

PRESIDENTIAL ELECTIONS

HANDBOOK FOR DEC MEMBERS

OF GEORGIA
2013



PRESIDENTIAL ELECTIONS
OF GEORGIA 2013

Table of Contents

PART I. COMPOSITION AND WORK REGULATIONS OF THE DISTRICT ELECTION COMMISSION	3
CHAPTER I. RECRUITMENT RULE OF THE DISTRICT ELECTION COMMISSION	3
recruitment rule and the term of authority of the District Election Commission.....	3
CHAPTER II. WORK REGULATIONS OF THE DISTRICT ELECTION COMMISSION	3
Preparation of the District Election Commission sessions	3
Running of the DEC session	4
Minutes of the District Election Commission Session	4
Rules of correspondence of the DEC.....	4
Legal acts of the District Election Commission	5
Procedures for adoption of an ordinance at the District Election Commission session	5
DEC engagement and restrictions during the pre-election agitation/campaign.....	6
CHAPTER III. FIRST SESSION OF THE PRECINCT ELECTION COMMISSION	6
First Session of the Precinct Election Commission	6
Rule of election of the PEC chairperson/deputy chairperson/secretary	6
PART II. ACTIVITIES OF THE DISTRICT ELECTION COMMISSION DURING THE PRE-ELECTION PERIOD	7
CHAPTER I. LIST OF VOTERS.....	7
Procedure for submission of the General List of Voters to the District Election Commission and its publication	7
Verification of Data in the General List of Voters	7
Voter's data Card	7
Amendments to the General List of Voters	8
Special list of voters	9
Procedures for drawing up of the mobile Ballot Box List of Voters.....	10
CHAPTER II. TRANSFER OF THE ELECTION DOCUMENTATION AND INVENTORY	10
Transfer of election documentation to the Precinct Election Commission.....	10
PART III. REGISTRATION OF PERSONS PARTICIPATING IN THE ELECTION PROCESS	11
CAPTER I. ACCREDITATION OF OBSERVERS, REPRESENTATIVES OF ELECTION SUBJECTS, PRESS AND MEDIA REPRESENTATIVES	11
Registration of observer organizations	11
Registration of representatives of election subjects	12
Accreditation of Representatives of the Press and other Mass media.....	13
PART. IV RECEIPT OF ELECTION DOCUMENTATION AT THE DEC, SUMMARIZING OF POLLING RESULTS OF ELECTIONS OF THE PRESIDENT OF GEORGIA.....	13
CHAPTER I. RECEIPT/SORTING OF DOCUMENTATION AT THE DEC.....	13
Receipt/sorting of documentation.....	13

CHAPTER II. SUMMARIZING OF POLLING RESULTS OF THE ELECTIONS OF THE PRESIDENT OF GEORGIA AT THE DEC	14
Summarizing of polling results of the elections of the President of Georgia	14
Verification of the polling results of the PEC	14
Public nature of summary protocol of polling results of elections of the President of Georgia	15
 PART V. RULES FOR FILING AN APPLICATION/COMPLAINTS AND THEIR EXAMINATION PROCEDURE	15
Application/Complaints On violation of polling and counting procedures.....	15
Application/Complaints On violations of election legislation (except for the polling day)	18
Appeal Term and Procedure Decisions of DEC/commission head officials	19
 Annex №1. Application/complaint	20
Annex №2. Required Information of the application/complaint submitted to the Election Commission	21
Annex №3. Certificate on registration of an application/complaint.....	22
Annex №4. Appeal of the summary protocols of polling results of the PEC	23
Annex №5. Act On Summoning of the Party by Technical Means	24

CHAPTER I. RECRUITMENT RULE OF THE DISTRICT ELECTION COMMISSION

Recruitment rule and the term of authority of the District Election Commission*(Election Code - Article 19, Article 20)*

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

- ▶ 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.

