



**CEC**

ELECTION ADMINISTRATION  
OF GEORGIA



FOR ELECTORAL SYSTEMS DEVELOPMENT,  
REFORMS AND TRAININGS



# HANDBOOK FOR MEDIA



ELECTIONS OF PARLIAMENT OF GEORGIA  
2012

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### 1.1. Role of Media in the Election Process

Role of media in the election process is determined by insuring dissemination of objective information in the population, which facilitates the establishment of a well-informed electorate and helps the latter to make rational political choice. For efficient implementation of its key function, media shall be guided by the following principles recognized and established by the world practice and the legislation of Georgia<sup>1</sup>:

- ▶ **demonstration respect of law** - comply with the legislation of Georgia
- ▶ **professionalism** – carry out activities based on universally recognized professional standards, considering all legitimate interests
- ▶ **impartiality** – refrain from unilateral interpretation of their opinion and misinformation
- ▶ **“in service of voters”** - facilitate delivery of objective and exact information to the electorate
- ▶ **fair treatment** – treat every person fairly and with respect. Do not allow discrimination while allocating an air time for any of the party during the elections

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<sup>1</sup> Organic Law of Georgia, Election Code of Georgia; Law of Georgia on Broadcasting; Code of Conduct for Broadcasting Service; Guidelines on Media analysis during election observation mission. OSCE/ODIHR and the Venice Commission. Adopted by the Council for Democratic Elections (Venice, 2009)

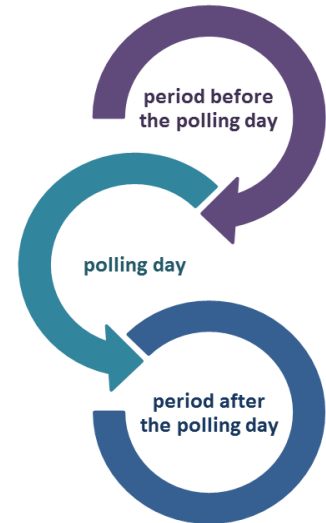
## 1.2. Rights of a media representatives in the election process

Media representatives are entitled to observe the election process freely and without any hindrance and ensure its media coverage



Media representatives accredited at the relevant election commission **has a right to:**

- ▶ attend the sessions of the election commissions;
- ▶ be present at the polling place at any time during polling day;
- ▶ unrestrictedly move within the precinct territory and observe all stages of the polling process from any point of the precinct in a free and unhindered manner.



### **Attention!**

**The restriction of the rights of a media representative set forth by the Election Code, or the disruption of his/her activities, shall lead to the imposition of a fine upon a relevant person in the amount of 500 GEL (*Election Code - Article 91*).**

Media representatives accredited in a relevant election commission **shall not be entitled to** (*Election Code – Article 41*):

- ▶ exert an undue influence upon the free expression of will of voters;
- ▶ agitate the voter in favor or against an electoral subject;
- ▶ wear symbols or signs of any election subject.

**Attention!**

**Violation of the above requirements shall lead to the imposition of a fine upon relevant individuals in the amount of 500 GEL (*Election Code – Article 92*).**

- ▶ interfere in the functions and activities of an election commission;
- ▶ be without a badge at the polling place on the polling day.

**Attention!**

**An election commission is authorized to remove a representative of media from the commission premises, in the case of breach of order and obstruction of the work of the commission (*Election Code – Article 8.18*).**



Main Activities	
2.1.	Accreditation of Media Representatives
2.2.	Recruitment of the District Election Commissions
2.3.	Recruitment of the Precinct Election Commissions
2.4.	Publication of a General list of Voters
2.5.	Drawing up of the Special List of Voters
2.6.	Forming a Mobile Ballot Box list
2.7.	Registration of Subjects Participating in the Elections (Party, Election Bloc, initiative Group, Candidates)
2.8.	Accreditation of Observer Organizations
2.9.	Pre-election Campaign
2.10.	Informational Support of the Pre-election Campaign
2.11.	Arrangement of the Polling Place

## 2.1. Accreditation of the representatives of 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**s.

Accreditation of media representatives **operating on the territory of one election district** shall be conducted by the **secretary of the appropriate DEC**.

Application on accreditation of representatives of the press and other media shall be submitted to the relevant election commission, no later than the 3<sup>rd</sup> day before the polling day (September 28).

Within 1 day after filing an application, secretary of the appropriate election commission shall decide on the accreditation of representatives of the press and other media and shall issue to the accredited representatives appropriate certificates within 1 day after the receipt of the decision, which is a badge at the same time. In case of decline of application for accreditation, the secretary shall issue an appropriate ordinance (**proper justification for the decline of the application shall duly be stated in the ordinance**) within the same timeframe.

## 2.2. Recruitment of the District Election Commissions

The DEC shall consist of 13 members (*Election Code of Georgia – Article 19.3-5*):

- ▶ 5 members shall be elected (for 5 year term) by the CEC;



- ▶ 7 members are appointed by parties (appointed after calling of elections and the term of authority is expired by the time of announcement of final results of the elections);
- ▶ 1 member is elected by the CEC (after calling of election and his/her term of authority is expired by the time of announcement of final results of the elections).

### 2.3. Recruitment of the Precinct Election Commissions

The PEC shall consist of 13 members (*Election Code – Article 24.1,2,4*):

- ▶ 6 members are elected by the DEC based on the competition;
- ▶ 7 members are appointed by the parties

The term of authority of a member of the PEC starts at the first session of the PEC and ends by the time of drafting of the summary protocol of polling results in the relevant DEC (Election Code – Article 25.14).

#### **Attention!**

**Member of election commission shall not be withdrawn 15 days before the polling day (September 16).**

## 2.4. Publication of the General List of Voters

### Verification of date of the general list of voters

*(Election Code – Article 31; 184; 185<sup>1</sup>)*

By 2012 Parliamentary Elections of Georgia, **Commission for Ensuring Voters' List Accuracy** shall ensure the accuracy of the list of voters throughout the whole territory of Georgia.

Under the decision of the Commission for Ensuring Voters' List Accuracy, general list of voters shall include the following voters with a different entry - **“removed from the address of registration”**:

- ▶ the fact of residence of whom at the registration address is not confirmed by the application of a person registered at the same address
- ▶ the registration of whom was terminated by the legal entity of public Law of the Ministry of Justice of Georgia –State Services Development Agency.

Above voters shall participate in the elections conducted under the majoritarian, as well as proportional electoral system, shall vote in accordance with the last place of registration and such voters shall be included in the lists of voters after the lists organized in alphabetical order.

Based on the decision of the Commission for Ensuring Voters' List Accuracy, the box “actual condition”, along the last name of a voter, who has been confirmed to be abroad by the application of a person registered at

the same address, shall include an entry “is abroad”. The above voter shall participate in the polling in accordance with the general procedure.

Commission for Ensuring Voters’ List Accuracy shall be entitled to register as a voter any person who has attained 18, is born in Georgia and over the recent 5 years has permanently lived in Georgia, and by the time of enforcement of Article 104<sup>4</sup> of the Constitution of Georgia (29.05.2012), possesses a citizenship of the European Union.

This person shall be registered in Georgia in accordance with his/her actual place of residence based on the nomination of an administrative body or his/her own application.

**A party, election bloc with electoral registration** shall be entitled to look through the version of the list of voters designated for public information at the CEC, DEC and PEC and in case of detecting inaccuracy, request the amendment of the voters’ data and the list.

**From August 1, 2012**, no later than on the 14<sup>th</sup> day (September 17) prior to the elections, the election administration shall immediately submit the applications filed to the election administration of Georgia on amendments to the lists of voters to the Commission on Verification of Voters’ Lists.

Applications on amendments to the lists of voters shall be submitted directly to the **Commission on Verification of Voters’ Lists or to the election administration of Georgia**. The election administration shall immediately submit received applications to the Commission on Verification of Voters’ Lists. The Commission is under a duty to adopt a relevant well-founded decision within 2 calendar days of the submission of the

application and immediately notify the election administration on the above decision, based on which the DEC chairperson shall issue an ordinance on:

- ▶ amending the voters' data/list, or
- ▶ refusing to amend the voters' data/list

**Attention!**

**An ordinance on refusing to amend the voters' data/list shall be well-grounded and from the following day of its adoption, upon request, shall be transmitted to the applicant.**

The Commission shall make a substantiated decision regarding the application of an interested person on including the entry - "is abroad" or "removed from the address of registration" in the general list of voters within 14 calendar days from submission of the application and immediately notify the election administration thereon.

The ordinance of the DEC chairperson on refusing to amend the voters' list, within 2 days of its adoption may be appealed in the relevant district/city court.

## **2.5. Special list of voters (*Election Code – Article 32*)**

The DEC shall draw up and approve by an ordinance the special list of voters, and no later than on the 3<sup>rd</sup> day before the polling day (September 28) shall convey it to the respective PEC.

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

- ▶ election administration officials unable to participate in the elections on the polling day under their place of registration, due to their assignment to election commissions;
- ▶ 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;
- ▶ voters serving sentence in prisons on the polling day;
- ▶ military servicemen of military compounds conscript and contract militarized forces and units of the Ministry of Defense and the Ministry of Internal Affairs of Georgia;
- ▶ voters being abroad on the polling day.

If on the polling day a voter addresses the PEC with the request to participate in the elections, who no later than on the 14<sup>th</sup> day before the Election Day (September 17) failed to address the Commission for Ensuring Voters' List Accuracy 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 respective PEC and the commission shall attach to the voting lists the photocopies of relevant documentation (*Election Code – Article 31.12*).

