

GUIDELINES FOR DISTRICT ELECTION COMMISSION MEMBERS



CEC
ELECTION ADMINISTRATION
OF GEORGIA



ELECTORAL SYSTEMS
DEVELOPMENT, REFORMS AND
TRAINING CENTRE

Elections of
President of
Georgia

2018

GUIDELINES FOR DISTRICT ELECTION COMMISSION MEMBERS

Elections of the President of Georgia of October 28, 2018

APPROVED BY CEC DECREE N44/2018 OF AUGUST 27, 2018

THE PRESENT GUIDELINES ARE INTENDED TO TRAIN THE MEMBERS OF THE DISTRICT ELECTION COMMISSIONS (DECS) FOR THE OCTOBER 28, 2018 PRESIDENTIAL ELECTIONS. FOR THE PURPOSES OF GETTING ACQUAINTED WITH THE FULL RANGE OF LEGISLATIVE REGULATIONS RELATED TO THE DEC POWERS AND RULES OF OPERATION, REFER TO THE ORGANIC LAW OF GEORGIA - THE ELECTION CODE OF GEORGIA AND THE RELEVANT LEGAL ACTS OF CEC.

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PART I

COMPOSITION OF DECS AND RULES OF THEIR OPERATION

CHAPTER I. RECRUITING PROCEDURE FOR DECS AND THE AUTHORITIES OF DECS

Recruiting procedure for DECs and the term of their authority

(Election Code – Article 19; Article 20)

DECs shall consist of 12 members:

- ▶ five members shall be elected by the CEC (with a term of 5 years);
- ▶ six members shall be appointed by parties (the mentioned members shall be appointed after calling of the elections and their term of authority ends upon the announcement of the final results of the elections);
- ▶ one member shall be elected by the CEC (he/she shall be elected after the elections are called and his/her term of office shall terminate upon the announcement of the final results of the elections).

ATTENTION

Political parties may call off at any time the DEC member appointed by them except the election day (October 28). The party has to notify the respective district election commission about this.

Authorities of the DECs

(Election Code – Articles 21)

The DECs shall within their territorial limits fully exercise their authorities as laid down by article 21 of the Organic Law of Georgia – “the Election Code of Georgia”, and among other things shall:

- ▶ ensure the organization of elections in the electoral districts, monitor the observance of the electoral legislation of Georgia and ensure its uniform application;
- ▶ establish and ascertain the boundaries of electoral precincts by an ordinance;
- ▶ facilitate the formation of the lists of voters in accordance with the established procedure, ensure their publicity and availability;
- ▶ grant the status of a local observer to non-entrepreneurial (non-commercial) legal entities by an ordinance;
- ▶ review the applications and complaints related to the election process and make relevant decisions within the scope of their authorities;

- ▶ based on the summary protocols of polling results of PECs, summarizes polling results of the presidential elections and drawing up the DEC summary protocols of polling results, while taking into consideration the judgments of district and city courts on the violations of the election legislation
- ▶ elect the members of DEC and assign them duties and right by issuing an ordinance.
- ▶ ensure the organization of re-run elections, repeat voting, and run-off elections;

DEC head officers and their authorities

(Election Code – Articles 8; 20; 22 and 25; Regulations of DEC – Articles 1; 2; 4; 9.4; Regulations of PECs – Article 1)

The following persons shall be the DEC head officers:

- ▶ DEC chairperson;
- ▶ DEC deputy chairperson;
- ▶ DEC secretary.

The DEC chairperson shall:

- ▶ chair DEC meetings;
- ▶ manage financial resources of a DEC;
- ▶ give assignments to the deputy chairperson, secretary, other members contract-base employees, assisting and technical personnel;
- ▶ convene the first session of a PEC;
- ▶ signs employment contracts with DEC assisting and technical personal.
- ▶ take a decision by issuing an ordinance to remove a person interfering with the work of the commission and breaking an order from the premises of the commission (the decision on removing a person from the room during the session is taken by the commission);
- ▶ determine by an ordinance the number of work days and hours of the commission;
- ▶ issue an ordinance to leave the application unheard in accordance with the ordinance N8/2012 from March 2, 2012 on approving the Guidelines for Lodging and Hearing Applications/Complaints with the Election Administration, provided there are grounds as laid down by the Organic Law of Georgia - the Election Code of Georgia;
- ▶ exercise other authorities as provided for by the election legislation of Georgia.

The DEC deputy chairperson shall:

- ▶ perform the duties of the DEC chairperson if the DEC does not have a chairperson or the DEC chairperson is unable to perform his/her duties;
- ▶ exercise certain authorities granted by an ordinance of the DEC chairperson (the ordinance shall clearly specify scopes and terms of the powers).

The DEC secretary shall:

- ▶ distribute electoral documents and correspondence submitted to the DEC;
- ▶ registers by an ordinance the the CEC registered party and representatives of initiative groups of voters and presidential candidates, and issues relevant certificates to them;
- ▶ registers by an ordinance observers appointed by the non-entrepreneurial (non-commercial) legal persons with a status of an observer of elections/referendum, and provides them with respective certificates;
- ▶ prepare drafts of commission ordinances, draw up minutes of election commission sessions, including the summary protocols of polling and election results;
- ▶ exercise other authorities as provided for by the election legislation of Georgia.

The Legal acts of DEC:

(Election Code – Articles 30.1(B)) (Regulations of District Election Commission – Article 7)

The Legal acts of DEC are the following:

- ▶ DEC ordinances;
- ▶ Ordinances of the DEC chairperson;
- ▶ The ordinances of the DEC secretary;
- ▶ the summary protocols on voting and election results of the DEC.

Engagement of DEC members and restrictions applied to them in pre-election agitation/campaign

(Election Code – Articles 45.4 (A); 45.9-10; and 46.4)

DECs shall obtain information from local self-government bodies on premises suitable for conducting pre-election campaigns (agitation) and also information about areas allocated for displaying agitation material and/or election campaign banners.

DEC shall provide the publicity of allocated list of premises within 2 days of its receipt, as well as equal access to these premises by all political parties and election subjects and shall build the schedule of election events in agreement with them (if there is an overlap of events and the election subjects failed to reach an agreement, the sequence of events shall be determined by the casting of lots).

DECs shall respond in writing and send grounded reply to electoral subjects, which applied to them with the request to allocate premises no later than 24 hours after the submission of the given application. Failure to give an answer within the indicated term shall be deemed as a positive answer.

ATTENTION

DEC members may not agitate and be engaged in pre-election agitation.

CHAPTER II. RULES OF OPERATION OF DECS

Rules of preparation of DEC meetings

(Election Code – Article 8; Regulations of District Election Commissions – Articles 9-10)

The DEC chairperson on his own initiation or upon the request of his/her deputy shall convene a DEC meeting.

The DEC secretary shall post the decision on convening a DEC meeting immediately after the given decision has been made in a visible place in the DEC with the indication of the date, exact time and planned agenda.

The DEC deputy chairperson, and in the case of his/her absence, the DEC secretary, shall be personally responsible to notify each DEC member on the date and exact time of a DEC meeting.

A DEC meeting shall be open to public

(Election Code – Article 8(15); Regulations of Precinct Election Commission – Articles 9(10))

The following persons shall have the right to attend a DEC meeting:

- ▶ CEC members and representatives;
- ▶ the members of the staff of the CEC and of the respective DEC;
- ▶ the representatives of media accredited by the CEC secretary or by the respective DEC secretary;
- ▶ one representative of each electoral subject to the respective DEC;
- ▶ one observer of the local observer organisation registered by the CEC secretary or by the respective DEC secretary;
- ▶ not more than two observers (together with an interpreter) from the international organisation registered with the CEC.
- ▶ interested parties invited to review specific issue(s), (who shall leave the meeting immediately after the relevant decision envisaged by the agenda has been made).

The persons authorise to attend the meeting of the DEC may without hindering the election process or the session of the commission take photographs and videos in the manner provided for by the decree N33/2017 of the CEC from August 21. 2017.

In the case of any breach of order and interference in the work of the district election commission, the commission may decide to remove the interferer (including the member of the commission) from the session, which shall be recorded in the minutes of the session. Removing the person interfering with the work or breaching the order means removing him/her from the premises of the election commission.

