

HANDBOOK FOR DEC MEMBERS

2014

Municipal Elections



Table of Contents

PART I. DISTRICT ELECTION COMMISSIONWORK REGULATIONS AND MEMBERS.....	3
Chapter I. Recruitmrnt Rule of the District Election Commission	3
Recruitment Rule and the Term of the Authority of the District Election Commission	3
CHAPTER II. WORK REGULATIONS OF THE DISTRICT ELECTION COMMISSION	4
Preparation of the District Election Commission Sessions.....	4
Holding the District Election Commission Sessions.....	4
Minutes of the District Election Commission Session.....	5
Rules of clerical work of the District Election Commission.....	5
Legal Acts of the District Election Commission	5
Procedures for Issuing an Order at the District Election Commission Session	5
CHAPTER III. FIRST SESSION OF THE PRECINCT ELECTION COMMISSION	7
First Session of the Precinct Election Commission.....	7
Rules for Electing of the Chairperson/Deputy chairperson/Secretaryof the Precinct Election Commission	7
PART II. ACTIVITIES OF THE DISTRICT ELECTION COMMISSION DURING THE PRE-ELECTION PERIOD	7
CHAPTER I. LIST OF VOTERS	7
Verification of Data in the General List of Voters	8
Amendments to the General List of Voters.....	9
Special List of Voters	9
Voting Rights of the Voters Placed in the Special List of Voters	10
Procedures for Drawing up of the Mobile Ballot Box List of Voters	10
CHAPTER II. TRANSFER OF THE ELECTION DOCUMENTATION AND INVENTORY	11
Transfer of Election Documentation to the Precinct Election Commission	11
PART III. REGISTRATION OF PERSONS PARTICIPATING IN THE ELECTION PROCESS	12
CHAPTER I. ACCREDITATION OF OBSERVERS, REPRESENTATIVES OF ELECTION SUBJECTS, PRESS AND MEDIA REPRESENTATIVES	12
CHAPTER II. REGISTRATION OF ELECTION SUBJECTS.....	14
Right of the Local Self-Government Bodies to Participate in Elections.....	14
Determining a Number of Electoral Subjects.....	17

PART IV. RECEIPT OF ELECTION DOCUMENTATION AT THE DISTRICT ELECTION COMMISSION, SUMMARIZING POLLING RESULTS OF THE ELECTION	18
CHAPTER I. RECEIPT/SORTING OF DOCUMENTATION.....	18
Receipt/Sorting of Documentation.....	18
CHAPTER II. SUMMARIZING POLLING RESULTS OF THE ELECTION AT THE DISTRICT ELECTION COMMISSION	20
Summarizing Polling Results of the Election of Sakrebulo (Council) and Mayor/Gamgebeli	20
Verification of the Polling Results of the Precinct Election Commission	20
Public Nature of Summary Protocol of Polling Results of the Election	20
PART V. RULES FOR FILING AN APPLICATION/COMPLAINTS AND THEIR REVISION PROCEDURE	22
Application/Complaint on Violation of Polling and Counting Procedures	22
Application/Complaints On violations of election legislation (except for the polling day)	25
Term and Procedure for Appealing Decisions of District Election Commission/ Heads of Commissions	26
Annex № 1. Registration of Election Subjects in the Election of Tbilisi Sakrebulo (City Council) and Tbilisi Mayor.....	27
Appendix 2. Summarizing the Results of the Elections of the Tbilisi Sakrebulo (City Council) and Tbilisi Mayor	30
Appendix 3. Application/Complaint	32
Annex № 4. Required Information for Filing Application/Complaint to the Election Commission	33
Annex № 5. Certificate on Registration of an Application/Complaint	34
Annex № 6. Appeal of the Summary Protocols of Polling Results of the Precinct Election Commission	35
Annex № 7. Act on Summoning the Party by Technical Means	36

CHAPTER I. RULE FOR THE RECUITMENT OF THE DISTRICT ELECTION COMMISSION

Rule for the Recruitment and Term of Authority of the District Election Commission*(ElectionCode-Article19.Article20)*

District Election Commission (DEC) shall be composed of 13members:

- ▶ 5 members shall be elected by the Central Election Commission(CEC) (for a 5 year term);
- ▶ 7 members shall be appointed by parties (they shall be appointed after calling of the elections and their term of authority ends after the announcement of final results of the elections);
- ▶ 1 member shall be elected by the CEC.

Senior Officials of the DEC and their authorities*(Election Code - Article 20, Article 22)*

The head officials of the DEC are:

- ▶ Chairperson of the Commission;
- ▶ Deputy Chairperson of the Commission;
- ▶ Commission Secretary.

Chairperson of the DEC shall:

- ▶ Chair the Commission session;
- ▶ Manage Commission funds;
- ▶ Task the Deputy Chairperson, Commission Secretary, other members of the Commission, assisting and technical personnel.
- ▶ Register voters' initiative groups, the party list submitted by the party/election bloc and the list of the candidates of the Council (Sakrebulo) members nominated in the local majoritarian election district;
- ▶ Registers candidates to the position of a Mayor (Gamgebeli) of the self-governing town (self-governing community), (except for the election of the Tbilisi City Council (Sakrebulo) and Tbilisi Mayor);
- ▶ Issues relevant certificates to the candidates nominated by party/election bloc/voters' initiative group;
- ▶ Issues a relevant certificate to the elected members of Sakrebulo (Council), (except to the members of Tbilisi City Council/Sakrebulo) and in the case of the termination of his authority – to his successor, as well as to a Gamgebeli/Mayor (except Tbilisi Mayor);
- ▶ Transfers to the CEC the necessary documentation to verify eligibility of persons elected to the Council/Sakrebulo, as well as a Mayor/Gamgebeli.

Deputy Chairperson shall:

- ▶ Perform duties of the Chairperson of the Commission, if the Commission does not have a Chairperson or he/she is unable to fulfil his/her duties;
- ▶ Under the ordinance of the Commission Chairperson, fulfil some of the responsibilities of the Chairperson.

The Commission Secretary shall:

- ▶ Distribute documentation and correspondence submitted to the Commission;
- ▶ Register representatives of an independently participating party/election bloc, voters' initiative groups at the election commission and provides them with accreditation cards (certificates);
- ▶ Registers observers appointed in DEC and PECs and issues to them appropriate certificates;

- ▶ Register media representatives and provide them with accreditation cards (certificates);
- ▶ Draw up drafts of Commission Ordinances, draft protocols of the Commission Sessions, including summary protocol of polling results.

CHAPTER II. WORK REGULATIONS OF THE DISTRICT ELECTION COMMISSION

Preparation of the District Election Commission Sessions

(The DEC Regulation - Article 9)

A Chairperson of the Commission calls for Commission sessions at his/her own initiative or upon request of the Deputy Chairperson.

Commission Secretary, upon making a decision about conducting the session, places a statement on convening the Session on a visible place at the DEC, indicating the date, exact time and tentative agenda of the Session.

The Deputy Chairperson, and in case of his/her absence, the **Commission Secretary**, shall be personally responsible for informing all members of the Commission on the Session date and the exact time of its commencement.

The DEC Session Shall Be Open

(Election Code - Article 8.15)

The following persons shall be authorized to attend the Commission session:

- ▶ Members of the CEC and representatives of the Commission;
- ▶ Staff representatives of the CEC and the respective DEC;
- ▶ Representatives of media accredited at the respective commission;
- ▶ One representative of the election subjects in the relevant Commission;
- ▶ One observer from each domestic observer organization;
- ▶ One observer from each international observer organization (with an interpreter).

In case of breach of order and obstructing the work of the Commission, the Commission shall be authorized to make a decision on the removal of the person violating the order, which shall be recorded in the minutes of the Session.

Execution of the DEC Session

(The DEC Regulation - Article 9. Article 10)

The DEC Chairperson or a Deputy Chairperson shall chair the commission Session. A Session shall be authorized, if attended by the majority of the total number of the Commission members, but not less than 7 members. The Commission members endorse their attendance at the Session by signing an attendance sheet. The agenda of the Commission Session shall be prepared by the Commission Secretary.

The issues under discussion shall be put to vote in accordance with a sequence of introduced topics. Every member of the Commission shall be entitled to make remarks, remarks should not exceed 2 minutes regarding the topic envisaged by the agenda. The persons authorized to attend the Commission session make their speeches following the Commission members, with the consent of the Chairperson of the session.

DEC Session

(Election Code - Article 9) (qarTul variantSi suratia)

Discussions and decision-making process at the DEC sessions shall be documented in a protocol. A Secretary of the Commission shall draw up a protocol of the Session within 1 day after the Session and register it in the registration book of the documents. The minutes shall be signed by the Chairperson and Secretary of the Commission.



Attention!

- ▶ **If a Commission member who does not agree with a decision of the Commission, s/he shall have a right to express a different opinion in writing, which shall be attached to the protocol.**
- ▶ **The Commission member having a dissenting opinion shall respect and obey decisions of the Commission. With his/her action/inaction s/he is not entitled to prevent the enforcement of Commission's decisions.**

Rules of clerical work of District Election Commission

(The DEC Regulation - Article 11)

A registration book shall be run at the DEC and the Commission Secretary shall be responsible for its management.