## 2.6. Mobile voters' list *(Election Code – Article 33)*

The PEC is responsible for drawing up of a mobile ballot box list. The list of a mobile ballot box shall be drawn up on the basis of general and special lists.

A voter is 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. After filling up the above number, the PEC chairperson is obliged to notify immediately the DEC on each new application submitted);
- ▶ a voter is on the territory of the polling station, but on a place difficult to access;

### **Attention!**

- ▶ **A voter addresses the PEC in writing or by telephone with a mobile vote request no later than on the second day prior to polling (September 28).**
  - ▶ **The Commission secretary shall include a voter in the mobile ballot box list of voters, in case the voter is included in the general list of voters and his/her actual location is assigned to the territory of the election precinct in which he/she is registered.**
- ▶ a voter is imprisoned;

- ▶ a voter is in hospital for treatment or in any other inpatient medical facility with no polling station established in it (no later than 2 days prior to polling, the DEC forwards to the PEC information on the voter being in an inpatient medical facility on the polling day);
- ▶ a voter is a military serviceman, serves in the military unit at the state border, which is located far from the polling station and within which no polling station is established.

Proxies have a right to inspect whether the mobile voting requirements are well-substantiated and raise the issue of appropriateness of inclusion of these individuals into the mobile ballot box list before the PEC any time prior to the Election Day. The PEC shall make decisions with respect to this issue.

**Attention!**

**Mobile ballot box list shall be immediately posted in a visible place of the PEC and polling premises.**

## 2.7. Registration of subjects participating in the elections (*Election Code – Article 113-117*)

### Registration of parties/Election Blocs

To obtain the right to participate in the elections, a party shall apply with the relevant application, signed by its leader(s), to the **CEC chairperson**:

- ▶ after the parliamentary elections are called, but no later than the 57<sup>th</sup> day before the Election Day (August 5), if, by date the election day is set, the party has a representative in the Parliament of Georgia;

- ▶ from 1 January until 1 August of the parliamentary election year, if the party has no representative in the Parliament of Georgia, or it is not receiving state funding.

Registered parties have the right to establish an election bloc. To register an election bloc, an application signed by the authorized leaders of all parties constituting the bloc, and the election bloc statute, shall be submitted to the CEC chairperson no later than the 43<sup>rd</sup> day (August 19) before the Election Day.

**Attention!**

**No later than 30 days (September 1) before the Election Day, the CEC shall publish the list of registered parties and election blocs, through the press and other media, according to the sequence in which their applications were filed, as well as the list of the parties and election blocs whose registration was declined or cancelled, and the reasons for such.**

### **Registration of party lists**

Registered parties and election blocs shall submit the party lists to the CEC chairperson no later than on the 30<sup>th</sup> day (September 1) before the Election Day.

Each party participating in elections independently and election bloc has the right to submit one party list. The number of candidates for membership of parliament in the submitted party lists must not be less than 100 and more than 200. The party lists shall be enclosed with the registration card filled out and signed by each candidate for membership of the Parliament and photos of the candidates.



A candidate nominated in a majoritarian election district may be incorporated in a party list. In this case, it must be specified in the party list that the candidate is nominated for a majoritarian election district.

A party list is registered for elections by the [ordinance of the CEC chairperson](#).

### Registration of Initiative Group of Citizens

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In order to nominate a candidate for the member of the Parliament of Georgia, an initiative group of voters, no later than on the 57<sup>th</sup> day (August 5) prior to polling shall submit an application to the relevant DEC. No later than on the following day of submission of the application, the [DEC chairperson](#) registers the initiative group of voters.

### Registration of candidates

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The right to nominate a candidate for the member of the Parliament of Georgia in a majoritarian election district shall be granted to the following subjects, registered in accordance with the Election Code of Georgia:

- ▶ a party participating in elections independently;
- ▶ election bloc;
- ▶ initiative group of voters composed of 5 members.

The application on the nomination of a candidate in two copies shall be enclosed with the registration card filled out and signed by each candidate for member of the Parliament, photos of the candidates and a certificate on narcotic drug inspection.

**A representative of the initiative group of voters**, no later than on the 50<sup>th</sup> day (August 12) prior to polling, shall submit to the relevant DEC the above documentation, as well as the list of supporters of a candidate and a bank document certifying the 5000 GEL deposit made by the majoritarian candidate for MP on the account prescribed by the CEC.

Candidate for member of the Parliament of Georgia nominated by the initiative group of voters shall be registered under the **ordinance of the DEC chairperson** no later than on the 30<sup>th</sup> day (September 1) before the Election Day, while a candidate for member of the Parliament of Georgia nominated by the party independently running for elections /election bloc - no later than on the 25<sup>th</sup> day (September 6) before the Election Day (in case the data in the enclosed documentation does not comply with the requirements defined by the law, a party/election bloc shall be granted additional time for correcting the the documentation. Corrected data shall be verified and the issue of electoral registration shall be decided within 5 days from their submission, however, no later than on the 20<sup>th</sup> day (September 11) before the Election Day).

## **2.8. Registration of Observer Organizations (*Election Code – Article 39, 40*)**

The right to observe elections shall be granted to the domestic and international observer organizations, which shall be registered in accordance with the procedures established by the Election Code.

Domestic observer organization may be a local non-entrepreneurial legal entity, registered no later than 1 year prior to the polling day, the statute of which, at the time of registration, envisages election monitoring and/or protection of human rights.

International observer organization may be a representative of another state, organization registered in another state or an international organization, the constituent document/statute of which provides for monitoring of elections, protection of human rights and activities of which are based on the following internationally recognized principles:

- ▶ respect for the legislation of Georgia, sovereignty and internationally recognized human rights norms;
- ▶ refrain from hindering the election process;
- ▶ political impartiality;
- ▶ financial independence from participants of the election process and impartiality of funding sources;
- ▶ protection of provisions recognized by the Declaration of Principles for International Election Observation.

### **Procedures and Terms of Registration of a Domestic Observer Organization**

A domestic observer organization is registered by:

- ▶ **the District Election Commission (the DEC)**, if it observes in one election district;
- ▶ **the Central Election Commission (the CEC)**, if it observes in more than one election district.

An observer organization shall apply to the appropriate Election Commission no later than on the 10<sup>th</sup> day (September 21) before the Election Day and submit the constituent document or a notarized copy of the

statute. The application shall include the name of the election district (districts) in which the organization will carry out observation.

The Election Commission shall make a decision on registration of the organization within 5 days of the submission of the application.

No later than on the 5<sup>th</sup> day before polling:

- ▶ An observer organization, **registered by the CEC**, shall submit to the CEC Secretary a list of observers appointed at the CEC, the DEC and the PEC (the list shall be enclosed by the copies of personal identification cards of Georgian citizens of domestic observers).
- ▶ An observer organization, **registered by the DEC**, shall submit to the DEC secretary a list of observers appointed at the DEC and the PEC (the list shall include the first and last names and the place of registration of an observer).

An observer of a domestic observer organization may be any citizen of Georgia above the age of 18, **except for:**

- ▶ official holding state-political position;
- ▶ member of the Parliament of Georgia;
- ▶ member of the local self-government representative body - Sakrebulo;
- ▶ head and deputy head of the local self-government executive body;
- ▶ judge;
- ▶ staff of the Ministry of Internal Affairs of Georgia, Ministry of Defense and Ministry of Corrections and Legal Assistance of Georgia, Georgian Intelligence Service and Special State Protection Service of Georgia;

- ▶ official of the Prosecutor's Office;
- ▶ election subjects and their proxies;
- ▶ election commission member.

The secretary of Election Commission shall, no later than on the 2<sup>nd</sup> day of the submission of the list of observers, register an observer (observers) nominated in compliance with the provisions of Law and issue to the organization an **observer certificate (certificates)**, which at the same time represents a **badge**.

A domestic observer, **registered with the CEC**, is entitled to observe elections at all levels of the Election Commissions.

An observer of a domestic observer organization **at the DEC** and an observer observing elections at the polling station within the territory of the election district are authorized to observe **at any polling station** on the territory of respective election district on the polling day.

**Attention!**

**One domestic observer organization shall be entitled to have simultaneously not more than one observer at the election precinct.**

## Procedures and Terms of Registration of an International Observer Organization

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International observer organization is registered by the **CEC**.

An international observer organization shall submit an application to the CEC no later than on the 7<sup>th</sup> day (September 24) before the Election Day and provide a copy of its constituent document. If an observer (observers) is a representative of another state authority, he/she shall only provide an application and a certificate of authorization.

Hereby, while registering the organization, the CEC shall be authorized to request submission of additional information, which would make it possible to verify compliance of activities of the organization with internationally recognized principles .

The CEC shall make a decision on registration of the organization within 2 days of the submission of the application.

Registered international observer organization shall submit information on the observers as well as the copies of their Personal Identification Cards to the CEC secretary no later than on the 2<sup>nd</sup> day (September 29) before the polling day.

The CEC Secretary shall, no later than on the 2<sup>nd</sup> day of the submission of the list of observers issue an ordinance on registration or refusal to register a nominated observer (observers). In case of registration of the

observer (observers), the CEC secretary shall issue to the organization an **observer certificate (certificates)**, which at the same time represents a **badge**.

**Attention!**

**One international observer organization shall be entitled to have simultaneously no more than 2 international observers at the election precinct.**

### **Decline of the Registration**

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.

## **2.9. Pre-election campaign**

Pre-election campaign starts from the moment of calling of elections (*Election Code – Article 45*).