ATTENTION

The interference with the functions and activities of the election commission is an administrative offence on which an authorised person (official) assigned by the election commission shall draw up an administrative offence report and shall immediately send the report to the respective municipal or city courts. Where the commission of the offence is confirmed, the court shall decide on fining the person with GEL 500 (*Election Code of Georgia – article 91¹*).

Conducting DEC meetings

(Regulations of District Election Commission – Articles 9-10)

DEC meetings shall be chaired by the DEC chairperson or his/her deputy assigned by the chairperson. The meeting shall be considered valid if it is attended by the majority (at least 7 members) of its full composition (12 members). The DEC members shall verify their attendance by signing an attendance sheet. The DEC secretary shall prepare the agenda of DEC meetings.

Every member of the Commission may deliver a speech for 2 minutes related to the topic under the agenda, following the sequence determined by the chairperson of the meeting. The members of the DEC may deliver an additional speech on the same issue for 2 minutes with the consent of the chairperson of the meeting.

The members and the employees of the election commission as reporters on the issue under the agenda shall have no more than 10 minutes for the speech and where needed may be added another 5 minutes by the decision of the chairperson of the meeting.

The persons authorised to attend a commission meeting and the persons interested in the issue under agenda may address the meeting after the commission members, with the consent of the chairperson of the meeting and for the reasonable duration not exceeding 2 minutes for one address and with a timing specified by the chairperson. The chair of the meeting may decide with regarding to each person on the same issue to allocate addition time for the remarks not exceeding 2 minutes.

ATTENTION

The representative of the electoral subject may ask for a speech and for expressing the opinion on the respective meeting of the commission regarding the decision to be taken (*Election Code of Georgia – Article 42.5*).

During the discussion of issues, the questions may be asked to parties and by the parties and responded only with a consent of the chair of the meeting.

Procedure for adopting ordinances at DEC meetings

(*Election Code – Article 8(4); 8.5; 8.6; District Election Commission Regulations – Article 7; Article 10*)

The DEC draft ordinance shall be drafted by the Commission secretary. A DEC ordinance shall be deemed adopted if it is supported by the majority of the members present at the DEC meeting, but by at least one third of its total membership (at least 4 members of the commission).

In the case of an equal number of votes, the chairperson of the meeting shall give the casting vote except when deciding on the issues of human resources (not less than 7 votes) and when deciding on the issues of declaring void the results of electoral precincts, of opening the packages from PECs and of recounting the ballot papers (these decisions are made not less than by two third of the votes attending the meeting).

The decree of the commission shall be signed by the chairperson and the secretary of the meeting.

Minutes of DEC meetings

(*Election Code – Article 8.7-9; Regulations of District Election Commissions – Article 9*)

The sequence of reviewed issues and rendered decisions at the DEC meeting shall be recorded in the minutes of the DEC meeting. The minutes of the DEC meeting shall be signed by the DEC chairperson and the secretary. The secretary of the meeting shall draw up minutes of the meeting within a day from the meeting and shall indicate the date of the meeting.

ATTENTION

A DEC member objecting to the decision of the commission shall be entitled to express his/her dissenting opinion, which shall be included in the minutes of the meeting.

A DEC member with a dissenting opinion shall respect and comply with the decisions delivered by the commission. He/she may not impede the execution of the DEC decision by his/her action/omission.

Rules of correspondence operation of DEC's

(Regulations of District Election Commissions – Article 11)

Each DEC shall keep the registration books for registering the incoming and outgoing letters of the commission and for registering applications for a competition, and the DEC secretary shall be responsible for their maintenance.

The DEC shall receive the correspondence and documents (including the correspondence and documents received on the electronic mail in the electoral form) from 10:00 to 18:00 in accordance with the Rules of Communication of the CEC and DEC's approved by Order N 01-87 of the CEC Chairperson from August 1, 2017.

ATTENTION

DEC shall not accept applications/appeals in electronic form

At 18:00 of each day (except the polling day) the DEC secretary shall close the registration books if during the working day applications/letters or the correspondence of other type were registered. For this purpose, the DEC secretary shall make a notation – “registration book is closed” – in the registration book after the last entry, indicating the date, the exact time and his/her signature. No document shall be registered in the registration book after it is closed.

The election commission shall provide election documents and the information about the election to the interested persons within 2 days after the request is made. Where the provision of the information needs more time, the provision of the information shall be carried out in accordance with the General Administrative Code of Georgia.

ATTENTION

The photocopies of the decision by the DEC and the head officers of the DEC, of the summary protocols of polling from DEC's and the summary protocol of the election results shall be served immediately on interested persons upon their request;

The photocopies of the summary protocols of PECS of the polling results shall be served on interested parties immediately upon request from the second day of the polling (the photocopies of the summary protocols shall be issued by DEC's).

The decisions made on the complaints (except the minutes of the DEC meeting) shall be served to the party participating in the hearing of the complaint before 12:00 of the next day after adopting the decision;

PART II

DEC ACTIVITIES IN THE PRE-ELECTION PERIOD

CHAPTER I. ORGANISING THE FIRST MEETING OF THE PEC

The first meeting of the PEC

(Election Code – Article 8.23; article 25.21)

The first meeting of PECs shall be held no later than 30 days before the elections (September 28). The DEC chairperson shall convene the meeting. The meeting shall be competent if it is attended by the majority but no less than 7 members. The meeting shall be chaired by the senior member of the commission until the election of the chairperson.

Procedure of election of the PEC chairperson/deputy chairperson/secretary

(Election Code – Article 25)

The PEC chairperson/deputy chairperson and the PEC secretary shall be elected on the first meeting of the commission from the commission members, by a roll-call, by a majority vote of the total number of members. No less than 2 members of the commission shall have the right to nominate a candidate.

ATTENTION

- ▶ The PEC chairperson/deputy chairperson/secretary shall not be the members of the election commission nominated by one election subject.
- ▶ The same person may be nominated only twice for the position of the PEC chairperson/deputy chairperson/secretary.
- ▶ The person who is nominated for the position of the PEC chairperson/deputy chairperson/secretary may participate in the voting and cast a vote in his/her own favour.

The minutes shall be drawn up on the meeting of PEC, the chairperson and the secretary shall sign the minutes. The secretary of the meeting shall draw up minutes of the meeting within a day from the meeting, however shall indicate the date of the meeting. Procedure of election of the PEC chairperson/deputy chairperson/secretary shall be registered by the ordinance of the election commission.

If the PEC chairperson/deputy chairperson/secretary is not elected within the specified time limit, the duties of the above officials, until their election, shall be performed by the commission member that received the highest number of votes during the vote, and in the case of equal votes, the person who is selected from among themselves by casting lots.

CHAPTER II. THE PROCEDURE FOR COMPILING, PUBLISHING AND VERIFYING OF THE UNITED LIST OF VOTERS

The unified list of voters

(Election Code – Article 31)

The unified list of voters is the list of voters with active suffrage registered in the manner as provided for by the legislation of Georgia, and is divided by the precincts. The unified list of voters shall be compiled based on the data submitted by the Public Service Development Agency, other relevant ministries and agencies. The CEC shall be responsible for the compilation, the computer processing and for publishing the public part of the unified list of voters on the official web page of the CEC.

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

- ▶ last name, first name;
- ▶ date of birth (day, month, year);
- ▶ address (according to an identity card of a citizen of Georgia or the database of the Public Service Development Agency (the Agency);
- ▶ personal identification number of a citizen of Georgia;
- ▶ actual place of residence (for IDPs (internally displaced persons) from the occupied territories of Georgia, for individuals registered without an indication of an address, for individuals removed from registration according to their place of residence, as well as for individuals, whose registration has been declared invalid by a decision of the Agency, a temporary place of residence shall be indicated; for individuals living abroad, “on a consular registry” shall be indicated, and, if individuals living abroad are not on a consular registry of Georgia, “staying abroad” shall be indicated);
- ▶ date of registration in the unified list of voters;
- ▶ gender.
- ▶ photograph (the latest digital photo available in the electronic database of the State Services Development Agency).