Head Officials of the DEC and their authorities*(Election Code - Article 22, 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.

Deputy Chairperson shall:

- ▶ perform duties of the DEC Chairperson if the Commission does not have a Chairperson or he/she is unable to fulfill his/her duties;
- ▶ under the ordinance of the DEC Chairperson, fulfill some of the DEC Chairperson's responsibilities.

The Commission Secretary shall:

- ▶ distribute the documentation and correspondence submitted to the Commission;
- ▶ issue appropriate certificates to the proxies appointed in PECs;
- ▶ under the ordinance register observers appointed in DEC and PECs and issue to them relevant certificates;
- ▶ under the ordinance, register media representatives and provide them with accreditation cards(certificates);
- ▶ draw up drafts of commission ordinances, draft protocols of the DEC session, including summary protocol of polling results Elections of the President of Georgia and polling results.

CHAPTER II. WORK REGULATIONS OF THE DISTRICT ELECTION COMMISSION

Preparation of the District Election Commission sessions*(The DEC Regulation - Article 9)*

Chair of the Commission calls for Commission sessions at its own initiative or upon request of the Deputy Chairperson.

Commission Secretary, upon its adoption of calling the session, posts in a visible place at the DEC the statement on convening of the session, indicating the date, exact time and tentative agenda.

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 respective DEC;
- ▶ representatives of media accredited at the respective commission;
- ▶ one representative of the contestant 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 DEC, 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.

Running 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, not less than 7 members. The commission members endorse their attendance at the session by signing the attendance paper. The commission session agenda shall be prepared by the Commission Secretary.

The issues under discussion shall be put to vote in accordance with the sequence of topics introduced.

Every member of the Commission shall be entitled to make remarks for the duration of 2 minutes regarding the topic envisaged by the agenda. Persons authorized to attend the Commission session make their remarks following the Commission members, with the consent of the Chairperson of the session.

Minutes of the District Election Commission Session

(Election Code - Article 8.7,9)

The process of discussion of topics and decision-making at the DEC sessions shall be reflected in the minutes of the session. The Commission Secretary shall draw up the minutes of the session within 1 day after the session and register in the registration book in the section "Outgoing Documentation". The minutes of the session shall be signed by the session Chairperson and the Commission secretary.

Attention!

- ▶ **A member of the Commission 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 session.**
- ▶ **Member of the Commission with a dissenting opinion shall respect and comply with the decisions delivered by the Commission. He/she shall have no right to impede the execution of the decision by his/her action.**

Rules of correspondence of the DEC

(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 "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.

Legal acts of the District Election Commission

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

Legal acts of The DEC are the following:

- ▶ 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;
- ▶ on changing of data of the PEC summary protocol of polling results;
- ▶ on deeming the polling results in the election precinct null;
- ▶ on annulment of decisions made by the PEC, PEC officials;
- ▶ On granting to local organization the status of a domestic observer.

Ordinance of the commission is signed by the chairperson of the session and commission secretary.

Ordinance of the DEC chairperson shall be issued:

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

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

Ordinance of the Commission Secretary shall be issued:

(Election Code - Article 22.3.b,d)

- ▶ On accreditation of media representatives;
- ▶ On the registration of observers appointed in district and precinct election commissions by the local organization holding an election observer status;
- ▶ On the registration of proxies.

Summary protocol of election and polling results of the commission

(Election Code - Article 70.2; Article 75.4)

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

Summary protocol of election and polling results of the DEC shall be signed by all Commission members attending the session.

Procedures for adoption of an ordinance at the District Election Commission session

(Election Code - 8.4; the DEC Regulation - Article 7.4; Article 10)

The commission Secretary prepares a draft ordinance of the DEC. 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).

Decisions of the district election commission regarding decisions made by precinct election commissions, including nullification of election district/precinct results, opening of packages received from the precinct

election commission and counting of ballot papers and special envelopes, shall be adopted by not less than two-third of those present at the session.