**Election subjects and their supporters have a right** to present a program of further activity. The election program shall not contain propaganda of war and violence, overthrowing the existing state and social order or

replacing it through violence, violating the territorial integrity of Georgia, calling to foster national hatred and enmity, religious and ethnic confrontation.

**The following shall not be entitled to conduct and participate in pre-election agitation:**

- ▶ members of an election commission;
- ▶ judges;
- ▶ public officials of the Ministries of Internal Affairs and Defense, Prosecutor's Office, Intelligence Service and Special State Protection Service;
- ▶ The Auditor General;
- ▶ Public Defender of Georgia;
- ▶ aliens and foreign organizations;
- ▶ charity and religious organizations;
- ▶ Members of Georgian National Communications Commission (GNCC) and Georgian National Energy and Water Supply Regulatory Commission;
- ▶ Public officials of bodies of State and local self-government, while directly carrying out their duties; (The above restriction shall not apply to political public Officials<sup>2</sup> defined by the Election Code (*Election Code – Article 49.2*)).

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<sup>2</sup> Political public official - the President of Georgia, a member of the Parliament of Georgia, the Prime-Minister of Georgia, other Members of the Government of Georgia and their deputies, a Member of the Supreme Representative Bodies of Abkhazia and Ajara, Heads of governments of Abkhazia and Ajara, as well as a Member of the Representative Body of Local Self-government and the Head of the Executive Body, State authorized Attorney - the Governor.



### **Attention!**

**Pre-election campaign shall not be conducted in the premises of the following institutions:**

- ▶ **courts;**
- ▶ **military units;**
- ▶ **executive government agencies of Georgia.**

### **Agitation Material**

*(Election Code – Article 46)*

Election subjects (candidates of an election subject) enjoy equal rights to produce pre-election appeals, statements, inscriptions, leaflets, photo materials, etc.

Printed agitation materials may be displayed on buildings and premises and other places, with the consent of their owners or possessors.

**The following shall be prohibited!**

- ▶ **Obstructing the dissemination and seizure of agitation materials, as well as the seizure of or hindrance to the use of transportation or other kinds of specially equipped means aimed at pre-election agitation;**
- ▶ **Posting of election posters on religious buildings, buildings of cultural heritage, interior and exterior of buildings of state authority, bodies of local self-government, courts, the Prosecutor's Office, military compounds and police, as well as on traffic signs;**
- ▶ **Removal, tearing down, covering up or damaging of election posters shall be inadmissible and punishable by the Law, unless they are posted in prohibited places.**

Printed agitation materials shall indicate:

- ▶ Names, addresses of the organizations ordering and producing them
- ▶ Information on the edition quantity, number and the date of issue.

**Attention!**

- ▶ **Dissemination of printed agitation materials without indicating the above information is prohibited;**
- ▶ **An election subject is obliged to indicate the number on printed agitation material only after obtaining such number.**

Within 15 days from the moment of official publication of the final results of the elections, the relevant election subject is under a duty to ensure removal of agitation materials; otherwise election subject shall be held responsible according to the legislation of Georgia.

### Vote Buying

*(Election Code – Article 47)*

From the moment of publication of the relevant legal act announcing elections until the publication of the final results of the elections, the following **shall be prohibited** for the election subjects, candidates and their proxies, done personally or through other persons:

- ▶ give funds, gifts and other material possessions (irrespective of their value) to the citizens of Georgia;
- ▶ sell goods to them at a preferential price;
- ▶ distribute or disseminate any goods free of charge (except for the agitation material as prescribed by Law);
- ▶ Motivate Georgian citizens by promising to give funds, securities and render other material possessions (regardless of their value).

From the moment of publication of the relevant legal act announcing elections until the publication of the final results of the elections, physical or legal persons **shall be prohibited** to perform such work or provide such services (except for performance of work or provision of services as defined under the Georgian Law on

State Procurement) by utilization of personal funds and/or election subject funds, which according to the Georgian legislation falls within the competence of Georgian state and/or local self-government bodies.

**Attention!**

**In the event of such facts are established, registration of the election subject, who has personally or through a representative or any other physical or legal persons acting in his/her favor, carried out prohibited activities mentioned above, shall be revoked by the court decision.**

**Prohibition of the abuse of administrative resources**

*(Election Code – Article 48)*

Administrative resource is a material value – property, necessary for performing of state functions. Persons with the right to participate in pre-election agitation **shall be prohibited** to **utilize** the following administrative resources:

- ▶ utilization of premises occupied by the bodies of state and local self-government, as well as organizations funded from the Georgian state budget, if other election subjects are unable to use the premises of same or similar function under the same conditions;
- ▶ use of means of communication, information services and other kinds of equipment designate for the bodies of state and local self-government, as well as organizations funded from the Georgian state budget;

- ▶ utilization of means of transportation owned by the bodies of state or local self-government free of charge or under preferential terms.

**Attention!**

**Restrictions shall not be applied on the utilization of vehicles of office use by political public officials, as provided by the Election Code, except for the state authorized representatives – Governors and head officials of local self-government bodies, not elected through direct elections.**

**Prohibition of the use of budget funds**

*(Election Code – Article 49.3,4)*

From the day of calling of elections until the sum up of the election results, implementation of such projects not being previously envisaged in the state/local budget, as well as increase of those budgetary programs stipulated by the budget prior to the elections, initiation of unplanned transfers or boosting of planned transfers in the local budget, **shall be prohibited.**

**Attention!**

**In case of violation of these procedures, an authorized individual shall have the right to apply to court and demand suspension of expenses.**

In the course of pre-election campaign, production of such printed materials through funds allocated by state/local budget, where any election subject or a number assigned to him/her during elections is reflected, and/or which comprise materials in support/against any election subject **shall be prohibited**. Utilization of an election subject or number assigned to him/her during elections in public service announcement (PSA) in the course of pre-election campaign **shall also be prohibited**.

#### Prohibition of occupational status or official capacity

*(Election Code – Article 49.1,2,5)*

Person entitled to participate in the pre-election agitation, holding an office in the bodies of state or local government, **shall be prohibited** to use his/her occupational status or official capacity in the course the campaign, which shall mean:

- ▶ engaging subordinated persons or individuals dependent otherwise in activities facilitating presentation and/or election of a candidate;
- ▶ collecting signatures and conducting pre-election agitation during official business trips, funded by the body of the state and local self-government;
- ▶ conducting pre-election agitation in the course of fulfillment of official duties.

#### **Attention!**

**Restriction shall not apply to political public officials defined by Election Code, as well as to the cases where TV and radio broadcasters use an air-time allocated for pre-election agitation.**

Reshuffle of senior officials of the body of local self-government, police and the Prosecutor's Office, except for the expiry of the term of their authorities and/or in cases when they have violated the law, shall be prohibited.

### Interagency Commission

*(Election Code – Article 48.3-9)*

In order to prevent and response to the violations of election legislation of Georgia by public servants, an Interagency Commission (hereinafter “the Commission”) has been set up under the National Security Council of Georgia from May 18, 2012, based on the Election Code of Georgia, which shall be composed of the representatives of the Ministries of Internal affairs, Justice, Regional Development and Infrastructure, Finance, Foreign Affairs, as well as National Security Council.<sup>3</sup>

Qualified election subjects, as well as political unions that inform the Commission on the violation of election legislation by public servants, shall participate in the commission activities with deliberative vote.

To ensure the publicity of activities of the Commission, representatives of local and international observer organizations may be invited to the Commission sessions.

In case the violation is confirmed, the Commission shall be authorized to **submit a recommendation** to any public servant, administrative body, and the CEC requesting to carry out appropriate measures within a reasonable time.

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<sup>3</sup> See, the Commission composition and the Regulation at: <http://nsc.gov.ge/files/files/media/NSC%20Advisor%20Order.pdf>

## 2.10. Informational Support of the Pre-election Campaign

### Print media

*(Election Code- Article 50.2-4)*

Within the timeframe of calling of the elections and summarizing the election results, **Newspapers funded by central or local budgets**, in case of allocation of newspaper space for pre-election agitation and political advertising, should publish the following information on a weekly basis in the same newspaper:

- ▶ from which date, to what frequency and until when the newspaper space is allocated;
- ▶ the size of the space allocated in one newspaper;
- ▶ in case of provision of newspaper space free of charge - a share of the free space out of the total space;
- ▶ space fee, service provided;

No election subject shall be granted more than one-third of the newspaper space in one newspaper publication or over a period of one week; the space fee shall be equal for all election subjects;

When publishing an agitation article or political advertising, above the article heading and in the corner of the advertisement, an inscription "**paid political advertising**" or "**free political advertising**" shall be made;





### **Attention!**

**If any election subject fails to use its share of newspaper space, a newspaper shall be entitled to distribute this space equally among other election subjects.**

**Newspaper not funded by central or local budgets** is entitled to allocate a pre-election advertising to any election subject under any conditions.

### **Broadcast Media**

(Election Code- Article 50.1)

No later than on the 50<sup>th</sup> day before polling (August 12) until the polling day, owners of **TV and radio broadcasting license (including Public Broadcaster)**, in case of allocation of airtime for pre-election agitation and political advertising, should publicly announce and weekly submit to Georgian National Communications Commission the following information:

- ▶ from and until which date and to what frequency the airtime is allocated;
- ▶ duration and schedule of the allocated airtime in the course of one day;
- ▶ airtime fee;
- ▶ service provided.



