



Strasbourg, 25 February 2002

Opinion no. 182/2001\_geo

Restricted  
CDL (2002) 20  
Or. eng.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
(VENICE COMMISSION)

**UNIFIED ELECTION CODE  
OF THE REPUBLIC OF GEORGIA**

**CONTENTS**

**PART I.....5**

CHAPTER I. GENERAL PROVISIONS.....5

    Article 1. Purpose of the Law.....5

    Article 2. Legal Basis of Elections.....5

    Article 3. Definition of Terms.....5

    Article 4. Basic Principles of Elections.....7

    Article 5. Universal Suffrage.....7

    Article 6. Equal Suffrage.....7

    Article 7. Direct Suffrage.....7

    Article 8. Secrecy of the Vote and Free Expression of the Will of the Voters.....7

CHAPTER II. REGISTRATION OF VOTERS.....7

    Article 9. List of Voters.....7

    Article 10. Supplementary List of Voters.....8

    Article 11. Mobile Ballot Box List.....9

    Article 12. Voting License.....9

    Article 13. Publishing of Voters' Lists.....9

    Article 14. Voting Card.....10

CHAPTER III. ELECTION DISTRICTS AND ELECTION PRECINCTS.....10

    Article 15. Election Districts.....10

    Article 16. Election Precincts.....10

CHAPTER IV. ELECTION ADMINISTRATION.....11

    Article 17. System of Election Administration.....11

    Article 18. Composition of Election Commissions.....11

    Article 19. Rights and Obligations of Election Commission Members.....12

    Article 20. Term of Authority of Election Commission Members.....12

    Article 21. The Basis and Rules for Replacement of Election Commission Member.....13

    Article 22. Rules for Management of an Election Commission.....14

    Article 23. Compensation for Members of the Central Election Commission of Georgia.....14

    Article 24. Compensation for Members of District and Precinct Commission.....15

    Article 25. Legal Acts of Election Commissions and Their Chairpersons.....15

    Article 26. Central Election Commission of Georgia.....16

    Article 27. Composition of Central Election Commission of Georgia.....16

    Article 28. Election of the Management of the Central Election Commission of Georgia.....16

    Article 29. Responsibilities of the Central Election Commission of Georgia.....17

    Article 30. Chairperson of Central Election Commission of Georgia.....18

    Article 31. Apparatus of the Central Election Commission of Georgia.....19

    Article 32. Composition of District Election Commission.....19

    Article 33. Election of the Management of District Election Commissions.....20

    Article 34. Responsibilities of District Election Commission.....20

    Article 35. Chairperson of District Election Commission.....21

    Article 36. Composition of Precinct Election Commissions.....22

    Article 37. Election of Management of the Precinct Election Commissions and Appointment (Election) of Other Members.....22

    Article 38. Responsibilities of Precinct Election Commissions.....23

    Article 39. Chairperson of Election Precincts.....23

CHAPTER V. REGISTRATION OF ELECTION SUBJECTS AND LISTS OF SUPPORTERS.....24

    Article 40. Registration of Election Subjects.....24

    Article 41. Lists of Supporters.....24

    Article 42. Inspection of Lists of Supporters.....24

CHAPTER VI. ELECTION FUNDING.....25

    Article 43. Expenses Related to Elections.....25

    Article 44. Money Funds Necessary for Elections.....25

    Article 45. Disposal of Money Funds Necessary for Elections.....25

    Article 46. Election Campaign Fund.....26

    Article 47. Contributions to the Election Campaign Fund.....26

    Article 48. Rules for Disposal of Election Campaign Funds.....27

CHAPTER VII. POLLING.....28

    Article 49. Time and Place of Polling.....28

    Article 50. Arrangements at the Polling Station.....28

    Article 51. Ballot Papers and Special Envelope.....29

Article 52. Opening of Election Precincts ..... 30

Article 53. Issue of Ballot Papers and Special Envelopes ..... 31

Article 54. Conduct of the Poll..... 31

Article 55. Observing Order in Polling Station on Polling Day ..... 32

Article 56. Voting by Means of Mobile Ballot Box ..... 32

Article 57. Procedures to be Carried Out Before Opening of Ballot Box ..... 33

Article 58. Opening of Ballot Box ..... 34

Article 59. Counting of Votes ..... 34

Article 60. Summary Protocol of Election Results ..... 36

Article 61. Statements and Appeals Regarding Violation of Procedures of Polling and Counting of Votes ..... 37

Article 62. Adjudication of Statements and Appeals at District Election Commission ..... 38

Article 63. Consolidation of Poll Results at District Election Commission ..... 38

Article 64. Consolidation of Election Results at the Central Election Commission of Georgia ..... 39

CHAPTER VIII. TRANSPARENCY DURING PREPARATION AND CONDUCT OF ELECTIONS ..... 39

Article 65. Transparency of Elections ..... 39

Article 66. Transparency During Preparation and Conduct of Elections..... 40

Article 67. Transparency of Election Commission Session. Persons Who Have the Right to Be Present in Polling Station ..... 40

Article 68. Domestic and Foreign Observers..... 41

Article 69. Registration of Observer Organizations ..... 41

Article 70. Rights of Observers..... 42

Article 71. Representatives of Election Subjects and Their Responsibilities ..... 43

Article 72. Representatives of Press and Other Mass Media ..... 43

Article 73. Election Agitation..... 44

Article 74. Pre-Election Gatherings and Manifestations ..... 45

Article 75. Agitation Materials..... 46

Article 76. Prohibition on Use of Official Position During Election Agitation and Campaign ..... 47

CHAPTER IX. ADJUDICATION OF DISPUTES ..... 48

Article 77. Timeframes and Rules for Adjudicating Disputes ..... 48

**SPECIAL SECTION..... 51**

**PART II..... 51**

CHAPTER X. ELECTIONS OF PRESIDENT OF GEORGIA ..... 51

Article 78. Elections of Georgian President ..... 51

Article 79. Holding of Regular Elections of Georgian President..... 51

Article 80. Right to Passive Vote ..... 51

Article 81. Right to Nominate Candidate of Presidency of Georgia..... 51

Article 82. Rule for Nominating Candidate of Presidency of Georgia ..... 51

Article 83. Lists of Supporters of Candidates of Presidency of Georgia ..... 52

Article 84. Registration of Candidate of Presidency of Georgia ..... 52

Article 85. Guarantees of Activity of Candidates or Presidency of Georgia and Their Representatives ..... 52

Article 86. Consolidation of the Results of Elections ..... 53

CHAPTER XI. SECOND ROUND OF ELECTIONS OF GEORGIAN PRESIDENT. NEW ELECTIONS OF GEORGIAN PRESIDENT. EXTRAORDINARY ELECTIONS OF GEORGIAN PRESIDENT. .... 53

Article 87. Second Round of Elections ..... 53

Article 88. New Elections ..... 53

Article 89. Extraordinary Elections of President of Georgia ..... 54

**PART III..... 54**

CHAPTER XII. ELECTIONS FOR PARLIAMENT OF GEORGIA ..... 54

Article 90. Appointment of Elections for the Parliament of Georgia ..... 54

Article 91. Term of Authority of the Parliament of Georgia. Composition of Parliament..... 55

Article 92. Right to Passive Vote ..... 55

Article 93. Right to Take Part in Elections for the Parliament of Georgia ..... 55

Article 94. Incompatibility of Position with the Status of Candidate for the Parliament of Georgia..... 55

CHAPTER XIII. REGISTRATION OF ELECTION SUBJECTS TAKING PART IN ELECTIONS FOR THE PARLIAMENT OF GEORGIA ..... 56

Article 95. Registration of Parties and Election Blocs ..... 56

Article 96. Submission of Party Lists..... 58

Article 97. Nomination of Candidate to Election District ..... 59

Article 98. Registration of Party Lists, Candidates for Membership of Parliament of Georgia..... 60

Article 99. Determining Sequence of Election Subjects..... 60

Article 100. Cancellation of Decision on Nomination of Candidate for Membership of Parliament of Georgia ..... 61

Article 101. Dismissal of Candidate for Membership of the Parliament of Georgia from Carrying Out Official Duties .... 62

Article 102. Immunity of Candidate for Membership of the Parliament of Georgia ..... 62

CHAPTER XIV. CONSOLIDATION OF THE RESULTS OF ELECTIONS FOR THE PARLIAMENT OF GEORGIA.... 62

Article 103. Counting of Votes at Precinct Election Commission..... 62

Article 104. Consolidation of the Results of the Poll at District Election Commission..... 62

Article 105. Consolidation of the Results of the Elections at the Central Election Commission of Georgia..... 63

Article 106. Second Round of Elections. New Elections in Single-mandate Election District and Rules for Replacement of Member of Parliament of Georgia.....	64
Article 107. Registration of Elected Members of Parliament of Georgia.....	65
<b>PART IV.....</b>	<b>66</b>
CHAPTER XV. ELECTIONS OF REPRESENTATIVE BODY OF LOCAL SELF-GOVERNANCE – SAKREBULO, ELECTIONS OF GAMGEBELI, ELECTIONS OF MAYOR.....	66
Article 108. Appointment of Elections of Representative Body of Local Self-governance – <i>sakrebulo</i> , elections of <i>gamgebeli</i> , elections of mayor.....	66
Article 109. Election System.....	66
Article 110. Right to Active and Passive Vote.....	66
Article 111. Equal Right to Vote.....	67
Article 112. Composition of Representative Body of Local Self-governance - <i>Sakrebulo</i> .....	67
Article 113. Terms of Authority of Representative Body of Local Self-governance – <i>Sakrebulo</i> , of <i>Gamgebeli</i> , of Mayor.....	67
Article 114. Incompatibility of Office with Status of Candidate of Membership of Representative Body of Local Self-governance – <i>Sakrebulo</i> , Candidate Running for <i>Gamgebeli</i> , Mayor.....	67
CHAPTER XVI. ELECTION DISTRICTS AND ELECTION PRECINCTS.....	68
Article 115. Election Districts.....	68
CHAPTER XVII. RIGHT TO TAKE PART IN ELECTIONS OF REPRESENTATIVE BODY OF LOCAL SELF-GOVERNANCE – SAKREBULO, IN ELECTIONS OF GAMGEBELI, MAYOR, REGISTRATION OF ELECTION SUBJECTS, NOMINATION OF CANDIDATES AND ELECTION BALLOT.....	68
Article 116. Right to Take Part in Elections of <i>Sakrebulo</i> , Elections of <i>Gamgebeli</i> , Elections of Mayor.....	68
Article 117. Registration of Parties.....	68
Article 118. Submitting of Party Lists in Elections of Representative Body of Local Self-governance – <i>Sakrebulo</i> for the City of Tbilisi.....	69
Article 119. Nomination of Candidates for Membership of Representative Body of Local Self-governance – <i>Sakrebulo</i> , Candidates for <i>Gamgebeli</i> , Mayor.....	70
Article 120. Registration of Party List, of Candidates for Membership of Representative Body of Local Self-governance – <i>Sakrebulo</i> , Candidates for <i>Gamgebeli</i> , Mayor.....	71
Article 121. Canceling Decision on Nomination of Candidate.....	72
Article 122. Election Ballots.....	73
Article 123. Determining Results of Elections in Election District.....	73
Article 124. Repeated polling, New Elections, Extraordinary Elections.....	75
Article 125. Registration of Persons Elected as Members of Representative Body of Local Self-governance – <i>Sakrebulo</i> , as <i>Gamgebeli</i> , Mayor.....	75
Article 126. Replacement of Excluded Member of <i>Sakrebulo</i> .....	75
CHAPTER XVIII. TRANSITIONAL PROVISIONS.....	76
Article 127.....	76
Article 128.....	76
Article 129.....	77
CHAPTER XIX. CONCLUSIVE PROVISIONS.....	77
Article 130.....	77
Article 131. Enactment of the Law.....	77

## General Section

### PART I

#### **CHAPTER I. GENERAL PROVISIONS**

##### **Article 1. Purpose of the Law**

This Law determines the legal basis of preparing and holding elections for the President of Georgia, the Parliament of Georgia, the representative body of local self-governance – *sakrebulo*, of *gamgebeli* and mayor. The Law also determines the rights and guarantees of the election participants, the rule for forming the election administration and its authority, as well as the rule for adjudication of disputes in cases determined by this Law.

##### **Article 2. Legal Basis of Elections**

The legal basis for preparing for and conducting elections for the President of Georgia, the Parliament of Georgia, the representative body of local self-governance – *sakrebulo*, of *gamgebeli* and mayor, is the Constitution of Georgia, universally recognised human rights' principles and standards of international law, this Law, other legislative Acts and legal Acts of the election administration.

##### **Article 3. Definition of Terms**

Terms used for purposes of this Law have the following meaning:

- a) **Elections** – elections of the President of Georgia, the Parliament of Georgia, representative body of local self-governance – *sakrebulo*, of *gamgebeli* and mayor;
- b) **Elections conducted through proportional election system** – election of members of Parliament and the representative body of local self-governance of Georgia – *sakrebulo*, based on Party Lists;
- c) **Elections conducted through majoritarian election system** – election of *sakrebulo* members, *gamgebelis* and mayors, according to single-mandate or multi-mandate election districts;
- d) **Right to vote** – active and passive voting right;
- e) **Right to active vote** – the right of a Georgian citizen to elect the President of Georgia, a member of the Parliament of Georgia and the representative body of local self-governance – *sakrebulo*, a *gamgebeli* and a mayor;
- f) **Right to passive vote** - the right of a Georgian citizen to be elected as the President of Georgia, a member of the Parliament of Georgia and the representative body of local self-governance – *sakrebulo*, a *gamgebeli* and a mayor;
- g) **Election registration** – registration of an election subject by the relevant election commission, for the purpose of taking part in elections;
- h) **Election subject** – candidate for the Presidency of Georgia, membership of the Parliament of Georgia or the representative body of local self-governance – *sakrebulo*, candidate to the position of *gamgebeli* or mayor; Political Party or an election bloc, which is registered by the relevant election commission;
- i) **Election administration** – the Central Election Commission of Georgia (CEC), District Election Commissions (DEC) and Precinct Election Commissions (PEC);

- j) **Party** – a political union of citizens, acting in accordance with the Organic Law of Georgia on Political Unions of Citizens, which is registered by the Central Election Commission of Georgia for the purpose of taking part in elections;
- k) **Election bloc** – a union of 2 or more Parties registered by the Central Election Commission of Georgia;
- l) **Election campaign** – unity of the measures undertaken by candidates for becoming election subjects and by election subjects, for the purpose of participating and winning in elections;
- m) **Election agitation** – calling by Georgian citizens and election subjects upon voters, to support an election subject or not;
- n) **Candidate for Presidency of Georgia** – a citizen of Georgia, presented by a Party registered by the Central Election Commission of Georgia, or by an initiative group of voters, for the purpose of taking part in elections for the President of Georgia;
- o) **Candidate presented through Party list** – a citizen of Georgia included in a Party list registered by the Central Election Commission of Georgia for the purpose of taking part in elections into the Parliament of Georgia and the representative body of local self-governance – *sakrebulo*;
- p) **Majoritarian candidate** – a citizen of Georgia presented to an electoral district by a party (election bloc) or by an initiative group of voters for the purpose of taking part in elections into the Parliament of Georgia, the representative body of local self-governance – *sakrebulo*, elections of a *gamgebeli* or mayor;
- q) **Candidate to the position of *gamgebeli*** – a citizen of Georgia presented by a Party (election bloc) or by an initiative group of voters for elections of a *gamgebeli*;
- r) **Candidate to the position of mayor** – a citizen of Georgia presented by a Party (election bloc) or by an initiative group of voters for elections of a mayor;
- s) **General elections** – a poll which is held in accordance with the Constitution of Georgia or on a day determined by a Decree of the Georgian President;
- t) **Regular elections** – elections that are held within the time term established by the Constitution of Georgia, in case of expiry of the term of authority of the President of Georgia, the Parliament of Georgia, representative body of local self-governance – *sakrebulo*, of *gamgebeli* and mayor;
- u) **By-elections** – elections that are held in case if elections are declared invalid, in case of failure of the elections for the Georgian President, a Member of Parliament of Georgia, a *gamgebeli* and a mayor, as well as in case of termination, before expiry, of the term of authority of an MP elected in an elections district;
- v) **Extraordinary elections** – elections that are held in case of termination, before expiry, of the term of authority of the President of Georgia, the representative body of local self-governance – *sakrebulo*, a *gamgebeli* or a mayor;
- w) **Repeated poll** – a poll which takes place in the elections district(s), where results of the poll have been declared invalid;
- x) **New poll** – a poll that takes place in proportional elections, if none of the Parties, election blocs have received the established number of votes;
- y) **Second round of elections** – elections called upon ordinance by the Central Election Commission of Georgia, in cases when a candidate does not receive during the first round the established number of votes;

- z) **Election documents** – applications, appeals, letters, business documents, protocols, ballots papers, special envelopes, legal Acts of the election administration, voting licenses, Control Sheets, registration journals, voters’ lists, voters’ cards and other documents submitted to and issued by the election commissions;
- aa) **Representative body of local self-governance – *sakrebulo*** – the *sakrebulo* of a village, community, city and a city not included in composition of a rayon.

#### **Article 4. Basic Principles of Elections**

Elections in Georgia shall be held on the basis of universal, equal and direct suffrage, and by secret vote.

#### **Article 5. Universal Suffrage**

- Elections in Georgia are universal.
- Citizens of Georgia have the right to an active vote after they reach the age of 18, regardless of their race, skin colour, language, gender, religion, political or other opinions, education, ethnic or social affiliation, descent, property or occupation.
- Citizens of Georgia who have been deemed incapable by a court or are in a penitentiary establishment by sentence of a court shall not be entitled to suffrage.

#### **Article 6. Equal Suffrage**

- Voters take part in elections based on equal grounds.
- Every voter of one and the same election district has an equal number of votes.

#### **Article 7. Direct Suffrage**

- Elections in Georgia shall be direct.
- The President of Georgia, members of the Parliament of Georgia and the representative body of local self-governance – *sakrebulo*, as well as *gamgebelis* and mayors, are elected directly by voters.

#### **Article 8. Secrecy of the Vote and Free Expression of the Will of the Voters**

- Elections in Georgia are held by secret ballot.
- Any influence which limits the free expression of the voters’ will, as well as control over expression of the voters’ will is forbidden.

### **CHAPTER II. REGISTRATION OF VOTERS**

#### **Article 9. List of Voters**

- The main list of voters is compiled by the relevant District Election Commission according to election precincts.
- The main list of voters includes citizens of Georgia who are entitled to vote and are registered in the territory of the relevant election precinct at the time of the compilation of the list.
- A voter is included in only one list of voters.
- The main list of voters is compiled in triplicate. Each page of the list is signed by the Chairperson and secretary of the District Election Commission. 2 copies of the list are

sent to the relevant Precinct Election Commission no later than 35 days before the poll, while 1 copy remains at the District Election Commission.

- The main lists of voters are compiled based on data:
  - Existing at the relevant agencies of the Ministry of Internal Affairs of Georgia on the persons registered in the territory of the city (rayon), including data on those persons who will be 18 years old by the day of the poll;
  - On deceased persons, existing at the agencies of the Ministry of Justice of Georgia, which conduct registration of citizens' status;
  - From the bodies of local governance and self-governance;
  - Transferred by the Heads of those State agencies of Georgia, which are located outside Georgia, regarding those voters who are on the consular registry of Georgia;
  - Transferred by ship captain, regarding those voters who are sailing on the day of the poll.
- Heads of the agencies indicated in Subparagraphs a), b) and c) of Paragraph 5 of this Article, transfer the data on voters to the District Election Commission no later than 55 days before the poll, while the persons and Heads of the agencies indicated in Subparagraph d) and e) do the same no later than 7 days before the poll. In such cases, the District Election Commission is obliged to transfer the indicated list to the relevant Precinct Election Commission no later than 24 hour, before the poll.

