



**Election Administration of Georgia
Central Election Commission of Georgia**

Decree №2/2012

Tbilisi

February 3, 2012

On

Approval of Regulations of District Election Commission

Based on paragraph 1 of Article 8, sub paragraph “b” of paragraph 1 of Article 14, paragraph 3 of Article 30, paragraph 5 of Article 77 of Georgian Organic Law Election Code and Article 61 of General Administrative Code, the CEC of Georgia resolves the following:

Article 1. the annexed “Regulations of District Election Commission” shall be approved.

Article 2. The CEC Decree №7/2005, on approval of Regulations of District Election Commission, dated 8 August 2005 shall be announced as cancelled.

Article 3. This Decree can be appealed at Administrative Cases Panel of Tbilisi City Court (address: Agmashenebeli Alley 12th kilometer, No 6) within 2 calendar days upon its receipt.

Article 4. This Decree comes into force upon promulgation

Chairperson of the Commission Zurab Kharatishvili

Secretary of the Commission Gizo Mchedlidze

Made Amendments:

- 1.The CEC Decree №25 July 16, 2013 – website, 16.07.2013
- 2.The CEC Decree №33 August 21, 2013 – website, 22.08.2013

Annex

Regulations of District Election Commission

Article 1. General Provisions

- 1.District Election Commission (hereinafter Commission) is established on the basis of Georgian Organic Law – Election Code and implements functions defined by this Law and Regulations of the Commission.
- 2.The Commission is permanent territorial body of Election Administration of Georgia, which within the frame of its authority ensures holding of elections, referendum and plebiscite in the district, controls adherence to Georgian legislation and ensures its homogenous use.
- 3.The Commission in its operation is guided by the Constitution of Georgia, Georgian Organic Law – Election Code, other Laws, sub legislative Acts, Legal Acts of Election Administration and this Regulations.
- 4.The Regulations aims perfection of operation of the Commission, effective implementation of its functions; defines rules for operation of the Commission, holding sessions and making decisions, as well as for recording, issuing and archiving election documentation.

5. In non election period the Commission works five days a week, from 10 to 18 (break from 13 – to 14).
6. During election period periodicity of operation of the Commission and duration of working day is determined by the ordinance of the chairperson of the Commission.

Article 2. Composition and head officials of the Commission

1. The Commission consists of the Chairperson, Deputy Chairperson, Secretary and other Members.
2. Head officials of the Commission are:
 - a) The Chairperson;
 - b) Deputy Chairperson;
 - c) Secretary.
3. Chairperson, Deputy Chairperson and Secretary of the Commission are elected for membership authority term by absolute majority of appropriate DEC, through roll call from commission members.
4. Candidates for Chairperson, Deputy and Secretary of the Commission shall be nominated by not less than 2 members of the Commission. One and the same candidate can be nominated only twice.
5. In the event of pre term termination of term of authority of the DEC member elected by the CEC, his/her successor shall be elected by the CEC within 15 days (after appointment of elections within 7 days). Head Officials of the DEC shall be appointed within the same terms in the event of pre term termination of their term of authority.
6. If the Chairperson and Deputy Chairperson of Election Commission temporary are not able to fulfill duties defined by Georgian Organic Law – Election Code of Georgia, while according to this Law there is a need for implementation of the task, assigned to special authority of the Chairperson or Secretary of the Commission, the Commission shall immediately elect from its composition executor of the duties of Chairperson or Secretary, in compliance with the rule defined by Georgian Organic Law – Election Code, for election of persons for appropriate positions. Authority of temporary executor of duties of the Chairperson or Secretary shall be terminated as soon as the Chairperson or Deputy are able to implement their authorities and the authority of the Secretary shall be terminated as soon as the Secretary is able to implement his/her authorities.
7. If election Commission does not have either Chairperson or Deputy Chairperson, the session for election of the Chairperson is invited and chaired until his/her election by the Secretary, and if there is no Secretary as well the session for election of the Chairperson of the Commission, until his/her election is invited and chaired by the eldest member.
8. On purpose of effective operation of the Commission the Chairperson can assign particular functions to individual members of the Commission.
9. The Chairperson of the Commission defines the rule for admission of interns and internship, by ordinance.
10. Chairperson of the Commission with its ordinance assigns implementation of separate authorities to the Deputy. Scope and term of assigned authority shall be strictly defined in mentioned ordinance.