Submission of the unified list of voters to the PEC and the procedure of its publication

(Election Code – Articles 31.11 and 34.1)

The DEC shall transfer to the PECs within its territory the public version of the unified list of voters (the wall list) certified by the CEC no later than the first meeting of the PECs (not later than 30 days before the polling day (September 28)).

The public version of the unified list of voters (the wall list without photographs) and the procedure for filing complaints with regard to the list shall immediately be displayed in a visible place at the polling place.

PECs shall receive verified final versions of the lists of voters **not later than the second day** before the polling day (October 26):

- ▶ version intended for PECs (the table list);
- ▶ version intended for public (the wall list).

ATTENTION

- ▶ The preliminary version of the wall list shall be replaced by the verified version, which shall be placed on the same place.
- ▶ The table list and its copy shall not be issued as public information.

Verification of unified list of voters

(Election Code – Article 31.7-7¹)

Parties registered for the elections, the initiative group of voters registered under the law, observer organisations defined in article 39 of the election code and voters shall have the right to get acquainted with the public version of the lists of voters available at DEC and PECs (an initiative group of voters shall have the right to get acquainted with only the public version of the lists of voters registered within the respective majoritarian electoral district, and a voter shall have the right to get acquainted only with the data available about himself/ herself and members of his/her family, and to amend them) and in the case of any inaccuracies, to request the amendment of the voters' data and of the lists of voters **not later than the 18th day** (October 10) before the Election Day, and any time when there is no election period.

ATTENTION

The access to the data on voters and the release of the copies of such data shall be carried out in accordance with the procedure established by the legislation of Georgia for accessing and releasing public information.

The public version of the unified list of voters with photographs shall be issued only in electronic form. A person authorised to receive the mentioned list shall submit the DEC an electronic storage medium with adequate storage capacity.

The applications for making amendments to the list of voters shall be submitted both to the DEC and the PEC. The PEC shall immediately forward applications on amendments to the lists of voters (with attached documents if any) to the relevant DEC.

Consideration of the results of the verification of the voters' lists and making decisions

(Election Code – Article 21 (l); Article 26.2; Article 31.8-9)

During the election period, the electoral administration shall verify the lists of voters. The DEC shall consider the results of the verification and shall take decisions within 2 days from receiving the applications and the proposals from PECs (regarding making amendments if any), however *not later than the 16th day before the election day (October 12)*.

ATTENTION

For the above purpose, the DEC may apply to the Public Service Development Agency – a legal entity under public law (LEPL) operating under the Ministry of Justice of Georgia - Public Service Development Agency, Ministry of Internally Displaced Persons from the Occupied territories of Georgia, Labour, Health and Social Protection or/and territorial branch office of the Ministry. In the case of application, the agency shall immediately provide the DEC with the relevant information.

An ordinance on the refusal to make amendments to the voter data/lists of voters shall be reasoned and upon request, shall be given to the applicant from the next day of its issuance. Whereas, the ordinance on making amendments to the data on the voters or to the lists of voters shall be provided to the CEC and the relevant PEC within 2 days.

Terms and procedure for filing the DEC decisions on the data of voters or the lists of voters

(Election Code – Article 31.10)

The ordinance of the DEC on the refusal to make amendments to the voter data/lists of voters may be appealed to the relevant municipal/city court within two days of its issuance.

If the appeal is satisfied by the court, the court judgment shall be served on the DEC within 2 days, however **not later than the 13th day before the election day (October 15)**. The DEC shall submit the relevant information to the CEC and also provide the relevant PEC with the information. The DEC shall, by an ordinance, immediately enter the appropriate changes into the data of voters/list of voters.

Special List of Voters

(Election Code – Article 32)

The DEC shall draw up and certify with signatures of the chairperson of the DEC and the secretary of the DEC the special lists of voters **not later than the third day** before the polling day (October 25) and shall immediately provide the list to the relevant PEC. The special lists of voters shall contain the same data of voters that are entered in the unified list of voters, with or without photographs *(Election Code – Articles 32.7¹)*.

DECs shall enter into the special list of voters the following persons:

- ▶ the officials of election administration, who are unable to vote on the polling day according to the place of their registration due to their activities in election commissions (DECs shall enter these persons into the list of the pre-determined electoral precinct **not later than the 5th day** before the polling day – October 23);
- ▶ the voters who are receiving treatment in a hospital or in any other inpatient medical facility and who cannot be discharged from such facility on the polling day because of their health condition (the list of these persons shall be submitted to the DEC by the head of the medical facility concerned **not later than the 6th days** before the polling (October 22);

- ▶ voters who are in custody on the polling day (the list of these persons shall be submitted to the DEC by the head of the penitentiary facility not later than the 6th day before the polling (October 22));
- ▶ voters who are under an administrative detention on the polling day. (the list of these persons shall be submitted to the DEC by the head of the respective facility concerned **not later than the 4th day** before the polling (October 24));
- ▶ the service members and persons with special ranks of the Ministry of Defence of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Corrections of Georgia, the State Security Service of Georgia, the Georgian Intelligence Service and the Special State Protection Service of Georgia, as well as officers of the Medical Department, the Penitentiary Department and penitentiary institutions of the Ministry of Corrections of Georgia whose working or health conditions on the election day requires their presence at the location other than the address they are registered at, belonging to another electoral district (The lists of these persons shall be submitted to the DEC by the commanders of respective divisions/units or heads of respective institutions/divisions **not later than on 25th day (October 3), and not later than on the 6th day (October 22)** before the polling day, taking into account the results of conscription). The starting and ending dates of the service of such category of voters at the relevant deployment shall also be entered into the special list of voters.

After compiling the special lists of voters, the DEC concerned shall forward to the relevant PEC the data of persons who are entered into another precinct's special list of voters.

The PEC Secretary shall find voters incorporated into special lists or those transferred to special lists of another precinct in the general list of voters (in table and wall lists) and in the box "actual status", shall make a respective note.

ATTENTION

The public version of the special list of voters (wall list) shall be posted in the premise of PECs and polling places in visible place.

Where a voter applies to the DEC who no later than 18th day before the election day (October 10) failed to address the DEC with the request to be registered in the list **(arrived from abroad, was discharged from a hospital, was released from the penitentiary institution)**, he/she shall be registered by the DEC within 2 calendar days after the submission of the application and the documents (entry in the passport on crossing the border, certificate from the medical institution on discharge, or a certificate from the penitentiary institution on release), and if there are less than 2 days left before the polling day – he/she shall be registered immediately (information on the voter shall be entered into the special list of voters). Voters shall be notified on the rejection of the appeals immediately (*Election Code – Article 31.12*).

Procedure for drawing up mobile ballot box lists

(*Election Code – Articles 32.8; 33 and 34.2 (e)*).

PECs shall be responsible for drawing up mobile ballot box lists. Mobile ballot box lists shall be drawn up based on the unified and special lists of voters. Voters shall be entered into mobile ballot box lists if:

- ▶ they are unable to visit the polling station due to disabilities/health problems. The number of such voters shall be not more than 3% of the total number of voters registered the respective precinct.

ATTENTION

After the mentioned number has been filled, the PEC chairperson shall inform the DEC about every new application submitted;

The DEC shall hear the application and shall decide whether it is advisable to enter the voter into the mobile ballot box list by at least two-thirds of the DEC members present at the meeting.

- ▶ a voter is in the territory of an electoral precinct, but his/her location is difficult to access (in such case consultations with the relevant DEC is recommended).

In the case of the inclusion of voters in a mobile ballot box list, next to his/her last name in the box – “actual status” – in the unified list of voters, the entry – “mobile ballot box” – shall be made.

ATTENTION

A mobile ballot box list shall contain the same data of voters that are entered into the unified list of voters, except for their photographs, and the serial numbers of those voters shall be additionally indicated in the unified or special list of voters.

The public version of the special list of voters (wall list) shall be posted in the premises of PECs and polling places in visible place.

