

# **Election Administration of Georgia**

## **Suggestions of International Society for Fair Elections and Democracy (ISFED) on Election Administration of Georgia**

The election administration exercises the authority imposed by the Georgian legislation and on the basis of this legislation ensures the conduct of a referendum/plebiscite, the holding of general elections of members of the representative bodies of public office and of public officials, and the unimpeded exercise by referendum/plebiscite participants of their legal rights. The election administration, within the limits of its authority, exercises the control over compliance with the election legislation and ensures the uniform implementation thereof.

The election administration of Georgia is a centralized system composed of the Central Election Commission of Georgia (CEC in brief), the CECs and the Commission Apparatus of the Abkhazian and Ajarian autonomous republics, District Election Commissions (DEC in brief) and Precinct Election Commissions (PEC in brief). The CEC of Georgia is the supreme body of the election administration of Georgia. It supervises and directs the election administrations at all levels throughout the entire territory of Georgia.

The members and staff of the CEC of Georgia, and of the CECs of Abkhazia and Ajara, as well as the members of the DEC, except for the auxiliary employees and employees who are not on the permanent staff, are civil servants.

The requirements of activity restriction and official inconsistency prescribed by Articles 61 and 64 of the Law of Georgia "On Civil Service" and paragraphs 3, 6 to 9, Article 13 of the Law of Georgia "On the Conflict of Interests and Corruption in Civil Service" applies to those listed above. The election administration official may not be engaged in a government agency or institution of another country.

### **Authority of the Central Election Commission**

The CEC of Georgia, within the limits of its authority, ensures the conduct of elections and of a referendum/plebiscite; exercises control over compliance with the election legislation and ensures the uniform implementation thereof; and is responsible for the organizational issues related to the holding of elections and of a referendum/plebiscite.

The CEC ensures the formation of the Training Center; conducts trainings and certification procedures; and on the basis of attestation, issues election official

certificates.

The CEC forms the Training Center within one month from its first session, defines terms and rules of its functioning, and ensures the conduct of trainings in accordance with the election districts.

The CEC passes the Commission Regulations through a Decree of the CEC. The Commission Regulations determine the issues of election organization. The allocation and the rules of use of the state funds allocated for the conduct of elections and of a referendum/plebiscite is also determined through a Decree of the CEC.

The CEC, on the basis of legislation, establishes election districts and defines their boundaries by ordinance. For all elections, by ordinance and in accordance with the terms prescribed by the legislation, the CEC determines a timetable for election activities with the indication of relevant dates. The CEC, by ordinance, appoints off-year elections, by-elections and mid-term elections, and second round of elections.

The CEC ensures the formation of the unified list of voters and its publicity, and is responsible for its improvement, adjustment and accuracy.

The CEC considers applications/complaints on the legitimacy of decisions and legal acts of subordinate election commissions and their officials, and in case of detecting a violation, revokes them by ordinance.

In case of a grounded complaint, in order to inspect the violation, the CEC makes the decision on opening the packages received from the specified PEC, and on re-counting and re-checking the election documentation.

The CEC, on the basis of summary protocols of election results, determines the results of the elections to the Parliament (party lists), Presidency, Tbilisi City Sakrebulo and referendum/plebiscite, and by ordinance, approves the final unified summary protocol.

The CEC, upon the completion of the adjudication procedures, and on the basis of the final summary protocols of the CEC and DEC approved by the courts, determines, officially announces and publicizes the number and the names of elected officials.

### **Authority of the District Election Commission**

The District Election Commission is a permanent territorial unit of the election administration of Georgia. The DEC, within the limits of its authority, ensures the conduct of elections and of a referendum/plebiscite in the election district,

exercise control over compliance with the election Law and ensure the uniform implementation thereof.

The DEC specifies the boundaries of election precincts, and is responsible for the organizational issues related to the conduct of elections and of referendum/plebiscite on the territory of the election district.

The DEC conducts trainings for the PEC members within the election district, and determines the rules and terms of conducting the trainings.