## Paid and Non-Paid Broadcasting Time

*(Election Code- Article 50, 51)*

**Paid airtime allocated by a TV or radio broadcaster** during one day, shall not exceed 15% of its total daily broadcasting time and no election subject shall be granted more than one-third of this time. Paid airtime fee shall be equal for all election subjects (both for qualified and unqualified subjects).

### **Attention!**

**If any election subject fails to use its airtime share, a broadcaster shall be entitled to distribute this time or space equally among other election subjects.**

**A general broadcaster**, as well as **a broadcaster** transmitting the election advertising shall be obliged to allocate to each **qualified election subject** the time lasting for **90 seconds in every 3 hours** free of charge and without discrimination.

### **Attention!**

**Further addition of an unused time to the other time assigned thereto is impermissible.**

**The Public Broadcaster**, as well as **a community broadcaster**, which allocates time for the election advertising, shall be obliged to allocate **to each qualified election subject** the time lasting for **60 seconds per hour** free of charge and without discrimination.

### **Attention!**

**Further addition of an unused time to the other time assigned thereto is impermissible.**

**The Public Broadcaster is obliged to** allocate an airtime for pre-election advertising of **all other parties and election blocs**, other than qualified election subjects, **which shall be equally distributed** among these subjects.

### **It is prohibited to:**

- ▶ Transmit any pre-election paid and/or free advertising through TV or radio **on the polling day**;
- ▶ From the 50<sup>th</sup> day before polling until the the polling day, placement of political advertising by TV and radio broadcaster in the broadcasting time period other than that specifically designated for this purpose.
- ▶ Publish a free and/or paid political advertising without appropriate indication (in the corner of the advertisement, an inscription **"paid political advertising"** or **"free political advertising"** shall be made);

### **Media Coverage of Social-Political Programs**

*(Election Code- Article 51.1,2)*

In the course of the pre-election campaign, while broadcasting of social-political programs and elections, a broadcaster shall observe the **principle of impartiality and fairness**

A general broadcaster intending to broadcast the pre-election campaign shall transmit pre-election debates **in a non-discriminatory manner** and with the participation of all qualified election subjects in the course of pre-election campaign within its coverage zone.

### Public Opinion Poll Related to Elections

*(Election Code- Article 50.5)*

From the day of calling of elections until the publication of the election final results by CEC and during one month thereafter, while publishing the results of the opinion poll concerning elections, the following shall be indicated:

- ☒ the person ordering the poll (name in accordance with the public or electoral registration and a legal address in case the legal entity or state body has ordered the conduct of the poll; last name, first name and address as provided for in the personal identification card of the citizen of Georgia, where a physical person has ordered the conduct of the polls);
- ☒ whether the poll is paid or free of charge;
- ☒ the organization conducting the poll (name according to the public or electoral registration and a legal address);
- ☒ date of the poll;
- ☒ methods used;
- ☒ exact formulation of the questions used in the poll, possible margin of errors.

### **Attention!**

**Publication of public opinion poll results, except for the possible number of participants in the elections and the number of voters participating in the elections on the polling day, shall be prohibited within 48 hours before the polling day and until 20:00 of that day.**

### **Qualified Election subjects**

*(Election Code- Article 51)*

Obligations set forth for general broadcasters, broadcasters and the public broadcaster concerning an equal allocation of airtime, creation of equal conditions for participating in the debates and election advertising shall apply only to the qualified election subjects.

**Qualified election subjects** can be a party, or a bloc member party of which meets the following requirements:

- ▶ independently participated in the last parliamentary elections and received not less than **4% of votes**;
- ▶ independently participated in the last elections of local self-government bodies conducted under proportional system and received not less than **3% of votes** throughout the country;
- ▶ was a first member in the list of the election bloc, which in the last parliamentary elections received not less than **4% of the votes**;

- ▶ was a first member in the list of the election bloc, which in the last elections of local self-government, conducted under proportional system, received not less than **3% of votes** throughout the country.

**A local broadcaster shall acknowledge** as a qualified election subject a political party/bloc:

- ▶ candidate(s) of which has won in the last parliamentary elections held in the majoritarian election district falling within the local broadcaster's coverage zone, passed the second round of elections or received not less than **25% of votes**;
- ▶ which received not less than **25% of votes** in elections of the representative body of local self-government - Sakrebulo.

**A local broadcaster shall be authorized to recognize** as a qualified election subject:

- ▶ a political party, which obtained not less than **10% votes** in the last parliamentary or local self-government elections, held in the majoritarian election district;
- ▶ a political party, which enjoys support of not less than **25% of votes** according to the public opinion poll conducted in the respective majoritarian election district, as revealed by not less than **2 successive surveys** conducted during the election year;
- ▶ a majoritarian candidate nominated by the initiative group of voters, which enjoys support of not less than **25% of votes** according to the public opinion poll conducted in the respective majoritarian election district, as revealed by not less than **2 successive surveys** conducted during the election year.

**A broadcaster is authorized** to recognize as a qualified election subject the political party, which according to the public opinion poll, conducted within the whole territory of Georgia, has gained **not less than 4% of votes**

in not less than **5 public opinion polls** held during the election year, or in an **opinion poll held no later than a month before the elections**.

**Attention!**

**It parties, united in the election bloc, used free airtime before engaging in the bloc, free advertising time utilized by them shall be deducted from the free airtime period (except for free airtime period of party being the first in the list of the bloc) to be allocated for the bloc, as an election subject, following its creation.**

**Public opinion poll** shall satisfy the following requirements (*Election Code- Article 51.11*):

- ▶ it shall be based on the acknowledged scientific methodology of representative random selection, which provides 95% credibility and the margin of errors not exceeding 3%;
- ▶ it shall be publicized after double-checking of the credibility of the methodology of public opinion poll and objectiveness of its results;
- ▶ it shall be feasible to provide steady scientific explanation, in case there are significant discrepancies or changes in the results of the same or other comparative public opinion poll;
- ▶ it shall not constitute a means of manipulating with public opinion or fundraising and it shall not be conducted via telephone, post or/ and internet;
- ▶ it shall be based on transparent methodology, which enables to conduct independent verification of the results;
- ▶ while publishing the results, the following shall be indicated:

- ☑ an organization conducting public opinion poll;
- ☑ subject ordering or financing the public opinion poll;
- ☑ exact formulation and sequence of questions used for opinion polls;
- ☑ the time of conducting field opinion poll;
- ☑ the number of individuals interviewed and the selection method;
- ☑ in which area or category of people the selection was conducted;
- ☑ whether the research is based on the opinion of people interviewed;
- ☑ the number of respondents, who refused to participate in the poll, did not answer the question, or could not be interviewed;
- ☑ margin of selection;
- ☑ margin of errors;
- ☑ information on any other important factors, which might have caused significant impact on the results.

**Attention!**

**Discriminative use of sociological surveys by the broadcaster is impermissible.**



## Media Monitoring

*(Election Code- Article 51.15)*

For the purposes of media participation in the electoral process and appropriate usage of broadcasting time Georgian National Communications Commission shall ensure monitoring of observance of norms established by law by the broadcaster, and shall give appropriate response to the violations of these norms.

### 2.11. Arrangement of the Polling Place

For carrying out polling procedures, members of the PEC are obliged to arrange a polling place in accordance with the procedures established by law, no later than one day before polling.

#### **The PEC shall arrange:**

*(Election Code – Article 58.4.a-c):*

- ▶ voters' registration desk (one registration desk for every 300 voters) *(Election Code – Article 61.2.e.b);*
- ▶ secret polling booths: one booth for every 500 voters. One side of the booth shall be open up to the half of its height, and the upper half shall be covered with a curtain. One pen shall be available in every polling booth; the extract from the Law defining cases, when a ballot paper shall be considered invalid shall be posted in the booth;
- ▶ special table for envelopes (shall be placed close to the ballot box);



- ▶ set up ballot boxes (unsealed).

A transparent ballot box has to be installed in a visible place at the polling premises so that the voter has an unimpeded access to it and immediately leave the polling station after putting an envelope in the box.



No later than on the 25<sup>th</sup> day (September 6) prior to the polling day, The PEC, upon the request of the handicapped voters, no later than on the 20<sup>th</sup> day (September 11) before the polling day applies to the state agencies and local self-government bodies with the request to insure that a polling place is temporarily and easily adaptable (*Election Code – Article 58.3*).

**The Following shall be posted in a visible place at the polling station:**

(*Election Code – Article 58.4.d; 58.5*):

- ▶ list of voters;
- ▶ list of candidates participating in the elections (party lists, majoritarian candidate lists);
- ▶ procedure for filling in the ballot paper established by the CEC;
- ▶ an extract from the law, defining cases, when a ballot paper shall be considered invalid;
- ▶ public display protocols of polling results.

## Chapter 3

### Polling Day



#### Main Activities

- |      |   |
|------|---|
| 3.1. | Opening of the polling station                                  |
| 3.2. | Polling process   |
| 3.3. | Closing of the polling station, summarizing the polling results |

#### 3.1. Opening of the polling station

Polling station shall be open at 07:00 in the morning of the polling day.

If by this time the numbers of the PEC members are less than seven, the DEC shall be immediately informed about this, which makes a relevant decision (*Election Code – Article 61.1*).



The PEC members are obliged to wear special uniforms designated for them during the polling day. Non-fulfillment of the above requirement shall be considered by the upper election commission as a disciplinary offence and shall constitute a basis for imposition of a disciplinary liability.