In case of an equal number of votes, a session Chairperson shall have the casting vote. The Commission ordinance shall be posted at the DEC in a visible place upon its signing.

DEC engagement and restrictions during the pre-election agitation/campaign

(Election Code - Article 45.9)

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

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

Attention!

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

Attention!

DEC, in case of disciplinary violations of 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 34th day (September 23) before the Election Day. The DEC chairperson shall call the session. The Commission session shall be authorized, if attended by a majority of the total number of the Commission, not less than 7 members. The commission session shall be chaired by the 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)

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!

- ▶ **Same candidate may be nominated only twice.**
- ▶ **Nominated candidate shall be entitled to participate in voting and cast a vote in favor of himself/herself.**
- ▶ **PEC chairperson, deputy chairperson and secretary cannot be appointed by the same election subject (same election subject is block "Bidzina Ivanishvili - Georgian Dream" and political parties under this block - "Georgian Dream - Democratic Georgia," "Conservative Party," political movement "Industry will Save Georgia," political movement "National Forum," Republican Party, Our Georgia – Free Democrats.)**

Election of PEC chairperson/deputy chairperson/secretary shall be documented by the PEC ordinance.

If within the established term, the chairperson/deputy chairperson/secretary of the PEC is not elected, 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 - the official shall be elected by casting lots.

PART II

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

CHAPTER I. LIST OF VOTERS

Procedure for submission of the General List of Voters to the District Election Commission and its publication (*Election Code - article 31*)

The General List of Voters designated for public information (wall list) signed by the Chairperson of the DEC and Commission Secretary shall be transferred to the PEC no later than the day of first meeting (no later than the 34th day - September 23, before the polling day). The wall list shall be immediately posted in a visible place in the PEC building.

Final lists shall be submitted to the PEC no later than the second day (October 25) before the polling day:

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

Attention!

- ▶ **Initial version of wall lists should be removed and replaced by refined list.**
- ▶ **It is prohibited to issue table lists and its copies as public documents.**

Verification of Data in the General List of Voters

(*Election Code - Article 31.7*)

A party with electoral registration, observer organization, voter shall be authorized to have access to the versions of the list of voters at the DEC and PECs designated for public information. If inaccuracies are identified, they shall be authorized to request to make amendments to the lists of voters **no later than on the 16th day** (October 11) prior to the elections. Applications on requesting amendments to be made to the lists of voters shall be filed either directly to the **Election Administration**.

Attention!

A voter shall be entitled to request access to all available data related to him/her or his/her family members and to amend it.

Voter's data Card

(*N17/2013 decree of CEC of Georgia of July 4, 2013*)

DEC monitors the process of issuing voter cards by PECs.

With the purpose of verifying voter lists PEC members, no earlier than 30th day (September 27) and no later 20th day (October 7) before the voting day distribute voter cards.

Attention!

Distribution of voter data cards should be conducted in accordance with the timetable created by PEC Chair person, by no less than 2 members of the PEC together. Failure to meet these requirements are qualified as disciplinary violation.

Copy of the ordinance of the DEC on making changes to the voter lists is immediately sent to:

- ▶ appropriate PEC
- ▶ CEC of Georgia
- ▶ Relevant territorial unit of the Ministry of Justice with the purpose of reflecting changes in relevant databases

Deadline for submission of application to the territorial unit of the Ministry of Justice is no later than 16th day before the elections (October 11). After making appropriate changes, copy of the decision of this unit is immediately, but no later than 12th day before voting (October 15) is sent to the relevant DEC and CEC of Georgia with the purpose of reflecting these changes into unified voter lists.

Agency authorized to review results of voter list inspection

(Election Code - article 31.8)

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

DEC shall review applications and petitions submitted by the PEC within 2 calendar days, but no later than the 14-th day (October 13) before the Election Day, and shall deliver decision:

- ▶ on amending the data of voters/the lists of voters, or
- ▶ on rejecting the request to amend the data of voters/the lists of voters

Attention!