The DEC ensures permanent updating, correction and adjustment of list of voters within the election district, and is responsible for its publicity.

The DEC considers applications and complaints related to the election process; on the basis of applications/complaints inspects the legitimacy of the decisions of the PEC members and in case of detecting a violation, revokes them by ordinance.

The DEC, on the basis of summary protocols of election results submitted by the PECs, and in consideration of the results of adjudication of violations of the election legislation, consolidates the election results in the election district for the elections to the Parliament (party lists), Presidency, Tbilisi City Sakrebulo, and referendum/plebiscite, and approves the summary protocol of the election results.

The DEC, on the basis of summary protocols of election results submitted by the PECs, and in consideration of the results of adjudication of violations of the election legislation, consolidates the election results in the election district for the elections to the Parliament (majoritarian system) and local self-government bodies (except for Tbilisi), and approves the final summary protocol of the election results.

### **Authority of the Precinct Election Commission**

The Precinct Election Commission is a temporary territorial entity of the election administration of Georgia. The PEC, within the limits of its authority, ensures the conduct of elections and of a referendum/plebiscite, the implementation of the election legislation, in the process of polling the fulfillment of procedures in compliance to the election legislation, and the exercise and protection of the rights guaranteed by the Constitution of Georgia and this law.

The PEC, within the election precinct, examines the accuracy of list of voters, considers complaints related to the list and in case of detecting errors and inconsistencies, not later than the following day, applies to the relevant DEC with a proposal to make amendments to the list.

The PEC, on the basis of voters' applications and requests, includes the voters in the Voter List Supplement (mobile ballot box list).

The PEC determines the election results in the election precinct. The PEC has the right to raise the question with the higher level DEC, by decision of the majority of current members (active roll) of the commission, to declare the election results in the election precinct null and void.

The PEC resolves the organizational issues within the election precinct and fulfills other requirements as prescribed by this law.

The PEC considers the applications and complaints filed in connection with the election process and preparatory procedures for polling, and within the limits of its authority, makes an appropriate decision.

### **Legal Acts of Election Administration**

Legal acts of election administration of Georgia are:

- a) Decrees and ordinances of the CEC, ordinance of the CEC Chairperson, ordinance of the CEC Secretary;
- b) Ordinances of the DEC, ordinance of the DEC Chairperson;
- g) Ordinances of the PEC.

A decree of the commission is considered to having been passed, if supported by a majority vote of those present (unless this law provides for a higher quorum), but not less than a third of the current members (active roll) of the commission.

A decree of the CEC is a subordinate normative act, which may be passed only in cases directly stipulated by this law or on the matters that are not envisaged by the law. The decree is considered as having been passed if supported by at least two-thirds of the current members (active roll) of the commission. It is prohibited to pass the decree later than 4 days prior to the elections.

The decree is signed by the Chair of the relevant CEC session and the commission Secretary. The CEC decree becomes effective following its registration with the Ministry of Justice of Georgia, and at midnight on the day of its publication in the official Georgian gazette "Sakartvelos Sakanonmdeblo Matsne", unless the decree itself provides for a later date.

Ordinances of the election commission, and of its Chairperson and Secretary are individual legal acts, which are adopted/issued in the cases and within the limits prescribed by this law and a CEC decree. A Commission ordinance is signed by the Chair of the relevant commission session and the Commission Secretary, other ordinances are signed by the person issuing them. Unless this law provides for a different quorum, the commission ordinance is considered as having passed if supported by a majority vote of those present, but not less than a third of the current members (active roll) of the commission.

### **Sessions of Election Administration**

Sessions of all levels of election administration are authorized if attended by a majority of the current members (active roll) of the commission.

Newly appointed CEC and DEC members hold their first sessions not earlier than 3 days prior to the expiration of the term of previous commissions and not later than 3 days after the expiration of the term of previous commissions. Newly appointed PECs hold their first sessions not earlier than on the 35th day and not later than on the 30th day of the elections (except for the exceptions provided for in this law). First session of the CEC is called by the Chairperson of the Parliament of Georgia; first session of the DEC is called by the Chairperson of the CEC; and first session of the PEC is called by the Chairperson of the relevant DEC (except for the PEC formed abroad, first session of which is called by the Chairperson of the CEC).

