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Election Law of Georgia

Date of entry into force: 1995

CHAPTER I. GENERAL PROVISIONS

Article 1. Principles of Elections

1. The elections to the Parliament of Georgia shall be held on the basis of universal, equal and direct suffrage with secret vote.

2. The Parliament of Georgia shall be elected for a term of four years. 150 members of Parliament shall be elected in multi-mandate electoral districts on the basis of proportional representation according to party lists, 85 ones shall be elected in single-mandate electoral districts on the basis of majority electoral system.

Article 2. Universal Suffrage

Elections to the Parliament shall be universal: each citizen of Georgia who has attained to the age of 18 years at the day of election has the right to elect, and each citizen of Georgia who has attained to the age of 25 years at the day of election and has lived in Georgia permanently for no less than 10 years has the right to be elected, regardless of origin, social and property status, race, national affiliation, sex, education, language, political thought, religious belief and occupation.

Article 3. Equal Suffrage

The elections to the Parliament of Georgia shall be equal. All citizens of Georgia have equal right to participate in elections.

Article 4. Direct Suffrage

The elections to the Parliament shall be direct. The members of Parliament shall be elected directly by the voters.

Article 5. Secret Vote

The elections to the Parliament shall be held by secret vote. Control over the expression of voters' will and open voting shall not be permitted.

Article 6. Persons Who Are Not Eligible to Vote

No citizen judged by the court to be incapable, and no person who is committed to a penitentiary establishment by the sentence of court has the right to vote.

Article 7. Holding of Elections by Electoral Commissions

Holding of elections to the Parliament shall be ensured by the electoral commissions, which as a rule shall consist of the representatives of political associations (hereinafter referred to as "parties"), public associations, legislative and administrative structures, and groups of voters registered in accordance with the rule determined by law.

Article 8. The Right to Participate in Elections and to Nominate the Candidates

The right to participate in elections shall be granted to parties, which are registered in accordance with the rule determined by law, and whose initiative is supported by the signatures of at least 50,000 voters, or which have their representatives in the Parliament at the day of appointment of elections. In case of elections by the majority system such a right shall be granted to candidates nominated by the parties and electoral blocs which have the right to participate in elections, as well as to those persons whose initiative is supported by the signatures of at least 1,000 voters or who has been elected to the Parliament at the last elections.

Article 9. Incompatibility of the Status of Member of Parliament with Public Office

1. The members of Parliament shall not hold any public office or be involved in businesses. They shall not be members of local self-governing representative bodies or hold any office in local administrative or representative institutions.

2. The members of Parliament shall not do any other job, except scientific, pedagogic or creative activities, if the same do not include administrative responsibilities, as well as party activities.

3. The members of Parliament at the moment of recognition of their powers shall be released from their former jobs and offices prohibited by this article.

4. In case of violation of point 3 of this article the members of Parliament shall be deprived of their powers according to the rule determined by article 54 of the Constitution of Georgia.

5. In case of expiration or termination of powers of a member of Parliament, within one month from this moment he shall be restored to his former position on the basis of his personal application, or, if this is impossible, shall be provided with an equal job, except in case when the termination of powers is related with his appointment to any other office.

Article 10. Financial Support to the Elections

Costs required for the preparation and holding of elections shall basically be covered by the state. At the same time, the parties participating independently in the elections, electoral blocs and candidates may establish electoral funds where they are entitled to accumulate the money appropriated by the state, their own financial means, and contributions of non-government-owned enterprises, political and public associations registered in Georgia, as well as of citizens of Georgia.

Article 11. Responsibility for the Violation of Election Law

1. Any person who has violated the provisions of this law shall be subject to criminal or administrative responsibility in accordance with Georgian legislation.

2. The candidates nominated by parties and electoral blocs as well as those standing for elections in single-mandate electoral districts who exceed the limits of electoral funds determined by the Central Electoral Commission, or do not submit accounts of expenses spent by them during the electoral campaign within the terms determined by law, shall be deprived of their mandates and the right to participate in elections to replace withdrawn members of Parliament, as well as the right to participate in the next elections to the Parliament. The cases of such violations shall be judged by the Supreme Court of Georgia whose decision shall be final and shall not be subject to reconsideration.

CHAPTER II. APPOINTING ELECTIONS. REGISTRATION OF PARTIES & ELECTORAL BLOCS PARTICIPATING IN ELECTIONS

Article 12. Appointing Elections

The elections to the Parliament of Georgia shall be appointed by the President of Georgia no later than 60 days before the expiration of powers of Parliament. The announcement of elections shall be published in central and local media no later than two days after the setting of elections.

Article 13. Electoral Registration of Parties

1. To gain the right to participate in elections and to appoint their representatives to the electoral commissions the parties shall be registered in the Central Electoral Commission and for this purpose no later than 50 days before elections they shall submit to the Commission the appropriate application signed by the leader of the party where there shall be an indication of the party name (which shall not coincide with those of previously registered parties or electoral blocs). Within 30 days after the submission of application, but no later than 40 days before elections they shall present the Central Electoral Commission lists of supporters compiled in accordance with the rules determined by the Commission (provided that the requirements of article 8 of this law be met) and a note or a registration certificate issued by the Ministry of Justice of Georgia certifying that the party is registered in accordance with Georgian legislation. The application shall include the identity of leader (leaders) of party and the name, last name, address and telephone number of the authorized person of party to whom the Central Electoral Commission will transmit a dated note of receipt of the application.