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

Amendments to the General List of Voters

(Election Code - Article 31.9)

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

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

Attention!

Voters that have been removed from registration according to residence address, or if registration of such voter is declared invalid based on the decision of LEPL Public Service Development Agency, the person can only vote in October 27, 2013 elections of the President of Georgia if he/she registers according to the places of residence no later than October 10.

Rule of appeal of the Commission Ordinance

(Election Code - Article 31.10)

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

In case of upholding of 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 (October 16) before the Election Day. The Commission shall immediately transmit appropriate information to the CEC and respective PEC.

Special list of voters

(Election Code - Article 32)

DEC shall include in the special list of voters the following voters:

- ▶ election administration officials unable to participate in the elections on the polling day by their place of registration, due to their operation to election commissions. (These officials shall be added by the DEC to the list of 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 establishment and due to their health conditions not being discharged from hospital by the polling day. (The list of these individuals shall be submitted to the relevant DEC by the head of 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 to the relevant DEC by the head of the relevant penitentiary institution **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 (list of these persons is submitted by the head of the military unit and ensures its provision to the DEC no later than July 1 of the election year, and with consideration of results of compulsory military service no later than 6 days before the Election Day)
- ▶ voters in various countries for the polling day (list of such persons is compiled by the head of appropriate consulate unit and submits it to CEC no later than 20 days before the election).

The DEC shall compose and approve special list of voters under its ordinance not later than on the 3rd day (October 24) before the polling day and immediately submit them to the relevant PEC.

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

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, also wall copies) and in the box “actual status”, along the line that includes the surname of a voter, shall make a note: “commission member”, “in prison”, “in hospital”, “in military service”, “is abroad”, “is registered by consulate”.

If a voter addresses the DEC with the request to participate in the elections, who no later than on the 16th day (October 11) 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**), once the relevant documentation is submitted (certificate on crossing of a border - entry in the passport, certificate from the medical institution on discharge, or a certificate from the penitentiary institution on release), a voter shall be registered by the Election Commission 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!

Decision on rejecting the request shall be communicated to the voter immediately.

Procedures for drawing up of the mobile Ballot Box List of Voters

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

The PEC shall be responsible for drawing up of the mobile ballot box list of voters. The list of mobile ballot box shall be drawn up on the basis of 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 premises due to limited capabilities and/or 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 to include a new voter in the mobile ballot box list shall be made by the two-third vote 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).

Mobile ballot box lists, based on the special lists and information provided by DEC is updated by information on voters that are under treatment in the hospital or other stationary facility, is under arrest, is a military servant, serves in the state border military unit located far from the precinct and no polling station is opened there.

In case of inclusion of a voter in the list of mobile ballot box, along general and special lists, a box "Actual Status" shall indicate: "mobile ballot box".

CHAPTER II. TRANSFER OF THE ELECTION DOCUMENTATION AND INVENTORY

Transfer of election documentation to the Precinct Election Commission

For preparation and conduct of polling, the DEC, before the polling day, shall transmit to the PEC the following:

Election Documentation

- ▶ final version of the general list of voters;
- ▶ voting invitation cards;
- ▶ forms of the mobile voters' lists;
- ▶ ballot paper books;
- ▶ special envelopes;
- ▶ polling day log-books;
- ▶ control sheets;
- ▶ summary protocol of polling results 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

- ▶ list of Presidential candidates;
- ▶ instruction for filling in the ballot paper;
- ▶ extract from the law, concerning in which case the ballot paper is deemed invalid;
- ▶ envelopes for wrapping election documentation.

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

Attention!

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

PART III

REGISTRATION OF PERSONS PARTICIPATING IN THE ELECTION PROCESS

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

Registration of observer organizations

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

DEC shall register domestic observer organization, which will observe elections at one election district.