#### **Article 10. Supplementary List of Voters**

- In the supplementary lists of voters are included:
  - Voters – based on presenting of a voting license;
  - Voters who are being treated in hospitals and other inpatient clinics on the day of the poll;
  - Voters who are in preliminary detention;
  - Voters who are in military compounds;
  - Voters who have the status of displaced persons;
- Voters, who have not been included in the list of voters, are included in the list of voters on polling day, based on presentation of Georgian citizen's identity card and a registration card.
- Supplementary lists of voters are compiled by the relevant District Election Commission based on data:
  - Transferred by the Ministry of Refugees and Settlement of Georgia and its local agencies, regarding forcefully displaced persons;
  - Transferred by commanders of military compounds regarding military servants of the armed forces and compounds of Georgia, who are serving fixed terms or upon contract;
  - Transferred by Heads of hospitals and other inpatient medical institutions, regarding those voters who are in such institutions on polling day;
  - Transferred by Heads of those institutions, where voters are in preliminary detention on polling day.



- Heads of the agencies indicated in Subparagraph a) of Paragraph 3 of this Article transfer the data on voters to the District Election Commission no later than 55 days before the poll, while the persons and Heads of the institutions indicated in Subparagraph b) to d) do the same no later than 2 days before the poll. In such cases, the District Election Commission is obliged to transfer the indicated list to the relevant Precinct Election Commission no later than 24 hours before the poll.
- Forcefully displaced persons are included in voters' lists according to their place of actual residence, fixed-term and contract military servants of the army forces and compounds of Georgia – according to the place of stationing of military compounds, and the voters who are sailing on polling day – according to the port of the ship's registration.

#### **Article 11. Mobile Ballot Box List**

- Mobile ballot box list is compiled based on the main and supplementary voter lists in cases when a voter, due to health situation or other reasons, is unable to go to the polling station or when a voter is:
  - At a location that is difficult to access;
  - In those military compounds, where no elections precincts are established;
  - In hospitals or other inpatient medical institutions;
  - In preliminary detention.
- If a voter is transferred to the mobile ballot box list, a relevant note is made in the main or supplementary list and is confirmed by signature of the Precinct Election Commission secretary.

#### **Article 12. Voting License**

- If a voter does not vote at the election precinct, at which he/she is registered, due to changing his/her location before 6 p.m. of the day before the poll, the Precinct Election Commission, based on submission by the voter of a written application, an ID of a Georgian citizen and a registration card, issues to the voter a voting license, as a result of which the voter's name is withdrawn from the voters' list.
- Issuance/acceptance of a voting license and withdrawal from the voters' list are confirmed by the voter and an authorized representative of the Precinct Election Commission, through signatures in the list. Also, the indicated member of the commission notes that the voter has been issued with a voting license. The number of the voter's ID of Georgian citizenship (Georgian passport) and personal number are entered into the list.
- Based on the voting license, the voter takes part in:
  - Majoritarian elections, as well as proportional system elections, if he/she changes location on territory of one and the same election district;
  - Elections for the Parliament of Georgia, held on the basis of the proportional election system, if he/she votes on territory of another election district.

#### **Article 13. Publishing of Voters' Lists**

- The Precinct Election Commission is obliged to post, no later than 30 days before the poll, at a conspicuous place at the polling station, the voters' lists and the procedure determined by this Law for submitting appeals regarding the lists.

- In cases of courts and District Election Commissions upholding appeals related to voters' lists, the final lists are published (posted) no later than 10 days before the elections.

#### **Article 14. Voting Card**

- No later than 2 days before the poll, the Precinct Election Commission is obliged to provide to all the voters registered on the territory of the elections precinct and included in the voters' lists a voting card, in which shall be indicated the following:
  - Date and time of the poll;
  - Address of the polling station, including the number of the floor and the room;
  - Number of the voter in the voters' list;
  - The rule for submitting a statement or an application by voter, due to health situation or other reasons, on taking part in the poll by means of a mobile ballot box, telephone (fax) number of the District Election Commission and other information;
- Non-receipt of a voting card does not constitute grounds for limiting the right to take part in the poll.

### **CHAPTER III. ELECTION DISTRICTS AND ELECTION PRECINCTS**

#### **Article 15. Election Districts**

- The number of election districts established for elections of the Parliament of Georgia is 85 single-mandate election districts; 10 of these are in the city of Tbilisi, and 75 shall be established in accordance with the administrative-territorial division.
- The number of the multi-mandate election districts established for elections of the representative body of local self-governance – *sakrebulo*, is determined by ordinance of the Central Election Commission of Georgia.
- In the city of Tbilisi, is established one election district for the election of the representative body of local self-governance – *sakrebulo* by the proportional system.
- In the cities of Batumi, Rustavi, Sokhumi, Kutaisi and Tskhinvali, is established one election district for each city for elections of city mayors.
- The number of election districts established for elections of *gamgebeli* is determined upon ordinance of the relevant District Election Commission.
- Election districts are established no later than 58 days before the poll, and the list is published within 3 days of the establishment of election districts.

#### **Article 16. Election Precincts**

- For the purpose of holding the poll and counting the votes, an election district is divided into election precincts.
- An election precinct is established for no less than 20 and no more than 2,000 voters, no later than 50 days before the poll.
- In exceptional cases (locations difficult to access, military compounds, ships sailing on polling day, etc.), election precincts are established no later than 5 days before the poll.

- Election precincts are established and boundaries of the established precincts are determined by District Election Commissions, based on the data of the bodies of local self-governance and government, functioning on the territory of the rayon, city, city district.
- Election precincts on the ships sailing on polling day, as well as in military compounds, are established through the rule determined by this Law, according to ports of registration of relevant vessels and location of stationing of military compounds.
- Election precincts at the State institutions of Georgia, existing outside Georgia, are established upon ordinance of the Central Election Commission of Georgia, based on the data of the Ministry of Foreign Affairs of Georgia. Upon the same ordinance, the Central Election Commission decides the issue of attributing these precincts to election districts.
- The District Election Commission shall, within 5 days of the establishment of election precinct, and in cases envisaged by Paragraph 3 of this Article – within 2 days, publish through the press and other mass media the numbers of election precincts, addresses, telephone (fax) numbers of the Precinct Election Commissions and other information.

#### **CHAPTER IV. ELECTION ADMINISTRATION**

##### **Article 17. System of Election Administration**

- For the purpose of ensuring the conduct of elections, the following election commissions are formed:
  - Central Election Commission of Georgia;
  - District Election Commissions;
  - Precinct Election Commissions.
- Election commissions represent a centralized system of election administration.

##### **Article 18. Composition of Election Commissions**

- An election commission consists of the commission Chairperson, Deputy Chairperson, commission secretary and other members.
- The election commission members and staff are officials of the election administration.
- Members of the Central Election Commission of Georgia and Chairpersons of District Election Commissions are civil servants.
- Members of Precinct Election Commissions and members of District Election Commissions, except for District Election Commission Chairpersons, are non-permanent staff employees of the relevant District Election Commission.
- Employees of the Central Election Commission of Georgia, except for auxiliary employees and employees who are not on the permanent staff, are civil servants.
- Only the citizens of Georgia, who have the right to vote, may be appointed (elected) to an election commission, except for:
  - Persons, to whom the Central Election Commission of Georgia has not awarded a certificate of an official of election administration;

- Persons, who have been dismissed from commission membership by the Central Election Commission of Georgia or the relevant District Election Commission, for violation of election legislation;
  - Persons, whose violation of election legislation has been proved and upheld by a court;
  - Members of the bodies of legislative authority;
  - Heads and Deputy Heads of the agencies of executive authority;
  - Heads and Deputy Heads of the bodies of local self-governance and government;
  - Employees of Ministry of Internal Affairs, the Ministries of Defense and State Security, the Departments of Intelligence and State Frontier Guard and the Special Service of State Security;
  - Judges and their assistants;
  - Employees of the Prosecutor's Office (except for technical and auxiliary staff);
  - Election subjects and their representatives;
  - Domestic and international observers.
- According to the rules established by this Law, the following entities have the right to appoint (elect) a member to an election commission:
    - Parliament of Georgia;
    - Higher level election commission;
    - The Party (election bloc), which overcame the 7% threshold during the last Parliamentary elections;
    - The 5 Parties (election blocs) who had the best results during the last Parliamentary elections;
    - Representative body of local self-governance – *sakrebulo*, and in rayons – the Representative body of local self-governance – *rayon sakrebulo*.

#### **Article 19. Rights and Obligations of Election Commission Members**

- A member of an election commission is obliged to take part in its activities as of the day of appointment (election) as commission member.
- A member of a District or Precinct Commission is obliged to sign the summary protocol of results of the poll or elections and, in a case where he/she does not agree with the data included in the protocol, is authorized to make a relevant note on the same line with his/her signature and attach a different opinion to the protocol, in written form.

#### **Article 20. Term of Authority of Election Commission Members**

- The term of authority of a member of the Central or District Election Commission of Georgia begins as of the day of his/her appointment (election) and expires immediately upon the first meeting of the newly composed commission.
- A member of the Central or District Election Commission of Georgia is appointed (elected) for a term of 4 years.

- The term of authority for a member of the Precinct Election Commission begins as of the day of his/her appointment (election) and ends immediately upon the expiration of authority of the commission.
- In a case of termination (before expiry) of the term of authority of a member of the Central Election Commission of Georgia, a new member is elected by the Parliament of Georgia at the earliest session.

**Article 21. The Basis and Rules for Replacement of Election Commission Member**

- The grounds for replacement of an election commission member are constituted by the following:
  - Expiry of the term of authority;
  - Termination of authority before expiry.
- Authority of an election commission member is terminated before expiry in the following cases:
  - Based on personal statement;
  - Upon legal enactment of a court conviction;
  - Upon court decision declaring the member incapable, missing or deceased;
  - Upon losing Georgian citizenship;
  - Upon failure to attend 3 commission sessions in a row, without a valid excuse;
  - In case of death;
  - Upon commission member occupying a position incompatible with the status of commission member;
  - Upon dismissal from commission membership, for violation of elections legislation, based on relevant decision made by a higher level commission or a court;
  - Upon the appointing Party or Political Bloc withdrawing their member.
- In cases envisaged by Subparagraphs b), c), d), f) g) and i) of Paragraph 2 of this Article, the authority of an election commission member is terminated automatically.
- In the case envisaged by Subparagraph a) of Paragraph 2 of this Article, statement by a member of the Central Election Commission of Georgia on relieving him/her of his/her authority is submitted to the Central Election Commission, while statement by a member of the District or Precinct Election Commission is submitted to the higher level election commission and must be satisfied no later than within 2 days of its submission. The Statement by Chairperson, Deputy Chairperson or secretary of the Central Election Commission regarding resignation is submitted to the Central Election Commission, while statement by Chairperson, Deputy Chairperson or secretary of the District Election Commission or Precinct Election Commission is submitted to the relevant election commission and must be satisfied no later than within 2 days of its submission.
- Replacement of a member of an election commission is inadmissible less than 7 days before the poll, except for cases of violation of election legislation.
- In the case envisaged by Subparagraph e) of Paragraph 2 of this Article, a decision on the termination of authority of an election commission member before their expiry is taken upon an ordinance by the relevant commission, by the majority of its listed composition.

**Article 22. Rules for Management of an Election Commission**

- The rules for the work of election commissions is determined by this Law and by regulations of the relevant commission, which is passed through a Decree by the Central Election Commission of Georgia.
- Chairperson, Deputy Chairperson and secretary of an election commission are elected by the relevant commission, by a majority of its listed composition.
- In case of absence of election commission Chairperson, or upon delegation of the Chairperson, his/her duties are carried out by the Deputy Chairperson.
- Frequency of election commission sessions is determined by relevant commission. In case of necessity, upon request by Chairperson or Deputy Chairperson, an extraordinary session is called.
- Sessions are chaired by the Chairperson or Deputy Chairperson.
- Session has authority, if it is attended by the majority of the commission's listed composition.
- Commission takes decisions by the majority of votes of the members attending the session.
- In case of equal division of votes, the vote of the session's Chairperson is decisive.
- Staff issues are decided at the session by the majority of the commission's listed composition.
- Minutes for the session are compiled, which are signed by the session's Chairperson and the commission secretary.
- The session Minutes are processed within 2 days of the date of the session.
- A member of an election commission, who does not agree with a decision of the commission, has the right to express a different opinion in written form, which is attached to the Minutes of the session. The member who is of a different opinion, is obliged to respect and obey the decision made by the commission. He/she does not have the right to prevent, by his actions, the execution of this decision.
- The Central Election Commission of Georgia passes Decrees by 2/3 of listed composition. Passing of a Decree is inadmissible less than 4 days before the poll.
- An election commission passes ordinances by the majority of votes of the commission members attending the session.
- An election commission accepts, issues and registers documents until 6 p.m. on workdays, except for the cases envisaged by this Law.
- During acceptance of a statement (appeal), in the registration journal of the commission and the reference sheet issued to the applicant (appellant) is noted the date and time of its acceptance. Commission adjudicates the statement (appeal) and makes an appropriate decision.
- An election commission is authorized not to adjudicate statements (appeals), if the deadline and rules for their submission has been violated.

**Article 23. Compensation for Members of the Central Election Commission of Georgia**

- The Chairperson, Deputy Chairperson, commission secretary and other members of the Central Election Commission of Georgia are paid salaries from the State budget of Georgia, for the whole term of their authority.

- Staffing and budget expenses of the Central Election Commission of Georgia are approved by the Parliament of Georgia, upon submission by the Central Election Commission.
- Extra time and overtime work of members of the Central Election Commission of Georgia is compensated by an amount determined by the Central Election Commission, from the funds allocated for the conduct of elections.

**Article 24. Compensation for Members of District and Precinct Commission**

- The Chairperson of the District Election Commission is paid a salary from the State budget for the whole term of their authority.
- Salaries from the funds allocated for the conduct of elections are paid to the Deputy Chairperson, commission secretary, accountant and lawyer of the District Election Commission for the whole time for preparation and conduct of elections, while other members of commissions are paid salaries during the last 15 days of preparation and conduct of elections, upon order of the Chairperson of the relevant commission.
- Salaries from the funds allocated for the conduct of elections are paid to the Chairperson, Deputy Chairperson and commission secretary of the Precinct Election Commission for the whole time for preparation and conduct of elections, while other members of commission are paid salaries during the last 15 days of preparation and conduct of elections, upon order of the Chairperson of the relevant commission.
- The amount of the salary paid to members of District or Precinct Election Commissions is determined by the Central Election Commission of Georgia.
- Extra time and overtime work of members of District or Precinct Election Commissions is compensated by an amount determined by the Central Election Commission.

**Article 25. Legal Acts of Election Commissions and Their Chairpersons**

- Legal Acts of election commissions and their Chairpersons are;
  - Decree and ordinance of the Central Election Commission of Georgia;
  - Order of the Chairperson of the Central Election Commission of Georgia;
  - Ordinance of the District Election Commission;
  - Order of the Chairperson of the District Election Commission;
  - Ordinance of the Precinct Election Commission;
  - Order of the Chairperson of the Precinct Election Commission;
- A decree of the Central Election Commission of Georgia is an Sub legal Act, while ordinances of the Central Election Commission, District Election Commission or Precinct Election Commission and orders of commission Chairpersons are individual legal Acts.
- Decrees of the Central Election Commission of Georgia, as well as ordinances of the Central Election Commission, District Election Commission or Precinct Election Commission, are signed by the Chairperson and secretary of the relevant commission.
- A decree of the Central Election Commission of Georgia comes into force as of the day of publication in “Sakartvelos Sakanonmdeblo Matsne”.

**Article 26. Central Election Commission of Georgia**

The Central Election Commission of Georgia is a permanently functioning body, which ensures preparation and conduct of elections, ensuring the exercising of the right of Georgian citizens' to vote, and controls, within its competence, uniform application of the election legislation on all of the territory of Georgia.

**Article 27. Composition of Central Election Commission of Georgia**

- The Central Election Commission of Georgia is formed with a composition of 7 members.
- A coalition (group), which includes no less than 10 unions (associations) and/or foundations, that are registered before November 25, 1997, in accordance with the rules established by Georgian legislation, and whose goals include facilitation of building of democracy, protection of human rights and fair elections, has the right to nominate to the Parliament of Georgia candidates for membership of the Central Election Commission.
- At least one member of the coalition (group) must have experience in monitoring of no less than 2 general elections on all of the territory of Georgia.
- One and the same union (association) and foundation can be part of the composition of only one coalition (group).
- The number of candidates nominated by coalition (group) for membership of the Central Election Commission of Georgia must equal twice the number of members of the Central Election Commission.
- From the candidates nominated by coalition (group), Central Election Commission members are elected by the Parliament of Georgia, through roll-call vote, by no less than 2/3 of the listed composition of Parliament Members.
- It is inadmissible to nominate as a candidate for Central Election Commission membership a person who, for the last 2 years prior to elections, held one of the positions envisaged by Subparagraph d) to i), of Paragraph 6 of Article 18, or was an election subject, or its representative, or a member of any Party during the last 5 years prior to elections.
- One month before expiry of the term of authority of the Central Election Commission of Georgia, coalition (group) submits a list of candidates for Central Election Commission membership to the Parliament of Georgia.

**Article 28. Election of the Management of the Central Election Commission of Georgia**

- Managing members of the Central Election Commission of Georgia are the Chairperson, Deputy Chairperson and commission secretary.
- The Chairperson, Deputy Chairperson and secretary of the commission are elected by the commission from its members, within 10 days of the election of complete membership of the commission, by the majority of the listed composition.
- No less than 3 commission members together have the right to nominate a candidate for commission Chairperson; The commission Chairperson has the right to nominate a candidate for the Deputy Chairperson of the commission; the commission Chairperson or no less than 3 commission members together have the right nominate a candidate for commission secretary. One and the same candidate can only be nominated twice.



**Article 29. Responsibilities of the Central Election Commission of Georgia**

- The Central Election Commission of Georgia shall:
  - Within the limits of its competence control adherence to the Constitution of Georgia and this Law on all of the territory of Georgia and ensure their uniform application.
  - Administer the activities of District and Precinct Election Commissions; hear their information;
  - Inspect the legitimacy of decisions made by election commissions, and in cases of discovery of violations. change these decisions and/or abolish them;
  - Control the provision of District and Precinct Election Commissions with buildings, transport and means of communication, consider other issues of material-technical supply of elections;
  - Ensure the equal exercising of the rights of participants of elections and election subjects;
  - Ensure production and distribution of ballots and special envelopes to District Election Commissions;
  - Adjudicate statements and appeals regarding decisions and actions of District Election Commissions, also including those on consolidation of the results of the elections;
  - Publish final results of the elections and the list of the elected election subjects in the press and other mass media;
  - Exercises other responsibilities prescribed by this Law.
- By its Decrees the Central Election Commission does the following:
  - In case of necessity makes decisions on the termination, before expiry of authority, of a subordinate election commission and on transferring the authority of this commission to a special group, formed by the Central Election Commission;
  - Determines the rules for distribution and use of expenses related to elections;
  - Determines the form of election documents, the design of the ballot box and seals of election commissions;
  - In exceptional cases, if observing of requirements of this Law is impossible, determines the new timeframe and rules for holding election events in an election district;
  - Determines the timeframe and rules for holding qualification examinations for election administration officials and for awarding certificates to election administration officials;
  - Adopts regulations of election commissions;
  - Determines the timeframe and rules for storage and destruction of election documents;
  - Determines the rules for nominating candidates for membership of Precinct Election Commissions;
- By its ordinances the Central Election Commission does the following:
  - Establishes election districts and elects 3 members of a District Election Commission, by the majority of the Central Election Commission's listed composition;

- In case of necessity, in order to solve the issues defined beforehand, creates a special group and determines the timeframe and limits of its authority;
- Determines the amounts of the salaries of Chairperson, Deputy Chairperson, commission secretary, other commission members, accountant and lawyer of District Election Commissions or Precinct Election Commissions;
- In case of a seat having been vacated in a District Election Commission, accepts nominations within 7 days and appoints new member of the commission no later than 3 days after the closing of the time period for accepting nominations;
- Decides the allocation of election precincts established outside Georgia to election districts;
- Establishes and publishes the dates for the beginning and ending of election events;
- Confirms, changes and/or abolishes decisions of District Election Commissions;
- Declares results of the poll in an election precinct invalid;
- Announces repeated poll in an election precinct;
- Decides the issue of re-counting of ballots and special envelopes and of inspection of voters' lists;
- Announces the second round of elections and repeated elections in an election district;
- Determines the general number of voters according to election districts;
- In case of withdrawal of a Parliament Member elected through Party list or a member of the representative body of local self-governance – *sakrebulo*, determines his/her replacement in accordance with this Law;
- Registers Parties (election blocs) that take part in elections;
- Registers Party lists;
- Ensures organization and conduct of seminars, training sessions and courses for increasing qualification of members of election commissions and employees, as well as holding of qualification examinations and awarding of certificates to election administration officials;
- Issues consent for subjecting candidates for the Presidency of Georgia and Membership of Parliament of Georgia to criminal investigation, detention, arrest and search;
- Determines the form of report on the funds used for elections;
- Exercises other responsibilities in accordance with this Law.

