



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 2 June 2003

Restricted
CDL-EL (2003) 5
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ELECTIONS IN GEORGIA:

**COMMENTS ON
THE ELECTION CODE AND
THE ELECTORAL ADMINISTRATION**

by

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1. Introductory remarks

By the decree of May 3, 2003, the Georgian President Eduard Shevardnadze officially declared that the next parliamentary elections will be held on November 2, 2003. Before that, however, the Parliament has to amend the election code, in particular as regards the composition of the new Central Election Commission. Furthermore, steps must be taken immediately to prepare and to organize the elections in a proper way.

On the basis of the reference documents indicated (see Appendix II), the present comments identify the most problematic issues of the electoral law, as amended in April 2002, as well as of the electoral administration process. They make recommendations in respect of both the legal framework and the organization of the elections.

The present comments cannot take into account the draft changes and amendments to the Unified Election Code of Georgia that are being discussed in Parliament at the moment. No voting on these draft changes has yet taken place.

2. The electoral law

2.1. General remarks

The Unified Election Code constitutes the legal framework of the elections in Georgia. It applies to presidential, parliamentary and local elections. The Election Code was adopted on August 2, 2001.

On January 15, 2002 the Unified Election Code was submitted to the Venice Commission for its opinion. The Election Code, as adopted on August 2, 2001, was considered by the Commission to be an important step forward in securing democratic elections in Georgia. A number of recommendations made by the international community had been taken into account in the code. Notwithstanding the overall positive picture, some provisions were considered to be problematic in the Venice Commission's opinion (CDL-AD-(2002) 9).

Since then, a number of amendments to the Election Code have been presented to the Georgian Parliament. Some of these amendments were adopted by the Parliament on April 25, 2002.

Further amendments, in particular with regard to the composition of the new Central Election Commission, have not been adopted since the required two-thirds majority had not been achieved by the time the present comments were finalised.

On May 19, 2003, the Bureau of Parliaments decided to discuss and vote on draft changes to the electoral law. The first hearing started on May, 22.

2.2. The Amendments, adopted on April 25, 2002

It has to be noted that according to the documents available in English the amendments adopted in April 2002 neither improved nor worsened fundamentally the democratic character of the Election Code. Most of these amendments were rather of secondary importance (see Appendix I).

Moreover, the majority of amendments refer only to Local Elections (Art. 34i, Art. 112.3, Art. 115.5, Art. 118.3, Art. 120.9-12, Art. 123.2) or additionally to the by-elections in 2002 (Art. 128). Clearly they were introduced in the light of the local elections and/or the parliamentary by-elections that were held last year.

The only amendments adopted in April 2002 that are relevant for the parliamentary elections scheduled for November 2003 are the following:

- The Central Election Commission shall not only ensure, but also govern the production and distribution of ballots and special envelopes to District Election Commissions (Art. 29 f).
- The provision that stipulates the election campaign fund administrators' responsibility to verify the legality of donations and to provide to the respective election commission with a fund report has been changed slightly (Art. 48.4)
- The provision that the title of the election precinct must be indicated on the ballot paper has been abolished (Art. 51.7a).
- The deadline for requesting a vote and for polling by means of a mobile ballot box has been positively changed (Art. 56.2/3/7).
- A minor technical aspect of the process of counting the votes has been modified (Art. 59.9).
- The time period for appointing and certificating the representatives of the election subjects has been changed (Art. 71.3, Art. 71.6).

In general, these amendments can be regarded as positive, but they do not constitute important progress in the endorsement of democratic elections.

The practical importance of the modification of Art. 48.4 can not be evaluated at this stage. It is open to question whether or not it actually leads to a better control of campaign funding.

2.3. The Election Code, as amended in April 2002, in the light of the Commission's criticisms

The amendments, adopted in April 2002, do not refer to any of the points that were explicitly criticised by the Venice Commission's opinion (CDL-AD-(2002) 9)¹. The majority of the explicitly criticised points mentioned in the Commission's summary have still to be realized. They are the following:

- The stipulations for "external voting" should be outlined explicitly and more precisely.
- With regard to the electoral districts, a maximum deviation of 10% from the average ratio of voters (or inhabitants or adult citizens) per single-member constituency should essentially be introduced.
- Withdrawal of candidates should not be allowed.
- In the proportional part of the parliamentary electoral system, the threshold of 7% of the votes is regarded as too high and should be lowered to 4%-5%.
- The choice of appealing either to an election commission or to a court should be abolished.

Besides the points mentioned in the Commission's summary, the full document made further helpful recommendations. Among these, the following recommendations deserve special attention:

¹These points were also included in Mr. Pierre Garrone's Note to Mr. Klaus Schumann, Director General of Political Affairs: Memorandum on the election code of Georgia, 7 February 2003.