Article 3. Authority of the Commission

District Election Commission:

- a) Issues ordinance on establishment and specification of boundaries of election precincts;
- b) In the event if lower precinct election commission fails in fulfillment of duties entrusted by Georgian Legislation, it is authorized, based on the decision of majority of total composition, to bring before the CEC the question on termination of authorities of this Commission;
- c) Establishes, with the ordinance, texts of ballot papers for Local Self-Government Elections;
- d) It is responsible, based on application/complaint (if submitted in compliance with the rule defined by Georgian Organic Law – Election Code, within established term) as well as on own initiative to verify lawfulness of actions and decision of precinct election commissions and their officials (including registration of participates of the elections, accuracy of counting ballot papers and so on) and make decision in case of detection of infringement (including change of the data of summary protocols of precinct election commissions according to the results of verification or invalidate polling results of precincts). If the infringement causes change of the person elected in single mandate district or of the candidate moved to second tour, change of persons elected in multi mandate districts (during local self-

- government elections), change of acknowledgement of elections as valid or invalid (according to majoritarian district and during local self-government elections) and if above mentioned verification does not give possibility for establishing lawful results, the Commission makes decision on invalidation of elections and applying to the CEC for appointment of re-voting. In the event of making decision on re-counting, the DEC shall inform all election subjects and observing organizations, representatives of which attended counting procedure at election precinct and if requested ensure attendance of their representatives on re-counting procedure;
- e)Based on PEC summary protocols of polling results, taking into consideration results of reviewing infringements of Georgian Election Legislation summarizes the results of voting in election district during appropriate elections/referendum/plebiscite, on which DEC summary protocol of polling results is prepared;
 - f)Based on PEC summary protocols of polling results, taking into consideration the decision district/city Court on infringement of Georgian Election Legislation, establishes the results of majoritarian elections in majoritarian districts during Parliamentary Elections, in election district during local self-government elections (except Tbilisi Sakrebulo Elections) on which DEC Summary Protocol of election results is prepared;
 - g)With the ordinance awards status of local observer of elections/referendum/plebiscite to local non-entrepreneurial (non commercial) body indicated in Georgian Organic Law;
 - h)Ensures conducting extraordinary elections, re-run elections, re-voting and second round of elections;
 - i)Ensures publishing and release of informational materials related to elections;
 - j)Reviews applications/complaints related to elections and makes appropriate decisions within the frame of its authority;
 - k)Facilitates to formation of voters' lists and ensures their publicity and accessibility, in compliance with the rule provided by Georgian Organic Law - Election Code;
 - l)Provides seminars and trainings for purpose of improving qualification of the PEC members;
 - m)Implements other responsibilities assigned by Georgian Organic Law – Election Code.

Article 4. Authority of the Chairperson, Deputy and Secretary of the Commission

1. Chairperson of the District Election Commission:

- a) Fulfills Administrative functions in the DEC;
- b) Leads sessions of the Commission;
- c) Manages finances of the DEC;
- d) Assigns tasks to deputy chairperson, secretary and other members of the commission as well as to assisting and technical staff, in compliance with regulations of the Commission;
- e) Registers voters' initiative groups, as well as majoritarian candidates nominated by party/election block/voter initiative groups at the DEC and party lists for local elections (except Tbilisi municipal elections);
- f) Issues appropriate certificates for the candidates nominated by party/election block/voter initiative group;
- g) Issues appropriate certificate to elected member of Sakrebulo (except for Tbilisi Sakrebulo members) and in case of pre term termination of term of authority to one that acquires the rights;
- h) Delivers to the CEC documents required for verification of authority of persons elected in Sakrebulo and other documents defined by Georgian Election Legislation;
- i) Implements other authorities assigned by electoral legislation.

2. Deputy Chairperson of the DEC:

- a) Executes duties of chairperson of the DEC in case if the Commission does not have chairperson or he/she is not able to fulfill the tasks;
- b) With the ordinance of the DEC Chairperson implements single authorities of Chairperson (the ordinance shall precisely define scope and term of authority).

3. Secretary of District Election Commission:

- a) Distributes documents submitted to the DEC and correspondence received at the DEC;

- b) Registers representatives of party/election bloc/voter initiative groups at Precinct Election Commissions independently participating in the elections and provides them with appropriate certificates;
- c) Registers observers appointed by non-entrepreneurial (non commercial) body in precinct and district election commission having status of observer of elections/referendum and issues appropriate certificates for them;
- d) With the ordinance provides accreditation of media representatives and issues accreditation cards;
- e) Prepares protocols of the sessions of election commission, including summary protocols of polling and elections;
- f) Implements other authorities assigned by Georgian electoral legislation.