**Article 30. Chairperson of Central Election Commission of Georgia**

1. The Central Election Commission of Georgia is managed and represented by the commission Chairperson.
2. The Chairperson of the Central Election Commission of Georgia shall:
  - Carry out full administrative and organizational functions at the Central Election Commission;
  - Issue relevant Identity cards to candidates for Presidency of Georgia, to candidates of Membership of Parliament of Georgia nominated through Party lists, to majoritarian candidates nominated by a Party (election bloc), to the elected

President of Georgia, the elected MP and, in case of withdrawal of an MP elected through Party list – to his/her replacement;

- Transfer to the interim mandate commission of the Parliament of Georgia the documents necessary for inspection of authorities of elected MPs;
  - Call and chair sessions of the Central Election Commission;
  - Distribute funds to District Election Commissions;
  - Issue relevant license to representatives of Parties (election blocs);
  - Sign Decrees and Ordinances of the Central Election Commission;
  - Disposes of the funds of the Central Election Commission;
  - Distribute the documents and correspondence submitted to the Central Election Commission;
  - Sign Minutes of the sessions of the Central Election Commission, as well as outgoing documents and correspondence on behalf of the commission;
  - Issue assignments and instructions to the Deputy Chairperson, commission secretary and other members of the Central Election Commission;
  - Issue Ordinances;
  - Exercise other authority in accordance with this Law.
3. The Chairperson of the Central Election Commission by his/her order does the following:
- Accredits representatives of the press and other mass media and registers local unions (associations), foundations, organizations registered in other countries and international organizations;
  - Appoints members of the special and working group;
  - Appoints and dismisses employees of the Central Election Commission.

#### **Article 31. Apparatus of the Central Election Commission of Georgia**

1. The apparatus of the Central Election Commission of Georgia shall be established for the purpose of ensuring organizational, legal and technical support of elections.
2. The apparatus structure, rules for activities and its authorities are determined by regulations of the Central Election Commission.
3. It is inadmissible to accept into the apparatus a person, who has not been awarded a certificate of an election administration official by the Central Election Commission, except for auxiliary and technical staff.

#### **Article 32. Composition of District Election Commission**

1. A District Election Commission is formed with a composition of no less than 7 members.
2. 3 members of the District Election Commission are elected by the Central Election Commission within 2 weeks of the election of the Central Election Commission; one member is elected by the relevant representative body of local self-governance, and in rayons - by the representative body of local governance – rayon *sakrebulo*, one member is appointed by each Party (election bloc) which overcame the 7% threshold at the last Parliamentary elections.
3. The decision of the representative body of local self-governance, and in rayons – of the representative body of local governance – rayon *sakrebulo*, and statement signed by the authorized person of a Party (election bloc) on the election (appointment) of a District

Election Commission member is submitted to the Central Election Commission of Georgia.

4. A Coalition (group) defined by Paragraph 2 of Article 27 of this Law or a majoritarian MP elected to the Parliament from the relevant election district, nominate to the Central Election Commission of Georgia the candidates for District Election Commission membership.
5. If a Coalition (group) defined by Paragraph 2 of Article 27 of this Law or a majoritarian MP elected to the Parliament from the relevant election district do not nominate candidates for District Election Commission membership within 1 week of the formation of the Central Election Commission of Georgia, members of the District Election Commission are elected by the Central Election Commission. In such cases, no less than 3 members of the commission have the right to nominate candidates for commission membership.
6. If the number of those Parties (election blocs), which overcame the 7% threshold at the last Parliamentary elections turns out to be less than 3, the District Election Commission members required for fulfilling the minimum number of commission members are elected by the Central Election Commission of Georgia in accordance with the rules established by Paragraph 5 of this Article.
7. In the case of termination of authority of a commission member before expiry, the subject which has the right to appoint (elect) this member appoints (elects) a new member within 10 days.

### **Article 33. Election of the Management of District Election Commissions**

1. Managing persons of the District Election Commission are the commission Chairperson, Deputy Chairperson and commission secretary.
2. Commission Chairperson, Deputy Chairperson and commission secretary are elected by the commission from its members, by the majority of listed composition, within 5 days as of beginning of authority of new composition of the commission.
3. No less than 3 members together have the right to nominate a candidate for commission Chairperson, commission Chairperson has the right to nominate a candidate for Deputy Chairperson, while a candidate for commission secretary may be nominated by commission Chairperson or by no less than 3 commission members together. One and the same candidate may be nominated only twice.
4. In case of the termination, before expiry of authority, of the commission Chairperson, Deputy Chairperson or commission secretary, the commission elects a replacement within 5 days, and if the election process is underway – within 3 days.

### **Article 34. Responsibilities of District Election Commission**

- The District Election Commission shall:
  - Within the limits of its competence control adherence to the Constitution of Georgia and this Law on the territory of the election district and ensure their uniform application;
  - Publish District Election Commission addresses, telephone (fax) numbers and other information through the press and other mass media;
  - Publish the composition of the District Election Commission through the press and other mass media;
  - Administer activities of the Precinct Election Commissions, hear their information;

- Control provisioning of the Precinct Election Commissions with buildings, transport and means of communication, considers other issues of material-technical supply of elections in the election district;
- Ensure equal conditions for election subjects in election campaign;
- Ensure publication and dissemination of information materials, including lists of majoritarian candidates registered in the election district, their biographical data and main provisions of election programs;
- Facilitate meetings of election subjects with voters;
- Ensure supply of Precinct Election Commissions with ballots and special envelopes;
- Publish the results of the poll held in the election district;
- Organize the conduct of a repeated poll in an election district;
- Organize the conduct of by-elections in an election district;
- Determine and publish the voters' lists;
- Pass ordinances;
- Exercises other responsibilities in accordance with this Law.
- By its ordinances the District Election Commission does the following:
  - In accordance with the rules determined by this Law, establishes election districts, establishes election precincts or/and verifies the boundaries of established precincts, while taking into account the suggestions (proposals) of the bodies of local self-governance and government functioning on the territory of rayon, city, city district;
  - Elects 6 members of Precinct Election Commissions by the majority of the listed composition;
  - Determines the general number of voters in an election district;
  - Adjudicates statements and appeals regarding decisions and actions of Precinct Election Commission, including verification of the results of the poll in an election district (re-counting of ballots and special envelopes, inspection of voters' lists, etc.) and makes appropriate decisions;
  - In the case of a seat having been vacated in a Precinct Election Commission, accepts nominations within 7 days and appoints the new member of the commission no later than within 3 days of closing of the time for accepting nominations;
  - Registers candidates nominated to election precincts by initiative groups of voters;
  - Amends voters' lists.

**Article 35. Chairperson of District Election Commission**

- A District Election Commission is managed and represented by the commission Chairperson.
- The Chairperson of a District Election Commission shall:
  - Carry out full administrative and organizational functions at the District Election Commission;
  - Issue relevant ID cards to majoritarian candidates registered in the district;

- Issue relevant ID card to representatives of election subjects, domestic observers and representatives of the press and other mass media;
  - Call and chair sessions of the District Election Commission;
  - Sign ordinances of the District Election Commission;
  - Dispose of the funds of the District Election Commission;
  - Distribute correspondence submitted to the District Election Commission;
  - Sign the Minutes of sessions of the District Election Commission, as well as outgoing documents on behalf of the commission;
  - Issue assignments and instructions to Deputy Chairperson, commission secretary and other members of the District Election Commission;
  - Submit to the Central Election Commission of Georgia election documents and/or delegates the indicated function, upon written delegation, to the Deputy Chairperson or commission secretary of the District Election Commission;
  - Issue orders;
  - Exercises other authority in accordance with this Law.
- The Chairperson of a District Election Commission by his/her order does the following:
    - Appoints accountant, lawyer, auxiliary and technical staff of the District Election Commission;
    - Accredits representatives of the press and other mass media and registers domestic observer organizations.

#### **Article 36. Composition of Precinct Election Commissions**

- A Precinct Election Commission is formed with a composition of 11 members.
- 6 members of the Precinct Election Commission are elected by the relevant District Election Commission, while 5 members are appointed by the 5 parties (election blocs), which had the best results at the last Parliamentary elections.
- The rules for nominations to the District Election Commission of candidates for membership of the Precinct Election Commission is determined by Decree of the Central Election Commission of Georgia.

#### **Article 37. Election of Management of the Precinct Election Commissions and Appointment (Election) of Other Members**

- The managing members of the Precinct Election Commission are the commission Chairperson, Deputy Chairperson and commission secretary.
- The Commission Chairperson, Deputy Chairperson and commission secretary are elected by the commission from its members, within 5 days of the beginning of authority of newly composed commission, by a majority of its listed composition
- No less than 3 members together have the right to nominate a candidate for commission Chairperson, commission Chairperson has the right to nominate a candidate for Deputy Chairperson, while a candidate for commission secretary may be nominated by the commission Chairperson or by no less than 3 commission members together. One and the same candidate may be nominated only twice.

- In case of termination, before expiry of authority, of a commission member, subject that has the right to appoint (elect) this member appoints (elects) a new member of the commission within 10 days.
- In case of termination, before expiry, of authority of the commission Chairperson, Deputy Chairperson or commission secretary, the commission elects a replacement within 5 days, and if the election process is underway – within 3 days.

### **Article 38. Responsibilities of Precinct Election Commissions**

- A Precinct Election Commission shall:
  - Informs voters about the voters' lists, accepts and adjudicates appeals of voters regarding the lists and immediately transfers these appeals to the relevant District Election Commission;
  - Upon request of voters, issues them with their voting licenses;
  - Ensure preparation of the polling station, booths and rooms, ballot boxes and information stands;
  - Notify voters about the time and place of the poll, hands out voter cards;
  - Be responsible for organizing the poll and maintenance of the polling station;
  - Conduct polling and be fully responsible for ensuring that voters exercise their voting right;
  - Pass ordinances;
  - Exercise other responsibilities in accordance with this Law.
- By its ordinance the Precinct Election Commission does the following:
  - Determines the general number of voters in election precinct, as well as the turnout and the number of votes received by election subjects;
  - Adjudicates statements and appeals regarding preparation of elections and organization of the poll and makes appropriate decisions.

### **Article 39. Chairperson of Election Precincts**

- A Precinct Election Commission is managed and represented by the commission Chairperson.
- The Chairperson of a Precinct Election Commission shall:
  - Carry out full administrative and organizational functions at the Precinct Election Commission;
  - Supervise the conduct of the poll in accordance with this Law and ensure that voters exercise their voting rights fully;
  - Organize distribution of functions amongst Precinct Election Commission members on polling day, by casting of lots;
  - Be responsible for observing order inside the polling station and on adjacent territory, on polling day;
  - Sign ordinances of the Precinct Election Commission;
  - Issue orders.

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

### **Article 40. Registration of Election Subjects**

- For the purpose of obtaining the right to take part in elections, election subjects are registered by the relevant election commission, in accordance with the rules established by this Law.
- For the purpose of undergoing registration, election subjects apply to relevant election commission and submit appropriate documents, in accordance with the rules prescribed by this Law.

### **Article 41. Lists of Supporters**

- Voters confirm the initiative of election subject to take part in an election by signing the form of supporters' list.
- Sample form of supporters' list is determined by ordinance of the Central Election Commission of Georgia.
- In the supporters' list form should be indicated the following information on voters:
  - First and last name;
  - Date of birth (year, month and day);
  - Number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number;
  - Place of registration (according to registration license of a Georgian citizen);
  - Date signed;
  - Signature.
- On the form should be shown the first and last name, place of registration (according to registration license of a Georgian citizen) and contact telephone number of the person responsible for the collection of signatures, including the date of filling of the form and it should be confirmed by the signature of this person.
- In the upper left corner of the form should be indicated the title (first and last name) of the election subject, whose initiative in taking part in the elections is supported by the voter.

### **Article 42. Inspection of Lists of Supporters**

- Supporters' lists are inspected by relevant election commissions.
- The election commission, based on random selection, non-sequentially inspects the authenticity of 20 percent of the supporters' list number as determined by legislation. If no less than 10 percent of it is invalid, the commission inspects an additional 20 percent by the same rule. In the case where no less than 10 percent of the additional sample is invalid, the supporters' list is completely invalid and upon the ordinance of the relevant election commission the election subject is denied election registration.
- Signature of a voter on a supporters' list is deemed invalid, if;
  - First and last name are not indicated or are indicated incompletely;
  - Date of birth (year, month and day) is not indicated or is indicated incompletely;



- Place of registration (location, street, house and apartment numbers) is not indicated or is indicated incompletely;
- Date of signing is not indicated or does not comply with the time period for compilation of supporters' list, established by this Law;
- There is no signature or the signature is by another person, which is confirmed in writing by the voter, instead of whom the signature was placed;
- In the supporters' list of a candidate nominated to an election district is included a voter registered in another election district;
- Signature was placed through deception, intimidation or use of force and this is confirmed in writing by the signatory;
- Number of the ID of a Georgian citizen (number of a passport of a Georgian citizen) and personal number are indicated incompletely or incorrectly;
- All signatures placed on a form, which is not confirmed by signature of the person responsible for collection of signatures, or in which the data on this person is not indicated or is indicated incompletely, are invalid.
- Inspection of supporters' list takes place within 10 days of its submission;
- Representatives of election subjects have the right to attend the process of inspection of supporters' list.
- Only members of election commissions have the right to become acquainted with a supporters' list. In case of submission of an appeal – the court also has the right to become acquainted with supporters' list. Supporters' lists are destroyed no earlier than 5 days and no later than 2 days before the poll.

## **CHAPTER VI. ELECTION FUNDING**

### **Article 43. Expenses Related to Elections**

Preparation and conduct of elections is funded from the State Budget of Georgia.

### **Article 44. Money Funds Necessary for Elections**

- The Central Election Commission of Georgia, submits to the Ministry of Finance of Georgia the plan of funding of preparation and conduct of elections, no later than 55 days before the poll.
- The Ministry of Finance of Georgia, in accordance with the submitted plan, deposits to the account of the Central Election Commission of Georgia the funds allocated from the State Budget of Georgia for elections, no later than 50 days before the poll.
- The Central Election Commission of Georgia determines the rules for distribution and use of election funds necessary for elections by election commissions.
- No later than 45 days before the poll, the Central Election Commission of Georgia deposits the funds allocated for District Election Commissions to their current account.

### **Article 45. Disposal of Money Funds Necessary for Elections**

- Funds allocated for election commissions are disposed of by the Chairperson and accountant of the commission, who are also responsible for the proper use of the funds.

- The District Election Commission, no later than 30 days after the poll, ceases any settlement of accounts with organizations and individuals and, within 10 days, transfers the remaining funds in its account to the account of the Central Election Commission of Georgia. Within 2 weeks of transfer of the remaining funds, the District Election Commission submits a financial report to the Central Election Commission of Georgia.
- The form of the District Election Commission report on expenses related to elections is determined by an ordinance of the Central Election Commission of Georgia.
- The Central Election Commission of Georgia submits to the Ministry of Finance of Georgia a summary financial report on expenses related to elections.
- The proper use of the funds allocated for elections is controlled by the Chamber of Control of Georgia.

#### **Article 46. Election Campaign Fund**

- An election campaign fund is all the funds intended for the election campaign of an election subject.
- Opening of an election campaign fund is obligatory for all election subjects. Candidates for membership of the representative body of local self-governance – *sakrebulo* of a village and community open election campaign funds voluntarily.
- Funds attracted by an election subject must be deposited to the account of the election campaign fund, which is opened at the National Bank of Georgia or a commercial bank, or its relevant branch office, within 5 days of registration of the election subject at the relevant election commission. The account is opened only in the national currency.
- Within 2 days of opening of an election campaign fund, the election subject submits to the relevant election commission a document issued by the bank confirming the opening of an election campaign fund, the number of the account, the identity and address of the manager and accountant of the election campaign fund.
- The personal account of a Party, candidate for Presidency of Georgia or a majoritarian candidate cannot be used as the account of an election campaign fund. It is inadmissible to open more than one account for an election campaign fund.
- At the time of opening of an election campaign fund and for transactions with a bank, a Party has the right to use the Party seal, and upon agreement with the Parties included in an election bloc – to use the seal of one of the Parties included in the bloc, which is determined by the statute of the election bloc.
- Funds attracted to the election campaign fund are considered to be the funds deposited to the account of the election campaign fund, as well as any goods or services received free-of-charge (at market prices).

#### **Article 47. Contributions to the Election Campaign Fund**

- Contributions to the election campaign fund are considered to be the funds deposited to its account by persons and legal entities, as well as all kinds of material values and services received free-of-charge.
- A legal entity making a contribution to an election campaign fund is obliged to indicate its title and legal address, while persons must indicate the first and last name,

address, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number.

- It is inadmissible to deposit funds to an election campaign fund without declaring the information required by Paragraph 2 of this Article. Anonymous contributions are transferred to the State budget of Georgia.
- It is inadmissible for an election subject to use during the elections any funds other than the funds of the election campaign fund.
- It is inadmissible to accept the following contributions to the election campaign fund:
  - From other States;
  - From persons or legal entities from other States;
  - From persons with no citizenship;
  - From international organizations and movements;
  - From non-entrepreneurial legal entities and religious organizations;
  - From a Georgian entrepreneurial legal entity, in which there is a State share.

#### **Article 48. Rules for Disposal of Election Campaign Funds**

- For the purpose of effective use and disposal of election campaign funds, an election subject appoints (elects) a manager and accountant of the election campaign fund.
- An election campaign fund is disposed of by the manager and accountant of the fund, upon the instruction of the election subject. The manager and accountant are also responsible for the proper use of the election campaign fund.
- The rules for appointment (election), by an election bloc, of the manager and accountant of the election campaign fund, are determined by the bloc's charter.
- 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.
- The manager of an election campaign fund processes documents on all transactions. If any expense cannot be documented, it must be processed through a bilateral Act.
- No later than one month after the publication of election results, the election subject shall submit to the relevant election commission a report on the funds used for elections, with a statement of the source of the funds deposited to the election campaign fund. The election subjects which, according to preliminary data, receives the necessary number of votes established by this Law, must do the same, no later than 8 days after the poll.
- Election subjects who do not submit a report on the election campaign fund, are banned from the right to take part in elections, including the relevant next elections.
- Election subjects who receive the necessary number of votes determined by this Law and do not submit an election campaign fund report within the established deadline, or violation of the requirements of Paragraphs 2, 3, 4, 5 and 7 of Article 46 of this Law, Paragraphs 4 and 5 of Article 47, Paragraphs 4, 5 and 6 of this Article, is proven, the relevant election commission considers and decides the issue of the consolidation of the results of the elections without taking into account the votes received by these elections subjects.

- The election subject is obliged to close the account of election campaign fund no later than 20 days after the consolidation of the final results of the elections. Remaining funds in the account are returned to the contributing persons and legal entities, in proportion to the funds contributed.
- The form of the report on funds used for elections is determined by an ordinance of the Central Election Commission of Georgia.
- Information about election contributions is open, public and accessible. The Central Election Commission of Georgia is obliged to provide all interested persons and legal entities with the information on the amount, source and date of depositing of funds existing in election campaign funds.