- The electoral law should clearly state that the main list of voters should be permanent and regularly updated.
- The time for establishing electoral districts should not depend on the date of elections. The reapportionment should take place on the basis of population census.
- The average size of the electoral precincts should be smaller (with about 1000 voters).
- The practice of mobile ballot boxes should be strictly limited. Mobile box and absentee ballot votes should be counted and published separately from the votes cast directly at fixed polling stations.
- As for the registration of “election subjects“, the time periods for collecting signatures and the deadlines for submitting the list of signatures should be defined by law. Regardless of the number of invalid signatures, every list obtaining a sufficient number of valid votes should be registered.

With a few exceptions, the author of the present comments agrees with the Commission’s recommendations. One of the exceptions refers to the prohibition of election funding by foreigners (Art. 47.5). In contrast to the Commission’s opinion, the author would not reconsider this provision. The Article seems to be sensible and corresponds to the provision that foreign citizens and organizations are not allowed to take part in election agitation (Art. 73.5f).

2.4. Further recommendations by the author

Besides the recommendations made in the Venice Commission’s opinion (CDL-AD-(2002) 9), some further critical points should be addressed according to the author’s view:

- With regard to the composition of the Central Election Commission (CEC), the provision of the electoral code of 2001 is satisfactory in principle, especially since it follows a “non-partisan approach“ in order to secure depoliticisation of the CEC. (This seems also to be the Commission’s opinion). However, the new provisions have not been applied in practice.

At the moment, several drafts relating to the composition of the CEC are on the negotiating table in Georgia. Due to the lack of reliable information, it is not possible to evaluate and comment on them here. (The proposal of some opposition parties to include foreign experts in the CEC can, however, be ruled out, even at this stage).

If no political consensus can be reached on a (preferably) non-partisan composition of the CEC, a certain politicisation of the CEC might be accepted. Even a “partisan balance model“ can be consistent with international standards. However, it has to be ensured that real political balance is achieved. Moreover, even with a “partisan balance model“ some seats might be reserved in the CEC for non-partisan individuals (judges etc.). No matter what model is ultimately chosen, the composition of the CEC must be regarded as legitimate by both the political contestants and the electorate. Legitimacy, impartiality and effectiveness of the CEC have to be achieved in the end.

If the composition of the CEC (hopefully to be determined soon) will cause ongoing political conflicts even after the forthcoming elections, an expert commission might be installed to assist politicians in finding a lasting solution.

- In accordance with the Commission’s opinion (CDL-AD (2002) 9), the electoral law should provide clearly that the main list of voters should be permanent and regularly updated. According to the existing electoral law (Art. 9), the main lists of voters are

compiled by the relevant District Election Commissions (DECs) according to election precincts. The lists are compiled from data provided by different governmental resources (Ministry of the Interior, Ministry of Justice, bodies of local self-government etc.). In the author's opinion, however, the electoral law should additionally provide that the CEC – or alternatively, an appropriate central state agency – takes responsibility for the establishment and revision of a central register of voters, in cooperation with the DECs and the governmental institutions.

The Code of Good Practice in Electoral Matters (CDL-AD (2002) 23) of the Venice Commission is quite clear in stating that “the registration should not take place at the polling station on election day“. Though there is no consent among democracies about whether voters may register to vote on election day, it should be clear that election day registration, as it is stipulated in Article 10.2 in the Election Code, actually increases the risk of fraudulent practice, especially if there are no reliable voter identification documents for all voters and no further safeguards against multiple voting (“inking“ etc.). On the other hand, as long as voter lists are highly deficient, election day registration facilitates that voters can actually use their right to vote. Generally speaking, the voter registration procedures have to find the right balance between the need to be rigorous to ensure integrity of voter lists, and the need for flexibility to ensure that the voter can exercise their right to vote.

The best way to make election day registration unnecessary is to establish accurate voter lists well in advance of the elections (see above). If the election day registration is to be maintained, however, there should be appropriate safeguards in place to prevent multiple voting (see below). Moreover, even with election day registration being allowed, all efforts should be made to give the voter and election subjects the opportunity to check voter lists before the elections. The respective provisions in the law (Art. 13) could be more precise. (Furthermore, voter education campaigns could call on voters and election subjects to revise the preliminary voter lists).

- Since the voter lists are in a sorry state and the safeguards against double voter registration are weak, it seems to be advisable to introduce means to prevent multiple voting. Thus, the electoral law should introduce a provision whereby voters' fingers will be marked with indelible ink at polling station. Additionally or alternatively, ID cards might be stamped before receiving a ballot paper in order to ensure that a voter does not vote in another place on a supplementary list. However, this would require that each voter carries an ID card, thus making “inking“ preferable.
- It should be reconsidered whether the deadlines for submitting the plan of election funding (55 days before the poll) and for distributing the funds (50 days before the poll) (Art. 44.1-2) should not be shorter. Given the complexity of the election preparation process, it is advisable to distribute the funds well in advance of the elections.
- Though a number of states have no provisions in their electoral laws to regulate the behaviour of the media during elections and election campaigns, there are some areas that the law (or decisions by the electoral authorities) may cover, e.g. provisions relating to the allocation of time or space to election subjects, political advertising, reporting of opinion polls, “hate speeches“ and defamation, voter education campaigns through the media, etc. The Election Code of Georgia contains provisions that aim at the equal conditions for election agitation both on state and on private television and radio (Art. 74.8 and Art. 74.9). Further provisions might be considered. Of particular importance is the question as to who is responsible for implementing and controlling the provisions regarding the media during elections times. (A variety of options is possible: The

responsibility may be assigned to the CCE, to courts, to a special media regulatory body or to the self-regulation of the media).