The registration book shall be closed at 18:00 each day. After the last entry, both parts of the book shall be noted: "the registration book is closed" and it shall indicate the date and the exact time. The above note shall be confirmed with the signature of the commission secretary. As soon as the registration book is closed it is strictly prohibited to register any document in it.

Legal acts of the District Election Commission

(Election Code - Article 30.1.b; the DEC Regulation - Article 7)

There are the following DEC Legal acts:

- ▶ Ordinance of the Commission;
- ▶ Ordinance of the Commission Chairperson;
- ▶ Ordinance of the Commission Secretary;
- ▶ Summary Protocol of polling and election results of the Commission.

The DEC Ordinance

(Election Code - Article 21)

The DEC decision shall be endorsed by an ordinance. The DEC ordinance may be issued on:

- ▶ Setting up of polling stations and specifying the boundaries;
- ▶ Specifying the texts of election ballots;
- ▶ Changing of data of the PEC summary protocol of polling results;
- ▶ Annuling the polling results in the election precinct;
- ▶ Annulment of decisions made by the PEC and PEC officials;
- ▶ Granting a status of a domestic observer to a local organization.

Procedures for Adoption an Ordinance at the District Election Commission Session

(Election Code - 8.4; the Article 10)

A draft ordinance of the DEC is prepared by the Commission Secretary. The ordinance of the Commission shall be considered adopted, if voted by a majority of the members attending the Session, but not less than one-third of the total number of the Commission members (not less than 5 members).

All decisions made by DEC, concerning the decisions made by PEC including abolishment of PEC election results opening of PEC bags recounting of ballots and special envelopes, are made by not less than one third of attendees.

In case of an equal number of votes, a vote of the Session's Chairperson shall be decisive. The Commission ordinance shall be signed by the Commission chairperson and Commission Secretary.

Ordinance of the DEC Chairperson

(Election Code – Article 22.1; DEC regulation – Article 1.6)

An ordinance of the DEC Chairperson shall be issued:

- ▶ Regarding granting certain powers to the Deputy Commission Chairperson;
- ▶ On defining timeframes and work hours for the Commission operations during the election period;
- ▶ On convening first Session of PECs.
- ▶ On registering an initiative group of voters, also, majoritarian candidates nominated by a party/election block/ voters' initiative group to the DEC;

The ordinance issued by the DEC is signed by the Chairpersons of the Commission.

Ordinance of the Commission Secretary

(Election Code – Article 22.3.b-d)

An ordinance of the Commission Secretary shall be issued on:

- ▶ Accreditation of media representatives;
- ▶ Registration of observers appointed in district and precinct election commissions by a local organization holding an election observer status;
- ▶ Registration of proxies.

The ordinance issued by the DEC Commission Secretary is signed by the Commission Secretary.

Summary Protocol of Election and Polling results of the Commission

(Election Code - Article 70.2; Article 75.4)

A summary protocol is an individual administrative-legal act verifying polling and elections results.

The summary protocol of election and polling results of the DEC shall be signed by all Commission members attending the Session.

Attention!

The Commission Chairperson and Secretary are obliged to place the decree immediately after its signature on a place at the DEC visible for public viewing (*DEC regulation - Article 7.4*).

DEC Engagement in the Pre-Election Agitation/Campaign and Restrictions

(Election Code - Article 45.9)

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

The DEC shall give a written, substantiated answer to the respective request on allocating buildings and premises submitted by the election subjects no later than 24 hours after filing such request. A failure to respond within the this timeframe shall be deemed as a consent to the request.

Attention!

A member of the election Commission shall be prohibited to participate in the pre-election campaign (agitation).

Attention!

The DEC, in case of disciplinary violations of the PEC members, may apply disciplinary measures (*Election Code - Article 28*).

CHAPTER III. FIRST SESSION OF THE PRECINCT ELECTION COMMISSION

First Session of the Precinct Election Commission

(Election Code - Article 8.23; Article 25.21)

The first Session of the Precinct Election Commission (PEC) shall be held no later than the 30th day (16 May) before the Election Day. The DEC chairperson shall convene the Session. The Commission Session shall be authorized, if attended by a majority of the total number of the Commission, but not less than 7 members. The Commission Session shall be chaired by a senior member of the Commission until the election of the Chairperson.

Rule of Election of the PEC Chairperson/Deputy Chairperson/Secretary

(Election Code - Article 25)

The PEC Chairperson/Deputy Chairperson/Secretary shall be elected from the commission members by a roll-call, by a majority vote of the total number of members. Not less than 2 members of the Commission shall be authorized to nominate a candidate.

Attention!

- ▶ **The same candidate may be nominated only twice.**
- ▶ **A nominated candidate shall be entitled to participate in voting and cast a vote in favor of himself/herself.**
- ▶ **The PEC Chairperson, Deputy Chairperson and Secretary cannot be appointed by the same election subject (the following election subjects are considered as the same election subjects: Block “Bidzina Ivanishvili - Georgian Dream” and the political parties under this block - “Georgian Dream - Democratic Georgia”, “Conservative Party”, “Political Movement - Industry Will Save Georgia”, “Political Movement - National Forum”, Republican Party, and Our Georgia – Free Democrats).**

The election of PEC Chairperson/Deputy Chairperson/Secretary shall be documented by the PEC ordinance.

If the Chairperson/Deputy Chairperson/Secretary of the PEC is not elected within an established term, duties of the above officials prior to his/her election shall be fulfilled by the election Commission member with the highest votes during elections and in case of equal votes - by the official elected by casting lots.

PART II

ACTIVITIES OF THE DISTRICT ELECTION COMMISSION DURING THE PRE-ELECTION PERIOD

CHAPTER I. THE VOTERS' LISTS

Procedure for Submitting of the General List of Voters to the District Election Commission and its Publication

(Election Code - article 31, article 184¹, article 184²)

The General List of Votes shall contain the following data about the voters:

- ▶ Name (first name, last name);
- ▶ Date of birth (day, month, year);
- ▶ Address (according to the identification card or the database of the Agency);
- ▶ A personal identification number of a Georgian citizen;
- ▶ Actual place of residence;

Attention!

For internally displaced persons from the Occupied Territory of Georgia, a person registered without a reference to the address, a person removed from the registration by the place of residence, as well as a person whose registration has been invalidated by the decision of the Public Service Development Agency, a temporary residence address is marked; for persons living abroad in another country - "is registered by the consulate" and if such person is not registered by the Georgian consulate - "is abroad".

- ▶ Date of registration in the General List of Voters;
- ▶ Photos (the latest photo in digital format that exists in the electronic database);
- ▶ Gender.

The Precinct Election Commission no later than the day of the first Session, shall (not later than 30 days before the polling day - 16 May) submit to the District Election Commission the General List of Voters signed by the Chairperson and Secretary of the Commission, which is intended for public information (the wall list).

The version of the General List of Voters without photos, which is designated for public information (wall list) shall be immediately posted at the PEC premises on a visible place.

The final versions of the specified list will be delivered to the Precinct Election Commission no later than the second day of the polling day (June 13):

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

Attention!

- ▶ **The original version of the wall list must be removed and the specified version must be posted in the same place.**
- ▶ **It is prohibited to give the table list and its copy to the public information.**

Verification of Data in the General List of Voters

(Election Code - Article 31.7-7¹; Article - 184²)

A party with the electoral registration, an observer organization, a voter shall be authorized to have access to the versions of the list of voters available at the DEC and PECs, which are designated for public information.

Attention!

The version of the General List of Voters with photos designated for the public information shall be issued only in an electronic form, for which an authorized person shall submit to the DEC an electronic carrier with an appropriate volume of information.

In cases, if inaccuracies are identified in the voter lists, a party having an election registration, an observer organization, a voter can request changes to the voters lists **no later than 16 days before the Election Day** (May 30). The applications about the changes in the voter lists shall be filed to the **Election Administration**.

Attention!

A voter has the right to claim all data only about his or her family members and request changes to them.

Agency Authorized to Review Results of Voter List Inspection

(Election Code - article 31.8)

During the election period, the election administration body verifies the voter lists on its own initiative, as well as based on filed complaints/applications.

The DEC shall review the applications and the petitions submitted by the PEC within 2 calendar days, but no later than the 14th day (1 June) before the Election Day, and shall deliver a decision on:

- ▶ Amending the data of voters/in the lists of voters, or
- ▶ Rejecting a request to amend the data of voters/in the lists of voters.

Attention!

The ordinance on rejecting the request to amend the data of voters/in the lists of voters shall be substantiated and shall be transmitted to the applicant upon request on the following day after its issuance.

Amendments to the General List of Voters

(Election Code - Article 31.9. Article 185⁵.2)

An ordinance issued by the DEC on making amendments to the data of voters/in the lists of voters shall be transmitted to the CEC of Georgia and the respective PEC within 2 days. In case the request is fulfilled:

- ▶ The voter will be included in the list, or
- ▶ The data on the voter will be removed from the list of voters.

Attention!

A voter who was removed from registration according to the residence address or if registration of such voter is declared invalid based on a decision of Public Service Development Agency, also, a voter who is registered without referring the address, can cast a vote only in the case, if s/he registers at the Public Service Development Agency according to the place of residence no later than 27 May 2014 or specifies his/her actual place of residence and makes a photo in an electronic format (Election Code - Article 185⁵).

Rule of Appeal of the Commission Ordinance

(Election Code - Article 31.10)

An ordinance issued by the DEC on the refusal of amending the voter lists can be appealed to an appropriate district/city court within 2 days after its issuance.