On the basis of the information provided by the special lists of voters and by the DEC, the PEC shall enter the following voters into the mobile ballot box list:

- ▶ the voters who are receiving treatment in hospitals or in any other in-patient medical facility where there is no electoral precinct;
- ▶ the voters who are in custody;
- ▶ the voters are under administrative detention;
- ▶ the voters who are the service members of a military unit or a border police unit at the state border of Georgia that is located far from the electoral precinct;
- ▶ the voters serve in the Medical Department of the Ministry of Corrections of Georgia, the Penitentiary Department and Penitentiary institutions and whose working conditions on the Election Day require their presence at the working place; the voters who are service members and persons with special ranks of the Ministry of Defence of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Corrections of Georgia, the State Security Service of Georgia, the Georgian Intelligence Service and the Special State Protection Service of Georgia, and whose working or health conditions during the polling period require their presence at the work place.

CHAPTER III. PREPARATIONS FOR THE POLLING DAY

Transferring election documents and inventory to PECs

(Election Code – Article 63.9-11):

For the purpose of preparing and conducting the polling, the DEC's shall transfer all required election documents and inventory to the electoral precincts located in their municipal territories before polling day, in particular:

Election documents:

- ▶ the final versions of the unified list of voters (wall and table lists);
- ▶ special list of voters if available (wall and table lists);
- ▶ forms of the list of mobile ballot box voters (wall and table lists);
- ▶ voter invitation cards;
- ▶ notebooks of ballot papers;
- ▶ special envelopes;
- ▶ the polling day log-book (a so-called lace-bound log-book);
- ▶ control sheets;
- ▶ summary protocols of polling results and “amendment protocol” forms;
- ▶ demonstration protocols of polling results.

Election inventory:

- ▶ main and mobile transparent ballot boxes;
- ▶ seals of ballot boxes;
- ▶ polling booths;
- ▶ ink and voter verification device (ultra-violet detector);
- ▶ PEC seal;
- ▶ special registrars' stamps;
- ▶ photocopier;
- ▶ ink pads;

Other election materials:

- ▶ list of presidential candidates;
- ▶ instructions on how to complete ballot papers;
- ▶ extract from the Law providing for the cases in which the ballot papers are deemed void;
- ▶ packaging envelopes for election documents.
- ▶ etc.

DECs shall transfer ballot papers and special envelopes to PECs no later than 12 hours before polling starts, when the receipt and delivery act shall be drawn up in two copies.

On delivery of ballot papers and special envelopes, delivery and acceptance certificates in duplicate shall be drawn up indicating the following:

- ▶ the names of the issuing commission and of the receiving commission;
- ▶ the number of special envelopes;
- ▶ the types of ballot papers;
- ▶ the number of the blocks of ballot papers (with indication of the reference numbers of the blocks and the reference numbers of the ballot papers);
- ▶ the names of the issuing persons and of the receiving persons;

Delivery and acceptance certificates shall be signed by the persons issuing and receiving the election documents. One copy of the certificate shall remain with DEC and another shall remain with PEC. The delivery and acceptance certificates are public information.

ATTENTION

Before the acceptance and delivery certificates are signed the issuing and receiving persons shall verify the accuracy of the details of ballot papers and the numbers of ballot papers and special envelopes against the data entered in the acceptance and delivery certificates. Thereafter, the ballot papers shall be sealed again and the seal is certified by the signatures of the parties.

Organising the polling place

(Election Code – Article 58.4-5).

The PEC members shall organise polling places for conducting polling procedures as provided for by the law not later than one day before the polling day. The PEC shall organise:

- ▶ voter registration desks;
- ▶ at least one polling booth with one pen shall be made available for every 500 voters;
- ▶ a desk for special envelopes (shall be placed close to the ballot box);
- ▶ assembled, unsealed ballot boxes.

A transparent ballot box shall be installed in a visible place at a polling place in such a way as to allow a voter to access it freely and leave the election precinct immediately after inserting special envelope into it.

The following shall be posted for everyone to see in the polling place:

- ▶ the public version of the unified list of voters (the wall list);
- ▶ the public version of the special list of voters (the wall list) (if any);
- ▶ the public version of the mobile ballot box list (the wall list) (if any);
- ▶ lists of candidates;
- ▶ instructions established by the CEC for completing ballot papers;
- ▶ extract from the Law providing for the cases in which the ballot papers are deemed void;
- ▶ demonstration protocol of polling results.

ATTENTION

If any electoral subject entered into a ballot paper no longer runs in the elections, a notice to that effect shall be displayed in a visible place both at the polling place and in the polling booth for secret voting.

PART III

REGISTRATION OF PERSONS PARTICIPATING IN THE ELECTION PROCESS

CHAPTER I. REGISTRATION OF OBSERVERS AND THE REPRESENTATIVES OF THE ELECTORAL SUBJECTS; ACCREDITATION OF THE REPRESENTATIVES OF THE PRESS AND OTHER MASS MEDIA

Registration of Observers

(Election Code – Articles 39.2 and 40)

A local observer organisation may be a local non-entrepreneurial (non-commercial) legal entity registered in accordance with the legislation of Georgia not later than one year prior to polling day and the charter or statute (constitutional documents) of which, at the time of registration, envisages the monitoring of elections and/or the protection of human rights and which is registered with the CEC or the relevant DEC for the purpose of observing the elections.

For registration purposes, a local observer organisation may file an application with the respective DEC **not later than the 10th day before the polling day (October 18)** and submit an extract from the registry of entrepreneurial and non-entrepreneurial (non-commercial) legal entities (the extract shall be issued within the last 10 days prior to submission of the application to the election commission, under the instruction of person(s) authorized to lead or represent the organizations). The application shall include the name of the electoral district in which the organisation carries out observation.

The DEC shall make a decision on registration of the organisation within five days of the receipt of the application.

ATTENTION

While registering the organization, for the purpose of verifying/approving the accuracy of data envisaged in the extract issued by the registry of entrepreneurial and non-entrepreneurial (non-commercial) legal entities, operating under the Ministry of Justice of Georgia and the requirements by Article 39 (2) of the Election Code of Georgia, National Agency of Public Registry shall provide the CEC with the capacity to have an access to and verify an electronic data.

In case of request, the CEC Registration and Administrative Department shall immediately send a written notice to the DEC for the purpose of verifying/approving the accuracy of data of the extract submitted by the organization and the requirements by Article 39 (2) of the Election Code of Georgia.

The DEC may not refuse the registration to the local observer organisation if the organisation meets the requirements established by the Election Code of Georgia.

An ordinance of the DEC on refusal to register the local observer organisation shall be substantiated and communicated to the organisation not later than the following day after the decision is rendered. In that case, the ordinance of the DEC may be appealed to a court within two days after its receipt.

Where a person authorised to lead or represent the local registered observer organisation will be registered as an electoral subject and/or a representative of an electoral subject, the local observer organisation shall within 5 days from the registration submit to the respective election commission a document evidencing that the authorities of the person registered as the electoral subject or as the representative of the electoral subject are or will be seized as of the leader or the representative of the observer organisation. The failure to submit the document shall serve as a ground to revoke the registration of the organisation.

In case of registration, **not later than five days prior to the polling day (23 October)** a local observer organisation shall submit to the DEC secretary an application on registration of observers at the PECs and DEC(s), specifying that the observers on the submitted list meet the requirements established by article 39.4 of the Election Code of Georgia. The application shall be accompanied by the list of observers appointed at DEC(s) and/or PEC(s) and the copies of the ID cards and passports of a citizen of Georgia of each observer.

The following shall be specified in the list of observers:

- ▶ identity of an observer (first and last names, place of registration, ID number of the citizen of Georgia);
- ▶ the electoral district and electoral precinct(s) at which he/she is to observe the elections.

Application submitted to the Election Commission shall also be accompanied by the electronic list of observers (in an excel format, CD or other electronic form) appointed in the respective election commissions (the CEC Decree N297/2016 of July 14, 2016 on Defining the Electronic Form of the Annex of Application on Appointing the Observer by the Observer Organization in the Election Commissions).

ATTENTION

The terms and conditions for submission and registration of applications on appointing the observers through electronic means by the local observer organizations is defined by the CEC Ordinance N21/2018 of March 17, 2018.