- The electoral law does not provide for any deadline for the electoral agitation. Article 73.3 only forbids election agitation on polling day. In many western democracies, however, a deadline for electoral campaigning (24 hours, 48 hours etc. before the election day) is stipulated by law. Such a provision might be considered for Georgia, too.
- The same is recommendable with regard to the publishing of results of surveys of public opinion relating to elections. The respective provision of the Election Code (Art. 73.11) does not contain any deadline for publishing election-related opinion poll results. Such time restrictions (at least a few days before elections), however, are stipulated by law in many Western democracies.
- The Election Code should provide (in Art. 60) that the election results should be immediately made public at precinct level in order to enforce the transparency of the election process. Up to now, copies of the elections results at precinct level should only be sent to the relevant DEC (Art. 60.7) and given to each election subject (Art. 60.8).
- Document CDL-AD-(2002) 9 recommended that the required majority for the election of the President (Art. 86.2: 50% + 1) should be based explicitly on the number of *valid* votes (and not “of the votes cast by the voters“). This recommendation deserves full endorsement. However, it should also be valid with regard to parliamentary elections. Within the same logic, the threshold in the parliamentary elections should also refer to the valid votes (and not to the “votes cast by the voters“) (Art. 105.5). The same is recommendable with regard to all provisions stipulating a required majority of “votes cast by the voters“ (e.g. Art. 105.17).
- The requirement for a minimum turnout for the elections to be valid might be reconsidered, in particular in the face of severe problems with voter registration. This refers to presidential elections (Art. 86.1 and 87.4), to parliamentary elections (Art. 105.3 and 106.3) as well as to local elections (Art. 123.1). In the author’s personal view, such a provision does not only complicate the electoral process, but also ignores the political will of those voters who went to the polls, if the minimum turnout is not achieved. Furthermore, the turnout rates are completely arbitrary without the existence of accurate voter lists. Finally, the requirement might provoke attempts to artificially inflate turnout figures fraudulently. Notably, such a provision is usually not applied in elections in Western democracies. However, it has to be recognized that it is part of the election tradition in Eastern Europe and in the former states of the ex-Soviet Union.

3. The electoral administration

3.1. General remarks

It is important to note that many problems with elections in Georgia are not caused by the electoral law, but its implementation. Notwithstanding some important shortcomings, the electoral framework is sufficient to conduct free and fair elections if applied in a non-selective and transparent manner. On a number of occasions, however, the electoral law was not properly or fully applied in national and local elections.

According to observer reports of the last presidential (2000), parliamentary (1999) and local elections (2002) as well as of the parliamentary by-elections in 2002, there were major shortcomings in the administration of the elections. Notwithstanding the differences between

these elections (and their respective legal frameworks) the following criticisms can be stressed:

3.2. Criticisms of the organizing and conducting of the elections

a) Postponement of Elections

For organisational, political and economic reasons, elections in Georgia have been postponed several times: Recently, this happened with the local elections of June 2, 2002 (originally scheduled to be held in autumn 2001) and with the parliamentary by-elections of November 30, 2002 (that should have been held one week earlier). Even the postponement of the forthcoming parliamentary elections is being openly discussed in Georgia.

Though postponement of elections could be indispensable due to severe technical or political problems, it should be the exception rather than the rule. Everything should be done to realize the elections in time.

b) Elections not in the whole territory

Due to political conflicts and the lack of territorial control by the Georgian authorities, the elections and/or the voting could not take place in the whole state territory. This was particularly true in Abkhazia as well as in (parts of) South Ossetia. These problems are political by nature and must be resolved politically.

c) Election commissions:

- The composition of the Central Election Commission (CEC) is one of the most delicate issues in the preparation of elections in Georgia. The politicisation of the CEC caused severe problems. It is of concern that the existing CEC is not composed in accordance with the existing electoral law.
- On a number of occasions, the CEC, DEC and PECs failed to perform their duties in a uniform, transparent and timely manner. Preparations for the election were rather poor. Recently, the local elections and the parliamentary by-elections held in 2002 provided many examples of mismanagement on the part of the electoral commissions.
- In general, election officials were poorly informed on the electoral law and on election procedures. Arrangements for training election officials were totally insufficient. The lack of knowledge amongst DEC and PEC members led to an inconsistent application or non-application of the electoral law.

d) Voter registration lists:

- One of the largest obstacles to the fair conducting of Georgian elections was the poor quality of voter lists. The main voter lists were in a sorry state and were highly inaccurate during recent elections. An unacceptably large number of voters were missing from the main lists, others (deceased persons, non-residents of the electoral precinct etc.) were wrongly included.
- Supplementary voter lists and election day registration were used extensively.
- Attempts to verify and adjust inaccurate voter registration lists were not made, or they were, in any case, unsuccessful. Though there have been a number of elections since independence in Georgia, the problem of voter registration has not yet been resolved.

