerning the Determination of the Establishment and Composition of the Commission for Verification of the Lists of Voters and edict No 791 of 5 December 2011 regarding the Approval of the Regulation of the Commission for Verification of the Lists of Voters, issued by the President of Georgia, shall remain in legal force.

15. The term of office of the Commission for Verification of Lists of Voters shall be defined as including 31 December 2012.

*Organic Law of Georgia No 6571 of 28 June 2012– website, 28.6.2012*

#### **Article 184<sup>1</sup> - Procedure for the formation of unified list of voters for the elections of a Sakrebulo 2014 and Mayor of Tbilisi**

1. A unified list of voters for election of a Sakrebulo in 2014 and for Mayor of Tbilisi is a list of the persons with active suffrage, registered in compliance with the legislation of Georgia and removed from registration according to their place of residence, who have gone through biometric registration. Biometric registration shall end for voters residing in Georgia not later than the 11<sup>th</sup> day prior to Election Day. The unified list of voters shall be divided into electoral districts and precincts.

2. The following information about a voter shall be included in the unified list of voters:

a) first and last name

b) date of birth (day/month/year)

c) address (according to his/her registration place)

d) a Georgian citizen's personal number

e) the actual residence/-temporary residence of an internally displaced person/refugee from the occupied territory of Georgia; actual residence address of a person registered without an indication of address, and if it does not exist in the electronic database of the Public Service Development Agency, a legal entity under public law (hereinafter the 'Agency')-actual residence indicated by a relevant person; actual residence indicated by a person removed from registration according to his/her residence in compliance with the Georgian legislation

f) date of registration in the unified list of voters

g) a biometric photo (a biometric photo taken during biometric registration)

h) gender.

3. Data about a voter shall be entered into the unified list of voters according to his/her registration place, while data about an internally displaced person/refugee from the occupied territory of Georgia, a person removed from the registration according to his/her residential place or a person registered without indication of address-according to their temporary/actual place of residence.

4. The Agency, under rules determined by this Law, shall be responsible for compiling the unified list of voters, its electronic data processing and regular posting on its website and updates of the part (last and first name, date of birth, address, actual residence, date of registration in the unified list of voters and gender) for public information.

5. The unified list of voters shall be compiled according to the rules of formation determined by this article based on the data on persons with active suffrage that is contained in the Civil Registry kept by the Agency and the data transmitted by institutions set forth in Article 31(5) of this Law.

6. During compilation of the unified list of voters for elections of a Sakrebulo in 2014 and Mayor of Tbilisi, data transmitted by heads of local self-government organs and consular offices of Georgia under Article 31(5)(b and e) of this Law about deceased persons or voters who have consular registration as well as data on persons whose personal identity documents issued to them have been canceled due to fraud and invalidation, shall not be used.

7. The Agency shall compile the unified list of voters by means of its structural subdivisions/units, territorial services, other administrative organs, and legal entities on the basis of an agreement concluded with each relevant administrative organ/legal entity. The Agency shall perform biometric registration by the following rules:

a) a duly authorized group shall first ask a citizen of Georgia with suffrage to produce an identity card, passport or any document prescribed by the Georgian legislation that reflects a Georgian citizen's first and last name and personal number. After one of the above documents has been produced, the duly authorized group shall take the voter's biometric photo-shall perform his/her biometric registration (questionnaire). A biometric photo shall include the photo capture date that is considered to be the voter's registration date in the unified list of voters;

b) if a citizen fails to produce any identification document, then the duly authorized group before taking a biometric photo shall check the person's compliance with the data kept in the Agency's electronic database through comparison of an electronic photo of a person with suffrage that is contained in the Civil Registry with him/her and questioning him/her. In the case of compliance, the duly authorized group shall take the voter's new biometric photo and shall complete the questionnaire in accordance with this rule;

c) the data shall be checked through oral questioning of a citizen, comparison of his/her identity card, passport or other identification document determined by the Georgian legislation with the data kept in the Agency's electronic database. Afterwards, the compared data shall be copied into the new questionnaire. With respect to the data that does not coincide with the data maintained in the electronic database and/or about which a citizen



shall make a note, an appropriate reference shall be made in the appropriate box of the questionnaire;

d) the correctness of the trilaterally examined data shall be verified by the voter by his/her electronic signature after which he/she is given a certificate of completing biometric registration. If a voter due to his/her health/physical condition cannot make an electronic signature, the correctness of the data shall be verified by a signature of an adult and legally capable witness. In this case an authorized representative of the Agency shall make a reference with respect to this fact;

e) special locations shall be established for biometric registration of the voters where the biometrization of their data is performed in compliance with the rules set forth in this article;

f) voter biometric registration, in compliance with the rules set forth in this article, shall also be performed in the territorial services of the Agency and authorized administrative organs through their personal appearance and/or by 'door-to-door' process .