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 with the CEC or a relevant DEC for the purpose of observing elections.

To be registered, a domestic election observer organization shall file an application to the district election commission no later than 10th day before the polling day (October 17) and submit the constituent document/statute notarized. 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** of the submission of the application.

Attention!

- ▶ **The Election Commission shall not have a right to decline registration of an observer organization, if this organization complies with the requirements of the Election Code of Georgia.**
- ▶ **The ordinance of the Election Commission on decline of the registration shall be substantiated and shall be transmitted 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 court within 2 days after its submission.**

If registered, a domestic observer organization shall submit to the DEC Secretary a list of observers appointed at the DEC and the PEC no later than on the 5th day before polling day (October 22).

The list shall include the following information about an observer:

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

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

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;
- ▶ judges;
- ▶ officials of the Prosecutor's Office;
- ▶ 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;
- ▶ election subjects and their proxies;
- ▶ election commission members.

Deadline for registration of an observer organization observer

(*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 to the organization an observer certificates.

Observer certificate at the same time represents a badge, which shall be enforced at the moment of its issuance and its operation shall be terminated in 2 weeks after summing up the final results of elections.

Attention!

An observer registered at the DEC shall be authorized to observe at any polling station on the territory of respective election district on the polling day (*Election Code - Article 40.10*).

Registration of representatives of election subjects

(*Election Code - Article 42*)

A party/initiative group/candidate for President of Georgia registered by the CEC shall be entitled to appoint 2 representatives at every election commission.

An election subject shall submit an application to the relevant election commission on the appointment of a representative.

The application shall be signed by the leader of a party/ candidate for President of Georgia or person authorized by them, representative of the candidate for President of Georgia, voter initiative group in upper election commission and it shall include the following about the representative:

- ▶ first and last names;
- ▶ year of birth;
- ▶ address;
- ▶ contact telephone number (if any).

In case of submission of complete information, within 24 hours, the DEC chair shall by its ordinance, take as a note the information on registration of an observer and the commission secretary shall issue an observer certificate, which at the same time represents a badge.

Attention!

An election subject shall have the right to withdraw and/or replace its representative at any time, except for the election 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 representatives of the press and other media shall be submitted to the relevant district election commission, no later than the 3rd day before the polling day (October 24).

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

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

PART IV

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

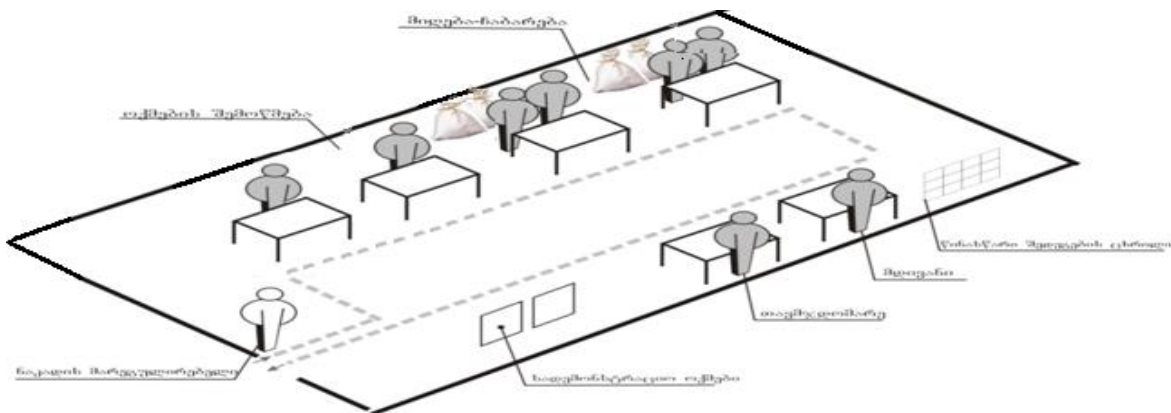
CHAPTER I. RECEIPT /SORTING OF DOCUMENTATION AT THE DEC

Receipt/sorting of documentation

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

- ▶ summary protocol of polling results;
- ▶ applications/complaints, polling day logbook and a sealed envelope of the registration book.