In case of upholding a lawsuit by the court, the court judgment shall be transmitted to the DEC within 2 days, but not later than on the 11th day (4 June) before the Election Day. The Commission shall immediately transmit appropriate information to the CEC and the respective PEC.

Special List of Voters

(Election Code - Article 32. Article 184¹.8)

The DEC makes a Special List of Voters and submits it to the PEC no later than 3 days before polling day (12 June). The DEC shall include the following voters in the Special List of Voters:

- ▶ Election Administration officials unable to participate in the elections on the polling day at the place of registration due to their work at the election Commissions. (These officials shall be added to the Special List at the pre-defined election precinct no later than on the 5th day before polling);
- ▶ Voters undergoing treatment in a hospital or any other in-patient medical institution and not being discharged from the hospital by the polling day due to their health conditions. (The list of these individuals shall be submitted to the relevant DEC by the head of the respective medical institution no later than on the 6th day before polling);
- ▶ Voters serving sentence in prisons on the polling day. (The list of these individuals shall be submitted by the head of the relevant penitentiary institution to the relevant DEC no later than on the 6th day before polling);
- ▶ Temporary and contract-based servants of military (militarized) forces and units of the Ministry of Internal Affairs and the Ministry of Defence of Georgia whose work conditions require their presence at an address different from their place of registration belonging to a different election district (The list of these persons is submitted to the DEC by a head of the relevant military unit no later than 1 May 2014).

The same data (with or without photos) that is in the General List of Voters shall be included in the Special List of Voters.

After drawing up the Special Lists of Voters, the DEC shall transmit the data of the voters incorporated into the special lists of another precincts to the relevant PEC.

The PEC Secretary shall find the voters incorporated into the special lists or those transferred to the special lists of another precinct in the General List of Voters (in the table, as well as the wall versions) and in the box “actual status” along the line that includes a surname of a voter, shall make a note: “a commission member”, “in prison”, “in hospital”, “in military service”, “is abroad” or “is registered by consulate”.

If a voter addresses the DEC with a request of registration, who no later than on the 16th day (30 May) before the Election Day failed to address the Commission with the request to be registered in the list (**arrived from abroad, was discharged from the hospital, was released from the penitentiary institution**), in case of submitting the relevant application and documentation (a certificate on crossing a border/an entry in the passport, a certificate from the medical institution on a discharge or a certificate from a penitentiary institution on release), a voter shall be registered by the DEC within 2 calendar days after the submission of the application and if there are less than 2 days left before the polling day - shall be registered immediately (information on the voter shall be incorporated into the Special List of Voters).

Attention!

The DEC shall communicate immediately to the voter its decision on rejecting the request.

Voting Right of a Voter Included in the Special List of Voters

(Election Code - Article 32.5-6)

A voter included in the Special List of Voters participates in both the majoritarian and proportional elections, if s/he changes his/her location within the territory of the same DEC;

A military servant of the Ministry of Defence included in the Special List of Voters, who by the Election Day is placed in an appropriate dislocation for **a period of 1 year or more than 1 year**, participates in both - the majoritarian and proportional election of the Council/Sakrebulo and the election of a Mayor/Gamgebeli.

A military servant of the Ministry of Defence included in the Special List of Voters, who by the Election Day is placed in an appropriate dislocation for **a period less than 1 year**, participates in the both in the proportional election, the person participate in the election of the Council/Sakrebulo and the Mayor/Gamgebeli only in the case, when his/her dislocation place belongs to the local majoritarian election district in which s/he is registered according to a place of residence.

Procedures for Drawing Up a Mobile Ballot Box List of Voters

(Election Code - Article 33; Article 34.2.e)

The PEC shall be responsible for drawing up a Mobile Ballot Box List of Voters. The List of Mobile Ballot Box shall be drawn up on the basis of the General and Special Lists of Voters. A voter shall be included in the Mobile Ballot Box List if:

- ▶ A voter is unable to independently visit the polling building due to health conditions (the number of such voters **shall not exceed 3 percent** of the existing voters in the General List of Voters per election precinct);

Attention!

After exceeding the above number of voters, the PEC chairperson shall immediately notify the DEC on every new application submitted to the PEC. The decision on the appropriateness of including a new voter in the Mobile Ballot Box List shall be made by the two-third votes of the DEC members attending the Session.

- ▶ A voter is on the territory of the polling station, but on a place difficult to access (in such case, it is recommended to consult with the DEC).

Attention!

Information included in the list of mobile ballot box is the same as in general list of voters, with exception of his/her photo, and his/her sequential number which is additionally indicated in voters general and special lists.

A voter is included in the Mobile Ballot Box Lists based on the Special List and information provided by the DEC on a voter who is in a hospital or other stationary facility under treatment, under arrest, is a military servant, serves in a state border military unit located far from the precinct where there is no polling station.

In case of including a voter in the Mobile Ballot Box List, a box along the General and Special lists shall indicate “mobile ballot box” as “an actual status”.

CHAPTER II. TRANSFER OF THE ELECTION DOCUMENTATION AND INVENTORY

Transfer of Election Documentation to the Precinct Election Commission

For the preparation and execution of polling, the DEC, before the polling day, shall submit to the PEC the following

election documentation:

- ▶ The final version of the General List of Voters (the wall list and the table list);
- ▶ The Special List of Voters (the wall list and the table list);
- ▶ Forms of the mobile voters' lists;
- ▶ Voter cards;
- ▶ Ballot paper books (bulletins for the proportional and majoritarian election and the election of a Mayor/Gamgebeli);
- ▶ Special envelopes;
- ▶ Polling day log-books;
- ▶ Control sheets;
- ▶ 3 Summary protocols of polling results (for the proportional and majoritarian election and the election of a Mayor/Gamgebeli) and “Amendment Protocol” forms;
- ▶ Public display protocol.

Election Inventory

- ▶ General and mobile transparent ballot boxes;
- ▶ Seals of the ballot boxes;
- ▶ Polling booths;
- ▶ Ink and a special device for checking inking (ultra-violet lights);
- ▶ Special stamps of the PEC;
- ▶ Registrars' stamps;
- ▶ Copy machine;
- ▶ Inking stamps.

Other Election Materials

- ▶ Party lists;
- ▶ Lists of the candidates;
- ▶ Instruction for filling in the ballot paper;
- ▶ Extract from the law describing the case when the ballot paper is deemed invalid;
- ▶ Envelopes for wrapping the election documentation.

The DEC shall transfer the ballot papers and the special envelopes to the PEC no later than 12 hours before the polling starts. A receipt-delivery act is signed at the process of the transfer (*Election Code - Article 63.9, 10*).

Attention!

Before registering the act, the receiving and delivering parties shall confirm the compliance of the information on ballot papers and shall count a number of ballot papers to be transmitted. After that, the ballot papers shall be sealed again, which shall be endorsed with the signatures of the parties (*Election Code - Article 63.11*).

PART III

REGISTRATION OF PERSONS PARTICIPATING IN THE ELECTION

CAPTER I. ACCREDITATION OF OBSERVERS, REPRESENTATIVES OF ELECTION SUBJECTS, PRESS AND MEDIA REPRESENTATIVES

Registration of observer organizations

(*Election Code - Article 39.2, Article 40*)

The DEC shall register a domestic observer organization, which will observe elections in one election district.

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

A domestic election observer organization shall file an application to the DEC with the purpose to be registered no later than 10th day before the polling day (5 June) and submit a notarized copy of the constituent document/statute. The application shall include the name of the election district in which the organization will carry out observation.

The election commission shall make a decision on registration **within 5 days** after filling the application.

Attention!

- ▶ **The Commission shall not have a right to decline registration of the observer organization, if this organization complies with the requirements of the Election Code of Georgia.**
- ▶ **The ordinance of the Election Commission declining the registration shall be substantiated and shall be communicated to the organization no later than the following day after decision is rendered. In this case, the ordinance of the Election Commission may be appealed in a court within 2 days after its receipt.**

If registered, the domestic observer organization shall submit to the DEC Secretary a list of observers appointed at the DEC and the PECs no later than on the 5th day before polling day (10 June).

The list shall include the following information about an observer:

- ▶ Names (the first and last name);
- ▶ Place of registration;
- ▶ Election district(s) and election precinct(s) at which he/she will observe the elections.

The copies of personal identification cards of Georgian citizens shall be enclosed to the list of the domestic observers.

A domestic observer of a domestic observer organization may be any citizen of Georgia above the age of 18 (*Election Code - Article 39.4*), except for:

- ▶ Officials holding state/political positions;
- ▶ Member of the Parliament of Georgia;
- ▶ Member of the local self-government representative body - Sakrebulo;
- ▶ Heads and deputy heads of the executive branch of the local self-government body;
- ▶ Judges;
- ▶ Staff of the Ministry of Internal Affairs of Georgia, Ministry of Defense, Ministry of Corrections and Legal Assistance of Georgia, and, Georgian Intelligence Service and Special State Protection Service of Georgia;
- ▶ Officials of the Prosecutor's Office;
- ▶ Election subjects and their representatives;
- ▶ Election Commission members.

Attention!

An observer of the domestic observer organization registered at the DEC is authorized to observe the election on the polling day at any election precinct on the territory of respective election district (Election Code – Article 40.10).

