



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

Decree №3/2012

Tbilisi

February 3, 2012

On

Approval of Regulations of Precinct 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 Precinct Election Commission" shall be approved.

Article 2. The CEC Decree № 6/2005 on approval of Regulations of Precinct 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

Chair of the Commission **Zurab Kharatishvili**

Secretary of the Commission **Gizo Mchedlidze**

Made Amendments:

1. The CEC Decree №24/2012 July 13, 2012 – website, 16.07.2012

2. The CEC Decree №26 July 16, 2013 – website, 16.07.2013

3. The CEC Decree №34 August 21, 2013 – website, 22.08.2013

Annex

Regulations of Precinct Election Commission

Article 1. General Provisions

1. Precinct 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 temporal territorial body of Election Administration of Georgia, which within the frame of its authority ensures holding of elections, referendum and plebiscite on the whole territory of the precinct implementation of the election legislation, controls adherence to procedures

provided by Georgian Legislation during the polling, use and defense of the rights of voters, representatives and observers, provided by the Constitution and Georgian Organic Law – Election Code.

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 these Regulations.

4. The Regulation 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. Periodicity of operation of the Commission and duration of working day is determined by the ordinance of the Chair of the District Election Commission

Article 2. Composition and Head Officials of the Commission

1. The Commission consists of the Chair, Deputy Chair, Secretary and other Members.

2 The Leaders of the Commission are:

a) The Chair;

b) Deputy Chair;

c) Secretary.

3. Chair, deputy chair and the secretary of the commission are elected at first session after appropriate vacancy becomes available, by majority of full composition of appropriate election commission, from the members of the commission with the membership authority term, through the roll call. The candidate can be nominated by not less than 2 members of the commission. At the same time, officials of the PEC shall not be the representatives of the same election subject.

4. If the chair, deputy chair and the secretary of the commission are not elected within the established term, duties of mentioned officials until their election shall be implemented by the member which receives the most votes and in the event of equal number of votes – person determined by casting of lots. One and the same candidate can be nominated only twice.

5. (removed – 21.08.2013, №34).

6. (removed – 21.08.2013, №34).

7. (removed – 21.08.2013, №34).

8. (removed – 21.08.2013, №34).

9. (removed – 21.08.2013, №34).

10. (removed – 21.08.2013, №34).

11. If the Chair and Deputy Chair of Election Commission or secretary 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 Chair or Secretary of the Commission, the Commission shall immediately elect from its composition executor of the duties of Chair 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 Chair or Secretary shall be terminated as soon as the Chair 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.

12. If election Commission does not have either Chair or Deputy Chair, the session for election of the Chair 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 Chair of the Commission, until his/her election is invited and chaired by the eldest member.

13. On purpose of effective operation of the Commission the Chair can assign particular functions to individual members of the Commission.

14. Chair 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.

The CEC Decree №24/2012 July 13, 2012 – website, 16.07.2012

The CEC Decree №34 August 21, 2013 – website, 22.08.2013

Article 3. Authority of the Commission

Precinct Election Commission:

- a) Verifies accuracy of voters lists, reviews appeals related to the list of voters and in case of detection of errors or inaccuracies not later than the next day applies to the DEC with the proposal on making changes to the list;
- b) Based on voters' applications and complaints prepares list of mobile ballot box;
- c) Defines outcomes of the polling at the precinct, and drafts the PEC summary protocol of polling results thereon.
- d) Is responsible for submission to the DEC by the decision of a majority of the total number of its composition with a request on annulations of outcomes of polling in the PEC;
- e) Distributes voters' cards to voters;
- f) Is responsible for posting information defined by Georgian election legislation, on prominent place at the PEC, for appropriate preparation of the place for voting and counting; ensures ordinance at the PEC;
- g) At Polling Day reviews applications and appeals related to election process and preparation of voting and makes appropriate decisions within the frame of its authority;
- h) Ensures implementation of voters rights at Polling Day and accepts full responsibility for their defense;
- i) Abolishes decision of the PEC chair on temporary locking balloting premises, terminating voting process, opening of premises after locking, continuing voting;
- j) Implements other authorities assigned by Georgian Election legislation.

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

1. Chair of the Precinct Election Commission:

- a) Fulfills administrative functions in the PEC;
- b) Leads sessions of the Commission;
- c) Receives and distributes election documentation and correspondence received at the PEC;
- d) Is responsible for proper storage and issuance of ballot papers, special envelopes, commission stamps, summary protocols and other election documentation;
- e) Assigns tasks to deputy chair, secretary and other members of the commission in compliance with regulations of the Commission;
- f) At Polling Day coordinates distribution of functions between the members of commission through casting of lots;
- g) Is responsible for public order in the PEC premises and on the adjacent territories on Polling Day;
- h) Is responsible for not allowing persons eligible to be at voting premises without appropriate badges;
- i) Provides all election documents to the DEC upon summarizing the outcomes;
- j) Implements other authorities provided by Georgian Election legislation.

2. Deputy Chair of the PEC:

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

3. Secretary of Precinct Election Commission

- a) Prepares drafts of the PEC ordinances;
- b) (removed – 21.08.2013, №34);
- c) Drafts protocols of the PEC sessions, including protocols summarizing outcomes of polling;
- d) Implements other duties provided by Georgian Organic Law – Election Code.