## **CHAPTER VII. POLLING**

### **Article 49. Time and Place of Polling**

- Polling is held at the polling station, on polling day, from 7 a.m. to 8 p.m.
- The Precinct Election Commission notifies voters of the time and place of polling no later than 2 days before polling, by issuing voters their voter cards;
- During polling it is inadmissible to lock the polling station, cease or suspend polling, except for cases when it is impossible to continue polling and the free expression of the will of voters is not possible, which is confirmed by an ordinance of the Precinct Election Commission.
- Voters may be present at the polling station only for the time necessary for voting.
- In election precincts established in military compounds, on ships sailing on polling day and in locations difficult to access, Precinct Election Commission may declare polling finished at any time, if all voters included in the voters' list have voted.
- It is forbidden to hold polling before or after polling day, except for the cases envisaged by this Law.

### **Article 50. Arrangements at the Polling Station**

- Bodies of State authority and local self-governance and government transfer to election commissions the buildings and facilities necessary for preparation and conduct of elections for a period of time, free-of-charge.
- Election commissions must not be located in the same building, in which are located the bodies of State authority and local self-governance and government and/or Parties, except for those cases when there are no other buildings on the territory of election precincts or when it is impossible to hold the poll in other buildings in accordance with this Law. Exceptions are allowed upon the ordinance of the District Election Commission.
- In the polling station:
  - Ballot booths (rooms) must be arranged to ensure a secret vote. As a rule, one ballot booth (room), one registration table and a relevant number of pens should be provided for every 400 voters;
  - Locations must be allotted for registration of voters, issuing and confirmation of ballots;
  - A transparent ballot box must be standing in a conspicuous place;

- Voters' lists, Party lists, lists of candidates and an instruction on how to fill out ballots must be displayed.
- If any of the election subjects included on the ballot paper are not taking part in elections anymore, a statement about this must be posted at a conspicuous place, both at the polling station and in the ballot booth (room).
- Responsibility for preparations for polling, ensuring free expression of the will of voters, ensuring secrecy of polling and for maintenance of the polling station in accordance with the requirements of this law, is laid upon the Chairperson of the Precinct Election Commission.

#### **Article 51. Ballot Papers and Special Envelope**

- Ballot papers are printed in the Georgian language, and also in the Abkhazian language in Abkhazia and, in case of necessity, also in other languages understandable to the local population.
- The Central Election Commission of Georgia, no later than 2 days before polling, transfers to District Election Commissions the ballots papers and special envelopes intended for districts. District Election Commissions, no later than 24 hours before the poll, transfer the ballot papers and special envelopes to Precinct Election Commissions.
- The number of ballot papers and special envelopes shall be accurately recorded. During transfer of ballot papers and special envelopes by the Central Election Commission of Georgia to District Election Commissions and by District Election Commissions to Precinct Election Commissions, there is compiled a protocol, in 2 copies, in which is indicated the title of the election commissions issuing and receiving the ballot papers and special envelopes, the quantity and type of the ballot papers transferred, the numbers. The protocol is signed by the persons issuing and receiving the ballot papers and special envelopes (one copy of the protocol is transferred to each relevant election commission).
- The quantity of ballot papers and special envelopes transferred to each Precinct Election Commission shall be 3% higher than the total number of voters included on the voters' lists.
- For the purpose of accounting for the exact quantity of ballot papers, ballot papers of each type are numbered in sequence and each one hundred ballots shall be bound.
- Each pack of ballot papers has a cover page on which is printed columns for numbers and titles of the election districts and precincts, for indication of the dates of receipt of the ballot papers by District Election Commissions and Precinct Election Commissions and the signatures of the persons issuing and receiving the ballot papers, as well as a column for signatures of the Precinct Election Commission Chairperson, and as a rule, his/her Deputy, secretary of the Precinct Election Commission and of the commission member, to whom this pack is transferred.
- On the ballot paper must be indicated the following:
  - Title of the election precinct (on the rear and on the ballot itself);
  - Number of the election precinct (on the rear and on the ballot itself);
  - The rule for filling out of the ballot paper;
  - Title and sequential number of the election subject;

- Place for seal of the Precinct Election Commission;
- Place for signature of Precinct Election Commission members;
- In those cases where an election subject withdraws from the elections, at the issue of the ballot paper, on the ballot paper, on the same line as the name of the indicated election subject is placed a stamp – “election subject withdrawn”.

#### **Article 52. Opening of Election Precincts**

- Before the start of polling, in the presence of Precinct Election Commission members and the persons who have the right to be present in the polling station, the Precinct Election Commission Chairperson, through the casting of lots, selects from commission members the following:
  - Registrar of voters and the commission members who issue special envelopes; 2 commission members who sign election ballots and special envelopes;
  - Commission member who stamps election ballots and special envelopes with a seal of the Precinct Election Commission;
  - Commission member who shall supervise the ballot box;
  - No less than 2 commission members who shall accompany the mobile ballot box;
  - Commission member who shall regulate the stream of people in the polling station.
- For the purpose of casting lots, the Precinct Election Commission Chairperson writes the functions of commission members on sheets of paper of identical shape and kind, with one and the same writing instrument. The sheet must be approved with the commission’s seal. The sheet is folded in such a way that the text is impossible to read. The Commission Chairperson places the filled out sheets and blank sheets approved with the commission’s seal into a transparent mobile ballot box and mixes them. The total quantity of blank and filled out sheets equals the number of the commission’s members. Commission members take one sheet each from the box, in turn.
- The temporary transfer of functions of a commission member identified as a result of the casting of lots is admissible only upon consent of the commission Chairperson.
- After casting of lots, the Precinct Election Commission Chairperson does the following:
  - Announces the number of voters according to the main and supplementary lists;
  - Inspects that the packages of election ballots and special envelopes are intact and announces the number of ballot papers and special envelopes received;
  - Inspects that the package in which the Precinct Election Commission seal is placed is intact, and afterwards opens it;
  - Inspects and seals the main and mobile ballot boxes.
- The data required by Subparagraphs a) and b) of Paragraph 4 of this Article is immediately entered by the Precinct Election Commission secretary into the relevant protocol of the consolidation of the poll results.
- The main and mobile ballot boxes are sealed and control sheets are placed in them after arrival of the first voter. The control sheets of the main and mobile ballot boxes are signed by the first voter and by all members of the Precinct Election Commission. On the control sheet is indicated the exact time when it is placed in the ballot box, as well as the

first name, last name, place of registration, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number of the first voter.

- Commission members who issue ballot papers and special envelopes are given one pack of ballot papers and special envelopes each, which is confirmed by the signatures placed on the pack's cover page by the Precinct Election Commission Chairperson and the commission member who receives the pack.

#### **Article 53. Issue of Ballot Papers and Special Envelopes**

- Precinct Election Commission issues ballot paper(s) and a special envelope based on a voters' list or a voting license, in the case of presenting of an ID of a Georgian citizen (passport of a Georgian citizen).
- On the day of the poll to each voter is issued one special envelope and a relevant number of ballot papers.
- When the ballot paper and special envelope is issued, the number of ID of the Georgian citizen (passport of a Georgian citizen) is entered into the voters' list.
- In the case of participation in elections based on presenting of a voting license, the voting license must be attached to the supplementary list of voters.
- The voter confirms receipt of their ballot paper(s) and special envelope by signing the voters' list.

#### **Article 54. Conduct of the Poll**

- Each voter votes personally. It is inadmissible to vote instead of another person.
- Voting is conducted according to the following rules and sequence:
  - The voter takes the ballot paper(s) and special envelope to a table standing separately at a conspicuous location, where they are confirmed by signature of the 2 commission members who sign election ballots and special envelopes and are also confirmed with the Precinct Election Commission seal, by the commission members who confirm election ballots and special envelopes with the Precinct Election Commission seal. Authorisation of ballot papers and special envelopes with the election commission seal or signature of commission members is inadmissible;
  - Voter goes into a ballot booth (room), fills out the ballot paper and puts it into the special envelope;
  - Voter goes to the ballot box and puts the special envelope into the box. Two or more voters cannot go to a ballot box at the same time.
  - The commission member who supervises the ballot box must always be standing next to the ballot box;
  - After polling is over, the slot for inserting special envelopes into the ballot box is sealed.
- When the voter is filling out their ballot papers the presence of other persons is forbidden. Voters who are incapable of filling out their ballot papers independently, have the right to invite to the ballot booth (room) any person, except for the following:
  - Election commission member;
  - Candidate;

- Representative of an election subject;
- Observer.
- If a voter or a Precinct Election Commission member spoils a ballot paper or secret envelope, he/she notifies the Precinct Election Commission Chairperson, returns the spoiled ballot paper or special envelope and receives a new one. A corner is cut off the spoiled election ballot or special envelope, in the voter's presence, and it is stored separately.
- Precinct Election Commission members and the persons who have the right to be present in the polling station have the right to demand from voters, before entering the ballot booth (room), that they show that they have only the number of election ballots and special envelopes determined by this Law. Voters are obliged to satisfy this demand.
- If the intactness of the ballot box seal is violated during polling, the Precinct Election Commission stops the polling process and makes a decision, by ordinance, on whether the ballot box shall be re-sealed and the polling continued.
- The polling station is locked at 8 p.m. The voters who are in a line by this time may vote. The commission member who regulates the stream of voters in the polling station counts the voters who are standing in line and notifies the Precinct Election Commission Chairperson of their number and the identity of the last voter. The Precinct Election Commission Chairperson then announces that only the voters standing in line may take part in polling.

#### **Article 55. Observing Order in Polling Station on Polling Day**

- The Precinct Election Commission Chairperson supervises and is responsible for the observing of order on polling day in the polling station
- Carrying out of the decisions taken by the Precinct Election Commission Chairperson for the purpose of observing order in the polling station is obligatory for election commission members, all the persons who have the right to be present in the polling station and for all voters.
- It is inadmissible for armed persons to enter the polling station.
- If in the polling station, or on its adjacent territory, there arises a threat to the conduct of the poll in accordance with the requirements of this Law, or to safe movement of election documents, upon request of the Precinct Election Commission Chairperson may be summoned police employees, who may remain present on adjacent territory of the polling station. Immediately upon having prevented violation of public order and in case of consent of the Precinct Election Commission Chairperson, police employees leave the polling station and its adjacent territory.

#### **Article 56. Voting by Means of Mobile Ballot Box**

- Voting by means of a mobile ballot box and the conduct of the poll at the address of the voters is admissible, if a voter is in a location difficult to access; in a military compound; hospital or other inpatient treatment institution; a penitentiary; in preliminary detention or if a voter cannot go to the polling station due to the State of his/her health or other reasons.
- 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. A voter is included in the mobile ballot box list, after:



- Voter's written statement or verbal application made by telephone is registered in the Precinct Election Commission journal, on which fact the Precinct Election Commission secretary has to make a relevant entry to the Precinct Election Commission journal, with indication of the exact time of the telephone call and to confirm it by signature. It is mandatory to indicate in the Precinct Election Commission journal the telephone number, by which the voter made the verbal application;
- In the main or supplementary list of voters is indicated the transfer of a voter to the mobile ballot box list, which is confirmed by signature of the Precinct Election Commission secretary.
- 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.
- No less than 2 members of the Precinct Election Commission and the persons who have the right to be present in the polling station take part, upon their will, in conduct of the poll at the address of the voters.
- For the purpose of conducting the poll at the address of the voters is used one mobile transparent ballot box.
- If, in cases envisaged by Paragraph 1 of this Article, the place of registration and the place of actual location of a voter are in the same election district, the voter is given the right to take part in elections held through proportional and majoritarian election systems and to him/her is issued a relevant ballot paper and special envelope. Otherwise, the voter is given only the right to take part in elections held through the proportional election system. The procedure of polling is conducted by the Precinct Election Commission, on the territory of the military compound, hospital or other inpatient treatment institution, or penitentiary, where the voter is located.
- Polling by means of a mobile ballot box ends at 8 p.m. 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.

#### **Article 57. Procedures to be Carried Out Before Opening of Ballot Box**

- After the closing of the poll, the Precinct Election Commission Chairperson, in the presence of the persons who have the right to be present in the polling station, identifies among election commission members no less than 3 counting officers, by the rules for casting of lots, established by this Law.
- Counting officers sequentially count the general turnout of the voters taking part in polling according to the main, supplementary and mobile ballot box lists. Results are entered by the Precinct Election Commission secretary in the relevant summary protocol of the poll results.
- Counting officers count in the following sequence and bind into packages:
  - Unused ballot papers and special envelopes, the number of which is entered by the Precinct Election Commission secretary on the relevant summary protocol of the poll results. On the cover page of the package is written the number of unused ballot papers and special envelopes;

- Spoiled ballot papers and special envelopes, the number of which is entered by the Precinct Election Commission secretary on the relevant summary protocol of the poll results. On the cover page of the package is written the number of spoiled ballot papers and special envelopes;
- On each package must be written the title and number of election precinct, type of ballot papers, quantity of the unused and spoiled ballot papers and special envelopes.
- Packages must be sealed and signed by the counting officers and the Precinct Election Commission Chairperson.
- After the completion of polling in election precincts in military compounds, the Precinct Election Commission seals the ballot box, voters' list, unused and spoiled ballot papers and special envelopes. Ballot box, voters' list and sealed unused and spoiled ballot papers and special envelopes are immediately transferred to the Precinct Election Commission which is determined beforehand by the District Election Commission. The Precinct Election Commission then follows the procedures in accordance with the rules established for mobile ballot boxes. The results of these two precincts are processed through one protocol.

#### **Article 58. Opening of Ballot Box**

- Chairperson of Precinct Election Commission, in presence of commission members and the persons who have the right to be present in polling station, inspects intactness of the seal on the ballot box.
- If intactness of the seal turns out to have been violated, but Precinct Election Commission deems that this has not caused violation of the requirements of this Law, upon an ordinance of the Precinct Election Commission the procedure for consolidation of the results of the poll continues. Otherwise, the ballot box is sealed and the ordinance of the Precinct Election Commission and the sealed ballot box are immediately transferred to the District Election Commission.
- Counting officers carry ballot boxes to a separately standing table and occupy such a position, that on the opposite side of them, one meter away, are election commission members and the persons who have the right to be present in the polling station.
- After the procedure described in Paragraph 3 of this Article, the main ballot box is opened. Counting officers empty out the special envelopes from the ballot box onto the table and check that a control sheet is in the ballot box. After that, counting officers open the mobile ballot box, empty out the special envelopes onto the table, check that a control sheet is in the ballot box and mix the special envelopes from the main and mobile ballot boxes together.

#### **Article 59. Counting of Votes**

- Precinct Election Commission counts election ballots while observing the following rule:
  - The first counting officer takes the ballot out of the special envelope, announces to whom the vote was given and transfers the ballots of one type to the second counting officer, the ballots of the second type – to the third counting officer, etc., meanwhile placing special envelopes separately. Counting officers place ballot papers separately, according to the votes given to each election subject;

- Unofficial ballot papers and the ballot papers deemed invalid by counting officers are placed separately. The ballots, authenticity of which causes doubt, are placed separately;
- The ballot papers found in the ballot box without special envelopes are deemed invalid;
- If the number of ballot papers in a special envelope exceeds the determined number, all of them are deemed invalid, an inscription “invalid” is made on top and it is placed separately.
- Persons who have the right to be present in the polling station have the right to point out to the counting officers the ballot papers, authenticity of which has caused doubt, or to place such ballots separately. Counting officers are obliged to satisfy this demand.
- A ballot paper is deemed invalid only in the following cases:
  - A ballot paper or a special envelope, in which a ballot paper was placed, is not confirmed with a seal of the election commission and with signatures of both commission members who sign ballot papers and special envelopes;
  - It is impossible to determine, to which election subject the voter marked their vote for;
  - The number of ballots in a special envelope has turned out to exceed the determined number;
  - Special envelope is not in the approved form;
  - A ballot paper in the ballot box is not in a special envelope;
  - Ballot paper was intended for another election precinct.
- After all ballot papers are filed according to categories, the ballot papers authenticity of which has caused doubt are inspected. The issue of authenticity of each ballot paper is decided by the Precinct Election Commission. Ballots that are deemed valid are added to the pile of valid ballot papers, while ballots that are deemed invalid are added to the pile of invalid ballot papers.
- After the procedure described in Paragraph 4 of this Article, unofficial ballot papers are counted and afterwards are counted the ballot papers that have been deemed invalid, according to their categories and shall be bound separately.
- On invalid ballot papers is made an inscription “invalid”, which is signed by the counting officers and the Precinct Election Commission Chairperson. They are bound into separate packages and the number of ballot papers is entered by the Precinct Election Commission secretary into the summary protocol of election results.
- Each package of election ballot papers is sealed in a way which makes it impossible to withdraw a ballot from the package or insert a ballot into the package without damaging the seal. On the package should be inscribed the title and number of the election precinct, the quantity and type of the ballots.
- After the procedure described in Paragraph 7 of this Article, the number of votes given to each election subject is counted and these ballot papers are respectively bound together.
- 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.

#### **Article 60. Summary Protocol of Election Results**

- After counting of votes, results of the poll are entered into the relevant summary protocol of poll results.
- During elections of the Georgian President, representative body of local self-governance – *sakrebulo*, of a *gamgebeli* or a mayor, is compiled one summary protocol of results of the elections held through the majoritarian election system. An exception is the election of *sakrebulo* of Tbilisi, during which is compiled a summary protocol of results of the elections held through the proportional election system, while during elections of Parliament of Georgia are compiled 2 protocols. One protocol is compiled according to results of the elections held through the proportional election system and the other - according to results of the elections held through the majoritarian election system.
- The summary protocol of election results shall include:
  - Number and title of the election precinct;
  - General number of voters;
  - General number of voters in the main list;
  - General number of voters in the supplementary list;
  - Turnout of voters participating in the poll, which equals the number of the signatures in the voters' lists, minus the voters to whom voting licenses have been issued;
  - Number of received ballots and special envelopes;
  - Number of unused ballots and special envelopes;
  - Number of spoiled ballots and special envelopes;
  - Number of official ballots and special envelopes in the ballot box;
  - Number of ballots deemed invalid;
  - Number of unofficial ballots and envelopes;
  - Title (first and last name) of each election subject and the number of votes received by this election subject.
- All members of the Precinct Election Commission are obliged to sign the protocol, by which is confirmed their presence at the election precinct. Protocol is approved by the Precinct Election Commission seal.
- If a Precinct Election Commission member does not agree with the data entered into the protocol, he/she has the right to attach to the protocol a different opinion in writing.
- In case of expression of a different opinion, Precinct Election Commission member is obliged to sign the summary protocol of election results.
- 2 copies of the summary protocol of election results, along with sealed packages, are immediately sent to the relevant District Election Commission.
- One copy of the protocol is immediately transferred to each election subject, or its representative, which is confirmed by them with their signatures made in the election commission's registration journal.

**Article 61. Statements and Appeals Regarding Violation of Procedures of Polling and Counting of Votes**

- Statement (appeal) on violation, at an election precinct, of the procedure of polling and with a demand to cancel results of the poll, must be compiled immediately upon noticing a violation of this Law, from 7 a.m. to 8 p.m. of the polling day.
- In the statement (appeal) is noted the following:
  - Date and time of compilation of the statement (appeal);
  - First name, last name and address of the person making the statement (appellant);
  - Number and address of the election precinct;
  - The violation and the time when it was committed;
  - In case of the existence of a witness – the first name, last name and place of registration of the witness;
  - In case of having determined the violator - the first name, last name and place of registration of the violator;
  - Explanation of the violator (in case of existence of such);
  - Other additional information.
- Statement (appeal) regarding a violation committed during polling must be transferred to the Precinct Election Commission Chairperson before the end of the poll.
- Precinct Election Commission Chairperson is obliged to immediately make an appropriate reaction to the statement (appeal) and eliminate the existing violation.
- Statement (appeal) regarding violations committed during the procedures of counting of votes and consolidation of the results of the poll must be compiled before compilation of the summary protocol of election results and must contain the following:
  - Date and time of compilation of the statement (appeal);
  - First name, last name and address of the person making the statement (appellant);
  - Number and address of the election precinct;
  - The violation and the time when it was committed;
  - In case of the existence of a witness – the first name, last name and place of registration of the witness;
  - In case of having determined the violator - the first name, last name and place of registration of the violator;
  - Explanation of the violator (in case of existence of such);
  - Other additional information.
- Statement (appeal) regarding violations committed during the procedures of counting of votes and consolidation of the results of the poll is transferred to the District Election Commission no later than 8 pm. on the day after polling day.
- Precinct Election Commission journal is closed with signatures of the commission secretary and commission members and is approved with the Precinct Election Commission seal.
- Precinct Election Commission journal and submitted statements (appeals) are sealed separately and bound into a single package.