### **Persons authorized to be present at the polling**

*(Election Code - Article 8.16; 39.3,6; 42.5; 44.5).*

Following persons are authorized to be present at the polling place:

- ▶ Members of the PEC;
- ▶ Members/representatives of the upper election commission;
- ▶ Representatives of election subjects (not more than 1 representative authorized to be present per each election subject);
- ▶ Observers of registered local observer organizations (not more than 1 representative authorized to be present from each local observer organization);
- ▶ Observers of registered international observer organizations (not more than 2 representatives authorized to be present from each international observer organization. Observers can be accompanied by an interpreter);
- ▶ Accredited mass-media representatives (not more than 3 representatives from each press and other mass-media source).

- ▶ Members of the Commission for Verification of List of Voters and the heads of regional representations who shall be authorized under the Commission decision to perform monitoring of general list of voters on the polling day at the polling station.

**Attention!**

**Everyone authorized to stay at the polling place shall carry a badge (certificate) indicating his/her identity and title.**

**Pre-polling procedures to be carried out from the opening of the polling station until it starts**

*(Election Code – Article 61-62)*

From the opening of the polling station until the voting starts procedures are to be performed in the following sequence:

**I**

Immediately after opening of the polling station the polling day logbook shall be opened. *(Election Code – Articles 61.2.a).*

The chairperson of the commission shall delegate the polling day logbook to the secretary of the commission, who is responsible together with the commission chairperson for recording in the logbook every election procedure of the polling day and indicating the time of its implementation *(Election Code - Article 62.3).*

On the first and second pages of the logbook, the secretary of the commission shall put the first names and last names of all commission members present at the polling place (including reference to the subject which they represent) and first names and last names (including reference to the organization or election subject which they represent) of all persons authorized to be present at the polling place and certify them with signature.

II

The PEC chairperson shall inspect the integrity of the sealed package, which contains the special stamp of the PEC, open and put the first special carve on the seal, the sample of which shall be recorded in the polling day logbook (*Election Code - Article 61.2.b*).

III

Chairperson of the commission shall cast lot to distribute functions.

Functions to be assigned to members of the PEC:

- ▶ member of the commission responsible for regulating the flow of voters;
- ▶ registrar of voters (at least one registrar per 300 voters);
- ▶ supervisor of ballot boxes and special envelopes;
- ▶ 2 members of the commission to accompany the mobile ballot box. These commission members shall not be members of the election commission nominated by one election subject.

**Attention!**

**Chairperson of the commission/deputy/secretary of the commission shall not participate in casting lots.**

Prior to casting lots, the PEC chairperson shall compare the number of PEC members to the number of functions to be assigned.

If on the polling day the number of commission members with regards to functions to be assigned turns out to be:

- ▶ **less by one member**, the number of the registrar commission members of voters shall be reduced;
- ▶ **less by two members**, deputy chairperson of the commission performs the functions of the commission member responsible for regulating the voter flow at the polling place;
- ▶ **less by three members**, chairperson of the commission performs the functions of the supervisory commission members of ballot boxes and special envelopes.

In the first place the chairperson of commission **reveales by casting of lots, two members of commission responsible for accompanying the mobile ballot box.**

**Attention!**

**Persons identified by casting lots shall not be members of the election commission nominated by one election subject (*Election Code – Article 61.2.d*)**

The PEC chairperson:

- ▶ analyses how many Commission members appointed by parties participates in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;

- ▶ writes the title of the function to be assigned on 2 papers with the same pen “Carrier of a mobile ballot box”;
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;
- ▶ members of the Commission participating in casting lots shall pick up the paper one by one.

#### **Attention!**

- ▶ If the commission member appointed by the party refuses to participate in the casting lots, the casting lots is conducted between other commission members appointed by the parties.
- ▶ If the number of members appointed by the parties participating in the casting lots does not exceed 2 and they are not appointed by the same election subject, in this case the casting lots is not conducted. Distributed functions shall automatically be assigned to them (based on the consent).
- ▶ If the commission members appointed by the party refuses to participate in the casting lots or the members participating in the casting lots are less in respect of distributed functions, other members of the commission shall also participate in the casting lots.
- ▶ If the member appointed by the party refuses to fulfill the function distributed as a result of casting lots, the commission chairperson shall substitute him/her with any commission member left without functions as a result of casting lots (preferably the member appointed by the party).

Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day logbook on the results of casting lots.



After selecting members of the Commission to accompany the mobile ballot box, the chairperson shall **assign other functions** to the commission members by conducting additional casting lots.

The PEC chairperson:

- ▶ analyses how many commission members participate in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;
- ▶ writes the title of the function to be assigned with the same pen “Regulator of the flow of voters”, “Registrar”, “Supervisor of ballot boxes and special envelopes” ;
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;
- ▶ members of the commission participating in casting lots shall pick up the paper one by one.

Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day log-book on the results of casting lots.

Temporary delegation of functions defined through casting lots of a commission member to another member of the commission shall be undertaken by the authorization of the commission chairperson, which shall be recorded by the commission secretary on the 5<sup>th</sup> page of the polling day logbook (*Election Code – article 61.2.g*).

The issue of remuneration of a PEC member having appeared the commission after the conclusion of casting lots shall be decided by the DEC, while the issue of assigning functions to this person shall be handled by the chairperson of the PEC (*Election Code – article 61.4*).

IV

Chairperson of the commission selects by casting lots no more than 2 representatives from the election subjects present at the polling station, who shall observe the process of registration of complaints (*Election Code – article 61.5*).

**Attention!**

**Representative appointed by the party nominating the commission secretary, as well as the election bloc, within which the party is integrated, shall not participate in the casting lots (*Election Code – article 61.5*).**

V

Commission chairperson announces the number of voters according to the lists, number of ballot papers and packages of special envelopes received (*Election Code – article 61.6.a-b*).

VI

Commission chairperson checks and seals the general and mobile ballot boxes with a seal that has a unique number (*Election Code – article 61.6.c*)

VII

Commission chairperson hands in materials to commission members.



**Commission chairperson shall give to registrars of voters:**

- ▶ General voters list distributed according to the alphabet; one of the registrars shall also be given a special list (if any);
- ▶ One book containing proportional and one book with majoritarian ballot papers;
- ▶ Seal of the registrar selected through casting lots, prior to such transfer,



commission chairperson makes a special carve on a seal of a registrar (sample of the seal shall be recorded in the polling day *logbook*) (*Election Code – article 61.8*);

► Ink.

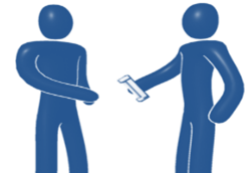
**Attention!**

**Chairperson of the commission shall post the alphabetical sequence of voters' last names according to the lists placed on the relevant table.**

**Commission chairperson shall give to the regulator of the flow of voters** ultra-violet lights for inking verification procedure.



**Commission chairperson shall give to supervisor of ballot boxes and special envelopes** main ballot box and special envelopes.



Control sheets are filled in (*Election Code – article 61.10*).

Before the polling starts, the chairperson and the secretary of the commission fill out the control sheets (except for the data of a first voter). All present members of PEC shall sign the control sheets.

**Attention!**

**Control sheet has to be filled out immediately after materials have been handed on to commission members, before the polling starts (DO NOT WAIT FOR THE FIRST VOTER).**

After the **first voter** appears, goes through registration and takes a ballot paper, the commission secretary includes data of the first voter in the control sheet.

The chairperson of the commission shall insert one copy of the control sheet into the main ballot box, the second copy shall be inserted into the mobile ballot box and the third copy shall be kept for the purpose of further comparison with the control sheets in ballot boxes.

Control sheet data shall also be included on the 4<sup>th</sup> page of the polling day logbook.

**Attention!**

**After the first voter is registered, the commission chairperson shall inform the DEC on sealing of box(es), placing control sheet(s) in the box(es), making first carve on the special seal of the commission, as well as the registrar and including the sample of the carve in the polling day log book.**

## 3.2. Polling process

### Conduct of polling

*(Election Code – Article 64-65)*

Polling is conducted on the polling day (*October 1*) from 08:00 to 20:00.

Voting takes place in accordance with the following rules and sequence:

I

Upon entering the polling place, a voter shall go through the inking verification procedure conducted by regulator of the flow of voters.



#### Regulator of the flow of voters:

- ▶ regulates the flow of voters entering the polling station;
- ▶ asks the voter to present a personal identification card of a citizen of Georgia/ID card or a passport of a Georgian citizen;

#### **Attention!**

**In accordance with the procedures established by Article 185<sup>1</sup> of the Election Code, a citizen of the European Union member state registered in the list of voters, born in Georgia and over the recent 5 years has permanently lived in Georgia, shall have a right to cast a vote in the elections. Such an individual, while being at the precinct, shall use a passport of a member state of the European Union instead of a passport of a Georgian citizen and a Personal Identification Card.**

- ▶ checks with ultra-violet lights whether the voter has already been inked;
- ▶ checks how many voters are standing at the registration table designated for voters. If there are more than two voters standing at the registration table, temporarily halts the entrance of the voter into the polling room;
- ▶ points the voter towards the registration table designated for the alphabetical letter corresponding to the first letter of the voter's last name.

**Attention!**

**If the device determines that a voter has been inked, he/she shall be restricted from participating in polling and the person's name shall be recorded in the logbook.**

**II**

Voters' registration procedure is conducted by a registrar.

**The registrar of voters:**

- ▶ asks the voter to present a personal identification card of a citizen of Georgia /ID or a passport of a citizen of Georgia, (in the case of IDPs from the occupied territories of Georgia – an IDP certificate together with a personal identification card of a Georgian citizen); requests the citizen of the European Union member state, registered in the general list, to present the passport of a member state of the European Union.