Local observers of a local observer organisation may be citizens of Georgia from the age of 18

(Election Code – Article 39.4), except for:

- ▶ judges;
- ▶ members of the election commissions;
- ▶ officials of the prosecutor's office;
- ▶ electoral subjects and their representatives;
- ▶ public political officials determined by the Law of Georgia on Public Service;
- ▶ members of Sakrebulo - representative bodies of local self-government;
- ▶ heads and deputy heads of executive bodies of local self-governments;
- ▶ employees of the Ministry of Internal Affairs, the Ministry of Defence, as well as the employees of the sub-agencies of the Ministry of Justice of Georgia – Special Penitentiary Service, Office of State Security and Intelligence of Georgia and the Special State Protection Service of Georgia.

Time limits for registering observers of an observer organisation

(Election Code – Article 40.9)

The DEC secretary shall, not later than the 2nd day after the submission of the list of observers, register, by an ordinance, the observers and provide the observer organisation with observer certificates. The observer certificate is at the same time the observer's badge and is valid together with an ID card.

ATTENTION

The local observers registered at the CEC may monitor the elections at all levels of any election commissions. The observer of the local observer organisation at a DEC and the observer observing elections at a PEC within the territory of the election district may on the polling day observe any electoral precinct within territory of the respective district *(Election Code – Article 40.9-10)*

Registration of the representatives of electoral subjects

(Election Code – Articles 42 and 42.2²)

A party/initiative group of voters/presidential candidate may appoint two representatives at every election commission.

A representative of an electoral subject may be a legally capable citizen of Georgia from the age of 18.

The following persons may be appointed as the representatives of an election subject:

- ▶ a candidate nominated by this or other election subject;
- ▶ a representative of another election subject;
- ▶ a member of an election commission;
- ▶ a local observer;
- ▶ a representative of the press and media.

ATTENTION

The representatives of the electoral subjects appointed at the CEC and DEC may not be simultaneously appointed at other election commissions; and the representatives of the electoral subjects appointed at the PEC may not simultaneously be appointed at the CEC or DEC;

Where a person registered as a representative of an electoral subject will be registered as an electoral subject, his/her registration as a representative shall be revoked in the respective election commission.

A representative of an election subject shall represent an election subject in relation to only that election commission with which it is registered.

The DEC secretary shall register the representative of an electoral subject at the PECs by an ordinance. To this end, the party/initiative group of voters/a presidential candidate shall file an application with DEC secretary to appoint a representative at the PEC.

An application for the appointment of a representative of an electoral subject shall be signed by the head officer of the party/presidential candidate or the person authorized by him/her, a representative of the presidential candidate/initiative group of voters at the higher election commission.

The CEC Registration and Administrative Department shall transfer to the DEC a document approving the authority.

The following data of the representative of the electoral subject shall be specified in the application:

- ▶ last name, first name;
- ▶ year of birth;
- ▶ address;
- ▶ contact phone number (if any).

ATTENTION

An electoral subject may withdraw and/or replace its representative at any time except for the polling day informing for this purpose the respective election commission (*Election Code – Articles 42.6*).

The terms and conditions for submission and registration of applications on appointing the Representatives through electronic means by the Electoral Subjects is defined by the CEC Ordinance N21/2018 of Marc 17, 2018.

A copy of an ID card or passport of the citizen of Georgia of the representative of the electoral subject shall be attached to the application.

Where complete and relevant information is submitted, the respective DEC secretary shall, within 24 hours, by an ordinance, register the representative of the electoral subject and issue a certificate of representative which is at the same time a badge of the representative.

Accreditation of the representatives of press and mass media

(*Election Code – Article 44*)

Accreditation of the representatives of the press and other mass media shall be conducted by the CEC secretary or by the secretaries of the respective DEC.

The applications to provide the accreditation of the representatives of the press and other mass media shall be submitted to the **DEC not later than on the fifth day prior to the polling day (October 23)**. Photocopies of the ID cards or passports of the of the representatives shall be attached to the application.

In case of the request from the organization, the application shall also be accompanied by an extract from the registry of entrepreneurial and non-entrepreneurial (non-commercial) legal entities, issued by the LEPL National Agency of Public Registry, operating under the Ministry of Justice of Georgia, within the last 10 days prior to submission of the application, indicating the person(s) authorized to lead or represent the organizations. The above extract is not required for accreditation for foreign press and other mass media representatives, Public Broadcaster, as well as Public Broadcaster of Adjara TV and Radio.

Application submitted to the Election Commission shall also be accompanied by the electronic list of representatives (in an excel format, CD or other electronic form) appointed in the respective election commissions (the CEC Decree N298/2016 of July 14, 2016 on Defining the Electronic Form of the Annex of the Application for Accrediting the Press and Other Mass Media Representatives).

ATTENTION

While registering the organization, for the purpose of verifying/approving the accuracy of data envisaged in the extract issued by the National Agency of Public Registry, operating under the Ministry of Justice of Georgia, National Agency of Public Registry shall provide the CEC with the capacity to have an access to and verify an electronic data.

In case of request, the CEC Registration and Administrative Department shall immediately send a written notice to the DEC for the purpose of verifying/approving the accuracy of data of the extract submitted by the organization.

Within two day after submitting the application, the DEC secretary shall decide the issue of accreditation of the representatives of press and other mass media, and provide representative certificates to the accredited representatives **within one day** after the decision is made; whereas, in the case of denial of accreditation the representatives will be provided with an appropriate ordinance within the same time limits.

Where a person authorized to manage or represent an accredited press or other mass media will be registered as an electoral subject and/or a representative of an electoral subject, the press and other mass media shall within 5 days from the registration submit to the respective election commission a document evidencing that the authorities of the person registered as the electoral subject or as the representative of the electoral subject are or will be seized as of the manager or the representative of the press and other mass media. The failure to submit the document shall serve as a ground to revoke the accreditation of the press or other mass media.

PART IV

DEC ACTIVITIES ON THE POLLING DAY AND IN THE AFTERMATH

CHAPTER I. COORDINATION/COMMUNICATION WITH PECs

On the polling day, the DEC shall receive different kinds of required information, including information about:

- ▶ Opening of the PEC and number of PEC members;
- ▶ Sealing of ballot box/boxes, registration of the first voter, placing of control sheets in the ballot box/boxes and starting of polling;
- ▶ Gender statistics of number of voter signatures as of at 10:00, 12:00, 15:00, and 17:00 hours, as well as after the completion of polling.

ATTENTION

The DEC shall submit to the CEC data regarding the number of voter signatures and gender data.

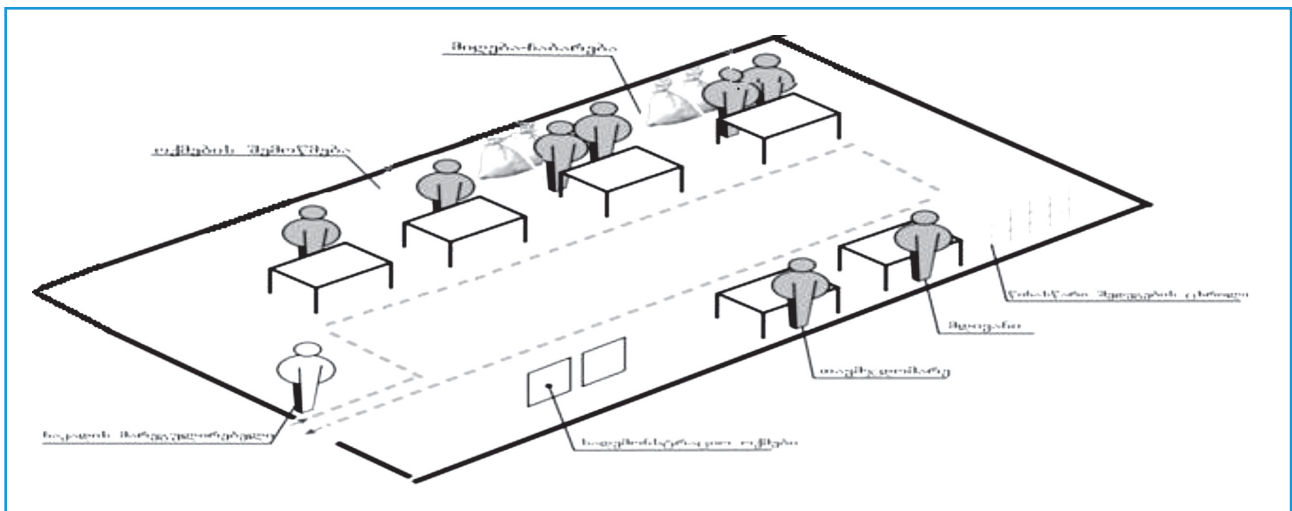
CHAPTER II. RECEIPT/SORTING OF THE DOCUMENTS AT THE DEC_s

Receipt/sorting the documents

Authorized members of the PEC, operating within the territorial limits of the DEC, shall deliver the election documentation box/bag to the DEC and separately deliver:

- ▶ Summary protocols of polling results, amendment protocols (if any)
- ▶ Registration books and the explanation note of the commission members (if any);
- ▶ Sealed envelope of the applications/complaints and the polling day log-book.