### **Resignation from Office / Termination of the Term of Office of Election Commission Member**

Upon resignation from office, an application for resignation of a PEC member/chairperson/deputy/secretary is submitted to the DEC, while that of a DEC or CEC member/chairperson/deputy/secretary - to the CEC. The application is accepted not later than 3 days after its receipt. If the application is not accepted within this period, the commission chairperson/member is deemed as resigned from the day following the expiration of this period.

Authorized election commission considers the issue of termination of the term of office of an election commission member and makes an appropriate decision in not later than the day after the violation is revealed. The decision on termination of the term of office of an election commission member (except for the resignation case) is passed by the majority of the current members (active roll) of the commission.

The term of office of a DEC or CEC member/chairperson/deputy/secretary is terminated by ordinance of the CEC, while that of a PEC – by ordinance of the DEC.

In case of early termination of the term of office of an election commission member, the member's successor is appointed/elected by the same rule and by the person who had appointed/elected the previous member, within 10 days, or within 5 days if the elections have been appointed.

A candidate nominated by the authorized subject, with the next best results in the vote, automatically becomes the successor of a removed CEC member.

An election commission member, chairperson, deputy or commission secretary, in case s/he is unable or unwilling to perform his/her duties, or performs them inefficiently, is subject to removal from the position by the relevant election commission ordinance, as stipulated in this law. The ordinance is passed by the majority of the current members (active roll) of the commission, on the basis of grounded request of at least a third of the current members (active roll) of the commission, and not later than on 7<sup>th</sup> day of the submission of the request.

### **Election Administration Chairperson, Deputy, Secretary**

Election commission chairperson, deputy and commission secretary are elected through a nominative vote, by the majority of the current members (active roll) of the commission, from among its members, on the first session of the commission, and for the term of its authority.

The right to propose a candidate to the post of a commission chairperson is entitled to at least 3-member group of the commission; the right to propose a candidate to the post of a deputy chairperson of commission is entitled to the commission chairperson; and the right to propose a candidate to the post of a commission secretary is entitled to the commission chairperson and at least 2-member group of the commission (except for the DEC, where the right to propose candidates is granted to the chairperson and at least 1 member of the commission). The same candidate can be nominated twice.

If the commission is unable to elect its chairperson, deputy and secretary within the terms stipulated in this law, his/her duties before his/her election are performed by the member of the commission with the highest number of votes in the relevant vote. In case of a tied vote, the acting chairperson/deputy/secretary is identified by the casting of lots.

In case of early termination of the term of office of an election commission chairperson, deputy or secretary, the relevant election commission elects his/her successor by the same rule within 10 days, or within 5 days if the elections have been appointed. The duties of the commission chairperson, before his/her election, are fulfilled by a deputy chairperson. If a commission does not have a deputy chairperson, chairperson's duties are performed by the person with the

highest number of votes received in the relevant vote. If a deputy chairperson of commission or its secretary is not elected within the term stipulated in this law, the duties of the deputy chairperson/secretary are performed by the person with the highest number of votes received in the relevant vote.

### **Election Administration Nomination/Appointment/Election**

The CEC is composed of 9 members; the DEC's are composed of 5 members each; and the PEC's are composed of 9 members each. The commission members are appointed/elected by the subjects and in accordance with the terms and rules stipulated in this law.

The right to nominate/appoint commission members, in the cases and in accordance with the rules stipulated in this law, is granted to:

- a) The Parliament of Georgia;
- b) The President of Georgia;
- g) Party/Bloc;
- d) Higher Level Election Commission.

Those entitled to nominate/appoint election commission members are prohibited from nominating/appointing their representatives/observers to the same election commissions.

Members of the CEC are elected by the Parliament of Georgia.