Article 5. Rights and Duties of the Member of District Election Commission

- 1. The DEC member is obliged to:
 - a) Participate actively in everyday activities of the commission, immediately upon election for the member of appropriate commission;
 - b) Participate and attend trainings and seminars arranged for commissioners;
 - c) Attend systematically sessions of the commission and participate in election activities of the Commission;
 - d) Inform chairperson, deputy or secretary of the Commission in the event of not attending the session due to justified reason;
 - e) Comply the duties imposed by the commission chairperson in proper time.
- 2. The Commissioner is eligible to:
 - a) Have free access to the documentation available in the Commission;
 - b) Require copy of any document related to the Elections, in compliance with Georgian Legislation;
 - c) Require to include an issue in agenda of the Commission session and discuss it;
 - d) Implement other duties provided by the Law.

Article 6. Accountant, assisting and technical staff of the Commission

- 1. For purpose of effective operation of the Commission, upon appointment of the Elections until its end the Commission has right to hire assisting and technical staff (except for accountant) as well as lawyer in compliance with number defined by the CEC ordinance.
- 2. The Commission is authorized to hire an accountant within the frame of number determined in paragraph 1 of this Article, until transferring the balance available on the account of the Commission to the account of the CEC and the end of procedures of submission of appropriate financial report.
- 3. The accountant, assisting and technical staff fulfill tasks assigned by the chairperson of the Commission and other duties provided by Georgian election Code.
- 4. Accountant, assisting and technical staff of the Commission get salary from funds allocated for elections, during preparation and conducting elections.

Article 7 . Legal Acts of the Commission

- 1. Legal Acts of the Commission are the following:
 - a) Ordinance of the Commission;
 - b) Ordinance of the Chairperson of the Commission;
 - c) Ordinance of the Secretary of the Commission;
 - d) Summary Protocols on the outcomes of polling and elections.
- 2. Ordinances of the Commission and the Chairperson of the Commission, as well as summary protocols on outcomes of polling and elections are individual administrative legal acts.
- 3. Commission protocols on polling and election results are signed by all DEC members that attend the session of Commission. The ordinance of Commission is signed by the session chairperson and the secretary of Commission, while other ordinance are signed by the persons that are responsible for their issuance.
- 4. The ordinances of Commission, Chairperson and Secretary shall be posted on prominent place at the DEC, immediately upon being signed for public viewing.

Article 7¹. Disciplinary liability measures of the member of the commission

1. In case if the members of commission fail to comply with the requirements determined by the Organic Law of Georgia – the Election Code, disciplinary liability measures envisaged by the article 28 of the same Code shall be imposed.
2. The following shall be considered as disciplinary offences for the DEC members:
 - a) Non-performance or improper performance of official duties;
 - b) causing or creating threat of property damage to the election administration of Georgia;
 - c) absence at work with no proper excuse;
 - d) 3 times consecutive absence at the DEC session with no proper excuse;
 - e) serious breach of the electoral legislation of Georgia and the regulation of relevant election commission;
 - f) Refusal on the mandatory signing of the polling and election summary protocols.
3. The CEC may apply disciplinary liability measures envisaged by paragraph 2 of article 28 of Organic Law of Georgia – the Election Code against the DEC member committing disciplinary offence:
 - a) notice;
 - b) warning;
 - c) withhold salary/part of the salary;
 - d) Early termination of authorities (except for members appointed by the parties).
4. For each disciplinary offence only one disciplinary liability measure is applied.
5. For imposing disciplinary liability measures against the commission member, the CEC applies common administrative proceedings determined by the General Administrative Code of Georgia. Disciplinary liability measures imposed upon the commission member shall be adequate to the graveness of the disciplinary offence committed by him/her.

The CEC Decree №33 August 21, 2013 – website, 22.08.2013

Article 8. Obligation for ensuring publicity

For purpose of ensuring publicity during preparation and conducting elections the Commission is responsible to post on prominent place at the DEC the following:

- a) Address and phone/fax numbers of the Commission;
- b) Information on establishment of election precincts – numbers of election precincts, addresses of the PECs, phone/fax numbers and other details;
- c) Legal Acts of Election Administration which refer to operation of this Commission;
- d) Ordinances of the Commission, Chairperson and the Secretary.