The CEC Decree №26 July 16, 2013 – website, 16.07.2013

The CEC Decree №34 August 21, 2013 – website, 22.08.2013

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

1. The PEC member is obliged to:

- a) Participate actively in everyday activities of the commission, immediately upon appointment (election) for the member of appropriate commission;
- b) Participate and attend trainings and seminars arraigned for commissioners;
- c) Attend systematically sessions of the commission and participate in election activities of the Commission;
- d) Inform chair, 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. Legal Acts of the Commission

1. Legal Acts of the Commission are the following:

- a) Ordinance of the Commission;
- b) Ordinance of the Chair of the Commission;
- c) Summary Protocols on the outcomes of polling.

2. Ordinances of the Commission and the Chair of the Commission, as well as summary protocols on outcomes of polling are individual administrative legal acts.

3. Commission summary protocols on polling results are signed by all PEC members. The ordinance of Commission is signed by the session chair and the secretary of Commission, while other ordinances are signed by the persons that are responsible for their issuance.

4. All Ordinances of the Commission and its chair shall be posted at the PEC at the next day.

Article 7. Measures of disciplinary responsibility of the commissioner

1. In the event of fail in fulfillment of the requirements of Organic Law of Georgia – Election Code, disciplinary responsibility provided by paragraphs 2 and 3 of this article are assigned to the commissioners.

2. Disciplinary transgression of the PEC member are:

- a) Culpable non-completion or inappropriate completion of official duties;
- b) Imposing property damage to Georgian election administration or culpable development of threat of imposing such damage;

- c) Non appearing at the office due to unjustified reason;
 - d) Missing the PEC sessions three times constantly, due to unjustified reason;
 - e) Gross infringement of election legislation and the PEC regulations;
 - f) Refusal to mandatory signing the protocols on outcomes of polling and elections.
3. In the event of disciplinary transgression, higher DEC can use following measures of disciplinary responsibility:
- a) Notice;
 - b) Warning;
 - c) Holding salary or its part;
 - d) Pre term termination of term of office (except for the members appointed by the parties).
4. One measure can be used for one disciplinary transgression.
5. For imposing disciplinary liability measures against the PEC commissioner, appropriate DEC uses common administrative proceedings provided by General Administrative Code. The measure shall be adequate to disciplinary transgression.

Article 8. Obligation for ensuring publicity

1. For purpose of ensuring publicity during preparation and conducting elections the Commission is responsible to post on prominent place at the PEC the following:
 - a) Phone/fax numbers and other information of the Commission;
 - b) lists of voters;
 - c) Rules of making amendments to the voters' lists and terms and procedures of appealing inaccuracies.
 - d) Legal Acts of Election Administration which refer to operation of this Commission;
 - e) Ordinances of the Commission and its Chair.
2. The Commission shall post on prominent place at voting premises:
 - a) Voters' lists;
 - b) Party lists;
 - c) Candidates list;
 - d) Rule for filling the ballot defined by the CEC, as well as extract from Georgian Organic Law – Election Code, regarding the case in which the ballot is void;
 - e) Demonstration protocol(s) of the results of voting.

Article 9. Preparation and Holding the Sessions of the Commission

1. The Session of the Commission is invited by the request of Chair or his/her Deputy.
2. Immediately after making decision on inviting session the secretary of commission will post on prominent place at the PEC the application containing information about precise time of conducting the session and approximate agenda.
3. Chair 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 chair or his/her deputy.
- 8 At the session of commission the secretary prepares the protocol, which is signed by the chair 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 chair 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 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 chair 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 Chair of the Commission provides additional one minute 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, and at Polling Day in compliance with the terms provided by Georgian Organic Law – Election Code.
2. Started from the 30th day prior Elections up to development of summary protocol of election results by the DEC the working days include weekends and holydays.
3. 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.
4. The secretary of Commission is responsible for immediate registration of all documentation (application, complaint, and 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.
5. 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, as well as number assigned in registration journal. The certificate is confirmed with the signature of the secretary of Commission.
6. The secretary of commission issues all the documentation to the commission chair, which with own resolution distributes documents registered in registration journal to single members of commission and indicates precise terms of implementation.

7. The secretary of commission shall indicate in registration journal to whom was assigned responsibility for response by the commission chair to particular document. Upon inclusion of mentioned information in registration journal, the secretary of commission distributes documentation to appropriate persons in compliance with the resolutions.
8. The chair of commission controls adherence to the terms indicated in the resolutions and effective and timely operation of the members of commission. For this purpose he/she is entitled to assign fulfillment of one task to several members, at the same time.
9. The commission shall review application/complaint within 1 calendar day upon its reception and shall make appropriate decision (issue ordinance).
10. 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.
11. 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.
12. Information about Elections and electoral documentation shall be issued within 2 days upon requested.
13. The secretary of commission is responsible for issuance of access to public information and its proactive promulgation.
14. Issuance of Original of the document received in the commission shall be prohibited unless in cases determined by the Law.
15. 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. With the regard to the rule and terms of registration of documents in the journal at polling day, the Commission is guided by Georgian Organic Law – Election Code of Georgia.

The CEC Decree №26 July 16, 2013 – website, 16.07.2013

The CEC Decree №34 August 21, 2013 – website, 22.08.2013