Term of the Registration of the Observers of the Observer Organization

(Election Code - Article 40.9)

The Secretary of election Commission shall, no later than on the 2nd day of the submission of the list of observers, register an observer and issue the observer certificates to the organization. The observer certificate at the same time represents a badge, which shall be enforced at the moment of its issuance and its validity shall be terminated in 2 weeks after summing up the final results of elections.

Registration of Representatives of Election Subjects

(Election Code - Article 42)

A party participating in the election of the local self-government bodies independently and election bloc shall be entitled to appoint 2 representatives at every election Commission and an initiative group of voters shall have a right to appoint 2 representatives (each) in each relevant DEC and PECs.

Attention!

A representative designated to the CEC and DEC cannot be simultaneously assigned to another election Commission.

An election subject shall submit an application to the Secretary of relevant District Election Commission on the appointment of a representative to the PEC.

The application shall be signed by the leader of a party/the leader of a bloc, a representative of a voter initiative group in an upper election Commission and it shall include the following information about the representative:

- ▶ Name (first and last names);
- ▶ Date of birth;
- ▶ Address;
- ▶ Contact telephone number (if any).

In case of submitting the complete information, the DEC Secretary, within 24 hours, shall by its ordinance, register an observer and issue an observer certificate, which at the same time represents a badge.

Attention!

An election subject shall have a right to withdraw and/or replace its representative at any time, except for the polling day, on which it shall inform the appropriate election Commission (Election Code - Article 42.6).

Accreditation of Representatives of the Press and other Mass media

(Election Code - Article 44)

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

Applications on accreditation of the representatives of the press and other media shall be submitted to the relevant DEC no later than the 3rd day before the polling day (12 June).

Within 1 day after filing the application, the secretary of the appropriate DEC shall make a decision on the accreditation of the representatives of the press and other media and shall issue the appropriate certificates to the accredited representatives within 1 day after making the decision.

In case of declining the application for accreditation, the Secretary shall deliver an appropriate ordinance within the same timeframe.

CHAPTER II. REGISTRATION OF ELECTION SUBJECTS

The Right to Run in the Elections of the Local Self-Government Bodies

(Election Code - Article 141)

The Right to run in the elections of the local self-government body – Sakrebulo shall have:

- ▶ A party having the election registration;
- ▶ An election bloc;
- ▶ A candidate nominated by a party, an election bloc and voters initiative group composed of 5 people, registered with the relevant DEC.

A Georgian citizen who is **21 years** old by the Election Day and lived in Georgia for **at least 5 years, including at last 2 years constantly** until setting the Election Date.

The right to nominate candidates in the elections of the mayors and gamgebelis of the self-government units shall have *(Election Code – article 167)*:

- ▶ A party having the election registration;
- ▶ An election bloc;

A citizen of Georgia from 25 years of age, who lived in Georgia for at least 5 years and is still living in Georgia for the last 2 years continuously until appointing the election date, can be elected be as a Mayor/Gamgebeli.

Submission of Party Lists

(Election Code – article 143)

In order run for Sakrebulo elections, the parties independently participating in the elections and the election blocs shall **submit the party lists** to the Chairperson of corresponding DEC no later than 30 days before the polling day (16 May).

Each party participating in the election independently and each election bloc has a right to nominate one party list. The number of the candidates for the membership in Sakrebulo that is included in the submitted list shall not be less than the number of the proportionally elected members and shall not exceed its triple amount. The list should include the following information about each candidate:

- ▶ Last and first names;
- ▶ Date of birth;
- ▶ Occupation;

- ▶ Position (activity);
- ▶ Place of work (if unemployed, a note – “unemployed” shall be indicated);
- ▶ Party affiliation (in case of being a party member; and if not, “non-partisan” shall be indicated);
- ▶ Personal identification number of a citizen of Georgia;
- ▶ Place of registration;
- ▶ In case of nominating in the local majoritarian election district – a title and a number of the local majoritarian election district.

The party list shall be verified by the signature of the leader of the party independently participating in the elections. A party list of an election bloc shall be endorsed by the signatures of the leaders of all parties united in the bloc.

The party list shall be enclosed with two photos of each candidate and the registration card signed by him/her (in two copies) indicating the date of its filling. Along with the candidates personal data (first name, last name, personal identification number of a Georgian citizen, place of registration, and date of birth), the registration card shall indicate that the candidate has resided in Georgia for 5 years, including permanently during the last 2 years and his/her consent to run for an office under this party list.

Attention!

The DEC shall submit in advance the pre-registration cards to the party/election bloc representatives.

The DEC Secretary immediately after receiving the application and supporting materials shall submit to the representative of the party, the election bloc a dated notice about the receipt of the documents.

Nomination of Candidates for Membership of Sakrebulo in the Majoritarian Election District

(Election Code – article 144)

For the purpose of nominating a majoritarian candidate in the election district, the party independently participating in the elections, the election bloc shall apply the corresponding DEC **no later than 30 days before the polling day** (May 16).

The application shall provide the majoritarian candidate's:

- ▶ Last and first name;
- ▶ Date of birth;
- ▶ Occupation;
- ▶ Position (activities);
- ▶ Place of work (if unemployed, it shall note - «unemployed»);
- ▶ Personal identification number of the citizen of Georgia;
- ▶ Place of registration;
- ▶ Title of the election district, where s/he is nominated as a majoritarian candidate;
- ▶ Party affiliation (in case of being a party member; and if not, a note «non-partisan» shall be indicated).

The application shall be endorsed by the signatures of authorized representatives of the party or the authorized representatives of all parties united in the election bloc. The application shall be enclosed with two photos of the candidate and **the registration card signed by him/her (in two copies).**

Along with the candidates personal data (first name, last name, personal identification number of a Georgian citizen, place and date of registration, date of birth), the registration card shall indicate that the candidate has permanently resided in Georgia for 5 years, including during last 2 years, as well as include the consent to run for an office in the given election district.

Attention!

- ▶ **The DEC shall submit pre-registration cards to the party/election bloc/initiative group representatives in advance.**
- ▶ **A majoritarian candidate nominated by the party/election bloc in the election district may, at the same time may be included in the party list of the corresponding party/election bloc.**

The fact of permanent residence and an approval on the voting in a given local majoritarian district.

The DEC Secretary immediately after receiving the application and supporting materials shall submit to a representative of the party, the election bloc, the initiative group a dated certificate on the receipt of the documents.

Registration of Candidates of the Mayor/Gamgebeli

(Election Code - Article 167)

A party participating independently in the elections, an election bloc shall nominate a candidate for the elections of a Mayor/Gamgebeli no later than 30 days before the polling day (16 May).

Registration of the Party Lists and the Candidates for the Membership of Sakrebulo Nominated in the Local Majoritarian Election District

(Election Code - Article 145, Article 167)

The candidates for the membership of Sakrebulo and candidates for a Mayor/Gamgebeli, submitted for the registration of a party list nominated by the party/election block, shall be verified within 2 days after submitting the documents, but no later than 28 (May 18) days before the polling day by a Chairperson of relevant DEC, who:

- ▶ Shall register the party list, a Mayoral/Governorship (Gamgebeli) candidate, if the presented documents comply with the requirements prescribed by the Election Code;
- ▶ Notifies in writing a representative of the election subject about the inconsistency of the data (with indication of such inconsistencies) to the requirements of the Election Code in the application and the documents attached to it.

In case of inconsistent data in the application and the attached documents, the DEC Chairperson sets **2 days** to a representative of the election subject for the perfection of the documentation.

The DEC Chairperson, in case of submitting the corrected data, shall decide upon **the issue of the registration** of the documentation **within 3 days**, the registration of the candidate to a Mayor/Gamgebeli **within 2 days** after the submission of the revised documentation.

If the corrected data are **consistent** with the requirements set by the Election Code, the Chairperson of the election Commission shall register the Mayor/Gamgebeli candidate, a candidate running for the membership in Sakrebulo, the party list or its part that complies with the set requirements (if the number in this part of the list of candidates is not less than the minimum requirement).

If the corrected data are not **consistent** with the requirements set by the Election Code, the Chairperson of the election Commission shall issue an ordinance on refusal to register on election.

After registering a candidate(s) to the membership of the Sakrebulo/Mayor/Gamgebeli, the DEC Chairperson shall issue a certificates of the candidacy within 3 days.

Bases for Refusing or Revoking the Registration of the Party List or Candidates to the Membership of Sakrebulo Nominated by an Election Subject

(Election Code – Article 145.6-7)

The DEC chairperson issues an ordinance on refusing or revocating the election registration of the party list or candidates to the membership of Sakrebulo nominated by an election subject.