Receipt/sorting of documentation shall be carried out in accordance with the following scheme:

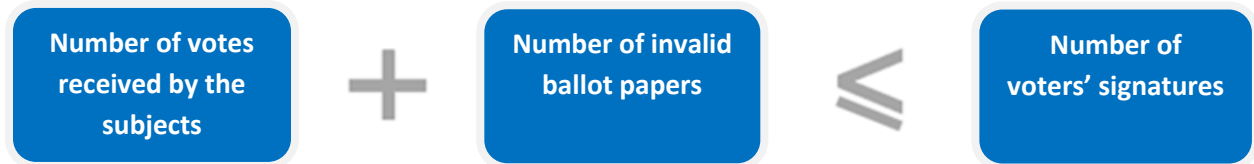


Commission member regulating the voters' flow shall:

control the flow of persons authorized by the PECs (charipersons, deputies) and send 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 and complaints;
- ▶ check the summary protocol of polling results based on the following scheme:



- ▶ forward checked 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;**
- ▶ **Protocol filled in incorrectly shall be set aside and considered on a later stage by the DEC.**

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

CHAPTER II. SUMMARIZING OF POLLING RESULTS OF THE ELECTIONS OF THE PRESIDENT OF GEORGIA AT THE DEC

Summarizing of polling results of the elections of the President of Georgia

(Election Code - Article 75)

On the basis of 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 (November 7) following the polling, shall summarize the results of elections of the President of Georgia 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. The protocol shall be endorsed by the DEC stamp.

If a DEC member disagrees with the data included in the summary protocol, he/she is entitled to indicate in the protocol what he/she disagrees with, and attach a written dissenting opinion to the protocol.

Verification of the poling 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 by an ordinance on opening the packages received from the PEC and re-counting ballot papers.

Attention!

In the course of opening of the election documentation, the DEC shall observe the following sequence of procedures for counting of 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 of 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 protocol of polling results of elections of the President of Georgia

(Election Code - Article 71.8. 75.7-9)

The commission is obliged to ensure posting of the copy of summary protocol of polling results for public information.

The summary protocol of the DEC polling results (enclosed with any dissenting opinions of commission members), as well as the DEC ordinances on amending the PEC summary protocol (if such amendments have been made) shall be immediately transmitted to the CEC.

A copy of the summary protocol of the commission enclosed with the dissenting opinions of commission members (if any), upon its request, shall be immediately forwarded to all authorized person.

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 the protocol with his/her signature in the DEC registration book.

PART V**RULES FOR FILING AN APPLICATION/COMPLAINTS AND THEIR EXAMINATION PROCEDURE****Application/Complains****On violation of polling and counting procedures****Persons filing an application/complaint and their rights**

The following persons In the PEC and upper DEC:

- ▶ representative of a party/voter's initiative group
- ▶ observers of an organization having an election observer status

are entitled to:

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

- ▶ from the opening of the precinct **(from 7:00)** 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 №1](#)) immediately after detecting the violation in compliance with the requirements of the Election Code (see [Annex №2](#));

Attention!

Application/complaint form provided in Annex №1 is recommendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №2.

- ▶ 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 for **revision or nullification of polling results**.

Attention!

An application/complaint on violations conducted 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) shall be forwarded to the upper DEC within 3 calendar days from the polling day by the PEC. The applicant/complainant may submit application/complaint concerning the same violation directly to DEC, within the same timeframe.

Summary protocol of polling results of the PEC, **within 3 calendar days** of its drafting shall be appeal before the DEC, if the PEC summary protocol of polling results is drawn up in breach of the requirements of the election legislation as provided by [Annex N4](#).