- Seal of the Precinct Election Commission is sealed in a separate package. The package is signed by the Precinct Election Commission Chairperson, commission secretary and other members of the commission.

#### **Article 62. Adjudication of Statements and Appeals at District Election Commission**

- District Election Commission adjudicates the statements (appeals) regarding violations committed during the procedures of counting of votes and consolidation of the results of the poll no later than the 3rd day after the election and immediately submits its opinion regarding cancellation of the poll results to the Central Election Commission of Georgia.
- Decisions of the District Election Commission, may be contested at the Central Election Commission of Georgia, within 2 days of its enactment, which has to make a relevant decision within 3 days of acceptance of the statement (appeal).
- Statements (appeals) compiled and submitted with violation of the procedures established by Paragraphs 1, 2, 3, 5 and 6 of Article 61 of this Law, are not adjudicated.

#### **Article 63. Consolidation of Poll Results at District Election Commission**

- No later than the 4th day after the poll, the District Election Commission, based on the protocols submitted by Precinct Election Commissions, sums up at its session the results of the poll and compiles a summary protocol of the results of the poll held in the district. In the protocol is noted the following:
  - Number and title of the election district;
  - General number of voters;
  - Turnout of voters;
  - Number of received ballots and special envelopes;
  - Number of unused ballots and special envelopes;
  - Number of spoiled ballots and special envelopes;
  - Number of official ballot papers and special envelopes deposited in the ballot box;
  - Number of ballots deemed invalid;
  - Number of unofficial ballots;
  - Title of each election subject and the number of votes received by this election subject.
- The protocol is signed by all members of the District Election Commission, which confirms their presence in the District Election Commission. The protocol is approved by the District Election Commission seal.
- If an election commission member does not agree with the data entered into the protocol, he/she has the right to attach to the protocol a different opinion in writing.
- The number of copies of summary protocol of poll results exceeds by three the number of election subjects nominated in this district. One copy of the summary protocol of poll results remains at the District Election Commission, the second copy, together with one copy each of the Precinct Election Commission protocols, is transferred to the Central Election Commission of Georgia no later than 5 days after the poll, and the third copy is posted at a conspicuous location at the District Election Commission building; one copy

of the protocol is immediately transferred to each election subject or their representatives. Election subject or its representative must confirm receipt of the protocol by signing in the District Election Commission journal.

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

- No later than 10 days after polling, the Central Election Commission of Georgia, based on the protocols received from District Election Commissions, sums up the results of elections at its sessions and approves the summary protocol of election results.
- In case of the existence of a statement (appeal) and/or a different opinion of an election commission member, the Central Election Commission of Georgia can sum up results of the election based on the District Election Commission protocols.
- The Central Election Commission of Georgia sums up results of the elections and determines:
  - General number of voters;
  - Turnout of voters;
  - Number of ballots deemed invalid;
  - Number of unofficial ballots and envelopes;
  - Number of the votes received by election subjects.
- The Central Election Commission of Georgia cancels the results of polling in the election precinct, where the requirements of this Law were significantly violated.
- The issue of canceling results of the poll is adjudicated and decided by the Central Election Commission of Georgia no later than 8 days after polling day.
- Summary protocol of results of the election is signed by the Central Election Commission Chairperson and commission secretary. One copy of the protocol is filed at the Central Election Commission of Georgia, the second copy is transferred to the agencies defined by this Law. Copies of the protocol are transferred to all interested persons.
- Within 5 days of the final consolidation of election results, the Central Election Commission of Georgia publishes information on results of the elections through the press and other mass media.

**CHAPTER VIII. TRANSPARENCY DURING PREPARATION AND CONDUCT OF ELECTIONS**

**Article 65. Transparency of Elections**

- The process of preparation and conduct of elections in Georgia shall be transparent.
- Derived from the goals of this Law, the activities of election commissions, election subjects, State authority and bodies of governance, of unions (associations) and foundations registered in accordance with the legislation of Georgia, is carried out openly and publicly.
- Representatives of election subjects, domestic and foreign observer organizations, of press and other mass media, have the right to be present in polling stations on polling day and to observe the polling process.

**Article 66. Transparency During Preparation and Conduct of Elections**

- For the purpose of ensuring transparency during preparation and conduct of elections, election commissions publish the following information:
  - Their activities;
  - Establishment of election districts and precincts;
  - Composition, location and working hours of election commissions;
  - Election subjects.
- Election commissions, in buildings allocated to them, post at conspicuous locations the following:
  - Voters' lists and the rules and timeframes for appealing regarding inaccuracies in these lists;
  - Lists of election subjects;
  - Election programs of election subjects (in case of submission of such), which will be taken down before midnight on the day before polling day;
  - Decisions of the Central Election Commission of Georgia and of the relevant District Election Commissions, which concern activity of the commission in question.
- Relevant election commissions publish through press and other mass media the following:
  - Party lists of the Parties and election blocs taking part in elections;
  - Election programs and platforms of elections subjects;
  - Decisions of the Central Election Commission of Georgia;
  - Summary protocol of the final results of the election.
- Election documents are accessible to all persons. An Election commission is obliged to provide to all interested persons the election documents and information on elections, within 2 days of their request, and in case of a request for copies, the relevant election commission may establish a fee of the amount necessary for producing the copies, in accordance with the rules determined by Georgian legislation.

**Article 67. Transparency of Election Commission Session. Persons Who Have the Right to Be Present in Polling Station**

- Election commission sessions are open and transparent. All interested persons have the right to attend election commission sessions. In cases of violation of order and disturbance of work of the commission, the Chairperson of the commission has the right to make the person who violates order leave the session.
- The following persons have the right to be present in the polling station:
  - Members of the Central Election Commission of Georgia, of District and Precinct Election Commissions;
  - Representatives of the Central Election Commission of Georgia and of District Election Commissions;
  - Representatives of election subjects;
  - Representatives of the press and other mass media;



- Observers.

#### **Article 68. Domestic and Foreign Observers**

- Local unions (associations), foundations, organizations registered in another State and international organizations registered at the Central Election Commission of Georgia or at a relevant District Election Commission, have the right to observe elections.
- Domestic observer organization may be a local union (association), foundation, registered in accordance with Georgian legislation no later than 2 years before polling day, the charter or provision of which, at the moment of undergoing registration, includes election monitoring and/or protection of human rights and which is registered at the Central Election Commission of Georgia or a relevant District Election Commission for the purpose of observing elections.
- Domestic observer organization observes elections by means of the organization's representative - a domestic observer.
- Domestic observer of a domestic observer organization may be any citizen of Georgia above the age of 18, except for the following:
  - Persons occupying State-political positions;
  - Members of Parliament of Georgia;
  - Members of representative bodies of local self-governance – *sakrebulo*;
  - Heads and Deputy Heads of the bodies of local governance;
  - Judges;
  - Heads and Deputy Heads of the Ministry of State Security, the Ministries of Internal Affairs and Defense, the State Department of the State Frontier Guard of Georgia, the State Department of Intelligence, the Special Service of State Security;
  - Officials of the Prosecutor's Office;
  - Election subjects and their representatives;
  - Election commission members.
- International observer organization may be a representative of another State, organization registered in another State or an international organization, the founding document of which includes monitoring of elections or/and protection of human rights and which is registered at the Central Election Commission of Georgia for the purpose of observing elections.
- International observer organization observes elections by means of the organization's representative – an international observer.
- An international observer may be accompanied by an interpreter, who undergoes registration at the Central Election Commission of Georgia together with the international observer.

#### **Article 69. Registration of Observer Organizations**

- Chairperson of the Central Election Commission of Georgia registers those domestic and international observer organizations, which conduct observation on all of the territory of the country or on territory of several election districts.

- Those domestic observer organizations that conduct observation on territory of one election district, are registered by the Chairperson of the relevant District Election Commission.
- For the purpose of undergoing registration, an observer organization addresses Chairperson of the relevant election commission with an application and submits a notarized copy of the charter.
- Chairperson of the relevant election commission issues an order on registration of observer organization within 3 days of the submission of an application.
- Chairperson of election commission does not have the right to refuse registration of an observer organization, if the indicated organization meets the requirements established by this Law. An order by Chairperson of election commission on refusing registration must be justified.
- Relevant election commission registers observer organization no later than a week before the poll.
- No later than 2 days before the poll, registered domestic or international organization submits to the Chairperson of the Central Election Commission of Georgia the list of observers who will observe elections on the territory of all Georgia or on territory of several election districts, while the list of those observers who will observe elections only on territory of one election district is submitted to the Chairperson of the relevant District Election Commission, with indication of identity of observers (first name, last name, place of registration).
- Election commission Chairperson is obliged to issue observer licenses to the observer organization, no later than on the day after submission of the observers' list.
- In the observer license should be indicated;
  - First and last name of the observer;
  - Title of the domestic or international organization which presented the observer.

#### **Article 70. Rights of Observers**

- Observer has the right to;
  - Attend and observe election commission sessions;
  - Be present in the polling station at any time on polling day and observe all stages of the poll process;
  - Replace, at any time on polling day, another registered representative of the organization (in cases where such a representative exists);
  - Take part in the inspection of ballot boxes, before their sealing and after their opening;
  - Observe registration of voters on voters' lists, issue of ballot papers and special envelopes and their approval, without disrupting the polling process;
  - Attend the procedures of counting of votes and of consolidation of results;
  - Observe the process of voting by means of a mobile ballot box;
  - Observe the counting of voters' votes in such conditions which ensure visibility of ballot papers;

- Observe the process of election commission compiling summary protocol of election results and other documents;
- Address the District Election Commission Chairperson with statements (appeals) regarding issues related to the procedures of voting and polling, by which he/she demands reaction in case of registering a particular violation;
- Demand from voters to show, how many special envelopes do they have in hand;
- Make appeals, regarding actions of election commission, to a higher level election commission, or a court;
- Observe the ballot box, inserting of special envelopes into the ballot box, opening of the ballot box, counting of ballot papers and compiling of protocols;
- Become acquainted with the summary protocols of polling and election results, compiled by election commissions.
- Observer does not have the right to:
  - Interfere in the functions and activities of election commissions;
  - Exert influence upon the free expression of the will of the voters;
  - Agitate voters in favour or against an election subject;
  - Wear symbols or signs of any election subject;
  - Violate other requirements of this Law.

#### **Article 71. Representatives of Election Subjects and Their Responsibilities**

- Representative of an election subject represents that election subject in relations with the relevant election commission.
- Parties (election blocs) and candidates taking part in elections for the Presidency of Georgia have the right to appoint their representatives to all of the election commissions, while majoritarian candidates have the right to appoint their representatives to relevant District Election Commissions and Precinct Election Commissions.
- 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.
- With the statement on appointment of a representative is attached his/her consent on being appointed as a representative. In the statement, which is signed by the Head of the Party or election bloc, or an independent candidate taking part in elections, must be indicated:
  - First and last name of the representative;
  - Date of birth (year, month, day) of the representative.
- Representative of the election subject has the right to attend election commission sessions, be present in the polling station on polling day and attend all the procedures of polling, counting votes and consolidation of results of the poll.

#### **Article 72. Representatives of Press and Other Mass Media**

- Representatives of the press and other mass media, accredited at the relevant election commission, have the right to attend election commission sessions and to be present in the polling station on polling day.

- Accreditation of representatives of the press and other mass media, working on the territory of several election districts is carried out by the Chairperson of the Central Election Commission of Georgia, while the representatives working only on territory of one election district are accredited by the Chairperson of the relevant District Election Commission.
- Application on accreditation of representatives of the press and other mass media is submitted to the relevant election commission, no later than 10 days before the poll.
- Within 3 days of the submission of the application, Chairperson of the relevant election commission decides the issue of registration of representatives of the press and other mass media and, within 2 days, issues relevant licenses to the representatives who have undergone registration.
- On polling day, one and the same organization of the press and other mass media has the right to have no more than 3 representatives in an election precinct at the same time.

### **Article 73. Election Agitation**

- Election agitation begins as of the moment of announcement of the elections. Candidates on becoming election subjects enjoy equal rights as of this day.
- Voters, election subjects and their representatives have the right to conduct election agitation in support or against election subjects.
- On polling day, election agitation and placement and dissemination of agitation materials is forbidden in the District Election Commission building and within a radius of 100 meters of the building, while any agitation materials displayed on this territory earlier must be removed before midnight on the day before polling day.
- In the case of the announcement of the second round of elections, repeated polling, new polling or new election, election agitation will be renewed as of the day of announcement.
- The following persons and entities do not have the right to take part in election agitation:
  - Election commission members;
  - Heads of bodies of State executive authority;
  - Judges;
  - Public officials of the of the Ministry of State Security, the Ministries of Internal Affairs and Defense, the State Department of the State Frontier Guard of Georgia, the State Department of Intelligence and the Special Service of State Security;
  - Heads of bodies of local governance;
  - Foreign citizens and organizations;
  - Charity and religious organizations;
  - Public officials of bodies of State and local governance, when they are carrying out the duties related to their office and job;
- Election agitation may be carried out through the mass media, through holding of mass events (assemblies and meetings with citizens, public debates and discussions, gatherings and manifestations), publishing-dissemination of printed agitation materials, use of public address systems, or in other ways, in accordance with the rule established by Georgian legislation.

- As of the day of announcement of elections, candidates on becoming election subjects have the right to produce election slogans, statements, inscriptions, leaflets, photo materials, etc. It is forbidden to prevent their dissemination and to expropriate them, as well as to expropriate automobile transport and other means used for agitation purposes, or to prevent their use for election agitation purposes.
- Commanders of military compounds, within limits of military compounds, ensure for all election subjects equal conditions of holding meetings with voters who are in military compounds.
- From the moment of publication of the relevant legal Act that announces the elections until the publication of the final results of the elections, it is forbidden to election subjects and their representatives to personally, or through somebody, transfer to voters money, gifts and other items of material value, to sell them goods at privileged prices, to supply free-of-charge or disseminate any goods, except for the agitation materials envisaged by this Law, as well as to cause interest of voters by promising them to transfer to them money, securities and other items of material value. In case of such facts being proved by court, registration of the election subject is cancelled by court decision.
- Is forbidden to conduct election agitation in buildings of the following institutions:
  - Parliament of Georgia;
  - Government and sub-agency departments of executive authority of Georgia;
  - Courts and bodies of the Prosecutor's Office.
- When publishing the results of surveys of public opinion related to elections, there must be indicated the organization or person, who conducted the survey, the date the survey was conducted, the number of people questioned, method of the survey, exact wording of the questions and statistical assessment of possible inaccuracy.

#### **Article 74. Pre-Election Gatherings and Manifestations**

- Holding of gatherings and manifestations during the pre-election period is regulated by this Law.
- If holding gatherings and manifestations may disrupt movement of people and transport, the organizers are obliged to notify, in writing, the relevant bodies of local self-governance and government beforehand, about the date and location of holding the indicated event. They, on their part, ensure safety of planned events.
- It is inadmissible to forbid and stop gatherings and manifestations, except for cases when there are slogans calling to violate human rights and liberties, independence and the territorial integrity of the country, to instigate national, ethnic, provincial, religious and social strife, to overthrow the constitutional system and replace it through violence, as well as to propagate war and violence.
- Bodies of local self-governance and government are obliged to support election subjects in organizing and holding meetings and assemblies with voters, public debates and discussions, gatherings and manifestations and to ensure the safety of these events.
- For the purpose of holding mass election events, buildings under the management of the bodies of State or local self-governance and government are provided free-of-charge to election commissions.
- The District Election Commission, based on the list of buildings and premises allocated by bodies of local self-governance and government, determines, by casting of

lots, the schedule for holding election events. It is inadmissible to establish unequal conditions for election subjects when allocating the use of buildings and premises.

- From the moment of the announcement of polling day until the publication of the final results of the elections it is forbidden for the President of Georgia, MPs and other officials to speak on air on the State Television of Georgia for the purpose of election agitation, except during the free-of-charge airtime allocated to them for the purpose of election agitation.
- State Television and Radio of Georgia are obliged to allocate a daily 3 hours of free-of-charge airtime for the purpose of election agitation, which will be equally distributed among election subjects.
- Private TV and radio companies determine an equal price for airtime for election subjects and submit to election commissions the information on allocation and distribution of airtime.
- From the moment of announcement of polling day until the publication of the final results of the elections, it is forbidden to have staff transfers of senior officials of the bodies of local government and self-governance, police and the Prosecutor's office, except in cases when they have violated the law.

#### **Article 75. Agitation Materials**

- District Election Commissions, together with relevant State agencies, no later than 15 days before polling, ensure publication and dissemination of information materials. Dissemination of Party lists, candidates nominated to the election district, biographical data of candidates and election programs is mandatory. In case of a breach of the timeframe established for presenting these materials, only the official data existing at the District Election Commission will be printed.
- Election subjects and their supporters have the right to present a program of further activity. Election program must not contain propaganda of war and violence, of overthrowing the existing State and social system or replacing it through violence, of violating territorial integrity of Georgia, of calling to instigate national strife and enmity, religious and ethnic confrontation.
- Printed agitation materials may be displayed on building and premises and other objects, by consent of their owners or possessors.
- It is forbidden to post election posters on religious (cult) buildings on the interior and exterior of the buildings of State authority, local self-governance and government, courts, the Prosecutor's office, military compounds and police, as well as on traffic signs. *Sakrebulo*s of village, community, *daba* and city may forbid posting of posters on certain buildings, only proceeding from considerations of protection of monuments of architecture and culture. A list of such buildings is published no later than 50 days before polling day. Bodies of local self-governance and government are obliged to allocate places and/or install the stands for posting and displaying election posters. The stand must be of such a size that all election subjects be provided with equal conditions during display of election posters. Removal, tearing down, covering up or damaging of election posters is inadmissible and punished in accordance with the law, unless they are posted in forbidden places.
- On printed agitation materials must be indicated titles and addresses of the organizations that have ordered and produced them, as well as information on the number

of copies and date of issue. Dissemination of printed agitation materials without indicating this information is forbidden.

- Copies of printed agitation materials must be submitted to the election commission, at which the election subject underwent election registration.
- Within 15 days of official publication of the final results of the elections, the relevant election subject is obliged to ensure removal of agitation materials, otherwise upon the election subject is laid the responsibility envisaged by Georgian legislation.

**Article 76. Prohibition on Use of Official Position During Election Agitation and Campaign**

- It is forbidden to use for election agitation and campaign the material-technical resources of those organizations that are being funded from the State budget of Georgia.
- The candidates taking part in the elections, who occupy positions in bodies of the State or local authority, do not have the right to use their official position or office accommodation for the purpose of supporting or opposing any Party (election bloc), candidate.
- Use of an official position or office accommodation implies:
  - Involving office subordinates or other dependent persons, during their work hours, in such activity, which facilitates nomination and/or election of a candidate;
  - Use of buildings occupied by bodies of State authority and local self-governance and government, as well as by organizations that are funded from the State budget of Georgia, for purposes of such activity, which facilitates nomination and/or election of a candidate, when other election subjects do not have the opportunity of using the same building on the same terms;
  - Use of the means of communication, information services and various equipment intended for bodies of State authority and local self-governance and government, as well as for organizations that are funded from the State budget of Georgia, for purposes of such activity, which facilitates nomination and/or election of a candidate;
  - Free-of-charge use or use on privileged terms of the means of transportation owned by the bodies of State authority or local self-governance and government, for purposes of such activity, which facilitates nomination or/and election of a candidate;
  - Collection of signatures and conduction of election agitation by officials of bodies of State authority and local self-governance and government, during business trips (funded by bodies of State authority or local self-governance and government).
- A registered candidate who is not an employee of bodies of State authority or local self-governance and government, does not have the right to use the advantage of his/her job situation, in particular:
  - A registered candidate, to whom the incompatibility of office with the status of a candidate does not extend, but who is a Head or Deputy Head of a body of State authority and local self-governance and government, has the right to conduct election agitation only during the time when he/she is not carrying out his official duties. This rule does not function when a registered candidate is using for election agitation the free-of-charge airtime allocated by the State and local TV and radio companies;
  - Violation by election subject of the provisions of this Article constitutes ground for canceling registration.