Recommended to receive /sort election documentation¹ according to the chart below.



Commission member regulating the flow of voters shall control the flow of PEC authorized persons and shall send the summary protocols of polling results to authorized DEC members for verification.

DEC members authorized to verify summary protocols of polling results shall receive summary protocols of polling results (amendment protocols, and written explanatory notes (if any)), and shall verify data and information included in summary protocols of polling results.

¹ Election documents – applications received and sent from the election commission, complaints, letters, protocols, ballot papers, special envelopes, legal acts of the Electoral Administration of Georgia, control sheets, registration books the list of voters, voters' invitation cards, explanations of members of the electoral commission.

DEC member/s shall submit to the DEC secretary summary protocols of polling results together with amendment protocols and written explanatory letters (if any), taking into account verification results.

DEC secretary shall upload summary protocols of polling results together with amendment protocols and written explanatory letters (if any), in the election electronic management system.

Commission member authorized to receive documentation from PECs shall register received documents/material and make a note on the receipt of documents/material followed by drawing up delivery-acceptance act.

Drawing up amendment protocols to the summary protocols of polling results of PEC

(Election Code – Article 26.2 D¹)

In case of availability of PEC members' explanatory letter and /or other legislative acts and factual grounds, PEC shall draw up, if necessary, summary protocols of polling results and amendment protocols, no later than the day to follow the polling day.

In order to draw up an amendment protocol, head officer of the PEC operating within the territorial limits of the DEC, shall invite to the precinct all members of the PEC, who participated in drawing up PEC summary protocols of polling results.

PEC shall draw up an amendment protocol based on the Commission members' explanatory notes and/or other legislative and factual grounds, which shall include the date and time of making an amendment to the data of summary protocols of polling results.

Amendment protocol shall be signed by members of PEC, stamped with the DEC seal, registered in the DEC registration roster and shall include an amendment summary protocols of polling results containing amended data.

Verification of polling results of PECs by DEC

(Election Code – Article 21.e)

DEC is authorized, based on the application/complaint (if an application/complaint is submitted to the DEC in accordance with the established legal procedure and timeline) or based on own initiative, to verify the accuracy of PEC summary protocols of polling results.

to this end, DEC shall examine the data in the explanatory notes submitted by PEC members (if any) and based on the findings, shall issue a DEC ordinance on the change of data in PEC summary protocols.

If there are no PEC members' explanatory notes, or if examination of the explanatory notes does not provide enough grounds for establishing accuracy of the data, the DEC shall issue an ordinance with no less than 2/3 of meeting participants on opening packages received from the PEC and on the re-count of ballot papers.

In case of making decision on the opening of packages received from the PEC and on the re-count of ballot papers, DEC shall notify all electoral subjects and observation organizations present at the count of ballot papers in the precinct, and in case of their expressed desire, shall ensure presence of their representative at the re-count of ballot papers.

During the opening of election documents, DEC shall preferably follow the following sequence of counting election documentation:

- ▶ number of signatures in voters lists;
- ▶ number of void ballot papers;
- ▶ number of votes (ballot papers) cast for each candidate

After the verification, DEC is authorized to make a decision on amending data in PEC summary protocols. The DEC decision on amending data in PEC summary protocols shall be taken with no less than 2/3 of meeting participants.

A member of the DEC who does not agree with the decision of the commission is authorized to express opposite view in writing, which shall be attached to the protocol. Member of the commission member with the different opinion shall respect and comply with the decision made by the commission. He/she is not authorized to disrupt execution of the decision with his/her action/inaction.

CHAPTER III. SUMMARIZING POLLING RESULTS BY THE DEC

Summarizing Polling Results by the DEC

(Election Code - Article 21; Article 75)

Based on summary protocols drawn up by the PEC, the DEC, considering the results of examination of violations of the Election legislation of Georgia, not later than 11 days (November 8) from the polling day, summarizes the results of the Elections of the President of Georgia, draws up the summary protocols of polling results held in the election district and sends it to the CEC no later than the next day.

All DEC members attending the commission meeting shall sign the summary protocol of polling results, which shall be endorsed by the DEC seal. If the DEC member does not agree on the data included in the protocol, he/she shall have a right to make a relevant note in the protocol and attach a dissenting opinion in writing.

Public Nature of the Summary Protocol of Polling Results

(Election Code – Article 75.7-9)

The DEC shall post the photo of the summary protocol of polling results for public awareness purposes.

The DEC shall provide the representatives of the party/initiative group of voters/presidential candidate, as well as the observers of observer organizations with the photo copy of summary protocol of polling results (with the dissenting opinion of the commission members attached). The photo copy of the protocol shall be endorsed by the DEC seal, as well as the signature of the PEC chairperson and the DEC secretary. A representative/observer shall certify the receipt of the summary protocol of polling results by the signature in the registration book of the DEC.

ATTENTION

In cases provided by the law, failure to issue the certified copy of summary protocol of polling results shall trigger liability of the DEC chairperson and the DEC secretary in accordance with the Georgian legislation.

The DEC secretary, within 7 days after summarizing the polling results, shall open sealed PEC log-books, make copies of those pages of the book, which contains information about the additional rules for certifying the identity of the voter (after this procedure, the log-book shall be re-sealed), shall endorse the above records by signature and along with the relevant sealed documentation (photocopies of ID cards/passports) issues them to the CEC. The DEC secretary, within the same timeframe, makes copies of those pages of the log-book, which contains signature of all persons authorized to be present at the polling station, certifies them with the commission seal and signature and in case of necessity provides them to the CEC (Election Code – Article 75.10-11)

PART V

**PROCEDURE FOR FILING
APPLICATIONS/COMPLAINTS IN DECS
AND HEARING PROCEDURE**

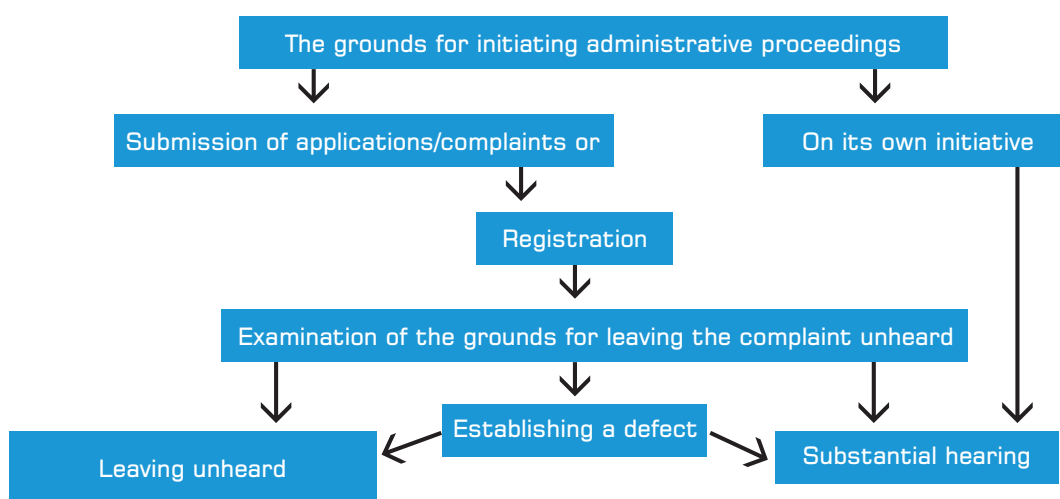
CHAPTER I. ADMINISTRATIVE PROCEEDINGS REGARDING THE ELECTION DISPUTES

In administrative proceedings of election disputes the DEC's shall be guided by the Organic Law of Georgia – the Election Code of Georgia, also by the Guidelines for Filing Applications/Complaints with the Election Administration and Hearing thereof (the Guidelines) approved by Decree N8/2012 of the CEC from March 2, 2012, and also by the Regulations of the DEC's approved by Decree N2/2012 of the CEC from February 3, 2012, and also by the General Administrative Code of Georgia⁴.