**Attention!**

If the data of a voter was not found in the general list, the registrar is obliged to instruct the voter to address the last registrar for verifying his/her data. The above registrar shall verify the voter's data in the data of voters included in the lists of voters after the lists organized in alphabetical order, with an entry – “removed from the address of registration” (if any).

**Attention!**

If a voter appears at the polling station and his/her status in the general list is - “is abroad”, the voter shall participate in the polling in accordance with the general procedure defined by the general rules.

- ▶ verifies the availability of a voter's name in the list of voters, after which he/she conducts inking (inking is not used at prisons/penitentiary institutions, hospitals, other medical institutions).

**Attention!**

In the case of refusal to inking, a voter shall not be entitled to vote and a ballot paper(s) shall not be issued to him/her.

- ▶ signs in the designated place in the list of voters, and after that the voter endorses the receipt of a ballot paper(s) with his/her signature.
- ▶ once the ballot papers are issued endorses them with the signature on the back side in the designated place and certifies the ballot paper(s) with a special stamp.

### **Attention!**

**In case of transfer of functions of a registrar, the registrar is obliged to recount the number of signatures and ballot papers issued by him/her in the list of voters (including the spoiled ballot papers conveyed to the chairperson) and report the results to the chairperson. Should the numbers not be equal, an explanation should be written and attached to the summary protocols of polling results.**

### **III**

Voter goes into the secret polling booth and fills out the ballot paper. It is prohibited to fill out the ballot paper in presence any other person.





### Attention!

- ▶ A voter unable to fill out the ballot paper independently shall be entitled to ask any person for help in the secret polling booth except for: a member of the election commission, a candidate, a representative of an election subject, an observer (*Election Code – article 65.3*).
- ▶ If a voter or a member of PEC spoils a ballot paper or a special envelope, he/she should inform the chairperson of PEC on this. According to the order of the PEC chairperson, the registrar is obliged to replace spoiled ballot paper with a new one. The spoiled ballot paper/special envelope shall be cut a corner in the presence of the voter by the PEC chairperson, inscribed "spoiled", signed by the chairperson of PEC and stored separately (*Election Code – article 65.4*).

#### IV

The voter goes to the desk standing separately. Following the instruction of supervisor of ballot boxes and special envelopes, voter takes a special envelope and puts the ballot paper(s) in it.



#### Supervisor of ballot boxes and special envelopes:

After having checked that a voter has only one envelope at hand, opens the ballot box section for inserting envelopes and points the voter to insert a special envelope into the ballot box.

#### V

A voter inserts the special envelope into the ballot box.

### **Attention!**

- ▶ **Not more than one voter at a time can be present at the ballot box.**
- ▶ **Observer, candidate representative are entitled to observe the ballot box, process of insertion of special envelopes into the ballot box.**

## **VI**

Having inserted the special envelope into the ballot box, a voter leaves the polling station.

### **Procedure for casting a vote by a voter due to his/her physical condition**

*(The CEC Decree N20/2012, dated June 21, 2012)*

A voter unable to independently cast a vote (inking, signing the receipt of a ballot paper, inserting a ballot paper in the ballot box) due to the absence of his/her upper limbs, shall participate in the polling process under the following procedures:

- ▶ a voter shall not go through the inking verification and inking procedure;
- ▶ while handing ballot paper(s) to the voter, a registrar of voters shall make a note - “physical condition” in the box of the general list of voters - “signature of a voter” and verify it with his/her signature;
- ▶ a voter has a right to ask for help to any person, except of the election commission member, candidate, proxy and observer;

- ▶ a person selected for help by the voter shall put the ballot paper(s) in a special envelope and thereafter insert it (them) in the ballot box instead of this voter, in his/her presence. The same person shall help the voter to fill in the ballot paper(s) in the polling booth.

### Keeping order at the polling place on the polling day

*(Election Code – article 59)*

The PEC chairperson shall be responsible for keeping order at the polling place on the polling day. Fulfillment of decisions made by the PEC chairperson on keeping order at the polling place shall be mandatory for members of the election commission, all persons and voters authorized to be present at the polling place.



In cases of hindering the operations of the commission and violation of order, the PEC shall be authorized take a decision on removing a violator from the polling place in which the PEC is located. Relevant act is issued and signed by the chairperson and members of the commission on this matter.

#### **Attention!**

**Armed individuals shall be prohibited to enter the polling premises. If at the polling place and adjacent territory, the polling process or a free movement of election documentation is threatened, at the request of the chairperson, police officer shall be called to the polling place and the adjacent territory and remain there until the public order is restored.**

## Registration of voters participating in the polling

*(Election Code - article 65.6)*

On the polling day it is recommended, that the registrars count the number of signatures of voters in the list of voters and the ballot papers issued by them at 10:00, 12:00, 15:00, 17:00, and at 19:00, without causing hindrance to the voting process. (including spoiled ballot papers transferred to the chairperson)

### **Attention!**

**If a difference is revealed between data, the registrar should immediately write an explanation note which shall be attached to the summary protocol(s) of voting.**

At 12:00 and at 17:00, the secretary of commission records the number of signatures of voters participating in the polling in the list of voters in the public display protocols and the PEC log-book and informs the DEC.

## Mobile voting

Mobile voting procedure starts at 9:00 and ends at 19:00. After the conclusion of polling, the cut (ballot box section for inserting envelopes) of the mobile ballot box should immediately be sealed. The mobile ballot box should be returned to the polling station no later than 20:00 (*Election Code – Article 66.1*).



Persons authorized to be present at the polling place can observe the conduct of polling procedure by means of a mobile ballot box if they wish to do so. If a vehicle is used during mobile voting, the PEC shall assign space in the car for **2 observers selected through casting lots** among persons authorized to be present at the polling place.

The PEC chairperson provides the members of election commission accompanying the mobile ballot box with, (*Election Code – article 66.3*):

- ▶ sealed mobile ballot box with a control sheet inserted in it;
- ▶ mobile ballot box list;
- ▶ special envelopes;
- ▶ necessary amount of ballot papers signed and sealed with a special stamp by the registrar of voters.

Above data shall be included on the 4<sup>th</sup> page of the polling day logbook by the commission secretary.

**Attention!**

**Inking shall not apply to mobile voters (*Election Code – Article 64.5*).**

In case a voter casts a vote through a mobile voting **due to his/her physical condition**, a member of the election commission accompanying the mobile ballot box shall make a note - **“physical condition”** across the column of the mobile ballot box list - **“signature of a voter”** and verify it with his/her signature;

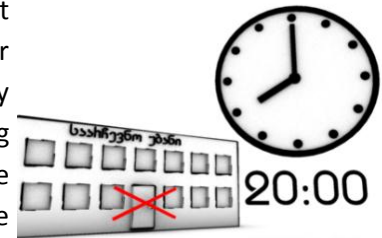
a person selected for help by the voter (except of the election commission member, candidate, proxy and observer) shall fill in the ballot paper(s), put it (them) in a special envelope and insert in the mobile ballot box instead of this voter, in his/her presence (*The CEC Decree N20/2012, dated June 21, 2012*).

After returning to the polling station members of the election commission accompanying the mobile ballot box shall give unused ballot papers and special envelopes to the commission secretary. The commission secretary shall cut an edge of such spoiled ballot papers and special envelopes; inscribe "spoiled" and after the signature of the chairperson of the PEC, store them separately.

### 3.3. Closing of a polling station, summarizing of polling results

#### Closing of a polling station

The polling procedure is concluded and the polling place shall be closed at 20:00. Voters standing in the line by that time shall have a right to cast their votes. For this purpose one of the election commission members, tasked by the PEC chairperson, shall register the names and last names of voters waiting in the line and inform the PEC chairperson about their number, while the commission secretary records the quantity of voters standing in the line in the book of records. As soon as the last voter casts a vote, the polling procedure is



announced to have concluded, after which the PEC seals the ballot box section for inserting envelopes (*Election Code – Article 65.8*).

**Attention!**

- ▶ **PEC set up for exceptional cases, can announce conclusion of polling any time before 20:00, provided all voters on the voters' list have already cast their votes.**
- ▶ **After the conclusion of polling, PECs formed for exceptional cases seals the cut (ballot box section for inserting envelopes), the list of voters, unused and spoiled ballot papers (ballot papers shall be cut an edge prior to sealing).**

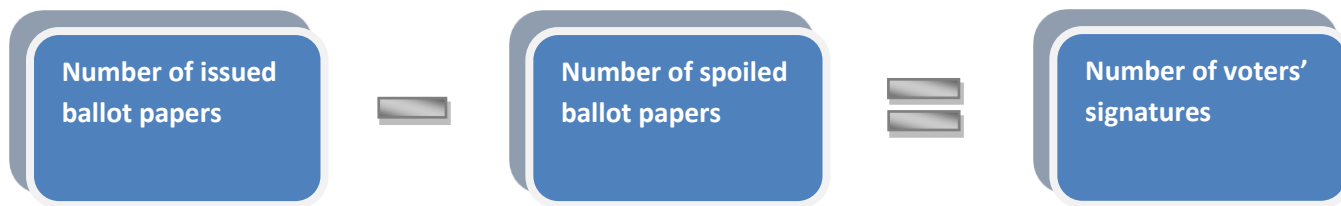
Chairperson of the PEC shall make sure that all persons, except for those authorized to be present at the polling place during counting of votes, leave the precinct. Secretary of the PEC should indicate identity of persons present during counting of votes in the polling day logbook.