## **CHAPTER IX. ADJUDICATION OF DISPUTES**

### **Article 77. Timeframes and Rules for Adjudicating Disputes**

- All decisions of election commissions may be contested at a higher level election commission or a court, within 3 days of their adoption, while decisions of the Central Election Commission may be contested in a court. Court adjudicates election commission decisions within 3 days, unless another timeframe is established by this Law.
- A decision by the Central Election Commission of Georgia regarding decisions of subordinate election commissions may be contested at the Supreme Court of Georgia, within 3 days of its adoption. Decisions of the Supreme Court are final and are not subject to appeals.
- Constitutionality of the announcement of the elections for the President of Georgia, Parliament of Georgia and the representative body of local self-government – *sakrebulo*, may be contested at the Constitutional Court of Georgia within 7 days of the publication of the legal Act announcing the elections. Constitutional Court of Georgia adjudicates the indicated dispute and shall make its decision within 15 days.
- Constitutionality of elections may be contested at the Constitutional Court of Georgia within 3 days of the Central Election Commission of Georgia consolidation of the results of the elections. Constitutional Court of Georgia shall make its decision within 5 days.
- An ordinance by a District Election Commission on the establishment of an election precinct may be contested, within 3 days of its publication, at the rayon (city) court. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An ordinance on accommodation of a Precinct Election Commission in buildings may be contested at the rayon (city) court, within 3 days of its publication. The court shall make its decision within 2 days, which is final and not subject to appeals.
- An ordinance on accommodation of a District Election Commission in buildings may be contested within 3 days of its publication, at the relevant district court,. The court shall make its decision within 2 days, which is final and not subject to appeals.
- Relevant decision on election (appointment) of a member to a Precinct Election Commission may be contested, within 3 days of its publication, at the rayon (city) court. The court shall make its decision within 2 days, which is final and not subject to appeals.
- Relevant decision on election (appointment) of a member to the Central Election Commission of Georgia and a District Election Commissions may be contested, within 5 days of its publication at the relevant district court. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An ordinance on refusal to register candidates nominated to an election district may be contested within 3 days of its publication, at the relevant district court. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An ordinance by the relevant election commission on registration of election subject may be contested within 3 days of its adoption, while observing the following rules:
  - An ordinance by the Central Election Commission of Georgia on registration of Parties (election blocs) and majoritarian candidates nominated through Party lists, may be contested at the Supreme Court of Georgia, which shall make its decision within 3 days. It is final and not subject to appeals;



- An ordinance by a District Election Commission on registration of a majoritarian candidate nominated to a district may be contested at the district court, which makes a decision within 3 days. It is final and not subject to appeals;
- An ordinance by the Central Election Commission of Georgia on registration of a candidate for the Presidency of Georgia may be contested at the Supreme Court, within 3 days of its adoption. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An ordinance by the Central Election Commission of Georgia regarding awarding of the name of an election bloc may be contested, within 3 days of its adoption, at the rayon (city) court, which shall make its decision within 3 days. This decision may be contested, within 2 days, at the relevant district court, which adjudicates the case within 3 days. The decision of the district court is final and not subject to appeals.
- An ordinance on the registration of domestic and international observers may be contested, within 3 days of its adoption, at the district court. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An ordinance regarding accreditation of representatives of the press and other mass media may be contested, within 3 days of its adoption, at the district court. The court shall make its decision within 3 days, which is final and not subject to appeals.
- An appeal regarding compilation by a District Election Commission of voters' lists is submitted, within 5 days of the compilation of the lists, to the rayon (city) court, which makes a decision within 5 days. The decision may be contested at the district court, the decision of which is final and not subject to appeals.
- An appeal regarding voters' lists must be submitted to Precinct Election Commission no later than 20 days before polling.
- The Precinct Election Commission immediately transfers the appeal regarding the voters' lists to the District Election Commission, which adjudicates it within 3 days and adopts a relevant ordinance.
- In the case where the appeal regarding voters' lists is upheld, the voter is included by the District Election Commission in the relevant voters' lists, while the relevant Precinct Election Commission, based on an ordinance of the District Election Commission, introduces relevant amendments into the relevant voters' lists.
- An appellant has the right to contest an ordinance of the District Election Commission, within 3 days as of its adoption, at the rayon (city) court, which shall make its decision within 2 days of the submission of the appeal. The decision is final and not subject to appeals. Upholding of the appeal by the court causes introduction of relevant amendments to the main list of voters.
- An appeal regarding violation of the rules for establishing an election fund and accepting and disposing of election contributions, is submitted to the relevant district court, which shall make its decision within 5 days. This decision may be contested, within 3 days, at the Supreme Court of Georgia, which shall make its decision within 3 days. In the case of a violation of the rules defined by this Law being proven before polling, the election registration of the election subject is cancelled.
- An appeal regarding violation of the rules of election agitation, as defined by this Law, is submitted to the rayon (city) court, which shall make its decision within 3 days. In the case of a violation of the rules defined by this Law being proven before polling, the

election registration of the election subject is cancelled, while if it is proven after polling – the election subject is prohibited from taking part in the next elections.

- An appeal regarding a decision by the Precinct Election Commission on stopping polling on polling day and closing the election precinct takes place no later than 6 pm. of the second day after its receipt, at the relevant rayon court. No later than 6 pm on the second day after its receipt, the court makes a decision which is final and not subject to appeals.
- A decision by the Central Election Commission of Georgia on a District Election Commission decision on registering a candidate for membership of the representative body of local self-government – *sakrebulo*, a candidate for the position of a *gamgebeli* or a mayor, may be contested at the relevant district court, which shall make its decision within 3 days. It may be contested, within 3 days, at the Supreme Court of Georgia, which shall make its decision within 3 days. The Supreme Court decision is final and not subject to appeals.

**SPECIAL SECTION**

**PART II**

**CHAPTER X. ELECTIONS OF PRESIDENT OF GEORGIA**

**Article 78. Elections of Georgian President**

President of Georgia is elected by citizens of Georgia for the term of 5 years. One and the same person may be elected the President of Georgia only twice in a row.

**Article 79. Holding of Regular Elections of Georgian President**

- First round of regular elections of Georgian President is held on the 2nd Sunday of April of the 5th year as of holding of the previous elections.
- Elections of Georgian President are not held during martial law or wartime.

**Article 80. Right to Passive Vote**

- President of Georgia may be elected a citizen of Georgia by birth who has the right to vote, is above 35 years of age, has lived in Georgia for at least 15 years and is living in Georgia on the day of appointment of elections.
- Candidate for Georgian President may not be a citizen who has not lived in Georgia during the last 2 years and is not registered by consular office of Georgia in any country.

**Article 81. Right to Nominate Candidate of Presidency of Georgia**

- Political union (Party) of citizens or a 5 –person group of voters has the right to nominate a candidate for Georgian President.
- Nomination of a candidate for Georgian President must be confirmed by signatures of no less than 50,000 voters.

**Article 82. Rule for Nominating Candidate of Presidency of Georgia**

- A Party, initiative group of voters registered at the Central Election Commission of Georgia has the right to nominate one candidate for Georgian President each.
- For the purpose of nominating a candidate for Georgian President, a Party, initiative group of voters, must address the Central Election Commission of Georgia with an application, no later than 50 days before the poll, after which they have the right to collect signatures of supporting voters.
- In the application must be indicated the following information regarding the candidate of Presidency:
  - First name, last name;
  - Date of birth;
  - Profession;
  - Position (activity);
  - Place of employment;

- Place of registration;
- Party affiliation;
- Time term of residence in Georgia;
- Title of the nominating Party, first names, last names, numbers of the IDs of citizens of Georgia (passports of citizens of Georgia), place of registration, contact telephone and other information (in case of existence of such) on members of the initiative group of voters and their representative.
- With the application must be attached written consent of the person nominated as a candidate for Georgian President, to take part in elections, a copy of his/her birth certificate and three photographs.
- Application is signed by the Head of the Party or by all members of the initiative group of voters.

#### **Article 83. Lists of Supporters of Candidates of Presidency of Georgia**

- For the purpose of registering a candidate for Georgian President, representatives of the Party, initiative group of voters, must submit, no later than 40 days before the poll, to the Central Election Commission of Georgia a list of supporters of the candidate.
- In the list of supporting voters there must be signatures of no less than 50,000 voters.

#### **Article 84. Registration of Candidate of Presidency of Georgia**

- Candidate for Georgian President undergoes registration by an ordinance of the Central Election Commission of Georgia, no later than 30 days before the poll.
- The Central Election Commission of Georgia issues a relevant license to the candidate for Georgian President, within 3 days as of registration.
- The Central Election Commission of Georgia, no later than the 6th day as of registration of candidate for Georgian President, publicizes through press and other mass media a notice about registration of a candidate for Georgian President, with indication of first name, last name, year of birth, occupied position (activity), place of residence and place of employment.
- Candidate for Georgian Presidency may withdraw his candidature at any time before polling day, for the purpose of which he/she must address with a written statement the Central Election Commission of Georgia, which satisfies this request by an ordinance.

#### **Article 85. Guarantees of Activity of Candidates or Presidency of Georgia and Their Representatives**

- Candidates of Presidency of Georgia take part in election campaign based on equality, as of the moment of registration at the Central Election Commission of Georgia. They enjoy equal rights of using the press and other mass media on all territory of Georgia.
- During election campaign, candidates of Presidency of Georgia and their representatives may not be dismissed from office or transferred to another job or another position without their consent.
- Candidate of Presidency of Georgia may not be faced with criminal charges, detained, arrested or searched, unless there is consent of the Central Election Commission of Georgia upon notification made by bodies of the Prosecutor's Office. An exception is the case of being caught at the scene of the crime, of which the Central Election Commission

must be notified immediately. If the Central Election Commission does not issue consent, the candidate for President who has been detained or arrested, must be released immediately.

**Article 86. Consolidation of the Results of Elections**

- Elections of Georgian President are considered to have been held, if the majority of the general number of voters takes part in them.
- The candidate, who receives more than half of the votes of the voters, taking part in elections, is considered elected.
- If elections are declared to have been held and none of the candidates has managed to collect the necessary number of votes, the second round of elections is appointed.
- If elections are not declared to have been held, or have been held, but in the first round took part only one candidate and he/she did not receive the necessary number of votes, or if the President of Georgia was not managed to be elected in the second round – new elections are held.
- The Central Election Commission of Georgia, no later than the 10th day as of the poll, sums up results of the election at its session, according to election districts, and processes a summary protocol.
- Within 5 days as of the consolidation of the results, the Central Election Commission of Georgia publicizes through the press and other mass media a notice about results of the election.

**CHAPTER XI. SECOND ROUND OF ELECTIONS OF GEORGIAN PRESIDENT. NEW ELECTIONS OF GEORGIAN PRESIDENT. EXTRAORDINARY ELECTIONS OF GEORGIAN PRESIDENT.**

**Article 87. Second Round of Elections**

- Second round of elections is held, if none of the candidates for Georgian President have received more than half of the votes of participants of the election.
- Second round of elections is appointed by the Central Election Commission of Georgia. Second round of elections is held in 2 weeks time as of the general elections (first round).
- Two candidates who had the best results in the first round have the right to take part in the second round of elections.
- Second round is considered to have been held, if in it took part at least 1/3 of the general number of voters.
- The candidate who receives more votes, but no less than 1/5 of the general number of voters, is considered elected.

**Article 88. New Elections**

- New elections of President of Georgia are held if:
  - Elections were not declared to have been held;
  - Elections were held, but only one candidate took part in the first round and he/she did not collect the necessary number of votes;
  - President was not elected in the second round of elections.

- New elections are held in 2 weeks time as of the general elections (first round).
- New elections are appointed by Parliament of Georgia.
- Notice about appointment of new elections is publicized through the press and other mass media.
- During new elections, elections are held through the rule established by this Law and within the time terms determined by the Central Election Commission of Georgia.

#### **Article 89. Extraordinary Elections of President of Georgia**

- In case of termination, before expiry, of authority of the President of Georgia, extraordinary elections are held no later than the 45th day as of the moment of termination of authority.
- If termination, before expiry, of authority of the President of Georgia coincides with Parliament holidays or a non-session week, the Parliament of Georgia meets no later than in 48 hours as of the moment of termination of authority of the President of Georgia.
- Date of extraordinary elections of the President of Georgia is appointed by the Parliament of Georgia, no later than in 72 hours as of the moment of termination of authority of the President of Georgia.
- Holding of extraordinary elections of President of Georgia is ensured by the Parliament of Georgia, by means of the Central Election Commission of Georgia.
- For the purpose of nominating a candidate for Georgian President, a Party, initiative group of voters, must address the Central Election Commission of Georgia no later than the 40th day before extraordinary elections.
- For the purpose of registering a candidate for Georgian President, representative of the Party, initiative group of voters, must submit to the Central Election Commission of Georgia, no later than the 30th day before extraordinary elections, a list of no less than 50,000 voters supporting the candidate.
- Candidates of Presidency of Georgia are registered by the Central Election Commission of Georgia, no later than the 25th day before extraordinary elections.
- Extraordinary elections of President of Georgia are held through the rule established by this Law.

### **PART III**

#### **CHAPTER XII. ELECTIONS FOR PARLIAMENT OF GEORGIA**

##### **Article 90. Appointment of Elections for the Parliament of Georgia**

- Elections for the Parliament of Georgia are held no later than 15 days before the expiry of its authority.
- The date of the elections is appointed by the President of Georgia, no later than 60 days before the elections.
- If the time for elections coincides with martial law or wartime, elections are held no later than 60 days after abolition of martial law or wartime.

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

- The Parliament of Georgia is elected for a time term of 4 years.
- 150 members of the Parliament of Georgia are elected through Party lists, proportional election system, while 85 are elected based on the majoritarian election system.

**Article 92. Right to Passive Vote**

- A Georgian citizen over the age of 25, who has the right to vote and has permanently resided in Georgia for no less than 10 years, may be elected as a member of the Parliament of Georgia.
- A citizen who has not resided in Georgia during the last 2 years and is not registered by the consular office of Georgia in any country, may not be elected as a member of the Parliament of Georgia.

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

Party, election bloc and majoritarian candidates, registered at the relevant election commission, have the right to take part in elections for the Parliament of Georgia.

**Article 94. Incompatibility of Position with the Status of Candidate for the Parliament of Georgia**

- Persons occupying the following positions must be dismissed (resign) from their positions before addressing the relevant election commission with an application for the purpose of being registered as candidates for membership of the Parliament of Georgia:
  - President of Georgia;
  - Heads and Deputy Heads of the government and State sub-agency institutions;
  - Members of the Security Council of Georgia;
  - Members of the council of the National Bank of Georgia;
  - Chairperson and Deputy Chairpersons of the Chamber of Control of Georgia;
  - Head of staff of the Parliament of Georgia;
  - Proxies of the President of Georgia and their Deputies;
  - Heads and Deputy Heads (secretaries) of the bodies of local self-governance and government of rayon, city, city district;
  - Officers of the Ministry of Internal Affairs, Ministries of Defense and State Security of Georgia, the State Departments of Intelligence and State Frontier Guard and the Special Service of State Security;
  - Judges;
  - Public Defender and Deputy Public Defender of Georgia;
  - Members of the consultative body of the President of Georgia (who are not members of the Parliament of Georgia);
  - Aides of the President of Georgia;
  - Members of the Council of Auditor Activity;

- Members of the Georgian National Commissions of Securities, Accounting Standards, the National Commission of Energy Regulation and other national regulatory commissions of Georgia;
- Chairperson and Deputies of the Informational Bureau of Property and Financial Situation of Officials;
- Prosecutors, their Deputies, aides and investigators.

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

#### **Article 95. Registration of Parties and Election Blocs**

- After the appointment of elections for the Parliament of Georgia, for the purpose of obtaining the right to take part in the elections, Parties must address the Central Election Commission of Georgia with a relevant application.
- The Central Election Commission of Georgia, immediately upon receipt of an application, gives to the Party representative a sample of the list of supporters.
- The Party is obliged to submit to the Central Election Commission of Georgia, no later than 50 days before the poll, a list of at least 50,000 supporting voters, confirming the initiative of the Party to take part in the elections. The exception is a Party, which, by the day of appointment of elections, has a representative in the Parliament of Georgia.
- Along with the application to the Central Election Commission signed by the Head (s) of the Party, are submitted notarized copies of the registration license and charter of the Party.
- In the application must be indicated:
  - Title (abbreviation), under which it takes part in the elections;
  - Identity of the Head(s);
  - First name, last name, place of registration, telephone number and limits of authority of the representative;
  - In case of the existence of several Heads – the limits of authority of each, as it relates to the election process.
- The title (abbreviation) indicated in Subparagraph a) of Paragraph 5 of this Article must not coincide with:
  - Official title (abbreviation) of another Party registered by the Ministry of Justice of Georgia;
  - Title (abbreviation) of the election bloc, within which it takes part in the elections, if application of this bloc was submitted to the commission earlier;
  - Title (abbreviation) used by another Party (election bloc) in the previous Parliamentary elections, unless there exists its consent.
- Those Parties, that have submitted lists of supporters, have the right to address the Central Election Commission of Georgia, no later than 45 days before the poll, with a joint application on uniting into an election bloc.
- An application, submitted to the Central Election Commission of Georgia, must be signed by the Heads of all the Parties included in an election bloc.
- In the application must be indicated the following information on the election bloc:



- Title (abbreviation), under which it takes part in elections;
- Identity of the Head(s);
- First name, last name, place of registration, telephone number and limits of authority of the representative;
- In case of the existence of several Heads – the limits of authority of each, as it relates to the election process.
- The title (abbreviation) indicated in Subparagraph a) of Paragraph 9 of this Article must not coincide with:
  - Official title (abbreviation) of another Party (except for a member Party of the same bloc) registered by the Ministry of Justice of Georgia;
  - Title (abbreviation) of another election bloc, under which it takes part in elections, if application of that bloc was submitted to the commission earlier;
  - Title (abbreviation) used by another election bloc in the previous Parliamentary elections, unless there exists its consent.
- With the application must be attached the charter of the election bloc, signed by the Heads of all the Parties included in the election bloc.
- In the election bloc charter must be noted:
  - Title of the election bloc, under which it takes part in elections;
  - Rules by which the bloc makes decisions related to election events;
  - Rules for nominating candidates for membership of Parliament and for withdrawing a nomination;
  - Rules for compiling Party list;
  - Rules for a Party withdrawing from the bloc;
  - Rules for accepting new members into the bloc;
  - Rules for dismissal of a Party from the bloc;
  - Person(s), who have the right to sign the bloc's documents;
  - Rules for using the seal of a Party included in the bloc, during opening of election campaign fund;
  - Rules for appointing the manager and accountant of the election campaign fund
- A Party united in an election bloc cannot be included, at the same time, in another election bloc or take part in elections independently.
- Immediately upon receipt of the applications and other documents indicated in this Article, the Central Election Commission of Georgia issues to the representative of the bloc a statement confirming receipt of these documents.
- The Central Election Commission of Georgia, no later than 40 days before the poll, shall make its decisions on registration of Parties and/or election blocs.
- In the case of refusing a registration, the representative of the bloc shall be issued, no later than the next day of adoption of the ordinance, a copy of the ordinance of the Central Election Commission of Georgia, in which must be noted the reason for refusal.
- If after registration of an election bloc, only one Party is left in the bloc, registration of the election bloc is cancelled.

- A Party, election bloc registered in accordance with this Article has the right to take part, based on its application, in elections of all levels that will be held before the Parliament elections.
- No later than 37 days before the poll, the Central Election Commission, through the press and other mass media, publishes a list of registered election subjects, according to the order of submission of applications, as well as a list of those candidates who have been refused registration as election subject and the reasons for refusal.