A party list or a candidate to the membership of Sakrebulo shall not be registered or his/her registration shall be revoked, if:

- ▶ If the requirements of the Election Code are violated;

- ▶ The registration form does not indicate the following information about a candidate:
 - ✓ Name (first name, last name);
 - ✓ Personal identification number of a Georgian citizen;
 - ✓ Date of birth (day, month, year);
 - ✓ Address (according to the personal identification card of a citizen of Georgia or the Agency database);
 - ✓ Party affiliation (in case of a membership to any party). If no party affiliation is present - «non-partisan» is indicated;
 - ✓ Position and place of work. If unemployed, «unemployed» is indicated;
 - ✓ The fact of residence in Georgia for 5 years, including permanently during the last 2 years;
 - ✓ Consent to run to the membership of Sakrebulo;
 - ✓ The local majoritarian election district name and number, in which s/he was nominated as a majoritarian candidate;
 - ✓ Date of filling in the registration card.
- ▶ A candidate included in the party list is a candidate of another party;
- ▶ A candidate is included in more than one party list and at the same time there is, or was, his/her consent to be included in more than one list;
- ▶ The candidate included in the party list expresses his/her consent in writing on his/her nomination as the candidate of another party/election bloc/voters' initiative group;
- ▶ At the same time there is or was a written consent of a candidate to the membership of another Sakrebulo, the candidate to a Mayor/Gamgebeli;
- ▶ If until the 2nd day before Election Day, an number of the candidates registered in the party list was less than the minimum prescribed by the Election Code.

Attention!

The party list and the candidate to the membership of sakrebulo nominated by the election subject shall not be registered or the registration may be revoked by a court's decision, if a case of vote-buying is established (*Election Code - Article 47*).

Bases for the Refusal or the Revocation of the Registration of a Candidate to a Mayor/Gamgebeli of a Self-Governing Town/Self-Government Community

(Election Code – Article 167.10)

A candidate to a Mayor/Gamgebeli shall not be registered or the registration is revoked if:

- ▶ The data in the applications and documents are incomplete or incorrect;
- ▶ At the same time there is or was a consent of a candidate to a mayor/gamgebeli to participate in the elections of another self-government unit Mayor/Gamgebeli and/or as a candidate in the elections for the membership any Sakrebulo;
- ▶ If requirements of incompatibility of a position with the status of a candidate are violated.

Attention!

A candidate to a Mayor/Gamgebeli shall not be registered or the registration shall be revoked by a court's decision, if the fact of bribing voters or a use of administrative resources in the election campaign is established (*Election Code - Article 47, Article 48*).

Determining a Sequential Number of Electoral Subjects

(Election Code - Article 145.10,12; Article 167.11)

The majoritarian candidates nominated by the party/election bloc, also the candidates to a Mayor/Gamgebeli nominated by the party/election bloc have the same sequential number which was granted to their election subject.

The sequential number to a candidate nominated by the initiative group of voters is assigned by the DEC no

later than 30th day before the polling date (16 May). Voting procedures are conducted in the office of the Election Commission in the presence of persons entitled to attend the sessions.

With an aim of voting, the Commission Chairperson:

- ▶ On the same form and kind of paper, with the same pen writes the numbers of the candidates in the electoral districts nominated by the initiative group on the appropriate number of pages, which starts from the next date of the highest sequence number awarded to the political parties/election blocs;
- ▶ Each sheet must be certified by the seal of the Commission;
- ▶ Each sheet is folded in such a way that it is impossible to read the numbers on them;
- ▶ Chairman of the Commission puts these papers in a transparent box, from which representatives of the initiative group of voters pick them up;
- ▶ Picked number becomes the sequential number of the election subject.

Attention!

A candidate to a Mayor/Gamgebeli shall not be registered or the registration shall be revoked by a court's decision, if the fact of bribing voters or a use of administrative resources in the election campaign is established (*Election Code - Article 47, Article 48*).

The majoritarian candidates nominated by the initiative groups participate in casting lots in the DEC according to the sequence of registration or/and submitting an application for a registration.

If after awarding the sequential number, the registration of the election subject was revoked, the remaining candidates keep the sequential numbers assigned earlier.

Information about the sequence of the election subjects, as well as the list of the subjects, who were denied the registration shall be published on the official website of the CEC no later than 3 days from the end of the registration period (May 26).

Registration of the election subjects in the elections of the Tbilisi Sakrebulo (city council) and Tbilisi Mayor please see in the appendix № 1.

PART IV

**RECEIPT OF ELECTION DOCUMENTATION AT THE DEC,
SUMMARIZING POLLING RESULTS OF ELECTIONS**

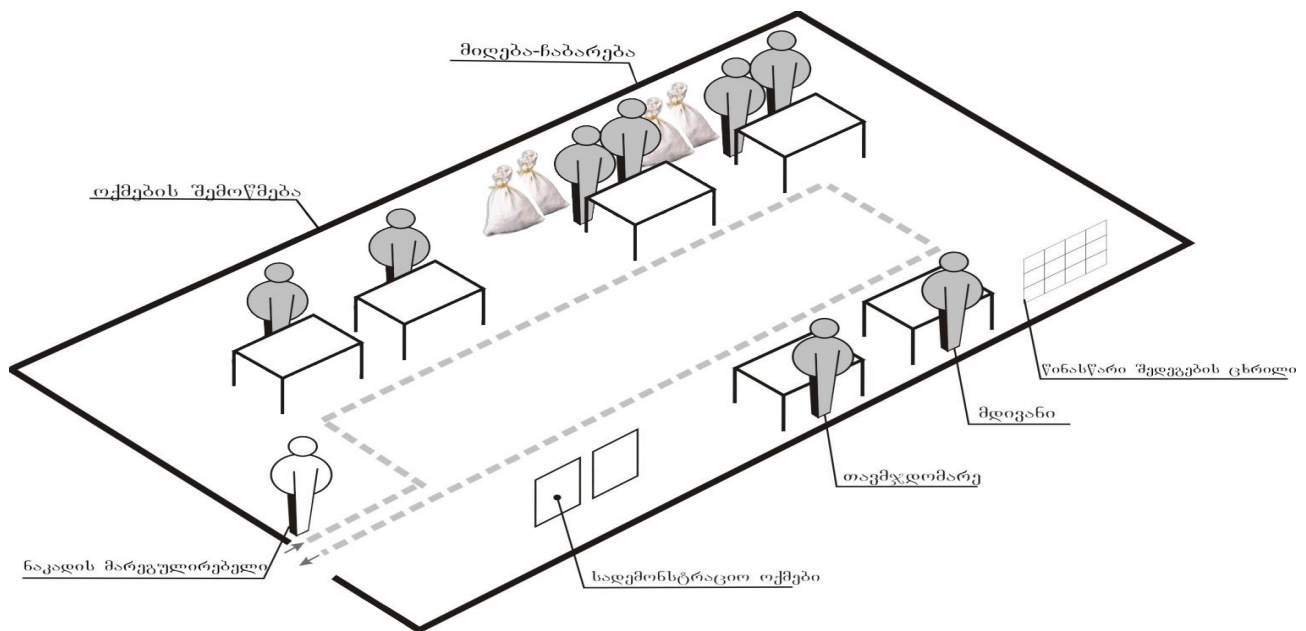
CHAPTER I. RECEIPT/SORTING OF DOCUMENTATION AT THE DEC

Receipt/Sorting of Documentation

Persons authorized by the PEC shall transfer to the DEC the election documentation box/bag and separately from that:

- ▶ Summary protocols of polling results (a summary protocol of polling results of the Mayor/Gamgebeli elections, the summary protocol of polling results of the elections held with the majoritarian and proportional systems);
- ▶ Applications/complaints, polling day logbook and a sealed envelope of the registration book.

Receipt/sorting of documentation is recommended to be carried out in accordance with the following scheme:

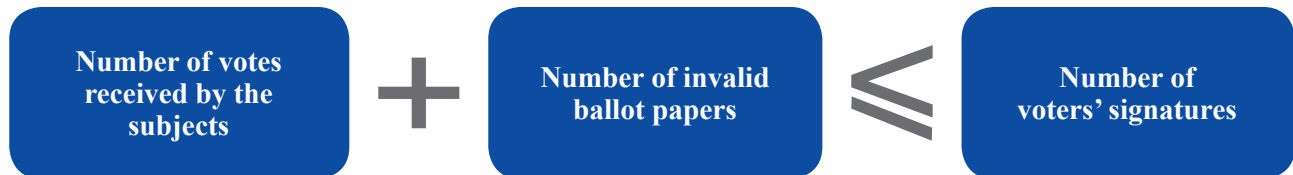


Commission member regulating the voters' flow shall:

Control a flow of persons authorized by the PECs and sends them to the DEC members responsible for checking the summary protocol of polling results.

The DEC members responsible for checking the summary protocol of polling results shall:

- ▶ Receive protocols, sealed logbook and complaints;
- ▶ Check the summary protocol of polling results based on the following scheme:



- ▶ Forward the examined protocols to the Commission Secretary.

Commission Secretary shall:

Operate the summary chart of preliminary election results in accordance with the received protocols (so that the persons authorized to be present at the election Commission could pay attention to the process of checking the protocols received from the election Commissions).

Attention!

- ▶ If the protocol is filled in incorrectly, the data of the protocol shall not be included in the summary chart of preliminary results;
- ▶ The protocol filled in incorrectly shall be set aside and considered by the DEC on a later stage.

The PEC members responsible for the submission of the election documentation shall make a note on the receipt of the election materials and shall issue a receipt-delivery act.

Summarizing Polling results of the Elections of a Sakrebulo and Mayor/Gamgebeli

(Election Code - Article 21. Article 75. Article 150)

On the basis of the summary protocols of the PECs, considering the results of the examination of a violation of election legislation, the DEC, no later than on the 11th day (26 June) following the polling, shall summarize the results of elections of the Sakrebulo and Mayor/Gamgebeli and draw up the summary protocol.