Registration of the application/complaint at the District Election Commission (DEC)

The DEC secretary shall register 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;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a (signed) written notification to the applicant/complainant signed and stamped by the secretary ([See Annex №3](#)).

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 N2](#)).

Attention! In case secretary of the DEC refuses to receive an application/complaint, the applicant may call the hotline number at: 032-251 00 51

Identification of errors to application/complaints

Secretary of the commission shall indicate the error of the application/complaint to the applicant and define the reasonable term for its rectification if the application/complaint does not include:

- ▶ date and time of drafting the application/complaint;
- ▶ name, address 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.

The time given for rectification should be reasonable, that the error may be duly corrected.

Attention: Term for rectification of the error is defined by agreement between secretary of the DEC and the applicant/complainant. In case agreement between parties is not reached, the term for rectification of error is individually determined by the secretary of the election commission.

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

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, person receiving application/complaint notes - **“error corrected”** - along the registered application/complaint in the registration book, with reference to exact date and time when the error was corrected. Applicant/complainant and secretary of the DEC shall sign along the relevant note in the registration book.

Attention!

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

Responding to the application/complaints

Application/complaint **shall not be reviewed**, on which the ordinance on disregarding the application/complaint shall be adopted by the DEC when:

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

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

Summoning of parties for consideration of application/complaint

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

- ▶ an observer organization or its representative, registered in the election commission; time and place of consideration of the complaint shall be notified to the respective observer of this organization, registered in the election commission or this organization;
- ▶ an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
- ▶ a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

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

Summoning of 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.

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

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session (See, Annex N5). The act shall be drawn up by one of the members of the commission on the instruction of the chairperson of commission, and signed by the person drafting the act and the DEC chairperson.

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

Examination of an application/complaint at the DEC

Decision on examination of the complaint shall be taken based on accurate 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 examination of the complaint as established by the Georgian election legislation.

A party **is entitled to** conduct relations with an election commission by means of:

- ▶ a representative;
- ▶ a lawyer.

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

- ▶ Representation of an initiative group of voters and the candidate for President of Georgia 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 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, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be made without considering his/her position on the issue.

Application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC which takes decision **within 1 calendar day from its registration in DEC**. The DEC shall deliver decision in the form of an ordinance, which may be appealed only to the court according to the rule established by Election Code.

Application/Complaints

On violations of election legislation (except for the polling day)

Decisions of PEC/commission head officials may be appealed to the relevant DEC **within 3 calendar days** after their delivery.

The DEC examines the complaints on decisions of PEC/commission head officials **within 1 calendar day**.

Registration of the application/complaint with the District Election Commission (DEC)

The DEC secretary shall register 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 person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a written notification to the applicant/complainant signed and stamped by the secretary (**See, Annex N3**).

Attention!

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

Responding to the application/complaint

Application/complaint **shall not be reviewed**, on which the decision on disregarding the application/complaint shall be delivered the ordinance by the DEC when:

- ▶ 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!

DEC does not identify error for application/complaints on violations of election legislation (except for the polling day). Provided relevant grounds are present, the application/complaint will be disregarded without establishing error on it.

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

Appeal Term and Procedure

Decisions of DEC/commission head officials

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

Decisions of DEC/commission head officials, except for those decisions mentioned above, may be appealed to CEC within 1 calendar day after their delivery.

Attention!

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

- ▶ DEC ordinance on refusal to amend voters' data/lists;
- ▶ Election commission ordinance on refusal to register an observer organization.

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

Application/complaint
(underline needed)

Applicant/complainant -----

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) -----

Name, Last name, address according to the place of registration

In case an offender is revealed - all possible date 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 *;
- ✓ 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 date 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 as fax and email (if any) of the applicant/complainant ***;
- ✓ other additional 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

Certicifate

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 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 elections 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.(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 -----

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Remarks

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Remarks

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Resilient nations.*