#### **Article 96. Submission of Party Lists**

- Parties, that are taking part in elections independently, and election blocs have the right to submit Party lists.
- Each Party, taking part in elections independently, and each election bloc has the right to submit one Party list.
- The number of candidates for membership of Parliament in submitted lists must not be less than 100 or more than 235.
- In the case of nomination of a candidate, included in a Party list, to a single-mandate election district, in the Party list is made an indication that the candidate is nominated for a single-mandate election district.
- It is inadmissible to include in a Party list the persons, who are, at the same time, members of another Party taking part in the elections, except for the Parties united into one election bloc.
- It is inadmissible to include one and the same person in different Party lists.
- Rules for compiling Party lists are determined by Parties and election blocs.
- The list must be compiled taking into account that as a result of elections, the mandates received by a Party, election bloc, are distributed in sequence, beginning from the top of the list.
- In the Party list must be included the following information on each candidate:
  - First name, last name;
  - Date of birth;
  - Number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number;
  - Profession;
  - Position (activity);
  - Party affiliation (in case of being a Party member, and if the person is not a member of any Party, there must be made an indication – “no party affiliation”).
- A Party list must be approved by the signatures of the authorized signatory (signatories ) of all the Parties taking part in the elections independently, while the Party list of an election bloc must be approved by signatures of the Heads of all Parties united in the bloc.
- A Party list shall be submitted to the Central Election Commission of Georgia no later than 30 days before the poll.
- With the list must be attached the following:

- Registration card (with indication of biographical data, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number of the candidate), signed by each candidate for membership of Parliament;
- Two photographs of the candidate;
- Consent of the candidate to stand as a candidate as part of the indicated list and, in the case of the candidate being nominated to a single-mandate election district – also consent to stand as a candidate in this district, as a representative of the Party, election bloc, which nominated him/her.
- Registration cards are given to the Party representative beforehand by the Central Election Commission.
- Immediately upon receipt of documents, the representative of the election bloc is issued a statement confirming receipt of the documents, with the date on it.

#### **Article 97. Nomination of Candidate to Election District**

- The following entities have the right to nominate a candidate for membership of Parliament:
  - Party;
  - Election bloc;
  - 5-person initiative group of voters.
- Each Party, taking part in elections independently, and election bloc has the right to nominate one candidate for membership of Parliament to each single-mandate election district.
- An Initiative group of voters has the right to nominate to single-mandate election district, one candidate for membership of Parliament.
- For the purpose of nominating a majoritarian candidate to an election district, a 5 – person initiative group of voters must address the relevant District Election Commission with an application, no earlier than 40 and no later than 30 days before polling.
- With the application must be attached 4 photographs of the candidate for membership of Parliament and the registration card signed by him/her (in two copies), in which, along with biographical data of the candidate it must be noted that he/she agrees to stand as a candidate in the indicated election district. Registration cards are given to the initiative group of voters beforehand by the District Election Commission. The District Election Commission immediately sends one filled out registration card to the Central Election Commission of Georgia.
- In the application should be indicated:
  - First name, last name, place of registration, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number of all members of the initiative group;
  - First name, last name, place of registration, contact telephone, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number of the representative of the initiative group of voters;
  - First and last name of the candidate for membership of Parliament; date of birth; number of the ID of a Georgian citizen (passport of a Georgian citizen) and

personal number; profession (activity), Party affiliation (in case of membership of any Party), number of the election district to which the candidate is nominated.

- No later than 30 days before polling, filled out and numbered forms of signatures of supporting voters, together with the application of the group of voters, in which must be indicated the complete number of signature forms and of the voters that have signed them, is submitted to the District Election Commission. The application is signed by all members of the initiative group.
- The nomination of a candidate must be confirmed by no less than 1,000 signatures of the voters registered on the territory of the relevant District Election Commission, except for the case where the nominated candidate was elected a Member of the Parliament of Georgia at the last Parliamentary elections.

#### **Article 98. Registration of Party Lists, Candidates for Membership of Parliament of Georgia**

- The registration of Party lists and candidates for membership of the Parliament of Georgia is discussed and a decision is made, if all the documents envisaged by this Law have been submitted to the relevant election commission.
- Within 5 days of the receipt of the documents, which cannot be submitted later than 25 days before polling, the Central Election Commission of Georgia and relevant District Election Commissions inspect the documents and decide, by an ordinance, the registration of Party lists, as well as of registration of candidates nominated by initiative groups of voters.
- A candidate for membership of Parliament shall not be registered, and a registered candidate will be withdrawn from the elections by the Chairperson of the Central Election Commission or a court, if the documents submitted to the election commission do not meet all the requirements envisaged by this Law, namely:
  - Data indicated in them is inaccurate or incomplete;
  - There exists, or existed, the consent of one and the same person to stand as a candidate for the Presidency of Georgia, a candidate for membership of the representative body of an Autonomous Republic, in elections of self-governance and as a candidate for Parliament membership;
  - A candidate is included in more than one Party list and the candidate's consent exists on each;
  - A candidate included in a Party list is, at the same time, a member of another Party, taking part in the elections, or a Party included in an election bloc;
  - A candidate included in a Party list is nominated to a single-mandate election district by another Party, election bloc or an initiative group of voters.
- Registration of a Party and Party list is cancelled if, no later than 2 days before the poll, the number of candidates in the Party list turns out to be less than the number determined by this Law.

#### **Article 99. Determining Sequence of Election Subjects**

- Order of the election subjects is determined no later than 15 days before polling.
- Order of the Parties, election blocs taking part in the elections is determined according to the order of the Parties, election blocs that took part in the last Parliamentary elections. If an election bloc which took part in the last Parliamentary elections does not take part in

elections anymore, the right to participate under its number is sequentially awarded to the Parties, named in the list of the election bloc. If an election bloc includes Parties, that took part in the last elections separately, in the charter of the election bloc must be indicated, the right of which Party included in the bloc will be used during awarding of the sequential number. In this case, the Parties, election blocs that are next in the sequence, will respectively move up.

- Order of Parties, election blocs, except for the Parties and election blocs indicated in Paragraph 2 of this Article, is determined by casting of lots.
- In case of cancellation of election registration of an election bloc, the remaining Parties, election blocs retain their sequential numbers, awarded in the election ballot by casting of lots.
- A candidate nominated by a Party, election bloc to a single-mandate election district, is awarded the same sequential number, as the Party, election bloc that nominated him/her, while order of other candidates is determined by casting of lots.
- For the purpose of casting of lots, the Chairperson of the election commission writes on sheets of the same shape and type, with the same writing instrument, the numbers corresponding to the quantity of Parties, election blocs and majoritarian candidates. Each sheet must be approved by the commission seal. The sheet is folded in a way which makes it impossible to read the number written on it. The commission Chairperson places the filled out sheets into a transparent box, from where representatives of Parties, election blocs and majoritarian candidates take the sheets, in turn. The number cast becomes the sequential number of the candidate.
- Registered Party lists are published by the Central Election Commission of Georgia through the press and other mass media, while the data on candidates nominated to single-mandate election districts, which is entered onto the election ballot is published by District Election Commissions, no later than 12 days before polling.

#### **Article 100. Cancellation of Decision on Nomination of Candidate for Membership of Parliament of Georgia**

- A candidate for membership of the Parliament of Georgia, as well as the nominating Party, election bloc, have the right, at any time, but no later than 2 days before the poll, to refuse to take part in the elections or to refuse the nominated candidate, for the purpose of which they have to address the relevant election commission with an application.
- A Party, which is taking part in elections independently, or an election bloc, has the right to cancel its nomination of a candidates for membership of the Parliament of Georgia, after the authority of the elected MPs is recognized, except for the cases when authority of an MP elected through this list is terminated, from the moment of termination of authority until recognition of authority of the MP who replaces him/her. His/her candidature will be withdrawn by the Central Election Commission of Georgia, based on a statement signed by the Head of the Party (person determined by the charter of the election bloc), taking part in elections independently.
- Candidate for membership of Parliament may withdraw his/her candidature, no later than 2 days before polling, for which the candidate must address the relevant election commission with a statement.

- Election commission immediately publicizes the information on withdrawal of an election subject, or a separate candidate, from elections, through the press and other mass media.

**Article 101. Dismissal of Candidate for Membership of the Parliament of Georgia from Carrying Out Official Duties**

A candidate for membership of the Parliament of Georgia, based on his/her own statement and presenting of relevant license, is given a paid vacation for the period of the election campaign.

**Article 102. Immunity of Candidate for Membership of the Parliament of Georgia**

- A candidate for membership of the Parliament of Georgia, before official publication of the final results of the elections, cannot be faced with criminal charges, detained, arrested or searched, unless there is consent of the Central Election Commission of Georgia upon notice from bodies of the Prosecutor's office, an exception is the case of being caught at the scene of a crime, about which the Central Election Commission must be notified immediately. If the Central Election Commission does not issue consent, the detained or arrested candidate must be released immediately.
- The Central Election Commission adopts decisions on issuing consent by an ordinance.

**CHAPTER XIV. CONSOLIDATION OF THE RESULTS OF ELECTIONS FOR THE PARLIAMENT OF GEORGIA**

**Article 103. Counting of Votes at Precinct Election Commission**

- Precinct Election Commission sums up results of the poll and enters them into the protocols of results of polling held through majoritarian and proportional systems.
- Summary protocol of results of the poll conducted by a proportional election system is compiled according to Party lists, while the protocol of results of the poll conducted by a majoritarian election system is compiled according to candidates nominated to single-mandate election district.
- Two copies of each of the protocols is immediately sent to the District Election Commission, while one copy of each is given to the representative of the election subject, who confirms receipt of protocol by signing in the registration journal of the Precinct Election Commission.

**Article 104. Consolidation of the Results of the Poll at District Election Commission**

- The District Election Commission, based on the protocols of the Precinct Election Commissions, sums up at its session the results of polling and enters them into the protocols of results of polling held through majoritarian and proportional systems.
- In case of existence of a statement, appeal or a different opinion of a commission member, which seeks to deem the results of the poll invalid or to check them, the District Election Commission, by its ordinance, makes a decision on opening the packages received from the relevant Precinct Election Commission and on the re-counting the election ballot papers (special envelopes).
- One copy of each of the summary protocols of the elections held through majoritarian and proportional election systems, remains at the District Election Commission, one copy

of each, along with one copy each of the Precinct Election Commission protocols, is transferred to the Central Election Commission of Georgia, no later than 5 days after the poll, while one copy of each is given to representatives of the election subjects, who confirm their receipt by signing in the registration journal of the District Election Commission.

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

- The Central Election Commission of Georgia, based on the protocols received from the District Election Commissions and Precinct Election Commissions, no later than 10 days after the poll (general elections) sums up, at its sessions, results of elections of Parliament of Georgia and enters them into the protocol.
- One copy of the protocol is filed at the Central Election Commission of Georgia, the second copy is transferred to the Parliament of Georgia, while copies confirmed by seals are transferred to representatives of the election subjects.
- Elections held based on the proportional election system are considered to have been held, if at least 1/3 of the general number of voters took part in the elections. Elections in single-mandate election district are considered to have been held, at least 1/3 of the general number of voters in the election district took part in the elections.
- The candidate, who receives most votes, but no less than those of 1/3 of the election participants, is considered to be elected.
- Mandates of Members of Parliament of Georgia are awarded only to the Party list, which receives no less than 7% of the votes of the voters.
- For the purpose of determining the number of mandates received by a Party list, the number of votes received by this list must be multiplied by 150 and divided by the total number of the votes received by such Parties. Total number arrived at, as a result, represents the number of mandates received by the Party list.
- If the total of the numbers of mandates received by a Party or election bloc turns out to be less than 150, one mandate from undistributed mandates is awarded to each of those Party lists that received a higher number of votes in the elections.
- If the number of votes received by one or more Party list turns out to be equal, the mandate is awarded to the list which was the first to undergo registration at the Central Election Commission of Georgia.
- If a candidate is elected both from an election district and through a Party list, then he/she is considered to be elected from the election district and is withdrawn from the Party list and the candidates who are next on the list will move up one place on the list.
- Those candidates for membership of Parliament, whose sequential numbers in this list are less than or equal to the number of mandates received by the list, are considered to be elected through Party lists. The number of MPs, elected according to this list, remains unchanged.
- The Central Election Commission of Georgia declares elections invalid in those election districts, where requirements of this Law were significantly violated. The Central Election Commission of Georgia considers the indicated issue and adopts an ordinance no later than within 8 days of the poll.
- In the case of existence of a statement, appeal or a different opinion of a member of the District Election Commission, who is demanding to declare results of the elections

invalid, or to check them, the Central Election Commission of Georgia, by ordinance, makes a decision on opening the packages received from the relevant Precinct Election Commission and on re-counting of the election ballot papers (special envelopes). The Central Election Commission has the right to sum up results of the elections based on protocols of Precinct Election Commissions.

- In case of the poll having been declared invalid in an election precinct, the Central Election Commission of Georgia appoints repeated polling in this precinct, in cases where the remainder of the votes of the candidates who have the best results is less than the general number of voters of this election district. In this case, if the results of the poll are cancelled, results of the elections are summed up without taking this precinct into account.
- Repeated polling may be appointed both after the first round and the second round of elections. In cases of necessity, the Central Election Commission of Georgia is authorized to task the same or different composition of the District Election Commission to hold repeated polling. Repeated polling is held within 2 weeks of the first round (second round).
- Repeated polling in the elections held through the system of proportional election is appointed in those cases where the complete number of voters in these precincts is 10% higher than the general number of voters. In such case, repeated polling is appointed within 2 weeks of the general elections.
- If the elections held through the proportional election system are declared to have been held, but none of the Parties or election blocs have managed to receive the threshold, upon ordinance by the Central Election Commission of Georgia a new poll is held within 2 weeks of the general elections.
- Only those Parties and election blocs, that have received 2% of votes of the voters' in the general elections, have the right to take part in the new poll. Party lists of the Parties and election blocs that take part in the new poll remain unchanged. Amendments may be introduced to them only in accordance with the general rule established by this Law.
- In the summary protocol of the final results of the elections, must be indicated the titles and numbers of those election districts and precincts, in which elections were declared invalid, as well as the number of voters in them, the reason for declaring the elections invalid, general number of voters in each election district, turnout of election participants, number of Members of Parliament elected and those elected listed alphabetically.
- Within 5 days of the consolidation of the final results of the elections, the Central Election Commission of Georgia publishes the summary protocol of election results through the press and other mass media.

**Article 106. Second Round of Elections. New Elections in Single-mandate Election District and Rules for Replacement of Member of Parliament of Georgia**

- If a member to the Parliament of Georgia has not been elected in the first round of elections, the Central Election Commission of Georgia, within 2 weeks of the poll, appoints the second round of elections, in which participate the two candidates who achieved the results in the First Round. If several candidates turn out to have the equal best result, or several candidates following the candidate with the best result have the equal best result, all of the above indicated candidates pass to the second round of elections.



- The candidate who receives the highest number of votes will be considered to have been elected in the second round of elections. If candidates receive the same number of votes, the candidate who received more votes in the first round will be considered to have been elected.
- If 1/3 of the general number of voters do not take part in polling then the elections are declared not to have been held. In cases where there is a termination, before expiry, of authority of an MP elected in single-mandate district, new elections are held.
- The date of new elections and the timeframe for holding these election are appointed by ordinance of the Central Election Commission of Georgia, no later than 2 months before holding of the poll.
- New elections in single-mandate election districts are held twice a year in May-June and October-November. Elections must be held in the nearest time period.
- If the Member of Parliament is withdrawn 6 months before termination of authority of the Parliament, new elections are not held.
- If a withdrawn Member of Parliament was elected through a Party list, then within 1 month the next candidate in the same party list shall replace such member, provided that the candidate consents within 15 days, to be a Member of Parliament of Georgia. Otherwise, this candidate is withdrawn from the list and the vacant seat is occupied by the next candidate, etc. If there are no more candidates to be elected in the submitted Party list, this MP mandate is canceled.
- In the case provided for by Paragraph 7 of this Article, the Central Election Commission of Georgia submits relevant documents to the mandate commission of the Parliament.
- In case of the withdrawal of a Member of Parliament elected from a single-mandate election district, the right to nominate the candidature for his replacement is awarded to the Party and election bloc (notwithstanding whether this candidate is included on the registered Party list), as well as to the initiative group of voters.
- After confirmation by the Parliament of Georgia on authority of MPs, the status of candidates for membership of the Parliament is suspended to the persons remaining in Party lists.
- The status of a candidate for membership of the Parliament of Georgia, immediately upon termination of authority of an MP elected through the relevant Party list, is restored to the person who is the replacement of this MP, in accordance with Paragraph 7 of this Article, as well as to the person nominated by this Party or election bloc to a single-mandate election district, starting from the moment of the Central Election Commission registering this person as a candidate for membership of the Parliament of Georgia.

**Article 107. Registration of Elected Members of Parliament of Georgia**

Within 5 days of the final consolidation of the results of the elections, the Central Election Commission of Georgia registers the elected Members of the Parliament of Georgia and issues to them temporary licenses on having been elected MPs.

**PART IV****CHAPTER XV. ELECTIONS OF REPRESENTATIVE BODY OF LOCAL SELF-GOVERNANCE – SAKREBULO, ELECTIONS OF GAMGEBELI, ELECTIONS OF MAYOR****Article 108. Appointment of Elections of Representative Body of Local Self-governance – sakrebulo, elections of gamgebeli, elections of mayor**

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

**Article 109. Election System**

- Elections of the representative body of local self-governance – *sakrebulo*, in a village, community, *daba*, city and the city not included in the rayon, are held according to multi-mandate election districts, based on the majoritarian election system.
- Elections of the representative body of local self-governance – *sakrebulo*, in the city of Tbilisi are held based on the proportional election system.
- In the city, where the number of voters is more than 5,000 and in the city not included in the rayon, except for Tbilisi and Poti, *gamgebeli*, mayor is elected based on the majoritarian election system.

**Article 110. Right to Active and Passive Vote**

- A citizen of Georgia, who is 21 years of age by the day of polling, has permanently resided in Georgia for at least 5 years and is registered through the rules established by Law, may be elected a member of the representative body of local self governance – *sakrebulo*, *gamgebeli* or mayor:
  - During elections of members of the representative body of local self-governance – *sakrebulo*, on territory of the relevant *sakrebulo*;
  - During elections of *gamgebeli*, mayor, on territory of the relevant city.
- A citizen of Georgia may not be a member of two representative bodies simultaneously, except a member of the rayon *sakrebulo* and a member of the *sakrebulo* of a village, community, *daba*, city included in this rayon.
- Voters who, by the day of appointment of elections, are permanently or temporarily residing outside the borders of Georgia and voters who are on ships sailing, do not take part in elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor.

- Military servants for a fixed term and upon contract take part in elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor, according to the location of the military compound.

**Article 111. Equal Right to Vote**

- Voters in the elections of the representative body of local self-governance – *sakrebulo*, based on the majoritarian election system, have as many rights to vote, as there are members in the relevant *sakrebulo*.
- In the city of Tbilisi, in the elections of the representative body of local self-governance – *sakrebulo*, based on the proportional election system, each voter has the right to one vote.
- In elections of *gamgebeli*, mayor, each voter has the right to one vote.

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

- *Sakrebulo* consists of:
  - 5 members, if the number of voters on the territory of the relevant administrative unit does not exceed 5,000;
  - 7 members, if the number of voters on the territory of the relevant administrative unit is 5,000 to 10,000;
  - 9 members, if the number of voters on the territory of the relevant administrative unit exceeds 10,000;
- *Sakrebulo*s of the cities of Batumi, Rustavi, Sokhumi, Poti, Kutaisi and Tskhinvali, consists of 15 members each.
- *Sakrebulo* of the city of Tbilisi consists of 30 members.
- The number of members to be elected in a *sakrebulo* is determined according to the number of voters on the territory of the relevant *sakrebulo*, according to the situation by January 1 of the year of elections.

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

- Authority of the new composition of a *sakrebulo* begins, and authority of the old one ceases, upon the first gathering of the newly elected *sakrebulo*.
- Authority of *gamgebeli*, mayor, begins from the day of official publishing of the final results of the elections.