The grounds for initiating the administrative proceedings at the DEC related to the election disputes may be as follows:

- ▶ applications/complaints³;
- ▶ the decision by the DEC to examine an issue based on his own initiative.

The administrative proceedings initiated on the election disputes in the DEC's including based on the applications/complaints filed during the polling, and also based on the own initiative of the DEC shall be conducted in accordance with the stages given in the scheme below.



² In order to impose a disciplinary measure on a PEC member, DEC shall apply the simple administrative proceedings provided for by the General Administrative Code of Georgia (based on the chapters VI, VII, XIII of the General Administration Code of Georgia).

³ An application is a written or oral request by a party interested in issuing/adoption of an individual administrative act on obtaining the right. A complaint - is a written request to restore violated rights submitted by an interested party to the PEC/DEC in the established manner, to declare null and void or modify an administrative act issued by the PEC/a head of the PEC; or to issue a new administrative act; or to perform or abstain from performing an action by the PEC/DEC/a head of PEC/a head of DEC that does not entail the issuance of an individual administrative act.

CHAPTER II. SUBMISSION AND REGISTRATION OF APPLICATIONS/COMPLAINTS FILED ON THE POLLING DAY

Filing applications or complaints on the polling day

The administrative proceedings related to the application/complaint of the polling day shall begin in the DEC provided the interested party (authorised person) submits the application/complaint.

Persons drawing up the application/complaint and their rights at the PEC and the Upper DEC

(Election Code - Article 72; Article 73)

An organization observer/a representative of an election subject shall have a right to submit an application/complaint to the PEC on violations revealed during the polling, vote counting and summarizing the polling results, in accordance with the procedures stipulated by the Election Code of Georgia.

If the PEC chairperson/Commission refuses to react on the application/complaint, an observer/a representative of an election subject or other observer /other representative of an election subject of the same organization shall have the right to immediately appeal the violations revealed before opening of the polling place (7:00) until the time when the ballot box was opened before the respective DEC (the DEC shall take relevant measures to rectify the violation).

If the PEC chairperson/commission does not or cannot rectify the violation or otherwise has refused to react on the application/complaint related to vote counting and the procedures for summarizing polling results, an observer/a representative of an election subject or other observer /other representative of an election subject of the same organization shall have the right to appeal the action of the PEC/PEC Chairperson before the relevant DEC within two days (the DEC shall decide on the application/complaint within 2 days period).

Registration of applications and complaints at the DEC

The application/complaint to be filed with the DEC (see the recommended form, Annex N1) shall be deemed filed after the registration of the application by the DEC. The filing of the application/complaint does not suspend the operation of the impugned decision.

ATTENTION

If the DEC secretary refuses to receive the application/complaint, the applicant/complainant may call the CEC helpline at the following number: 032-251 00 51.

The applications/complaints submitted to the DEC shall be registered by the DEC secretary according to the following procedure:

- ▶ specify the identity of the applicant in the registration book;
- ▶ the persons submitting and receiving the application/complaint shall sign alongside the record;
- ▶ in order to acknowledge the receipt of the application/complaint, the DEC secretary shall issue a written notification to the applicant signed and sealed by the secretary (see Annex N3).

When registering the application/complaint, the DEC secretary shall be certain that the application/complaint includes all the details established the Election Code of Georgia (see Annex N2);

Identifying deficiencies and examining the grounds for leaving the application unheard

The DEC secretary shall specify deficiencies to the applicant if the application/complaint does not contain:

- ▶ the date and time of drawing up the application/complaint;
- ▶ the first and last names of the applicant/complainant, and the place of his/her registration;
- ▶ number of an electoral precinct;
- ▶ in case of a witness – his/her first name, last name and place of registration.

In such a case, the DEC secretary shall define a reasonable time limit for the applicant/complainant to remedy the defect. The time limit must be reasonable so that the electoral subject could remedy the defect.

NOTE!

The reasonable time limit for remedying the defect shall be set according to the agreement between the DEC secretary and the person submitting the application/complaint. If the parties fail to agree on the time limit to remedy the defect, the DEC secretary shall set the time limit unilaterally.

The applicant/complainant and the DEC secretary shall sign alongside the record of defects in the registration book.

The applicant/complainant may remedy the defect within the established time limits by submitting a similar application/complaint not providing the grounds for establishing a defect, and/or by filing an application providing the data lack of which resulted in establishing the defect.

If the defect is remedied, the DEC secretary shall enter 'defect remedied' alongside the application/complaint registered in the registration book, and specify the exact date and time of remedying the defect. The applicant/complainant and the DEC secretary shall sign alongside the entry. The failure to remedy the defect of the application/complaint within the given time limit shall result in leaving the application unheard.

Noteworthy is that there is no procedure for establishing defects of the applications/complaints appealing the summary protocols of the polling results of a PEC, and also in the cases when the application/complaint carries the following grounds for leaving it unheard:

- ▶ The procedure for filing is not observed;
- ▶ The application/complaint is drawn up by an unauthorised person;
- ▶ The application/complaint does not specify the substance of the violation and the time of its happening.

The circumstances provided by article 182 of the General Administrative Code may also serve as a ground to leave the application/complaint, provided that:

- ▶ There is a decision on the same issue by a DEC or a higher election commission;
- ▶ There is a court judgment or a decision on the same subject matter approving the waiver of the claim by the plaintiff, the acknowledgement of the claim by the defendant or the conclusion of a settlement by the parties;
- ▶ The case between the same parties, on the same subject matter and on the same grounds is pending in a court;

- ▶ There is an ongoing administrative proceeding in a higher election commission with regard the same application/complaint.

Where there are grounds for leaving the application/complaint unheard, the DEC chairperson shall issue an ordinance to leave the application/complaint unheard.

The information about leaving the application/complaint unheard shall be delivered to the party immediately upon the issuance of the ordinance of the DEC chairperson (*Election Code – Articles 77.19¹*).

The applicant/complainant may be informed of leaving the application unheard in writing or by phone (including by a mobile phone, short text messages), e-mail, or other technical means.

The applicant/complainant shall be deemed to be informed where the delivery of the information is confirmed:

- ▶ by contacting on the phone number specified by him/her;
- ▶ When sending a message via email, short text message or other technical means, by confirmation of the sending of the message.

The applicant/complainant shall be deemed informed when it is impossible to contact him/her on the technical means indicated in the application/complaint.

The notification document (annex N5) shall be drawn up regarding the provision of the information to the applicant/complainant of the issuance of the ordinance of the DEC chairperson leaving the application/complaint unheard. The document of notification shall be drawn up and signed by a member of the commission as assigned by the DEC chairperson.

ATTENTION

Where there is no data in the application/complaint for contacting the party concerned, the ordinance of the DEC chairperson upon its issuance shall be posted in the premises of the DEC and in such case the party shall be considered to be informed.

CHAPTER III. HEARING OF APPLICATIONS/ COMPLAINTS MADE ON THE POLLING DAY

The applications/complaints related to counting of votes and summing up of polling results shall be heard by the respective DEC and the decision shall be made on them within two calendar days of the registration of the application/complaint.

ATTENTION

DEC shall not consider Applications/Complaints if the Relevant Election Commission Chairperson issues an ordinance on leaving the Application/Complaint unheard (Election Code – Article 8.13)

The DEC shall make a decision to hear the application/complaint after a proper examination and study of the evidence, submitted by the parties, and the materials obtained by the electoral administration on its own initiative. The DEC shall make a decision by issuing an ordinance which may be appealed only to a court in accordance with the procedure established by the Election Code of Georgia.