8. In case of holding a Georgian citizen's electronic identity card or a Georgian citizen's biometric passport, the data about the voter shall be entered into the unified list of voters in compliance with the data contained in the Civil Registry of the Agency. The date of issuance of the last document (a Georgian citizen's electronic identity card/a Georgian citizen's biometric passport) to a person shall be considered to be the biometric registration date.

9. The Agency shall provide access to its electronic database to institutions determined by Article 31(5) of this Law except for the local self-government organs set forth in the same paragraph(b) that, in turn, are obliged to continually update the data on the persons, determined by the same Article(5), in the stated database. Authorized persons of the institutions set forth in Article 31(5) of this Law shall be responsible for the correctness of the reflected data. Issues related to the entry of the data into the Agency's electronic database shall be regulated by the agreement concluded between the Agency and the relevant institution.

10. Local self-government bodies shall be obliged to immediately supply the Agency with information on changes in the names/numbers of streets and houses. The National Agency of Public Registry, a legal entity under public law, shall be continually obliged to provide the Agency with the information on the enumeration of geographic facilities, their complexes, and parts located on the territory of Tbilisi.

11. The organs and institutions determined by Article 31(5) of this Law except for the organs and institutions set forth in subparagraphs (b) and (e) of the same paragraph shall be obliged, if requested, to supply the Agency with updated data to be entered into the Agency's electronic database by themselves and/or any information related to already entered information.

12. Any interested person shall be authorized to review the version of voter lists intended for public information on the Agency's website. In case of inaccuracy, a party with election registration, an electoral bloc, an observer organization determined by Article 39 of this Law and a voter shall be authorized, not later than the 17<sup>th</sup> day prior to the Election Day and at any time during a non-election period, to demand access from the Agency making changes in the data on voters and the lists of voters (a voter has the right to demand all existing information about only himself/herself and his/her family members, as well as to make changes to them). Data review and obtaining copies shall be performed under rules determined by the Georgian legislation for the review and release of public information.

13. The Agency shall consider an application of a voter to make a change due to inaccuracy of his/her data or in the data of a voter who is registered at his/her address and shall take a decision within three calendar days after receipt of the application but not later than the 14<sup>th</sup> day prior to the Election Day.

14. An applicant shall be notified about the Agency's refusal to make a change within two days but immediately during an election period.

15. The Agency's refusal to make a change may be appealed to a relevant district/city court according to the registration/actual residence within two days of its issuance. In case of satisfaction of the claim by the court, the court decision shall be transmitted to the Agency within two days, but not later than the 11<sup>th</sup> day prior to the Election Day. The Agency shall be obliged to promptly make the relevant change in the data on the voter lists.

16. The Agency, in compliance with the rules set forth in this article, shall compile the unified list of voters and deliver it to the CEC not later than 15 March 2014 but not later than the 11<sup>th</sup> day prior to Election Day, and if requested by the CEC, within three calendar days after the request, but not later than the 11<sup>th</sup> day prior to the Election Day.

17. A voter, who fails to undergo biometric registration within the period determined by the law and returns to Georgia not earlier than the 10<sup>th</sup> day before Election Day inclusive, shall have the right to make biometric registration with the authorized representative of the Agency at a relevant border checkpoint. Biometric registration shall be performed immediately, and the voter shall be given a certificate of passing biometric registration at the border checkpoint. The PEC shall be obliged to enter the voter into the special list of voters of the electoral precinct immediately upon the voter producing the certificate, as well as to permit the voter to vote.

18. Refusal of a PEC to enter a voter into the special list of voters of the electoral precinct and denying him/her the right to vote shall be substantiated in writing and shall be immediately notified to the voter. The decision may be appealed in the manner laid down in this Law.

19. The funds necessary for the formation of a unified list of voters shall be allocated from the State Budget of Georgia.

20. In order to form a unified list of voters, the Agency shall have the right to implement state procurement by means of the simplified procurement procedure prescribed by the law of Georgia on State Procurement. Appeal of the activity/decision by the Agency/tender commission related to state procurement shall not cause suspension of procurement procedure.

21. Article 49(3) of this Law may not apply when implementing the project/program necessary for the formation of a unified list of voters by the Agency under this article.