- Voter lists were not made available well in advance of the election. In a number of cases, final voter lists were also made public late, or not at all (e.g. by not posting them outside polling stations).

e) Registration of election subjects:

- Registration was denied to some election subjects / candidates.
- There was a very high rate of withdrawal of candidates prior to the day of the elections.

f) Election agitation:

- Though the media in general enabled political parties to inform the electorate on their political platforms, both state and private media clearly promote particular parties over others.
- There were a few instances of violence and intimidation during the pre-election period.

g) Voter education:

- Voter education was insufficient.

h) Polling:

- In a number of cases, basic election materials (ballot papers etc.) were delivered late (or not at all) to election precincts.
- In many cases, the polling stations were not properly set up for polling.
- Many polling stations did not open on time. Polling often began with delay.
- Due to insufficient space and lack of order, the polling stations were overcrowded.
- Unauthorized persons were present at the polling station.
- Only part of the electorate was in possession of a voting card.
- Due to inaccuracy of voter lists and the lack of both voting cards and Georgian identity cards, voter identification led to severe difficulties in many cases.
- In a number of cases, political agitating took place in and outside the polling station, sometimes even by PEC members.
- There were instances of pressure on voters and of voter intimidation.
- There were cases of “group voting“ or “family voting“.
- PEC members sometimes assisted voters in filling out ballot papers.
- Mobile ballot boxes were used as a means for the casting of illegal votes.
- There were instances of ballot box stuffing and, thus, attempts to artificially inflate turnout figures (in order to ensure that elections would be valid).

i) Vote count:

- In a number of cases, vote count at the polling stations did not follow the provisions of the Electoral Code.
- Unauthorized persons interfered with the vote count.

- Though widespread or systematic fraud was infrequent, there were some instances of electoral fraud during the vote count at precinct level and of the forging of the PEC protocols at district level.
- Copies of the PEC protocol were sometimes not transferred to election subject representatives.

j) Police and military presence:

- There were reports of police presence in various polling stations.
- Complete army units marched into a polling station commanded by an officer in order to vote.

k) Prosecution of electoral violations:

- The electoral commissions handled poorly electoral complaints.
- Electoral violations (manipulation, intimidation etc.) were not exposed and prosecuted in a timely manner (and in accordance with the Election Code, the Criminal Code and/or the Administrative Criminal Code of Georgia).

3.3. Recommendations with regard to preparations for the elections

As soon as the Electoral Code is finalised, preparation for the forthcoming parliamentary elections must be undertaken without any delay. The comments' author does not have sufficient information to evaluate how far election preparation has succeeded in Georgia at this time. However, the following points deserve particular attention:

- the need to compose immediately the Central Election Commission, in a way that secures professionalism and independence.
- the need to confirm finally that the election will be held on November 2, 2003, as scheduled, or to determine another fixed date.
- the need to improve pre-election planning. The electoral commissions have to elaborate a realistic time schedule and a working plan in order to prepare and organize the elections.
- the need to draw up a plan of financing of election preparations and to allocate election funds to the electoral commissions in accordance with that plan.
- the need to improve substantially the voter registration lists. The voter list have to be revised and brought up-to-date. The objective is to establish an accurate, verifiable and centralized voter registration system. Voter lists should be published by the DEC's in good time, so that voters and election subjects have the opportunity to check the lists.
- the need to provide election officials, in particular DEC and PEC members, with adequate training. Election training is an essential precondition for consistently applying the electoral law throughout the country and for impartial assistance to voters (where necessary).
- the need for voter information and voter education. A voter education campaign should be initiated. The voters must understand the basic rules of the elections. Voter education should not only provide basic information on the elections (date, time, and place of voting, type of election, requirements of voter registration and identification, voting procedure), but should also address voters' motivation and willingness to participate actively in the elections. Voter education refers not only to voting on election day, but

also to the registration of voters. In the case of Georgia, it should call upon the voters to check their registration entries on the list of voters before polling day. State media might be used for the purposes of voter education, even if there is no such provision for this in the electoral law.

- the need to instruct police and military forces how to behave during election campaigns and on polling day.
- the need to ensure equality of opportunity for parties and candidates. According to the Code of Good Practices (CDL-AD(2002) 23) this principle entails a neutral attitude by state authorities, in particular with regard to the election campaign, coverage by state media and public campaign funding. An equal and unbiased media coverage and reasonable and equal access for all parties and candidates to the public media are of utmost importance.
- the need to select and prepare the polling station adequately.
- the need to invite international observers to be present in Georgia well in advance of the elections.
- the need to take effective steps against violations of the electoral law from the very beginning.