All members of the DEC attending the Commission Session are obliged to sign the summary protocol of election results. If a DEC member disagrees with the data included in the summary protocol, s/he is entitled to indicate in the protocol to what s/he disagrees and attach a written dissenting opinion to the protocol. The protocol shall be endorsed by the DEC stamp.

The Secretary of the Commission within 7 days from summarizing the results opens the PEC sealed record books, makes copies of the pages of the books, where entries to the additional rules regarding the voter's identity verification have been made (after this, the record books still need to be sealed), verifies recordings with his/her signature and together with the sealed documents (an identity card/a passport) submits it to the CEC *(Election Code - Article 75.10)*.

Verification of the Polling Results of the PEC

(Election Code - Article 21.e)

Based on the application/complaint, as well as on its own initiative, the DEC is authorized to make a decision in the form of the DEC ordinance about opening the packages received from the PEC and re-counting the ballot papers.

Attention!

In the course of opening of the election documentation, the DEC shall observe the following sequence of procedures for counting the election documentation:

- ▶ **Number of signatures in the lists of voters;**
- ▶ **Number of invalid ballot papers;**
- ▶ **Number of votes (ballot papers) cast to each candidate.**

In case of making a decision on opening the packages received from the PEC and re-counting the ballot papers, the Commission shall notify each election subject and the observer organization, representatives of which were present at the process of counting the ballot papers at the polling station, and in case of their will, ensure that their representatives attend the re-counting process.

Public Nature of Summary Protocols of Polling Results of Elections

(Election Code - Article 71. Article 150.5-8)

A copy(ies) of the summary protocol(s) of the Commission enclosed with the dissenting opinions of the Commission members (if any), upon its request, shall be immediately forwarded to the representatives of the initiative groups and observes.

The copy of the protocol shall be endorsed by the DEC stamp and the signatures of the DEC Chair and the Secretary. The representative/observer shall verify the receipt of protocols with his/her signature in the DEC registration book.

The DEC is obliged, immediately after counting the results, to post the copies of the summary protocols of polling results on a visible place for public information.

Within 10 days from counting the polling results, the DEC publishes on the official web-page of the CEC a notice about the results of the elections of a Mayor/Gamgebeli and Sakrebulo. The note should include

information about the party affiliation of the elected sakrebulo member (if a member of Sakrebulo does not have a party affiliation, “non-partisan” should be noted), date of birth, profession, main occupation and the work place.

Determining the Election Results Conducted Based on the Majoritarian Electoral System

(Election Code – Article 149)

A candidate to the Sakrebulo is considered to be elected based on the majoritarian election system, who received the highest number of votes in the elections.

If two candidates receive an equal number of votes, in this case that candidate is elected who was registered earlier in the DEC.

Determining the Election results conducted based on the proportional electoral system

(Election Code - Article 148)

The DEC, for determining a number of mandates received by a party list, must multiply the number of the received votes on the number of the distributable mandates and split it on the sum of the votes received by the parties/election blocs, who received not less than 4 % of the votes of the persons participating in the election (a primary distribution of the mandates). **The integer part of the received number is the number of the mandates obtained by the party list.**

Attention!

The number of votes of the void ballot papers shall not be considered in the number of votes of the participants of the election.

If after the initial distribution, the sum of the numbers of mandates received the party lists turned out to be less than the number of the allocated mandates, the DEC, from the remaining undistributed mandates shall allocate each mandate to the party lists with the better results, who with the **initial distribution** of mandates failed to gain any mandates, but received **not less than 4%** of the votes of the participants in the election (**secondary distribution of mandates**).

If with the **initial distribution** of the mandates, none of the party lists receives a mandate, the DEC shall allocate one mandate to each party list to be distributed through a proportional party list, who received the highest number of votes (**secondary distribution of the mandates**).

If after the secondary distribution of the mandates, undistributed mandate(s) still remain, each mandate shall be allocated to the party lists, which have obtained at least one mandate and have the balance higher than others.

Attention!

If during the secondary distribution of mandates, the number of votes received by two or more party lists will turn out to be equal, the commission shall grant a mandate to the party list which, for the participation in the elections of sakrebulo, was registered earlier at the DEC.

The candidates elected on the basis of the proportional electoral system will be considered as elected to the Sakrebulo, whose sequential numbers in the party list is less than or equals to the number of mandates received by the party list.

If a candidate to the membership of Sakrebulo is elected from a single-mandate majoritarian electoral district, as well as from party list, then, she/he is considered to be elected from the single-mandate majoritarian election district, shall be removed from the party list and the next candidate in the list will shift to the prior place.

Attention!

If a candidate elected from the majoritarian election district at the same time is elected by the party list of the election bloc and it is noted in the list, that she/he is a member of one of the subject parties united in the election bloc, then his/her mandate in the party list of the bloc, will be occupied by the following candidate to the membership of Sakrebulo from the same party (if applicable).

Registration of Elected Members to the Local Self-Government Body – Sakrebulo

(Election Code - Article 153)

The DEC Chairperson, within 5-day period (July 1) after summarizing the final results of the elections shall register the elected members of the local self-government representative body – Sakrebulo and hand over respective certificates to them.

Determining Results of the Mayor/Gamgebeli election

(Election Code - Article 169)

A candidate is considered as elected in the elections of Mayor/Gamgebeli, who got more than 50% of the votes in the elections. Invalid ballots shall not be counted in the number of votes.

Summarizing the results of the Tbilisi Sakrebulo (city council) and mayoral elections please see in the appendix № 2.

PART V

RULES FOR FILING AN APPLICATION/COMPLAINTS AND THEIR REVISION PROCEDURE

Application/Complains

On Violations of Polling and Counting Procedures

Persons Filing an Application/Complaint and Their Rights

The following persons in the PEC and upper DEC:

- ▶ Representative of an election subject;
- ▶ Organizations having an observer status;

Are entitled to file an application/complaint to the DEC on violations committed/revealed during the polling, vote counting and procedures summarizing the polling results in accordance with the rules established by the Organic Law of Georgia “Election Code of Georgia”:

- ▶ From the opening of the precinct (**from 7:00 am**) until the ballot box is opened, appeal violations of the polling procedures on the polling day (*Election Code - Article 73.1*), for which they should draft an application/complaint (**see Annex №3**) immediately after detecting the violation in compliance with the requirements of the Election Code (**see Annex №4**);

Attention!

Application/complaint form presented in Annex №3 is recommendatory in nature and can be also presented in a different form, taking into consideration required information as defined in Annex №4.

- ▶ From the time that the ballot box is opened until the summary protocol of polling results is drafted (except for drafting of the summary protocol of polling results), appeal violations occurring during the procedure of counting votes and summing up the polling results and **request revision or nullification of polling results**.

Attention!

An application/complaint, from the opening of the ballot box until drafting of the summary protocol of polling results (other than drawing up the summary protocol of polling results), on conducted violations shall be forwarded by the PEC to the upper DEC within 2 calendar days from the polling day. The applicant/complainant has a right to submit within the same timeframe the application/complaint concerning the same violation directly to the DEC.

The summary protocols of polling results of the PEC, **within 2 calendar days** of its drafting, shall be appeal before the DEC, if the PEC summary protocols of polling results are drawn up in breach of the requirements of the election legislation as provided by **Annex N6**.

Registration of the Application/Complaint at the DEC

The DEC Secretary shall register an application/complaint submitted to the DEC in accordance with the following procedure:

- ▶ The Commission Secretary notes the identity of the applicant in the Commission registration book;
- ▶ The person filing the application/complaint and the person receiving it shall sign along the inscription;
- ▶ As a proof of receipt of the application/complaint, the Commission Secretary shall issue a (signed) written notification to the applicant/complainant signed and stamped by the Secretary herself/himself (**See Annex №5**).

The Commission Secretary shall make sure that the application/complaint includes all necessary information as provided by the Organic Law of Georgia “Election Code of Georgia” (See, Annex N4).

Attention!

In case, the DEC Secretary refuses to receive (accept) an application/complaint, the applicant may call the hotline number at: 032-251 00 51

Identification of Errors to the Application/Complaints

The DEC Secretary is obliged to point out an error to the applicant submitting the application/complaint and define the reasonable term for its rectification, if the application/complaint does not include:

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

The time given for rectification should be reasonable so the specific error may be corrected.

Note : The reasonable term for rectification of the error is defined by an agreement between the DEC Secretary and the applicant/complainant. In case, the agreement between the parties is not reached, the term for rectification of the error is individually determined by the Secretary of the election Commission.

The persons filing the application/complaint and the persons receiving it shall sign in the registration book along the relevant inscription on error.

Procedures for Correcting an Error

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

If the error is corrected, the person receiving application/complaint notes - “error corrected” - in the registration book along the registered application/complaint, with reference to the exact date and time when the error was corrected. The applicant/complainant and the DEC Secretary shall sign along the relevant note in the registration book.

Note : In case the error is not corrected during the defined period, the application/complaint shall not be reviewed, on which the PEC shall deliver an ordinance (a title of which should indicate a specific reason for not examining the application/complaint).

Responding to the Application/Complaints

The application/complaint **shall not be reviewed** and the DEC issues an ordinance on disregarding the application/complaint if:

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

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

Summoning Parties to a Review of an Application/Complaint

The DEC has to inform the party on the time and place of reviewing the complaint no later than 3 hours before the start of a case examination. If the author of the complaint is:

- ▶ An observer organization or its representative registered in the election commission. The time and the place of the review of the complaint shall be notified to the respective observer of this organization registered in the election commission or to this organization;
- ▶ An election subject or its appointed representative. The time and the place of the review of the complaint shall be notified to the appointed representative of this subject;
- ▶ A member of the election Commission. S/he shall be personally informed about the review of the complaint.