In case of appointment/election of a person to the post of the election administration official, the person is obliged to comply with the terms of activity restriction and official inconsistency, as required by this law, within 7 days.

The authority term of a CEC and DEC member enters into force on the day of the first session of the newly formed election commission, lasts for 6 years and expires immediately after the first meeting of the next commission.

The same person can be appointed/elected to the post of the CEC chairperson/member for a single consecutive term, while that of the DEC – for two consecutive terms.

### **Formation of the Central Election Commission**

No later than 70 days prior to the expiration of the authority term of the CEC, the Parliamentary Committee on Legal Issues accepts applications of the CEC membership candidates and their personal data during 15 days.

The CEC membership candidacies are submitted to the Parliamentary

Committee on Legal Issues by the President of Georgia and four parties/blocs that, according to the official results, received the highest number of votes in the last parliamentary elections. Each party/bloc, granted the right to nominate its candidate to the CEC, can nominate not less than 4 and not more than 6 candidates to fill 2 seats allocated for this party/bloc in the commission. The President of Georgia can nominate not less than 2 and not more than 3 candidates to fill one seat allocated for the President's nominee.

If any of the parties/blocs, that were among the 4 most successful parties/blocs in the last parliamentary elections, seize their activities before the moment when they are required to nominate their members to the CEC, this right is transferred to a party/bloc with next highest number of votes received in the last parliamentary elections.

The CEC membership candidate must be a citizen of Georgia, who is not a member of a political party, has high education and at least 7 years of working experience, and is fluent in Georgian.

The CEC membership candidate may not be a person, who had been convicted or a person, whose violation of legislation have been proved and upheld by the court.

The application submitted to the Parliamentary Committee on Legal Issues should indicate the following: candidate's last name and name; education (high); profession; academic degree (if any); address (according to the Georgian Citizens Identity Card and registration card); place of employment and position held; contact address and telephone number. The application must be signed by the candidate and be appended with:

- a) 2 photos of a candidate;
- b) A photocopy of the Georgian Citizens Identity Card (registration card);
- g) A photocopy of the document certifying candidate's high education;
- d) Work bio (CV) and job descriptions of a candidate;
- e) Description of candidate's experience in participating in the elections (if any);
- v) Candidate's written content to become an election commission member;
- z) Description of candidate's experience in participating in international seminars and conferences on election related issues (if any).

The Parliamentary Committee on Legal Issues, within 10 days from the deadline for submitting candidacies to the Committee, examines consistency of candidates' qualifications with the requirements of this law and, in case of detecting any inconsistencies, immediately notifies the nominating subject. The latter nominates a substitute candidate within 5 days from receiving the notification.

Candidate nomination and their final identification is terminated 40 days prior to the expiration of the term of the acting CEC. Within 2 days from the expiration of this term, the Parliamentary Committee on Legal Issues publicizes the list of

submitted candidates and their personal information.

The Parliamentary Committee on Legal Issues, 30 days prior to the expiration of the authority term of the acting CEC, submits the list of candidates nominated by the relevant subjects to the Parliament of Georgia for approval (not less than 18 and not more than 27 candidates).

The Parliament of Georgia, within 10 days from the submission of the list of candidates, makes the decision on the composition of the CEC in accordance with the quotas defined for the nominating subjects.

The candidates submitted to the Parliament of Georgia are voted on separately, in alphabetical order. The candidate, who is supported by a majority of the current members (active roll) of the Parliament is deemed elected.

If, as a result of the vote, all the commission vacancies are not filled, another vote is taken within 5 days and the CEC seat is granted to the candidate, nominated by the same nominating subjects, who is supported by the highest number, but not less than a third of present members of the Parliament in the repeated vote.

Every member of the newly formed Central Election Commission takes an oath before the Parliament of Georgia that s/he will fulfill his/her duties honestly.

### **Formation of the District Election Commission**

The DEC is composed of persons certified by the CEC i.e. the persons, who took tests and obtained election official certificates.