It should be noted that the appropriate preparation and organization of the elections plays a crucial role in avoiding mismanagement and fraud on election day.

4. Conclusions

The forthcoming parliamentary elections are scheduled for November 3, 2003. Due to the lack of time, any steps to improve the electoral law, the organisation and the conduct of these elections must be pragmatic by nature.

It is obvious that a complete revision of the electoral law is not possible before the next parliamentary election. Amendments, as far as sensible, should be adopted well in advance of the elections in order not to create confusion in terms of the interpretation and implementation of the electoral law.

The Venice Commission's opinion (CDL-AD-(2002) 9) made a number of helpful recommendations for electoral reforms (see 2.3). The author's comments added some more recommendations (see 2.4). Now, it must be carefully considered which of these recommendations find support by the political actors in Georgia and can be adopted without creating further political conflicts and delays.

Obviously, some of the recommendations are more important than others. This is especially true in respect of the provisions regarding the composition of the CEC, the revision of the register of voters and the safeguards against multiple voting ("inking"). If political consent may be built only on some, but not on all of the recommendations mentioned above, the others should be considered when medium or long-term steps are taken to improve the electoral law².

²According to recent information from Georgia, some of the above mentioned recommendations are included in the draft changes that are being discussed in Parliament at the end of May 2003. Among them are the following:

Even more important than amending the existing Election Code might be the improvement of the electoral organization. It hardly needs to be emphasized that the CEC plays a crucial role here. Thus, it is essential that the political conflict surrounding the composition of the CEC is resolved right away and that the CEC improves in its functioning.

A realistic time schedule and a well-elaborated working plan for preparing and organizing the elections seems to be necessary in order to hold elections in time. The most critical points are the need to establish accurate voter lists, the need to provide funds for the preparation of elections, the need to “level the playing field“ for the political contestants, the need to provide election officials with adequate training and the need for voter education campaigns.

It should be stressed that the well-functioning of the election commissions, in conjunction with accurate voter lists and the widespread knowledge of the election procedures among the election officials, the voters, the political contestants, the domestic observers and the media are the best safeguards against electoral mismanagement and fraud.

Outside assistance could be helpful, in particular with regard to the revision of the voter lists and an adequate training of election officials. Moreover, long-term and short-term international observation still seems to be sensible in the given political context of Georgia.

the CEC’s responsibility for the formation and updating of the unified list of voters; the “inking” of voters; the transparency of election results at precinct level.

Appendix I: Modifications to the electoral law

(on the basis of unofficial translations of the Election Codes by the International Foundation for Election Systems, IFES)

Unified Election Code, as adopted on August 2, 2001	Unified Election Code, as amended on April 25, 2002
<p><i>Chapter IV: Election Administration</i></p> <p><i>Art. 29: Responsibilities of the Central Election Commission of Georgia</i></p>	
<p>Art. 29: The Central Election Commission of Georgia shall</p> <p>f) Ensure production and distribution of ballots and special envelopes to District Election Commissions</p>	<p>Art. 29: The Central Election Commission of Georgia shall</p> <p>f) Ensure and govern production and distribution of ballots and special envelopes to District Election Commissions</p>
<p><i>Art. 34: Responsibilities of District Election Commission</i></p>	
<p>The District Election Commission shall ...</p> <p>Art 34 i): Ensure supply of Precinct Election Commissions with ballots and special envelopes;</p>	<p>The District Election Commission shall ...</p> <p>Art. 34 i): Ensure supply, as well as preparation of ballot-papers under instructions of the Central Election Commission during the local administrators elections, of Precinct Election Commissions with ballots and special envelopes;</p>
<p><i>Chapter VI: Election Funding</i></p> <p><i>Art. 48: Rules for Disposal of Election Campaign Funds</i></p>	
<p>Art. 48 (4): The manager of an election campaign fund is obliged to verify the legality of the funds deposited to the election campaign fund and to notify the Central Election Commission of Georgia, within 2 days of the depositing of each election contribution, of the source, quantity and receipt date of the contribution.</p>	<p>Art. 48 (4): The election campaign fund administrator shall within his/her authority check the legitimacy of the funds transferred to the fund; and provide to the respective election commission the fund report, also inform about the source of donation, its amount and date of receipt.</p>
<p><i>Chapter VII: Polling</i></p> <p><i>Art. 51: Ballot Papers and Special Envelope</i></p>	
<p>Art. 51 (7): On the ballot paper must be indicated the following:</p> <p>a) Title of the election precinct (on the rear and on the ballot itself);</p> <p>b) Number of the election precinct (on the rear and on the ballot itself);</p>	<p>item a) of this Art. 51 (7) was abolished</p>