**Attention!**

**After closure of the polling station, representatives of the PEC set up for exceptional cases, shall submit ballot box and sealed election documentation of the PEC set up for exceptional cases, to the polling station (main polling station) pre-determined by DEC.**

## Arrangement of a polling station for the vote counting procedure

After conclusion of polling, Chairperson of the commission approaches each registrar, who under the instructions by the Chairperson of the commission (considering the data included in the explanation written before the completion of the polling process by the registrars (if any)) shall count:



### **Attention!**

- ▶ In case a difference between data is identified, registrar shall re-count and verify the number. If the difference remains, registrar shall write an explanation note (with the reasons indicated) which shall be appended to the summary protocols.
- ▶ Data included in the explanation notes written by the registrars (if any) shall be taken into account in the course of drawing up summary protocols of polling results.



After the conclusion of polling, chairperson of PEC shall put a **second carve** on the commission and registrar seals in presence of persons authorized to be present at the polling place. The sample of seals with the carve shall be included in the logbook (*Election Code - Article 67.1*).

The chairperson of the PEC, in presence of persons authorized to be present at the polling place, selects not less than three counting officers from the commission members, by casting lots, while the **observers** shall select no more than two supervisors from their members based on mutual consent. If observers fail to agree, the chairperson of the PEC shall identify two supervisors from them by casting lots (*Election Code - Article 67.1*).

In order to reveal **counting officers**, casting of lots is conducted in accordance with the following procedure - the chairperson of the PEC:

- ▶ analyses how many commission members participate in the process of casting lots;
- ▶ prepares respective number of papers and same kind of sheets;
- ▶ writes the title of the function to be assigned on papers with the same pen "1<sup>st</sup> counting officer", "2<sup>nd</sup> counting officer", "3<sup>rd</sup> counting officer";
- ▶ certifies papers for casting lots by putting a special stamp of the commission;
- ▶ folds the papers in a way that the text inside could not be read and places them on the table;

Members of the commission participating in casting lots shall pick up the paper of casting lots one by one. Secretary of the Commission shall make a note on the 3<sup>rd</sup> page of the polling day logbook on the results of casting lots (*Election Code - Article 61.2.f*).

The chairperson of the commission shall select, by casting lots from the representatives present at the polling station, no more than **2 representatives**, who participate in the counting process of valid and/or invalid ballot papers together with the counting officers selected by casting lots from the commission members (*Election Code - Article 67.2*).

**Attention!**

**A representatives of those election subjects, whose appointed commission members are the counting officers selected though casting lots shall not participate in the casting lots (*Election Code - Article 67.2*).**

Chairperson of the commission and counting officers prepare the preceinct for the procedure of counting votes:

- ▶ Counting officers take their places at one side of the desk;
- ▶ Chairperson of the commission takes a place so as to be able to see each counting officer;
- ▶ Secretary of the commission takes a place by the side of the chairperson and fills out the logbook;
- ▶ Other persons authorised to be present at the polling station take their places at the desk in such a way as to maintain two meters distance (from the counting officers) (*Election Code - Article 68.3*).

Chairperson of the PEC shall take to the counting officer's desk:

- ▶ general list of voters, special list, mobile ballot box list;
- ▶ unused ballot papers;

- ▶ spoiled ballot papers;
- ▶ main and mobile ballot boxes;
- ▶ control sheets stored for comparison;
- ▶ candles, flashlight (in case of electricity black-out);
- ▶ calculator.



### **Procedures to be conducted before the opening of a ballot box**

*(Election Code - Article 67)*

Counting officers consecutively count the total number of voters participating in the polling, according to *(Election Code - 67.3)*:

- ▶ general list of voters;
- ▶ special list of voters;
- ▶ mobile ballot box list.

The PEC secretary immediately incorporates the results into the public display protocol and the polling day logbook.

Secretary of PEC shall cut an edge of the unused ballot papers. Unused and spoiled ballot papers shall be bound in separate packages *(Election Code - Article 67.4)*.

## Sealing of lists of voters, spoiled and unused ballot papers

*(Election Code - Article 67.3; 67.4).*

**Secretary of the Commission** shall separately seal:

- ▶ general list of voters;
- ▶ special list;
- ▶ mobile ballot box list



**Counting Officers** separately seal:

- ▶ Unused ballot papers;
- ▶ spoiled ballot papers;

Counting officers indicate on each of the packages a name and number of the polling station, type of election documentation. The envelope is sealed and **signed by the counting officers and chairperson of PEC.**

## Opening of the mobile ballot box

*(Election Code - Article 68.1,2,4)*

The commission shall first open the mobile ballot box. Chairperson of the PEC checks the integrity of the seal on the ballot box in presence of PEC members and persons authorized to be present in the polling place.



### **Attention!**

**If the seal is damaged, but the commission presumes that this fact has not violated the requirements of the Law, the procedures of summarizing results shall be resumed under the PEC ordinance. Otherwise, the ballot box shall be sealed and the PEC ordinance and the sealed ballot box shall be immediately transmitted to the upper DEC.**

Counting officers shall take special envelopes from the mobile ballot box and place them on the desk, after which:

- ▶ they check whether there is a control sheet in the mobile ballot box;
- ▶ compare the control sheet with the control sheet kept with PEC for comparison;
- ▶ in the case no discrepancy is identified, chairperson of the commission instructs counting officers to temporarily return special envelopes in the mobile box.



### **Attention!**

**In case the control sheet not to be in the mobile ballot box, or a difference was identified between the control sheets, all special envelopes and ballot papers shall be bundled in one package and labeled “invalid”. Transferred the documentation to the upper DEC after the conclusion of the procedures of polling and counting of votes at the polling station.**

## Opening of the main ballot box

*(Election Code - Article 68.1,2,5)*

Chairperson of the PEC checks the integrity of the seal on the ballot box in presence of PEC members and persons authorized to be present in the polling place .

### **Attention!**

**If the seal is damaged, but the PEC presumes that this fact has not violated the requirements of the Law, the procedures of summarizing results shall be resumed under the PEC ordinance. Otherwise, the ballot box shall be sealed and the PEC ordinance and the sealed ballot box shall be immediately transmitted to the DEC.**

### **Counting officers:**

- ▶ place special envelopes and ballot papers from the main ballot box and place them on the desk;
- ▶ check whether there is a control sheet in the main ballot box and compare it with the control sheet kept with PEC for comparison.

### **Attention!**

**In case a difference was identified between the control sheets, or the control sheet not to be in the main ballot box, all special envelopes and ballot papers shall be bundled, sealed, appropriate protocol shall be drawn up, and materials shall be immediately transferred to the DEC.**

## Opening of a ballot box of the PEC set up for special cases

*(Election Code - Article 67.7-8)*

Ballot box of a polling station set up for exceptional cases (if any) shall be opened after mobile and main ballot boxes of the main polling station are opened.

If no error is identified while opening the ballot box(s), counting officers shall mix together the special envelopes from main and mobile ballot boxes of the polling stations established for special cases (if any), and start counting of votes.

### Counting of Votes

Counting officers take places at one side of the desk. Two supervisors selected out of observers, as well as two representatives of the election subjects revealed through casting lost shall stand next to them.

## Sorting of ballot papers

*(Election Code - Article 69)*

### The first counting officer:

- ▶ takes the ballot paper out of the special envelope;
- ▶ announces to whom the vote was cast;
- ▶ transfers the ballot papers of one type to the second counting officer, the second type of ballot papers to the third counting officer, etc;

- ▶ places special envelopes separately.

#### Counting officers sort separately:

- ▶ votes given to each election subject;
- ▶ Invalid ballot papers;
- ▶ Ballot papers with suspicious authenticity.

A ballot paper of the approved sample shall be deemed **invalid** only in the following cases:

- ▶ the special envelope is not in an approved sample;
- ▶ the number of ballot papers in the special envelope exceeds the established number;
- ▶ ballot paper in the ballot box was without a special envelope;
- ▶ ballot paper is not endorsed with the signature of a registrar and a special stamp;
- ▶ it is impossible to determine for which candidate a voter cast a vote;
- ▶ ballot paper was assigned to another polling station (such ballot papers shall be packed in a separate bundle and their quantity shall be recorded only in the logbook). This data is not recorded in the summarizing protocol.

After the sorting of ballot papers are complete, commission reviews and decides by voting the question of validity of **ballot papers deemed as having suspicious authenticity**.

Chairperson of the commission shall put ballot papers that are deemed valid to the pile of valid ballot papers (in accordance with the number of votes cast for each





election subject), while ballots that are deemed invalid are added to the pile of invalid ballot papers.

### Counting of ballot papers

After sorting the ballot papers chairperson of the commission orders the counting officers to count:

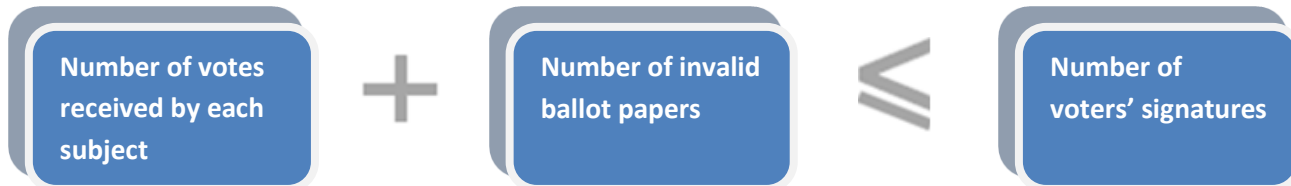
- ▶ Invalid ballot papers;
- ▶ votes given to each election subject.