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

Summoning the party by technical means shall be confirmed by:

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

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

When summoning the party through technical means an act is drawn up, which is attached to the complaint presented at the Commission Session (**See, Annex N7**). The act shall be drawn up by one of the members of the Commission on the instruction of the Chairperson of the Commission and shall be signed by the person drafting the act and the DEC Chairperson.

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

Examination of an Application/Complaint at the DEC

A decision on an examination of the complaint shall be taken after appropriate inquiry into and study of evidences submitted by the parties and materials acquired by the Election Administration of Georgia on its own initiative.

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

A party **has a right** to have relations with an Election Commission by means of:

- ▶ A representative;
- ▶ A lawyer.

A representative should present to the Election Commission **a document of proof of the representation** certified in accordance with rules established by law:

A representation of citizens is proved by the relevant document certifying its representation;

- ▶ Representation of an initiative group of voters is proved by the relevant document certifying its representation;
- ▶ Representation of an organisation (party, observer organisation) is proved by a power of attorney issued by the person in charge of that organisation;
- ▶ Representation by a lawyer is proved by a power of attorney/credentials issued by the person represented by the lawyer.

Attention!

If a representative does not present a duly approved document of representation, s/he is not entitled to participate in the process of examining the application/complaint and the decision is made without considering his/her position on the issue.

The application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC and make a decision **within 2 calendar days from its registration** in the DEC. The DEC shall deliver the decision in the form of an ordinance, which may be appealed only to a court according to the rule established by the Election Code.

Application/Complaints

On Violations of Election Legislation (Except for the Polling Day)

Decisions of PEC/head officials of the Commission may be appealed to the relevant DEC **within 2 calendar days** after their issuance.

The DEC examines the complaints regarding the decisions of PEC/Commission head officials **within 2 calendar days**.

Registration of the Application/Complaint at the DEC

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

- ▶ The DEC Secretary notes the identity of the applicant in the registration book;
- ▶ Person filing the application/complaint and the person receiving it shall sign along the inscription;
- ▶ As a proof of the receipt of the application/complaint, the Commission Secretary shall issue a written notification to the applicant/complainant signed and stamped by the Secretary herself/himself (**See, Annex N5**).

Attention!

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

Responding to the Application/Complaint

The application/complaint shall **not be examined** and the DEC issues an ordinance on disregarding the application/complaint if:

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

Attention!

The DEC does not identify the error in the application/complaints submitted on violations of the election legislation (except for the polling day). In case of an absence of the relevant bases, the application/complaint without determining the error remains unexamined.

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

Appeal Term and Procedure

Decisions of DEC/Commission Head Officials

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

The decisions of DEC/Commission head officials, except for those decisions mentioned above, may be appealed to the CEC **within 1 calendar day** after their issuance.

Attention!

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

- ▶ **The DEC ordinance on a refusal to amend the voters' data/lists;**
- ▶ **Election Commission ordinance on a refusal to register an observer organization.**

REGISTRATION OF THE CANDIDATES IN THE ELECTIONS OF TBILISI CITY SAKREBULO AND TBILISI MAYOR

Right to Participate in Tbilisi Sakrebulo Elections

(Election Code - Article 157)

The right to take part in Tbilisi Sakrebulo elections shall be conferred to

- ▶ The party having the electoral registration;
- ▶ The election bloc;
- ▶ The candidates nominated by the party, the election bloc and the initiative group of voters composed of 5 persons, if registered by the DEC.

A capable citizen of Georgia can be elected **as a member of Tbilisi Sakrebulo**, who **speaks the national language** and **is 21 years old** by the date of voting and had lived in Georgia for at least **5 years, including at least 2 years permanently** until appointing the date of the last election.

Registration of Candidates of the Mayor of Tbilisi

(Election Code - Article 167)

The following election subjects shall be authorized to nominate a candidate for Mayor of Tbilisi:

- ▶ A party having the electoral registration;
- ▶ An election bloc.

The documents of a candidate to Tbilisi Mayor are submitted to the CEC for registration.

A citizen of Georgia with the right to suffrage, from **the age of 25**, who speaks the Georgian language and had lived in Georgia for at least **5 years, including at least 2 years** permanently until appointing the date of the last election, may be elected the Mayor of Tbilisi.

Submission of Party Lists

(Election Code - Article 158)

For obtaining the mandates in Tbilisi Sakrebulo through the proportional electoral system, the party, the election bloc shall submit the party lists to the CEC no later than 30 days before the Polling Day (16 May).

Nomination of Majoritarian Candidates for Membership of Tbilisi Sakrebulo

(Election Code - Article 159. Article - 144)

For nominating majoritarian candidates in the elections of Tbilisi Sakrebulo, the party, the election bloc shall submit the party lists to the CEC no later than 30 days before the Polling Day (16 May).

The following information about the majoritarian candidates shall be included in the application:

- ▶ Name/last name;
- ▶ Date of birth;
- ▶ Occupation;
- ▶ Position (activities);
- ▶ Place of work (if unemployed, a note - «unemployed» shall be indicated);
- ▶ Personal identification number of the citizen of Georgia;
- ▶ Place of registration;
- ▶ Name of the election district and the majoritarian election district where s/he is nominated as the majoritarian candidate.
- ▶ Party affiliation (in case of being a party member; and if not, a note «non-partisan» shall be indicated).

The statement shall be certified by all the authorized persons in the party or the parties united in the electoral bloc, while the application submitted by the initiative group shall be certified by the signatures of all the members of the initiative group. The application must be accompanied by two photographs of the candidate and his/her **registration card** signed by the person **(two copies)**.

The registration card, together with the personal data (first name, last name, personal identification number of the citizen of Georgia, address (according to the identification card or the database of the Agency) and date of birth), shall include information about living in Georgia for 5 years, including the fact of his/her permanent residence in Georgia during last 2 years and the consent to vote in the local majoritarian election of the election district.

Attention!

The DEC submits the registration cards to the party/election bloc/initiative group in advance.

The Secretary of the Commission, immediately after receiving the application and supporting materials, submits to the representative of the party, the election bloc, the initiative group a dated certificate on the receipt of the documents.

Attention!

The majoritarian candidate nominated by the party/election bloc can at the same time be included in the party/election bloc party list.

Registration of Candidates of the Mayor of Tbilisi

(Election Code - Article 167)

The party participating independently in the elections of Tbilisi Mayor/the election bloc shall nominate a mayoral candidate to the CEC Georgia no later than 30th day (16 May) until the polling day.

Registration of the Majoritarian Candidates of Tbilisi Sakrebulo

(Election Code - Article 145. Article 167)

The application and the supporting documents submitted for the registration of a candidate to the membership of Sakrebulo nominated by the party/election block, within 2 days after submitting the documents, but no later than 28 days before the polling day (18 May), shall be verified by a Chairperson of relevant DEC, who:

- ▶ Shall register the party candidate to the Sakrebulo membership, if the documents presented comply with the requirements prescribed by the Election Code;
- ▶ Notifies in writing a representative of the election subject about the inconsistency of the data (with an indication of such inconsistencies) to the requirements of the Election Code in the application and the documents attached to it.

The DEC Chairperson, in the event of discrepancy in the registration documents sets **2 days** to a representative of the election subject for correcting the documentation.

The DEC Chairperson, in case of submitting the revised data, shall decide the **issue of the electoral registration within 3 days** after submitting the documents.

If the corrected data are **consistent** with the requirements of the Election Code, the DEC Chairperson shall identify the majoritarian candidate for membership of Sakrebulo.

If the corrected data **do not conform** to the requirements prescribed by the Election Code, the DEC Chairperson shall issue an ordinance refusing the registration (the ordinance shall be communicated to the representative of the election subject immediately and shall be submitted upon request).

After registering the candidate (candidates) to the membership, the DEC chairperson shall issue the certificates of candidacy **within 3 days**.

Rejection of the Registration of Majoritarian Candidates for Membership of Tbilisi Sakrebulo

(Election Code - Article 145. 6-7)

The DEC Chairperson issues an ordinance on the rejection of the registration of majoritarian candidates for the membership of Tbilisi Sakrebulo or revoking such registration.

The candidate to the membership of Sakrebulo shall not be registered if:

- ▶ Requirements of the Election Code are violated;
- ▶ The following is missing in the registration card:
 - ▶ First and last name;
 - ▶ Personal identification number of the citizen of Georgia;
 - ▶ Date of birth (year/month/day);
 - ▶ Place of registration;
 - ▶ Party affiliation (in case of being a party member; and if not, «non-partisan» shall be indicated);
 - ▶ Position and work place (if unemployed, a note - «unemployed» shall be indicated);
- ▶ The fact of residing in Georgia for 5 years, including the fact of permanently residing in Georgia for the last 2 years;
- ▶ Candidate's consent to run for the membership of Sakrebulo;
- ▶ Title and number of the local majoritarian election district, in which the candidate is nominated as a majoritarian candidate;
- ▶ Date of filling out the registration card.
- ▶ If there is or was a simultaneous written consent on the nomination of another candidate to the membership in Sakrebulo, the mayoral candidate.