Article 9. Preparation and Holding the Sessions of the Commission

1. The Session of the Commission is invited by the request of Chairperson or his/her Deputy.
2. Immediately after making decision on inviting session the secretary of commission will post on prominent place at the DEC the statement containing information about precise time of conducting the session and approximate agenda.
3. Chairperson of the Commission and in case of his/her absence the secretary is responsible for informing all commissioners regarding date and precise time of holding the session.
4. The agenda of the session of commission is prepared by the secretary of the Commission, which is also responsible for preparation of the draft ordinances of Commission and their submission to the commissioners.
5. The commissioners confirm participation in the session with the signature on the paper of presence.
6. The commissioner is eligible to request for inclusion of additional issue in the session agenda before its approval. The issue is decided by casting of lots.
7. The session of Commission is led by the Chairperson or his/her deputy on chairperson's instruction.
8. At the session of commission the secretary prepares the protocol, which is signed by the chairperson of session and secretary of the commission.

9. The protocol of session shall be drawn within 1 day upon the session.
10. Stakeholders shall be invited to the session for discussing relevant issues.
11. Persons eligible for attending sessions make speeches with the consent of the chairperson of the session, after the commissioners, duration of speeches shall be determined by the commission.
12. In the event of offending order and disturbing operation of Election Commission, the Commission is authorized to expel offender from the session, with the ordinance and appropriate indication in the protocol.

Article 10. Session of the Commission and Rule for Decision Making

1. The Session is eligible if attended by the majority of its full composition.
2. The issue is balloted according to the ordinance of submission of proposals.
3. The ordinance (resolution) of the Commission shall be adopted if supported by the majority of presented members, but not less than one third of full composition, if higher quorum is not defined by Georgian Organic Law – Election Code.
4. In the event of equal distribution of votes the chairperson of the session has casting vote.
5. At the session human resources issues are decided by the majority of full composition of commission.
6. Each member of the commission has right to make two minutes speech regarding all issues provided in the agenda. The Chairperson of the Commission provides additional two minutes to the same person, for discussing the same issue. The member, which disagrees with decision of the Commission, has right for written documenting of different opinion that shall be annexed to the protocol. Besides, the member having different opinion shall respect and obey decisions made by the Commission. He/she does not have right to hinder to implementation of these decisions with his/her activity/inactivity.
7. Decision of the Commission is drawn with this Ordinance

Article 11 .Rule for clerical work in the Commission

1. Secretary of the Commission provides reception- issuance and recording – registration of electoral documentation, applications and complaints, from 10.00 to 18.00.
2. Secretary of the Commission is responsible for keeping the registration journal of the Commission, which is divided into two parts documentation received at and issued out of the Commission.
3. The secretary of Commission is responsible for immediate registration of all documentation (applications/complaints, certificate) in registration journal by ordinance of their reception. Each document has its number, date of reception and number of pages of the document is included in registration journal. The secretary of the Commission shall indicate name of applicant/complainant and other additional information in registration journal.
4. Upon appropriate registration of documents in the journal, the secretary of commission shall issue written certificate to applicant/complainant, indicating date and time of reception of application/complaint, as well as number assigned in registration journal. The certificate is confirmed with the signature of the secretary of Commission.
5. The secretary of commission with own resolution distributes documents registered in registration journal to single members of commission and indicates precise terms of implementation.
6. The secretary of commission shall indicate in registration journal to whom he assigned responsibility for response to particular document.
7. The commission shall review application/complaint within 1 calendar day upon its reception and shall make appropriate decision (issue ordinance).
8. Party, which participates in review of the complaint, upon the request shall receive the decision related to the complaint (except the protocol of session of the commission) until 12.00 of the next day of decision making, in compliance with terms for preparation of such documentation defined by Georgian Legislation.
9. Applicant/complainant confirms reception of the document form commission with the signature in registration journal, where secretary of the commission makes record: “the document is issued” and indicates date and precise time.

10. Information about Elections and electoral documentation shall be issued within 2 days upon requested.
11. The secretary of commission is responsible for issuance of access to public information and its proactive promulgation.
12. Issuance of Original of the document received in the commission shall be prohibited unless in cases determined by the Law.
13. Every day at 18.00 the secretary of commission closes registration journal, for this purpose the secretary under the last record in both parts of the journal writes: "journal is closed", indicates date and precise time and confirms mentioned with the signature. Registration of any document in the journal is prohibited after its closure.

The CEC Decree №25 July 16, 2013 – website, 16.07.2013