#### **Attention!**

**Every 10 ballot papers belonging to an election subject are bound with a metal clip and each package, both complete and incomplete, shall be inscribed the number of ballot papers in a package. These packages shall be bound into a single bundle.**



Chairperson of the commission announces number of votes cast for each election subject. With an objective to verify data, secretary of the commission together with the chairperson of the commission shall check the correctness:



If the total sum of votes received by the subjects and invalid ballot papers is more than the number of signatures of voters, the chairperson of the commission shall instruct the counting officers to re-count the data, result of which shall be included in the polling day logbook and the public display protocol by the commission secretary.

### Sealing of ballot papers

*(Election Code - Article 69.6,9)*

After the completion of counting of ballot papers, the chairperson instructs the counting officers to seal in separate envelopes:

- ▶ invalid ballot papers ( with appropriate inscription - “invalid”);
- ▶ pile of ballot papers belonging to an election subject.



#### **Attention!**

**The pile of ballot papers belonging to each election subject should have an inscription including the title and number of the election precinct, information about the election subject (title, first and last name) and the number of votes received by the election subject, also the number of ballot papers in the pile.**

On each package the counting **officers inscript** the number of the district and the precinct, type and number of ballot papers. Counting officers and chairperson of the commission sign across the sealing line of the envelope.

### Drawing up of a summary protocol of polling results

*(Election Code - Article 71)*

The secretary of the PEC in agreement with the PEC chairperson shall draw up each summary protocol of polling results and registers it in the registration book.

#### **Attention!**

- ▶ Data included in the explanation notes written by the registrars (if any) shall be taken into account in the course of drawing up summary protocols of polling results.
- ▶ All members of the PEC shall be obliged to sign the summary protocol(s) of polling results.
- ▶ If a PEC member does not agree with the data included in the PEC summary protocol of polling results, he/she shall be entitled to attach to the protocol a dissenting opinion in writing, but is nevertheless under a duty to sign the summary protocol of polling results.
- ▶ It is prohibited to modify the data in the summary protocol(s).
- ▶ when correcting a mistake, an inscription "corrected" shall be put immediately along the relevant data in the summary protocol and an amendment protocol shall be set up.

## Publicity of a summary protocol

*(Election Code - Article 71.8)*

The PEC is responsible for posting a copy of the summary protocol of polling results for public information.



If requested, the PEC shall immediately give the **copy of the protocol** enclosed with the dissenting opinions of the commission members to the representatives of an election subject or the member of the PEC appointed by the party and the **observers of the observer organization**.



The copy of the protocol should be certified by the PEC stamp and signatures of the PEC chairperson and its secretary. The person receiving the copy of the protocol should endorse such receipt by a signature in the PEC logbook.

The PEC is responsible to immediately **convey to the CEC** the summary protocols of polling results together with the amendment protocol and explanatory note by the registrar (if any).

## Sealing of a registration book, polling day logbook, transmission of election documentation to the DEC

After completion of all polling procedures, the registration book of PEC and polling day log- book shall be closed, signed by the PEC chairperson and its secretary, and endorsed with the stamp of PEC.

### Commission seals:

- ▶ the logbook and appeals/complaints;
- ▶ special stamp of the PEC.

### **Attention!**

**Summary protocols shall not be sealed.**

(All members of the commission shall sign the sealed package of the commission stamp).

Persons authorised by the PEC shall transfer the inventory and election documentation box/bag holding sealed election documentation to the DEC.

A receipt-delivery act is drawn up for these purposes. The document is signed by persons transferring the documents and those receiving them. Both parties are given one copy of the document.



**Main Activities**

- |             |   |
|-------------|---|
| <b>4.1.</b> | Summarizing polling and election results by the DEC |
| <b>4.2.</b> | Summarizing election results by the CEC             |

**4.1. Summarizing polling and election results by the DEC**

On the basis of summary protocols of the PEC, considering the results of examination of a violation of the election legislation, the DEC shall, no later than 11 days (October 12) following the polling, summarize the polling results of the Parliament of Georgia and draw up the summary protocols.

All members of the DEC attending the commission session are obliged to sign the summary protocols of polling results. The protocols 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.

A copy of the DEC summary protocol (enclosed with the dissenting opinions of the DEC members), upon its request, shall be immediately forwarded to the representatives of party/election subject/initiative group of voters and **observer** of an observer organization. The copy of the protocol shall be endorsed by the DEC stamp and the signatures of the DEC chairperson and the secretary (these protocols have the same legal power as the DEC summary protocol). An observer shall verify the receipt of the protocol with his/her signature in the log book.

## 4.2. Summarizing election results by the CEC

The CEC, based on the protocols received from the DEC, PECs and final court decisions, shall summarize at its session the elections results of the Parliament of Georgia and shall draw up the protocol no later than on the 19th day after the Election Day (October 20).

### **Attention!**

**The CEC shall ensure the posting of the summary protocols of polling results on the CEC website in parallel with the receipt of the summary protocols from the election precincts.**

The summary protocol of the polling results shall be signed by the CEC chairperson and the CEC secretary. One copy of the protocol shall be kept by the CEC. Copies of the protocol shall be transmitted to all interested persons.

Upon summarizing the final results of the elections, the CEC shall publish the information on the election results on its web site, base on each election precinct and no later than the following day, convey this information to the press and other media.

## Chapter 5

### Rules for Lodging of Application/ Complaint Before Election Commissions and Their Review

#### 5.1. Rules for filling of an application/complaint before the PEC and their examination procedure

##### Application/Complains

From the opening of the precinct until the ballot box is opened

##### Persons filing an application/complaint:

- ▶ Representative of a party/election bloc



- ▶ Representative of voters' initiative group
- ▶ Observers of an organization having an election observer status

**are entitled to** address application/complaint on PEC and actions and decisions of its individual members (other than drawing up the summary protocol of polling results) to PEC after the opening of the precinct **(from 7a.m.)** until the ballot box is open.

Chairperson of the PEC is required to immediately react to an application/complaint in an adequate manner and eliminate existing violation.

If the commission chairperson failed or did not eliminate the violation or otherwise refused to respond to the application/complaint, the applicant/complainant has the right to immediately submit the application/complaint on the same violation to the relevant upper DEC.

#### Application/Complaints

**From the opening of the ballot box until the summary protocol is drawn up**

#### Persons filing an application/complaint :

- ▶ Representative of a party/election bloc
- ▶ Representative of voters' initiative group
- ▶ Observers of an organization having an election observer status

**are entitled to:** from the opening of the ballot box until the summary protocol of polling results is drawn up (other than drawing up the summary protocol of polling results) file a complaint regarding violations of procedures of counting of votes and summarizing polling results at PEC or upper DEC and request revision or nullification of the polling results.

PEC shall forward application/complaint submitted to the upper DEC within **3 calendar days** from the polling day.

The applicant/complainant may submit an application/complaint concerning the same violation directly to DEC, within the same timeframe.

#### Application/Complaints

#### Appealing the summary protocols of polling results of the PEC

#### Persons filing an application/complaint following persons:

- ▶ Representative of a party having electoral registration
- ▶ Representative of election bloc
- ▶ Representative of voters' initiative group at the relevant DEC
- ▶ Observers of an organization having an election observer status

**are entitled to** appeal the summary protocol in the upper DEC within **3 calendar days** from drafting of such protocol, if it is established that PEC summary protocol of polling results is drafted in violation of the requirements of election legislation as provided in.

## 5.2. Rules for Examination of an applications/complaints by the DEC

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 latter delivers decision in the form of an ordinance, which may be appealed only **in the court within 2 calendar days** after its delivery.

Decisions of PEC/commission head officials may be appealed to the relevant DEC **within 3 calendar days** after their delivery. DEC examines the appeal on decisions of PEC/commission head officials **within 1 calendar day**. Decision may be appealed only **in the court within 2 calendar days** after its delivery.

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

## 5.3. Rules for Examination of an applications/complaints by the CEC

Subjects defined by the Election Code are entitled to address application/complaint to the CEC on:

- ▶ violations of election legislation of Georgia;
- ▶ decisions of DEC/commission head officials

CEC examines appeals on Decisions of DEC/commission head officials **within 1 calendar day**. CEC relevant decision may be appealed **in the Tbilisi City Court within 1 calendar day**.

Decisions of CEC/commission head officials (including on drawing up of a summary protocol of election results) may be appealed **in the Tbilisi City Court within 2 calendar days** after its delivery by the commission.

## 5.4. Complaints Registry

For timely submission of information on complaints to voters and all interested persons and organisations, in the election period following information is uploaded on the complaint registry page of the Georgian Central Election Commission's website: (<http://sachivrebi.cec.gov.ge/>):

- ▶ Complaints submitted to the CEC and related information;
- ▶ Information on court cases occurring during election period, related to election issues, and with the participation of the CEC;
- ▶ Complaints submitted to the DEC and related information; in particular: registration number, date of submission, information on the person submitting the complaint, application/complaint, date and place of examination of the application/complaint, pertaining decision, scanned version of the application/complaint and the decision.
- ▶ Complaints submitted to the PEC and related information; in particular: registration number, date of submission, information on the person submitting the complaint, application/complaint, date and place of

examination of the application/complaint, pertaining decision, scanned version of the application/complaint and the decision.

Information placed in the registry is public. Interested persons may use the information placed in the registry with mandatory identification of the source (website).

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*Empowered lives.  
Resilient nations.*