Four parties/blocs, that according to the official results, received the highest number of votes in the last parliamentary elections, submit to the CEC 4 DEC candidacies from among the certified election officials. One member is appointed by the CEC chairperson.

If any of the parties/blocs, that were among the 4 most successful parties/blocs in the last parliamentary elections, seize their activities before the moment when they are required to nominate their members to the DEC, this right is transferred to a party/bloc with next highest number of votes received in the last parliamentary elections.

The DEC membership candidate must be a citizen of Georgia, who is not a member of a political party, has high education and at least 4 years of working experience, holds election official certificate, and is fluent in Georgian

The DEC membership candidate may not be a person, who had been convicted or a person, whose violation of legislation have been proved and upheld by the

court.

The application submitted to the CEC should indicate the following: candidate's last name and name; education (high); profession; academic degree (if any); address (according to the Georgian Citizens Identity Card and registration card); place of employment and position held; contact address and telephone number. The application must be signed by the candidate and be appended with:

- a) 2 photos of a candidate;
- b) A photocopy of the Georgian Citizens Identity Card (registration card);
- g) A photocopy of the document certifying candidate's high education;
- d) Work biography (CV) and job descriptions of a candidate;
- e) Election official certificate;
- v) Description of candidate's experience in participating in the elections (if any);
- z) Candidate's written content to become an election commission member;
- t) Description of candidate's experience in participating in international seminars and conferences on election related issues (if any).

The CEC, within 10 days from the deadline for submitting candidacies to the commission, reviews the submitted information, approves the compositions of the DEC's and publicizes the DEC member lists and personal information in accordance with the districts.

### **Formation of the Precinct Election Commission**

The PEC is a temporary territorial entity of the election administration of Georgia, which is composed of members appointed by the election subjects stipulated in this law and by the higher level district election commissions.

8 members of the PECs are appointed proportionally by four parties/blocs, that according to the official results, received the highest number of votes in the last parliamentary elections. 1 member is appointed by the relevant DEC chairperson.

If any of the parties/blocs, that were among the 4 most successful parties/blocs in the last parliamentary elections, seize their activities before the moment when they are required to nominate their members to the PEC, this right is transferred to a party/bloc with next highest number of votes received in the last parliamentary elections.

The PEC membership candidate must be a citizen of Georgia, who is not a member of a political party, has at least 1 year of working experience, and is fluent in Georgian

The PEC membership candidate may not be a person, who had been convicted or a person, whose violation of legislation have been proved and upheld by the

court.

If an authorized subject fails to appoint its member(s) to the PEC in accordance with the terms and rules stipulated in this law, the subject loses the right to appoint such member.

If, because of this the commission membership falls below the required minimum, the obligation to fill in the vacancies not later than 27 days prior to the elections falls over the higher level DEC (except for the PECs abroad, the vacancies of which are filled in by the CEC).

**Alternative:** *(considering that the rights of election subjects elected on the basis of majoritarian, as well as proportional election systems - to nominate their representatives to the PECs are not limited. In this case, the registration of election subjects should end not later than 35 days prior to the elections).*

The PEC members, not later than 30 days prior to the elections, are nominated/appointed proportionally by the election subjects registered for the relevant elections.

The number of candidates nominated to the PEC is defined in accordance with the number of registered election subjects, so that the required number of PEC members is received.

If the total number of nominated candidates equals the required number of PEC members, all nominated candidates are automatically granted the PEC membership. If the number of nominees exceeds the required number of PEC members, the membership is granted on the basis of the casting of lots conducted by the relevant DEC (except for the PECs abroad, where the casting of lots is conducted by the CEC).

If an authorized subject fails to nominate/appoint its member(s) to the PEC in accordance with the terms and rules stipulated in this law, the subject loses the right to nominate/appoint such member. If because of this the commission membership falls below the required minimum, the obligation to fill in the vacancies not later than 27 days prior to the elections falls over the higher level DEC (except for the PECs abroad, the vacancies of which are filled in by the CEC).