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

- In case of being nominated as a candidate for membership of *sakrebulo*, candidate running for *gamgebeli*, mayor, authority of office is suspended for the officials indicated in Article 94 of this Law. Members of the Parliament of Georgia, the supreme representative bodies of Abkhazia and Adjara remove their authority, based on personal statement, before being nominated as candidates in elections of the

representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor.

- Authority of office is suspended (removed) for the officials, indicated in Paragraph 1 of this Article, before they are nominated to the relevant election commission as candidates.
- Authority of office is suspended (removed) to candidates of membership of *sakrebulo*, candidates running for *gamgebeli*, mayor, in accordance with the legislation of Georgia.

## **CHAPTER XVI. ELECTION DISTRICTS AND ELECTION PRECINCTS**

### **Article 115. Election Districts**

- For the purpose of the election, based on the majoritarian election system, *sakrebulo* of a village, community, *daba*, city, are established multi-mandate election districts.
- For the purpose of the election, based on the majoritarian election system, a *gamgebeli* or mayor, are established election districts, the number of which is determined in accordance with the number of voters on the territory of the city, according to the situation on January 1 of the year of the elections.
- Election districts for the cities of Batumi, Rustavi, Sokhumi, Poti, Kutaisi and Tskhinvali are established by ordinance of the Central Election Commission of Georgia.
- Election districts of a village, community, *daba*, city, are established by ordinance of the relevant District Election Commission.
- In the city of Tbilisi, during elections, based on the proportional election system, of the *sakrebulo* of Tbilisi, functions of the District Election Commission are carried out by the Central Election Commission of Georgia.
- Within 5 days of the appointment of the elections, election commissions publish a notice on the election districts through the press and other mass media, with a statement of their boundaries.

## **CHAPTER XVII. RIGHT TO TAKE PART IN ELECTIONS OF REPRESENTATIVE BODY OF LOCAL SELF-GOVERNANCE – SAKREBULO, IN ELECTIONS OF GAMGEBELI, MAYOR, REGISTRATION OF ELECTION SUBJECTS, NOMINATION OF CANDIDATES AND ELECTION BALLOT**

### **Article 116. Right to Take Part in Elections of *Sakrebulo*, Elections of *Gamgebeli*, Elections of Mayor**

A Party, election bloc, a candidate nominated by a Party, an election bloc, who is registered at the relevant election commission, may take part in elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor.

### **Article 117. Registration of Parties**

Those Parties that at the last Parliamentary elections did not undergo election registration at the Central Election Commission of Georgia, undergo election registration for the purpose of taking part in elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor, in accordance with the rules established by Article 95 of this Law.

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

- For the purpose of taking part in elections, in the city of Tbilisi, based on the proportional election system, of the representative body of local self-governance – *sakrebulo*, Parties that are taking part in election independently, and election blocs submit Party lists to the Central Election Commission of Georgia, no later than 30 days before polling.
- Each Party and election bloc has the right to submit to the Central Election Commission of Georgia one Party list.
- The number of candidates in the Party list submitted by Parties and election blocs in elections of the representative body of local self-governance – *sakrebulo* for the city of Tbilisi, must not be less than 30 or more than 60.
- Only Party members or those persons, who are not members of another Party taking part in the elections, may be included in a Party list. Only members of the Parties in an election bloc or those persons, who are not members of another Party taking part in the elections, may be included in a Party list submitted by an election bloc.
- The rules for compiling Party lists are determined by Parties and election blocs. During compilation of a Party list it should be taken into account, that according to election results, the mandates received by a Party, election bloc, will be distributed sequentially, from the top of the list, according to the sequence.
- In a Party list must be indicated the following information on each candidate:
  - First name, last name;
  - Date of birth;
  - Profession;
  - Position (activity);
  - Place of employment ( if the candidate is unemployed, it is indicated – “unemployed”);
  - Party affiliation (in case of Party membership, and if the candidate is not a member of any Party, it is indicated – “no Party affiliation”);
  - Number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number;
  - Place of registration.
- The Party list must be confirmed with the signatures of the Head of the Party taking part in the elections independently, and with the signatures of the Heads of all Parties in an election bloc.
- With the Party list must be attached two photographs of each candidate, registration card (in two copies) signed by the candidate, the date of its filling out, where, along with the biographical data of the candidate (first name, last name, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number, place of registration, date of birth) must be included a declaration that the candidate has permanently resided in Georgia for 5 years and consents to stand as a candidate through this Party list.
- For elections of the representative body of local self-governance – *sakrebulo* for the city of Tbilisi, the Central Election Commission of Georgia issues the registration cards

beforehand to the representative of the Party (election bloc). Immediately upon receipt of the documents, the representative of the Party, election bloc, is issued with a confirmation of receipt statement, with the date indicated.

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

- The following entities have the right to nominate to the relevant election district the candidates for membership of representative body of local self-governance – *sakrebulo*, candidates for position of a *gamgebeli*, mayor:
  - Initiative group of voters, consisting of no less than 5 persons;
  - Party taking part in elections independently;
  - Election bloc.
- A Party, election bloc, initiative group of voters has the right to nominate a person who has the right to vote, if he/she is supported by no less than 10 voters residing in the village, community, *daba*, and in cities – no less than 100, and in the city not included in the rayon – no less than 200 voters.
- For the purpose of nominating a candidate to a majoritarian district, initiative group of voters, Party taking part in elections independently and election bloc, must address the relevant District Election Commission with an application, no earlier than 40 and no later than 30 days before polling and must submit signatures of supporting voters.
- In the application must be indicated the following information on majoritarian candidates;
  - First name, last name;
  - Date of birth;
  - Profession;
  - Position (activity);
  - Place of employment ( if the candidate is unemployed, it is indicated – “unemployed”);
  - Number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number;
  - Place of registration.
  - Title and number of the election district, where he/she is nominated as a majoritarian candidate;
  - Party affiliation (in case of Party membership, and if the candidate is not a member of any Party, it is indicated – “no Party affiliation”);
- An application nominating a candidate for membership of representative body of local self-governance – *sakrebulo*, candidate for position of a *gamgebeli*, mayor, is transferred to the relevant District Election Commission. The application must be confirmed with the signature of the authorized person of the Party, or with signatures of authorized persons of all the Parties included in the election bloc, while in the application signed by all members of the initiative group of voters must be indicated the following information on the members and representative of this group: first name, last name, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number, place of registration, telephone number.

- With the application must be attached two photographs of the candidate and registration card signed by him/her in two copies, along with the biographical data of the candidate (first name, last name, number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number, place of registration, date of birth) must be indicated the fact of the candidate having permanently resided in Georgia for 5 years and consent to stand as a candidate in the indicated election district.
- It is inadmissible to nominate one and the same person as a candidate for membership of representative body of local self-governance – *sakrebulo*, for position of a *gamebeli*, mayor, as well as a candidate for membership of Parliament of Georgia and for President of Georgia.

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

- Party list is registered by the Central Election Commission of Georgia within 5 days of its submission.
- Candidates for membership of the representative body of local self-governance – *sakrebulo*, candidates for *gamebeli*, mayor, nominated for an election district, are registered by the relevant District Election Commission, no later than 5 days of their nomination.
- Registration of candidates for membership of the representative body of local self-governance – *sakrebulo*, candidates for *gamebeli*, mayor, ends no later than 25 days before polling.
- Within 3 days of registration of candidates for membership of the representative body of local self-governance – *sakrebulo*, candidates for *gamebeli*, mayor, relevant District Election Commissions issue to them candidate licenses.
- A candidate nominated for an election district shall be registered, if the following documents have been submitted;
  - Registration card of the candidate;
  - Application of the initiative group of voters;
  - List of supporting voters;
  - Two photographs.
- A Party list or a candidate nominated by a Party, election bloc, shall not be registered, if in the registration card is not indicated or is indicated incompletely the following:
  - First name, last name;
  - Number of the ID of a Georgian citizen (passport of a Georgian citizen) and personal number;
  - Date of birth (year, month, day);
  - Place of registration;
  - Application for nomination of the candidate, which is confirmed by the Heads of the Parties and election blocs;
  - Party affiliation (in case of Party membership, and if the candidate is not a member of any Party, it is indicated – “no Party affiliation”);

- Position and place of employment ( if the candidate is unemployed, it is indicated – “unemployed”);
- The fact of permanent residence in Georgia for the last 5 years;
- Consent of the candidate to take part in the poll;
- Date of filling out of the registration card.
- If submitted documents do not satisfy the requirements of this Law, the election commission does not register the Party list or the candidate nominated by the Party, election bloc.
- In case of violation of the requirements indicated in Paragraphs 5 and 6 of this Article, the relevant District Election Commission or the Central Election Commission of Georgia does not register the candidate.
- Sequence of the Parties, election blocs and candidates, nominated by them, taking part in elections of a *gamgebeli*, mayor, as well as the elections of the representative body of local self-governance – *sakrebulo* 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, election blocs that are next in sequence, will respectively move up.
- Order of Parties, election blocs, except for the Parties, election blocs, indicated in Paragraph 9 of this Article, is determined through casting of lots.
- 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.
- Order of the candidates, nominated to the relevant election district by 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.
- Information regarding order of election subjects is published through the press and other mass media, no later than 3 days after the end of the term of registration. A list of the subjects, which have been refused registration, is published within the same timeframe.

#### **Article 121. Canceling Decision on Nomination of Candidate**

- A Party, election bloc, has the right to cancel its decision on nomination of a candidate, no later than 2 days before polling.
- A candidate can withdraw his/her candidature, no later than 2 days before polling, for which purpose he/she must address with a statement the relevant election commission, which immediately notifies the Central Election Commission of Georgia.
- Notice regarding cancellation of a candidate’s registration and nomination, is immediately published by the relevant District Election Commission.



### **Article 122. Election Ballots**

- Ballot papers of two different types are prepared for elections of the representative body of local self-governance – *sakrebulo*.
- In the ballot intended for elections of the representative body of local self-governance – *sakrebulo*, based on the proportional election system, are indicated names of the Parties, election blocs (after the name of the bloc must be indicated the names of the Parties united in it), in accordance with the established order.
- In the ballot intended for elections of the representative bodies of local self-governance – *sakrebulo*s, based on the majoritarian election system, are indicated sequential numbers, first and last names of all the candidates nominated for election to the relevant *sakrebulo*. Next to the name of the candidate, nominated by an initiative group of voters will be indicated - “candidate of initiative group”, while next to the names of the candidates nominated by Parties and election blocs will be indicated the names of the relevant Party or election bloc. Data on candidates is included on the ballot paper in accordance with the sequence, determined through casting of lots at his/her relevant District Election Commission.
- For elections of *gamgebeli*, mayor, ballot papers are compiled separately and in them are indicated the sequential numbers, first and last names of all candidates to be elected *gamgebelis*, mayors. Next to the name of the candidate, nominated by an initiative group of voters will be indicated - “candidate of initiative group”, while next to the names of the candidates nominated by Parties and election blocs will be indicated the names of the relevant Party or election bloc.
- On the ballot paper, compiled for elections of the representative body of local self-governance – *sakrebulo* in the city of Tbilisi, in which the names of Parties and election blocs are included, voter draws a circle only around the sequential number of the Party list of that Party or election bloc, for which he/she is voting.
- In the election ballot, intended for elections of the representative body of local self-governance – *sakrebulo*, in which the data regarding candidates is included, voter draws a circle around no more than the sequential numbers of as many candidates, as there are members to be elected in the relevant *sakrebulo*, while in elections of a *gamgebeli*, mayor – only around the sequential number of the candidate, for which he/she is voting.

### **Article 123. Determining Results of Elections in Election District**

- Elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor, are considered to have been held, if at least 1/3 of the voters of the relevant election district took part in the poll.
- 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.
- If the total of the numbers received by Party lists in the election district turns out to be less than the general number of mandates, undistributed mandates are distributed only among those Parties (election blocs), which have obtained at least one mandate. In this case, one mandate in turn is awarded to each of those Party lists, that received a higher number of votes in the elections.

- If the number of votes received by two or more Parties turns out to be equal, the mandate is awarded to the one, which was the first to undergo registration at the relevant District Election Commission, for the purpose of taking part in elections.
- Those candidates, whose sequential numbers in the Party list are less than or equal to the number of mandates received by this Party list, will be considered to have been elected into the *sakrebulo* based on the proportional election system.
- In a multi-mandate election district, those candidates, who receive more votes than others, will be considered to have been elected in accordance with the number of members to be elected to the *sakrebulo* based on the majoritarian election system.
- In elections of *gamgebeli*, mayor, the candidate who receives more votes than others will be considered to have been elected.
- If two candidates taking part in elections collect an equal number of votes, the candidate who was the first to have been registered at the relevant District Election Commission will be considered to have been elected.
- A District Election Commission can declare results of the poll invalid in the election district, where this Law was significantly violated. Before adoption of decisions on those appeals, based on which it is possible to declare results of polling in an election district invalid, it is inadmissible to sum up results of the elections at the District Election Commission.
- Elections shall be declared invalid in an election district, if the general number of voters in those election precincts, where results of the poll have been declared invalid, is more than 20% of the number of voters in the election district.
- A District Election Commission, at its session, determines results of elections and approves a protocol.
- In elections of the representative body of local self-governance – *sakrebulo*, the District Election Commission, based on the protocols received from Precinct Election Commissions, determines the following;
  - General number of voters;
  - Turnout of participants of elections;
  - Number of unused and spoiled election ballot papers and special envelopes;
  - Number of election ballots deemed valid;
  - Number of election ballots deemed invalid;
  - Number of unofficial ballot papers;
  - Number of votes given to election subjects.
- In elections held based on the majoritarian election system, the candidate for the position of *gamgebeli*, mayor, who receives the highest number of votes, will be considered to have been elected.
- The number of copies of the District Election Commission summary protocols of election results must exceed by four the number of candidates, nominated by Parties, election blocs, initiative groups of voters, included on the ballot paper.
- No later than 5 days after the end of the poll, the first copy of the protocol, is sent to the Central Election Commission of Georgia, the second copy is filed at the relevant District Election Commission, the third is transferred to the mandate commission of the

*sakrebulo*, the rest of the copies are transferred to Parties, election blocs, representatives of majoritarian candidates.

- District Election Commission is obliged to immediately post the fourth copy of the summary protocol of election results at a conspicuous location, so that all may become acquainted with it.
  - Within 10 days of the consolidation of the election results, the District Election Commission, through the press and other mass media, publishes a notice on results of the elections of *sakrebulo*, *gamgebeli*, mayor in the relevant election district. In the notice must also be indicated the Party affiliation (in case of Party membership, and if the person is not a member of any Party, it is indicated – “no Party affiliation”), year of birth, profession, main activity, place of employment of the elected *sakrebulo* members, *gamgebeli*, mayor.

#### **Article 124. Repeated polling, New Elections, Extraordinary Elections.**

- If polling is declared invalid in an election precinct, the relevant Precinct Election Commission appoints repeated polling, which must be held within 2 weeks of the general elections. Repeated polling is held in cases where the discrepancy between the candidate, who has the least best result from the relevant number of candidates to be elected to the representative body of local self-governance – *sakrebulo*, and the candidate who has the next best result, is less than the general number of voters of this district, or the general number of voters of invalid districts.
- During repeated polling, in case of invalidation of results of the poll in an election precinct, the relevant District Election Commission sums up the results of elections held in the election district without taking this precinct into account.
- In the case when the elections of the representative body of local self-governance – *sakrebulo*, elections of *gamgebeli*, mayor, are declared not to have been held, new elections are held.
- In case of termination, before expiry, of the term of authority of the representative body of local self-governance – *sakrebulo*, of *gamgebeli*, mayor, extraordinary elections are held.
- During repeated polling, during new and extraordinary elections, polling, counting of votes and consolidation of the results of the elections is carried out in accordance with the rules prescribed by this Law.

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

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

#### **Article 126. Replacement of Excluded Member of *Sakrebulo***

- If the authority of a *sakrebulo* member, as a *sakrebulo* member, is terminated before expiry, his seat in the relevant *sakrebulo* is occupied, within 2 weeks, by the person replacing him/her:
  - The candidate who is the next in order on the same Party list (for *sakrebulo* of the city of Tbilisi), if he/she, within 10 days of having been notified by the Central

Election Commission of Georgia, declares consent to become a *sakrebulo* member. If there are no more candidates in the submitted Party list, the mandate is cancelled;

- The candidate who has the best results among the candidates who have not been elected *sakrebulo* members, if he/she, within 10 days of having been notified, declares consent to become a *sakrebulo* member. Otherwise, he/she is withdrawn from the list and the vacant seat is occupied by the next candidate. In case of non-existence of such a candidate, the mandate is cancelled.

## **CHAPTER XVIII. TRANSITIONAL PROVISIONS**

### **Article 127**

- Until the jurisdiction of Georgia is fully restored in Abkhazia and necessary conditions are established for elections of Members of Parliament of Georgia:
  - Authority of Members of Parliament is extended to the Members of Georgian parliament elected as a result of the elections of 1992, who are Members of the Parliament of Georgia by the day of enactment of this Law. Immediately upon holding of elections of Members of the Parliament of Georgia in single-mandate election districts in Abkhazia and upon recognition of their authority, authority of the Member of Parliament, whose authority has been extended, shall cease.
- If a Member of Parliament, envisaged by Subparagraph a) of this Article, will be registered as a candidate for membership of the Parliament of Georgia, his/her authority is not extended.

### **Article 128**

- Coalitions (groups) envisaged by Paragraph 2 of Article 27 of this Law shall submit at the nearest plenary session of the Parliament of Georgia a list of candidates for membership of the Central Election Commission of Georgia
- 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 the elections of the representative bodies of local self-governance – *sakrebulos*, elections of *gamgebelis*, mayors, the District Election Commission, based on voters' list or voting license, issues on polling day ballot papers, on presentation of one of the documents listed below:
  - ID or passport of a Georgian citizen (including the passport with symbols of the former USSR);
  - Military ID card
  - Pensioner's license;
  - Driving license;
  - License of a Internally Displaced Person;
  - Voter card issued by the relevant Precinct Election Commission.
- If a voter residing in a village and community does not have one of the documents indicated in Paragraph 3 of this Article for the purpose of taking part in elections, he/she must address the Precinct Election Commission with a statement, no later than 2 days

before polling. **In case of positive solution of the issue**, the voter is issued with an card, which is signed by the Commission Chairperson and secretary. Data of the voter is entered by commission members into the voters' list, while in the column provided for entering the number of the ID is made an indication "reference card No.) and is indicated the date of issuance of the card. **In case of a negative solution** of the issue, on the next day the applicant is issued a copy of the decision, where the reason for refusal is indicated.

#### **Article 129**

- A Party registered at the Central Election Commission of Georgia before enactment of this Law, has the right to take part, based on its application, in the elections at all levels that are held until the next Parliamentary elections.
- Subparagraph a) of Paragraph 6 of Article 18 of this Law, which concerns the possibility of election or appointment of the composition of an election commission only of those persons, who have been awarded by the Central Election Commission of Georgia the certificates of election administration officials, shall come into force from August 31, 2002.
- New elections for Members of the Parliament of Georgia, of October 21, 2001, shall be held in accordance with the rules and timeframes established by this Law. The Central Election Commission of Georgia shall bring the legislative Acts related to holding of elections into compliance with this Law, within 10 days.

### **CHAPTER XIX. CONCLUSIVE PROVISIONS**

#### **Article 130**

- In connection with enactment of this Law shall be considered invalid:
  - Organic Law of Georgia On Elections of Parliament of Georgia (Sakartvelos Parliamentis Utskebani, 1995, No.31-33).
  - Organic Law of Georgia On Elections of President of Georgia (Sakartvelos Parliamentis Utskebani, 1995, No.31-33).
  - Law of Georgia On Elections of Representative Bodies of Local Self-governance *Sakrebulo*s (Parlamentis Utskebani, 1998, No.27-28).

#### **Article 131. Enactment of the Law**

This Law shall come into force upon its publication.

**President of Georgia Eduard Shevardnadze**  
**Tbilisi,**  
**August 2, 2001.**  
**No.1047-rs**