*Organic Law of Georgia No 864 of 25 July 2013 - website, 19.8.2013*

*Organic Law of Georgia No 1273 of 20 September 2013 - website, 2.10.2013*



## **Article 185 - Transitional provisions**

1. Legal acts adopted by the CEC before the effective date of this Law shall remain in legal force after the enactment of this Law.
2. The CEC shall ensure the harmonization of its legal acts with this Law within two months after the enactment of this Law.
3. The CEC shall ensure the implementation of this Law within six months after it is enacted.

## **Article 185<sup>1</sup> - Suffrage during the transition period**

1. Any person who is born and permanently lives for the most recent 5 years in Georgia, and by the time of enforcement of Article 104<sup>4</sup> of the Constitution of Georgia, possesses citizenship of any member state of the European Union together with the citizenship of Georgia and from the relevant age, shall have the right to participate in Presidential and Parliamentary elections and to have the right of suffrage until 1 January 2014.
2. The rights and obligations of citizens of Georgia set forth in this Law and in the Organic Law of Georgia on Political Unions of Citizens shall apply fully to an individual determined in the first paragraph of this article.
3. An individual under this Law shall use a passport of a member state of the European Union instead of a passport and a personal identification card of a citizen Georgia as prescribed by this Law.
4. The CEC/relevant DEC shall be authorized to register a person as a voter, who meets the requirements prescribed in the first paragraph of this article. This person shall be registered in Georgia in accordance with his/her actual place of residence based on the nomination by an administrative body or based on his/her own application.

*Organic Law of Georgia No 6571 of 28 June 2012 – website, 28.6.2012*

*Organic Law of Georgia No 877 of 27 July 2013, website-20.8.2013*

## **Article 185<sup>2</sup> - Publicity of the military personnel list for the Presidential Elections in 2013**

It is prohibited to give publicity to lists, determined by Articles 31(5)(d) and 32(1)(d) of this Law, of military servicemen of the Ministry of Defense of Georgia who participate in peacekeeping operations of the Armed Forces of Georgia and accompanying persons sent in a civilian personnel status (publication, copy, transmission, as well as photo and video recording in relevant precincts).

*Organic Law of Georgia No 877 of 27 July 2013, website-20.8.2013*

## **Article 185<sup>3</sup> - Right to nominate a presidential candidate of Georgia for the Presidential Elections in 2013**

A party that fails to register with the CEC and that wishes to nominate a presidential candidate for the Presidential Elections in 2013, in compliance with the requirements of Article 98 of this Law, shall file an application with the CEC Chairperson after which it will have the right to collect supporting signatures as determined by this Law. This shall allow the party to be registered as an election subject and to register its presidential nominee one time only for this election.

*Organic Law of Georgia No 877 of 27 July 2013, website-20.8.2013*

## **Article 185<sup>4</sup> - Suffrage for the election of the President of Georgia on 27 October 2013**

1. A voter who has been removed from registration according to his/her place of residence or whose registration has been invalidated under the agency's decision shall vote for the President of Georgia on 27 October 2013 only in case he/she undergoes registration according to his/her place of residence within the period up to and including 10 October 2013. Such a voter shall be exempted from the payment of service fees for issuing a Georgian Citizen's electronic identity card and for taking a photo (except for accelerated service fees) established under the Resolution No 508 of 29 December 2011 of the Government of Georgia On the approval of the time frames, amount of service fees, and the method of payment for services rendered by the Public Service Development Agency, a legal entity under public law operating under the governance of the Ministry of Justice of Georgia, and for services rendered by a consular official within the framework of delegated authority, if submission of both requests for the registration according to the place of residence and for issuance of an ID Card is established in compliance with the legislation of Georgia. A citizen of Georgia shall not be exempted from the payment of service fees for issuing a Georgian Citizen's electronic identity card if he/she has been removed from the registration according to his/her last place of residence due to loss of his/her citizenship of Georgia, as well as termination of the validity of a residence permit or the expiration of the date for a temporary residence permit.
2. A voter determined by the first paragraph of this article who undergoes registration according to his/her place of residence within the period up to and including 10 October 2013, shall be exempted from liability for an administrative offence prescribed by Article 185 of the Administrative Offences Code of Georgia, committed within the stated period.

*Organic Law of Georgia No 901 of 29 July 2013, website-20.8.2013*

## **Article 186 - Final provisions**



1. The Organic Law of Georgia 'Election Code of Georgia' (Legislative Herald of Georgia (Sakartvelos Sakanonmdeblo Matsne) No 25, 22.8.2001, Art. 107) shall become invalid immediately after the enactment of this Law.

2. This law shall enter into force upon publication.

**President of Georgia**

**Mikheil Saakashvili**

**Tbilisi**

**27 December 2011**

**N5636-ES**