<p>c) The rule for filling out of the ballot paper; d) Title and sequential number of the election subject; e) Place for seal of the Precinct Election Commission; f) Place for signature of Precinct Election Commission members.</p>	
<p><i>Art. 56: Voting by Means of Mobile Ballot Box</i></p>	
<p>Art. 56 (2): In case of an inability to attend at the polling station on polling day, a voter addresses the Precinct Election Commission, before 12 pm. on polling day, with a request to vote by means of a mobile ballot box. ...</p>	<p>Art. 56 (2): In case of an inability to attend at the polling station on polling day, a voter addresses the Precinct Election Commission, by 2 pm. on the day before polling day, with a request to vote by means of a mobile ballot box. ...</p>
<p>Art. 56 (3): After 1 pm. on polling day, the Precinct Election Commission Chairperson instructs the Precinct Election Commission members who shall accompany the transportable ballot box, on the conduct of the poll at the address of the voters, and hands them the mobile ballot box list.</p>	<p>Art. 56 (3): After 11 am. on polling day, the Precinct Election Commission Chairperson instructs the Precinct Election Commission members who shall accompany the transportable ballot box, on the conduct of the poll at the address of the voters, and hands them the mobile ballot box list.</p>
<p>Art. 56 (7): Polling by means of a mobile ballot box ends at 8 pm. on polling day. Upon ending of the poll, the mobile ballot box is sealed in such a way which makes it impossible to open it, without damaging the seal. The sealed mobile ballot box must be immediately returned to the Precinct Election Commission, but no later than 9 pm. on polling day.</p>	<p>Art. 56 (7): Polling by means of a mobile ballot box ends at 7 pm. on polling day. Upon ending of the poll, the mobile ballot box is sealed in such a way which makes it impossible to open it, without damaging the seal. The sealed mobile ballot box must be immediately returned to the Precinct Election Commission, but no later than 8 pm. on polling day.</p>
<p><i>Art. 59: Counting of Votes</i></p>	
<p>Art. 59 (9): Every 50 ballot papers are bound with a metal staple and on each pack, complete as well as incomplete, is inscribed the number of ballot papers bound. These packs are bound into a single pack. On these packs of ballot papers should be inscribed the title and number of the election precinct, information on the election subject (title, first and last name) and the number of votes received by the election subject, as well as the number of election ballots in the pack.</p>	<p>Art. 59 (9): Every 10 ballot papers are bound with a metal staple and on each pack, complete as well as incomplete, is inscribed the number of ballot papers bound. These packs are bound into a single pack. On these packs of ballot papers should be inscribed the title and number of the election precinct, information on the election subject (subjects) (title, first and last name) and the number of votes received by the election subject (subjects), as well as the number of election ballots in the pack.</p>

<i>Chapter VIII: Transparency during Preparation and Conduct of Elections</i>	
<i>Art. 71: Representatives of Election Subjects and Their Responsibilities</i>	
Art. 71 (3): Election subject must immediately notify the relevant election commission of the appointment of a representative. Chairperson of the election commission is obliged to issue to the representative a license within 2 days.	Art. 71 (3): The election subject shall inform the respective election commission about appointment of his representative. If the relevant documentation is provided in full, the chairman of the election commission shall issue the certificate for representative in 24 hours.
(not existing)	Art. 71 (6): The election subject is entitled to appoint another representative not later 2 days prior to the voting and to notify the respective election commission thereof in compliance with this Article.
<i>Chapter XV: Elections of Representative Body of Local Self-governance – Sakrebulo, Elections of Gamgebeli, Elections of Mayor</i>	
<i>Art. 112: Composition of Representative Body of Local Self-governance – Sakrebulo</i>	
Art. 112 (3): <i>Sakrebulo</i> of the city of Tbilisi consists of 30 members.	Art. 112 (3): <i>Sakrebulo</i> of the city of Tbilisi consists of 49 members.
<i>Chapter XVI: Election Districts and Election Precincts</i>	
<i>Art. 115: Election Districts</i>	
Art. 115 (5): In the city of Tbilisi, during the elections, based on the proportional election system, of the <i>sakrebulo</i> of Tbilisi, functions of the District Election Commission are carried out by the Central Election Commission of Georgia.	Art. 115 (5): In the city of Tbilisi, during the elections, based on the proportional election system, of the <i>sakrebulo</i> of Tbilisi, functions of the District Election Commission are carried out by the Central Election Commission of Georgia. The Central Election Commission is entitled to convey to the Tbilisi District Election Commission its rights other than those ones provided by Articles 118 and 120-126.
<i>Art. 118: Submitting of Party Lists in Elections of Representative Body of Local Self-governance – Sakrebulo for the City of Tbilisi</i>	
Art. 118 (3): The number of candidates in the Party list submitted by Parties and election blocs in elections of the representative body of local self-governance – <i>sakrebulo</i> for the city of Tbilisi, must not be less than 30 or more than 60.	Art. 118 (3): The number of candidates in the Party list submitted by Parties and election blocs in elections of the representative body of local self-governance – <i>sakrebulo</i> for the city of Tbilisi, must not be less than 49 or more than 98 .
<i>Art. 120: Registration of Party List, or Candidates for Membership of Representative Body of Local Self-governance – Sakrebulo, Candidates for Gamgebeli, Major</i>	
Art. 120 (9): Sequence of the Parties, election blocs and candidates, nominated by them,	Art. 120 (9): The order of priority of parties and election blocs which independently