Attention!

A majoritarian candidate to the membership of Tbilisi Sakrebulo will not be registered or his/her registration will be revoked by a court's decision, if cases of vote-buying are confirmed (*Election Code - Article 47*).

Determining a Sequential Number of Majoritarian Candidates to the Membership of Tbilisi Sakrebulo

(Election Code - Article 145.10,12; Article 167.11)

The majoritarian candidates nominated by the party/election bloc have the same sequential number which was granted to their election subject.

The sequential number to a candidate nominated by the initiative group of voters **is assigned by DEC** no later than 30th day before the polling date (16 May). Voting procedures are conducted in the office of the Election Commission in the presence of persons entitled to attend the sessions.

With an aim of voting, the Commission Chairperson:

- ▶ On the same form and kind of paper, with the same pen writes the numbers of the majoritarian candidates in the electoral districts nominated by the initiative group on the appropriate number of pages, which starts from the next date of the highest sequence number awarded to the political parties/election blocs;
- ▶ Each sheet must be certified by the seal of the Commission;
- ▶ Each sheet is folded in such a way that it is impossible to read the numbers on them;
- ▶ Chairman of the Commission puts these papers in a transparent box, from which representatives of the initiative group of voters pick them up;
- ▶ Picked number becomes the sequential number of the election subject.

Attention!

The majoritarian candidates nominated by the initiative groups participate in casting lots in the DEC according to the sequence of registration or/and submitting an application for a registration.

If after awarding the sequential number the registration of the election subject was revoked, the remaining candidates keep the sequential numbers assigned earlier. Information about the sequence of subjects, as well as the list of subjects, who were denied the registration shall be published on the official website of the CEC no later than 3 days from the end of the registration period (May 26).

SUMMARIZING POLLING RESULTS OF THE ELECTIONS OF TBILISI SAKREBULO AND TBILISI MAYOR

Summarizing Polling Results of the Elections of Tbilisi Sakrebulo and Tbilisi Mayor

(Election Code - Article 156.2-3; Article 169)

The election results of Tbilisi Sakrebulo conducted under the majoritarian electoral system shall be summarized and ascertained by the relevant DEC. The CEC shall exercise the functions of an election commission summarizing election results of Tbilisi Sakrebulo held through the proportional system.

The Election Results of Tbilisi Mayor shall be summarized by the DEC and election results are determined by the CEC.

Summing up of Sakrebulo Election Results and Results of Polling at the DEC

(Election Code - Article 21, Article 75, Article 150)

On the basis of the summary protocols of the PECs, considering the results of the examination of a violation of election legislation, the DEC, no later than on the 11th day (26 June) following the polling, shall summarize the results of elections of a sakrebulo and a mayor and draw up the summary protocol.

All members of the DEC attending the Commission session are obliged to sign the summary protocol of election results. If a DEC member disagrees with the data included in the summary protocol, s/he is entitled to indicate in the protocol to what s/he disagrees and attach a written dissenting opinion to the protocol. The protocol shall be endorsed by the DEC stamp.

The Secretary of the Commission within 7 days from summarizing the results opens the PEC sealed record books, makes copies of the pages of the books, where entries to the additional rules regarding the voter's identity verification have been made (after this, the record books still need to be sealed), verifies recordings with his/her signature and together with the sealed documents (an identity card/a passport) submits it to the CEC *(Election Code - Article 75.10)*.

Verification of the polling results of the PEC

(Election Code - Article 21.e)

Based on the application/complaint, as well as on its own initiative, the DEC is authorized to make a decision on opening the packages received from the PEC and re-counting of ballot papers by the DEC ordinance.

Attention!

In the course of opening of the election documentation, the DEC shall observe the following sequence of procedures for counting the election documentation:

- ▶ **Number of signatures in the lists of voters;**
- ▶ **Number of invalid ballot papers;**
- ▶ **Number of votes (ballot papers) cast to each candidate.**

In case of making decision on opening the packages received from the PEC and re-counting ballot papers, the Commission shall notify each election subject and the observer organization, representatives of which were present at the process of counting the ballot papers at the polling station, and in case of their will, ensure that their representatives attend the re-counting process.

Public Nature of Summary Protocols of Polling Results of Elections

(Election Code - Article 75. Article 150.5-8)

The DEC is obliged, immediately after counting the results, to post the copies of the summary protocols of polling results on a visible place for public information.

A copy(ies) of the summary protocol(s) of the Commission enclosed with the dissenting opinions of Commission members (if any), upon its request, shall be immediately forwarded to the representatives of the initiative groups and observers.

The copy of the protocol shall be endorsed by the DEC stamp and the signatures of the DEC Chair and the Secretary. The representative/observer shall verify the receipt of protocols with his/her signature in the DEC registration book.

Within 10 days from counting the polling results, the DEC publishes on the official web-page of the CEC a notice about the results of the elections conducted based on the majoritarian election system. The note should include information about a party affiliation of the elected Sakrebulo member (if a member of Sakrebulo does not have a party affiliation, “non-partisan” should be noted), date of birth, profession, main occupation and the work place.

Determining the Election Results Conducted Based on the Majoritarian Electoral System

(Election Code – Article 161)

A candidate to the Tbilisi Sakrebulo is considered to be elected based on the majoritarian election system, who received the highest number of votes in the elections.

If two candidates receive an equal number of votes, the candidate who earlier submitted the application about the registration to the DEC .

Registration of Members Elected to Tbilisi Sakrebulo

(Election Code – Article 163)

Within 5 days of the summarization of the final results of the elections, the CEC shall register the members of Tbilisi Sakrebulo and issue relevant certificates to them.

Determining the Election Results of the Election of Tbilisi Mayor

(Election Code – Article 169)

In the election of the Tbilisi Mayor, a candidate who received more than 50% of the votes, is considered to be elected. Invalid ballots shall not be counted in the number of votes participating in the election.

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

Application/complaint
(under line necessary)

Applicant/complainant-----

First name, Last name, Address according to the place of registration, and contact telephone number

Fax, E-mail (if any)

Violation: polling procedure ☐

Time of violation-----
Hour, minute

Counting of votes/summarizing polling results ☐

№ "___" "_____" Election Precinct -----

Essence of the violation:-----

Witness(if any)-----

First name, Last name, Address according to the place of registration

In case an offender is revealed-all possible data obtained on him/her:-----

Explanation by the offender (if any);-----

(other additional information)-----

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

"___" "___" "20___" Year

Applicant/complainant:

of the application -----

(Time of completion (hour, minute

/Signature/

Required Information of the Application/Complaint Submitted to the Election Commission

Application/complaint shall include:

- Date and time of drafting the application/complaint*;
- First name, last name and place of registration of the applicant/complainant*;
- Number of the election precinct*;
- In case of a witness -his/her first name, last name and place of registration*;
- Essence and time of violation**;
- In case an offender is revealed - all possible data obtained on him/her**;
- Explanation by the offender (if any)**;
- Contact details of the applicant/complainant: a telephone number (home and/or cell phone)***;
- As well as fax and email (if any)of the applicant/complainant***;¹
- Otheradditional information.

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

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

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

№“.....”.....The DEC

Certificate

On registration of an application/complaint

Date of the receipt of an application/complaint

Time of the receipt of an application/complaint.....

Registration number of an application/complaint

Commission Secretary:.....

/Signature/

Appeal of the summary protocols of polling results of the PEC is possible before the DEC , if the protocol does not include or inaccurately include the following:

- ✓ Number and title of the election district, number of the election precinct;
- ✓ Number of the election precinct set up for special cases (if any), which is assigned to the main election precinct;
- ✓ Title of the elections/referendum;
- ✓ Polling date (if it is a repeat voting or the second round of election, this should also be indicated);
- ✓ Numbers of stamps of the PEC and the registrars of voters;
- ✓ Quantity of voters in the General List;
- ✓ Quantity of voters in the Special List;
- ✓ Quantity of signatures of voters participating in the elections at 12:00 and at 17:00;
- ✓ Total number of voters participating in the elections (in accordance with the signatures in the voters' lists);
- ✓ Quantity of ballot papers received;
- ✓ Quantity of ballot papers deemed invalid;
- ✓ Title of election subjects, number of votes cast to election subjects;
- ✓ Date and time of drawing up the protocol;
- ✓ Data of the protocol to which the PEC member does not agree (this shall be inscribed in the box "dissenting opinion" and shall be signed by the commission member);
- ✓ Registration number of the protocol, date and time of registration (shall be recorded upon issuing the protocol).

Act
On Summoning of the Party by Technical Means

City/town -----

„----“ „-----“20--Year

Person drafting the act-----

(Name, Last name, position)

have drafted the present Act on-----

(Identity of a person being summoned , name and number of technical means employed for summoning of the party and the result)

(Time and place for examination of a complaint)

(Title of a complaint on which the person is to be summoned)

In case of absence, the party was informed about content of Articles 77 (Paragraphs 25,31) of the Organic Law of Georgia-Election Code of Georgia.

In view of the above mentioned, the present Act was drawn up , the validity of which we hereby certify with our signatures:

(Signature of a person completing the Act)

(Signature of the chairperson of the DEC/CEC Head of Unit)

Time of drafting of the Act -----

NOTE

[illegible]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

NOTE

[illegible]

[illegible]