A party may participate in the hearing of the complaint in accordance with the procedure established by law. Further, the party attending the commission meeting shall be given before the beginning of the meeting the draft documents and copies thereof that were presented to the commission for hearing his/her complaint.

Summoning parties to the hearing of applications/complaints

The DEC shall inform the party on the time and place of hearing of the matter not later than 3 hours before the beginning of the hearing of the matter. If the author of the complaint is:

- ▶ the observer organisation registered at the election commission or its representative, the time and place of the hearing of the complaint shall be notified to the respective observer registered at the election commission or the organisation;
- ▶ an electoral subject or its appointed representative, the time and place of the hearing of the complaint shall be notified to the representative appointed by the electoral subject;
- ▶ a DEC member, the time and place of the hearing of the complaint shall be notified personally to him/her.

The parties may be summoned for the hearing of the complaint in writing as well as by phone (including a mobile phone; short text messages), e-mail, fax or other technical means.

Summoning of a party by technical means shall be acknowledged:

- ▶ by contacting on the phone number specified by him/her;
- ▶ in case of an e-mail, fax or short text message – by an appropriate delivery report provided by the technical means.

ATTENTION

The party shall be considered to be summoned if it is impossible to contact him/her by the technical means as indicated in the complaint (because of a shutdown mobile phone, fax, or computer etc.).

When summoning a party, a report shall be drawn up (see annex N4) and shall be attached to the complaint submitted on commission meeting. The report in the DEC shall be drawn up by one of the members of the commission as assigned by the chairperson and shall be signed by the person having drawn up the report and by the DEC chairperson.

A party shall have the right to:

- ▶ communicate with the election commission through a representative
- ▶ use the assistance of a lawyer.

The representative shall submit to the election commission **a document of representation** certified in accordance with the procedure established by law:

- ▶ the representation of citizens shall be evidenced by an appropriate document of representation;
- ▶ the representation of the initiative group of voters shall be evidenced by an appropriate document certifying representation;
- ▶ the representation of a party, observer organisation shall be evidenced by a power of attorney issued by its head;
- ▶ the representation of a lawyer shall be evidenced by the document (power of attorney/warrant) issued to him/her by a principal in accordance with the established procedure.

ATTENTION

If the representative fails to present a duly certified document of representation, he/she shall not be allowed to participate in the hearing of the application/complaint and the decision shall be made without considering his/her opinion.

The person having filed the application/complaint may abandon the application/ complaint (withdraw the application/complaint) before the DEC adopts the decision on it.

The abandonment of the application/complaint must be stated in writing, the DEC shall attach the statement to the application/complaint. During the oral hearing, the applicant/ complainant may abandon the application/complaint verbally that shall be entered in the minutes of the meeting of the DEC.

ATTENTION

Where the applicant/complainant withdraws the application/complaint (abandons the application/complaint), the DEC chairperson shall not issue an ordinance on leaving the application/complaint unheard.

CHAPTER IV. HEARING THE APPLICATIONS/ COMPLAINTS SUBMITTED ON VIOLATIONS OF THE ELECTION LEGISLATION (EXCEPT ON THE POLLING DAY)

The registration of the applications/complaints submitted to the DEC on violations of the election legislation (except on the polling day), also the summoning of the parties to the hearing of the applications/complaints and the hearings of the applications/ complaints shall be carried out under the single procedure laid down with regard to the applications/ complaints submitted on the violations of the procedure of the polling and counting the votes.

The DEC shall not identify deficiencies of applications/complaints submitted due to violations of election legislation (except for polling day). If appropriate grounds are present, an application/complaint remains unheard without establishing deficiencies.

PECs' or PECs' head officers' decisions from the day they are made (and the decisions made during the polling day, from the the polling day) within **two calendar days** may be filed to the respective DEC. The DEC shall hear the appeal submitted regarding the decisions of a PEC/head officers of a PEC, **within 2 calendar days**.

CHAPTER V. TERMS AND PROCEDURE FOR FILING THE DECISIONS OF DEC AND DEC HEAD OFFICERS

A decision of a DEC/head officer of a DEC, except for the decisions specified below, may be appealed to the CEC **within one calendar day** after it is adopted.

The decisions of a DEC, such as the decisions on refusal to make amendments to the data/lists of voters and refusal to register local observer organisations, as well as due to the decisions of a PEC/head officers of a PEC (including due to drawing up summary protocols of polling results) may be filed to an appropriate municipal/city court **within two calendar days**.

ANNEX No 1

- a) In case of submitting an application/complaint to an electoral precinct, specify the name and number of the electoral precinct and the DEC.
- b) In case of submitting an application/complaint to any election commission within the electoral district, specify the name and number of the DEC.

Application/Complaint

(underline one)

Applicant/Complainant -----
 First name, last name, address according to the place of registration, and contact telephone number

Fax. Email (if available)

Violation: Polling procedure

Counting of votes/summarizing the polling results

Type of violation -----
 hour, minute

No "----" "-----" Electoral precinct

Essence of the violation: -----

Witness (if any) -----
 First name, last name, address according to the place of registration

In case of identifying the person responsible for the violation, the data that was possible to be established about the person: -----

Explanatory statement of the violator (where available) -----

(Other additional information) -----

Derived from the all above mentioned, I ask you to hear my application/complaint and react accordingly on it (in case you ask declaring void of a document, please specify your request) -----

Reasonable period of time necessary to provide arguments in case of hearing of the application/complaint ----- minutes

Date: day, month, year -----

Time of drawing up the application/complaint -----
 (Time of drawing up (hour, minute))

Applicant/complainant: -----
 signature

ANNEX No 2

Details of the applications/complaints submitted to the election commissions

The following shall be specified in an application/complaint:

- ▶ date and time of drawing up an application/complaint*;
- ▶ the first name, last surname and place of registration of the applicant/complainant*;
- ▶ number of an electoral precinct*;
- ▶ in case of a witness - his/her first name, last name and place of registration*;
- ▶ type and time of the violation**;
- ▶ if the violator is identified, the data of the violator that was possible to establish**;
- ▶ explanatory statement of the violator (if any) **;
- ▶ contact phone number (home phone and/or mobile phone number) of an applicant/complainant***;
- ▶ fax number and an e-mail address (if any) of the applicant/complainant)***;
- ▶ other additional information.

* the failure to specify the above details accurately/completely shall be a ground for establishing a defect of the application/complaint, and can serve as a ground for leaving it unheard if the defect is not remedied.

** the failure to specify the above details shall be a ground for leaving the application/complaint unheard without establishing the defect.

*** specification of inaccurate/incomplete details cannot serve as a ground for establishing a defect of an application/complaint and for leaving it unheard, but can serve as a ground for failure to summon a party to the hearing of the complaint.

ANNEX No 3

№ „.....“..... District Election Commission

Certificate
Of Registration of the Application/Complaint

Date of receipt of the application/complaint:

Time of receipt of the application/complaint:

Registration number of the application/complaint:

The DEC secretary

.....

/Signature/

.

ANNEX No 4

Report on summoning the party through technical means

The City of ----- „----“ „-----“ 20--.

Person drawing up the report -----

(First name, last name and position)

I have drawn up the report on the following: -----

(Identity of a person to be summoned, name and number of the technical means with and to which the party was contacted, and the result)

(Time and place of review of the complaint)

(Title of the complaint, due to which the person has been summoned)

In case of failure to appear, the content of article 77.25, 31 of the Organic Law of Georgia – the Election Code of Georgia is explained to the party.

In view of the above mentioned this report has been drawn up, the validity of which is certified by our signature:

(Signature of the person drawing up the report)

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

Time of drawing up the report -----
day/month/year

A report on informing the party on the ordinance of the DEC chairperson leaving the application/complaint unheard

The City of ----- „----“ „-----“ 20--.
Person drawing up the report -----
(First name, last name, job position)

I have drawn up the report on the following: -----

(Identity of a person to be summoned, name and number of the technical means with and to which the party was contacted, and the result)

(The name of the complaint left unheard)

(Time and date of leaving the complaint unheard)

In view of the above mentioned this report has been drawn up, the validity of which is certified by our signature:

(Signature of the respective member of DEC and the officer of the legal department of the CEC)

Time of drawing up the report -----
(day/month/year)