<p>taking part in elections of a <i>gamgebeli</i>, major, as well as the elections of the representative body of local self-governance – <i>sakrebulo</i> for the city of Tbilisi, is determined by the relevant sequence of results of the Parties, election blocs that took part in the last parliamentary elections. If a bloc that took part in the last Parliamentary elections does not take part in elections anymore, the right to take part under its number is sequentially awarded to the Parties which are named on the list of the election bloc. If in an election bloc are included Parties that took part in the last Parliamentary elections separately, in the charter of the election bloc should be indicated, the right of which Party, included in the bloc, will be awarded the sequential number. In this case, the Parties, elections blocs that are next in sequence, will respectively move up.</p>	<p>take part in the „sakrebulo“ elections based on the proportional election system by the party lists shall be determined by the sequence of their results in the last parliamentary elections. If an election bloc which participated in the last parliamentary elections does not take part in the „sakrebulo“ elections, the right to its order of priority shall be given to the party named in the list of the bloc members for the first time, and if this party refuses this – to the next party therein etc. If the election bloc established for the „sakrebulo“ elections is composed of parties which participated in the last parliamentary elections, in the bloc charter they shall indicate the number of the party that will apply. If any part/ election bloc has not applied for the right of use of the order of priority this order shall be transferred to the next parties/ election blocs.</p>
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<p>Art. 120 (9): Sequence of the Parties, election blocs and candidates, nominated by them, taking part in elections of a <i>gamgebeli</i>, major, as well as the elections of the representative body of local self-governance – <i>sakrebulo</i> for the city of Tbilisi, is determined by the relevant sequence of results of the Parties, election blocs that took part in the last parliamentary elections. If a bloc that took part in the last Parliamentary elections does not take part in elections anymore, the right to take part under its number is sequentially awarded to the Parties which are named on the list of the election bloc. If in an election bloc are included Parties that took part in the last Parliamentary elections separately, in the charter of the election bloc should be indicated, the right of which Party, included in the bloc, will be awarded the sequential number. In this case, the Parties, elections blocs that are next in sequence, will respectively move up.</p>	<p>Art. 120 (9): The order of priority of parties and election blocs which independently take part in the „sakrebulo“ elections based on the proportional election system by the party lists shall be determined by the sequence of their results in the last parliamentary elections. If an election bloc which participated in the last parliamentary elections does not take part in the „sakrebulo“ elections, the right to its order of priority shall be given to the party named in the list of the bloc members for the first time, and if this party refuses this – to the next party therein etc. If the election bloc established for the „sakrebulo“ elections is composed of parties which participated in the last parliamentary elections, in the bloc charter they shall indicate the number of the party that will apply. If any part/ election bloc has not applied for the right of use of the order of priority this order shall be transferred to the next parties/ election blocs.</p>
<p>Art. 120 (10): Order of Parties, election blocs, except for the Parties, elections blocs,</p>	<p>Art. 120 (10): The order of priority of parties/ election blocs other than that one</p>

<p>indicated in Paragraph 9 of this Article, is determined through casting of lots.</p>	<p>indicated in item 9 of this Article, shall be determined by the drawing of lots to be held under the procedure established by Article 99 of this Law. The order of priority of those parties/ election blocs shall begin from the number exceeding by one the last number of the subjects provided by item 9 of this Article.</p>
<p>Art. 120 (11): In case of the cancellation of election registration of a Party, election bloc, the remaining Parties, election blocs, retain on the ballot paper the sequential number awarded through casting of lots.</p>	<p>Art. 120 (11): The order of priority of candidates presented by the parties and election blocs which independently participated in the last parliamentary elections for the elections held by the majority election system, according to the single-mandate and multi-mandate constituencies shall be determined under the procedure established by item 9 of this Article, and the order of priority of candidates presented by the other parties, election blocs and initiating groups of electorate – under the procedure established by item 10 of this Article. All candidates presented by one party/ election bloc in one multi-mandate constituency shall be given one and the same number (to be indicated in the Arabic digit) and the sequence of the candidates with this number shall be given by the alphabetical order, in the order of priority of presentation by the party/ election bloc.</p>
<p>Art. 120 (12): Orders of the candidates, nominated to the relevant election district by the Parties, election blocs and initiative groups of voters, is determined through casting of lots. Casting of lots is held in accordance with Article 99 of this Law.</p>	<p>Art. 120 (12): If registration of the party/ election bloc is cancelled after attribution of the number thereof other parties/ elections blocs shall preserve the previous numbers.</p>
<p><i>Art. 123: Determining Results of Elections in Election District</i></p>	
<p>Art. 123 (2): In order to determine the number of mandates received by a Party list, the number of votes received by the Party list must be multiplied by the number of mandates in the election district and divided by the total number of the votes received by Parties (election blocs). Total number arrived at, as a result, represents the number of mandates received by the list.</p>	<p>Art. 123 (2): In order to determine the number of mandates received by a Party list, the number of votes received by the Party list must be multiplied by the number of mandates in the election district and divide that by the total number of the votes received by Parties (election blocs) which have participated in the elections with at least 4% of the vote. Total number arrived at, as a result, represents the number of mandates received by the list.</p>

Chapter XVIII: Transitional Results

Art. 128

Art. 128 (2): The authority of commission members is retained by the members of the Central Election Commission and District Election Commission of Georgia, who were appointed (elected) before enactment of this Law, until formation of commissions in accordance with this Law.

Art. 128 (2): The authority of commission members is retained by the members of the Central Election Commission and District Election Commission of Georgia, who were appointed (elected) before enactment of this Law, until formation of commissions in accordance with this Law. **In case of pre-term termination of authority of the district election commission chairman or/and vice-chairman, the chairman or/and vice-chairman shall be elected by the resolution of the commission from its composition, by the joint nomination of at least 3 members of the commission. If the district election commission has got neither chairman, nor vice-chairman, the meeting of the commission for election of the chairman or/and vice-chairman shall be held and presided by the commission secretary. If the district election commission is composed of less than 7 members, the additional members up to the full composition of 7 shall be appointed under the procedure and in the term established by the direction of the Central Election Commission. The right to recall the Central and district election commissions member and appointment of his/her successor is vested in the party/ election bloc, which has appointed him/ her. In case of pre-term termination of authority of the central and district election commission member the election subject which has appointed/ elected him/ her is entitled to appoint his/ her legal successor within 15 days following termination of the terms of reference of this commission member. The application thereof shall be laid at the respective election commission.**

Art. 128 (3): In the elections of the representative bodies of local self-governance – *sakrebulo*s, elections of *gamgebelis*, mayors, the District Election Commission, based on voter’s list or voting license, issues on polling day ballot papers, on presentation of one of the documents listed below:

Art. 128 (3): In the elections of the representative bodies of local self-governance – *sakrebulo*s, elections of *gamgebelis*, mayors, **and in the by-elections in 2002**, the District Election Commission, based on voter’s list or voting license, issues on polling day ballot papers, on presentation of one of

<p>a) ID or passport of a Georgian Citizen (including the passport with symbols of the former USSR);</p> <p>b) Military ID card;</p> <p>c) Pensioner's license;</p> <p>d) Driving license;</p> <p>e) License of a Internally Displaced Person;</p> <p>f) Voter card issued by the relevant Precinct Election Commission.</p>	<p>the documents listed below:</p> <p>a) ID or passport of a Georgian Citizen (including the passport with symbols of the former USSR);</p> <p>b) Military ID card;</p> <p>c) Pensioner's license;</p> <p>d) Driving license;</p> <p>e) License of a Internally Displaced Person;</p> <p>f) Voter card issued by the relevant Precinct Election Commission.</p>
	<p>Art. 128¹ :</p> <p>1. 6 members of the precinct commission for the elections of local self-government elections of 2002 as well as for the by-elections of a member of the Parliament of Georgia shall be elected by the respective district commission, and the right to appoint a member is granted to a party which participated in the 1999 parliamentary and 1998 local government elections, which has participated in the elections independently or has been united in an election bloc and nominated in the list of bloc members ahead of others (if the first party in the list refuses to appoint the commission members this right shall be conveyed to the next one etc.), if this party/ election bloc has got at least 4% of the votes of electorate of the elections held by the proportional election system in the one or two last elections (in the elections of local self-government this percentage shall be calculated as the percent of votes gained in the elections held by the proportional election system to the total electorate of those region and cities of Georgia which are not included in those regions).</p> <p>2. If a party has got the right of appointment of the district election commission member in accordance with the results of the parliamentary elections and the results of the local self-government elections, it will be entitled to appoint the commission member only in accordance with the results of the parliamentary elections.</p>

	<p>3. If those parties which have obtained the rights to appoint the district election commission member under item 2 of this Article have united in one election bloc for the elections, one member of the commission shall appoint the party nominated first in the bloc members list.</p>
	<p>Art. 128² :</p> <p>1. The effect of items 5-7 of Article 51 of this Law shall not be applied to the elections of village, community and settlement „sakrebulo“ of 2002. The relevant procedure of these elections shall be determined by the Central Elections Commission of Georgia by its resolution.</p>
	<p>Art. 128³ :</p> <p>1. The deadline for nomination of the candidates by party lists and majority lists for the local self-government elections of 2002 is the 25th day prior to the voting. 5-5 days accordingly shall be added to the terms of procedures related to registration of candidates.</p>
	<p>Note: It is not clear from the translation of the Election Code why there are several articles 128 in the law.</p>

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