2. Within six days after the party's fulfillment of above conditions the Central Electoral Commission shall consider the issue of electoral registration of party and give an appropriate note to its authorized person. Parties whose activities are suspended according to the rule determined by law shall not be registered.

3. In case of the Commission's refusal to register the party the latter has the right to appeal to the Supreme Court of Georgia within three days after the receipt of refusal. The Supreme Court shall make decision within three days after receiving of appeal. The Court's decision shall be final and shall not be subject to reconsideration.

4. Within two days after the completion of registration the Central Electoral Commission shall publish in media the list of registered parties in the order of their submitting applications as well as the list of those parties which were refused to be registered and the grounds for refusal.

Article 14. Electoral Blocs and their Registration

1. Parties registered by the Central Electoral Commission have the right to unite into electoral blocs (the bloc can be given a name which shall not coincide with the name of earlier registered bloc or party; and it shall not include the name of party which is not united with the given bloc), registration which by the Central Electoral Commission shall end no later than 25 days before the elections.

2. The appropriate application to be submitted to the Commission shall be signed by the leaders of all parties joining the bloc. The application shall include the identity, address and telephone number of the authorized person of the bloc to whom the Central Electoral Commission will transmit a dated note of receipt of application. Along with application there shall be enclosed the regulations of the electoral bloc signed by leaders of all parties united in the bloc, which shall provide rules of the bloc's making decisions related to electoral activities of the bloc, including the rule of nomination of candidates and their removal, the rules of parties' withdrawal or expelling from the bloc and admitting of new members to the bloc; there shall be provided the identities of those persons who have the right to sign the bloc's applications.

3. The Central Electoral Commission, within two days after the registration of the bloc, shall announce the fact of registration of the given bloc to the Georgian media.

4. At the moment of registration of the electoral blocs the powers of members of electoral commissions and the authorized persons appointed by the parties united in the blocs shall be terminated. The electoral blocs have the right to appoint their representatives and the authorized persons in electoral commissions.

5. The parties united in electoral blocs have not the right to joint at the same time other electoral blocs or participate in elections separately.

CHAPTER III. ELECTORAL DISTRICTS AND PRECINCTS

Article 15. Electoral Districts

1. For the elections to the Parliament 85 single-mandate electoral districts, being divided according to territorial and administrative division of the country, shall be established. Out of this 10 single-mandate electoral districts shall be established in the city of Tbilisi.

2. The list of electoral districts shall be published no later than seven days after appointing the elections.

Article 16. Electoral Precincts

1. For the organizing of elections and counting of votes the electoral districts shall be divided into electoral precincts. The electoral precincts shall be established for no less than 20 and no more than 3,000 voters and no later than 45 days prior to the elections. In regions which are hard accessible or on vessels being in high seas on the day of elections the electoral precincts shall be established within the same term, and in exceptional cases - no later than five days prior to the elections.

2. The electoral precincts shall be formed by the district electoral commissions at the suggestion and with the consent of regional (city, district) local administrations or representative bodies. On the vessels being in high seas on the day of elections the electoral precincts shall be formed with the same procedure and according to the vessels' home ports. In the governmental establishments of Georgia located outside the territory of the country the electoral precincts shall be formed at the suggestion of Georgian government. The issue of the electoral precincts' belonging to any electoral district shall be solved by the Central Electoral Commission.

3. The electoral precincts may be established in hospitals or other medical institutions and hard accessible regions.

4. The district electoral commissions, within five days after the formation of precincts, shall publish to the local media the numbers and addresses of electoral precincts.

CHAPTER IV. ELECTORAL COMMISSIONS

Article 17. System of Electoral Commissions

For the holding of elections to the Parliament the following electoral commissions shall be established:

a.Central Electoral Commission of Georgia;

b.district electoral commissions;

c.precinct electoral commission.

Article 18. Membership of Electoral Commission

1. Every citizen of Georgia having the right to vote may be elected or appointed to the electoral commission.

2. Each party which has been registered according to law and has won seats to the Parliament during the last elections has the right to appoint one member of the electoral commission. In case of disbanding of a party or its failure to win a seat in the newly elected Parliament the powers of the member of commission form that party shall be terminated.

3. The right to appoint a member of electoral commission shall be granted also to groups consisting of five parties which have not won seats to the Parliament during the last elections. On the basis of joint decision of these parties confirmed by the signatures of their leaders the member of electoral commission shall be appointed by the leader of the one of those parties. In case of disbanding or failure to be registered of one of those parties the powers of the member of commission form that group of parties shall be terminated.

4. The organizations and institutions having the right to appoint their representatives in electoral commissions shall appoint the members of the central and district electoral commissions no later than 30 days prior to the elections.

5. If more than one party organs have appointed their representatives to the electoral commission the priority shall be given to the superior party organ.

6. The persons appointed to electoral commissions shall be considered the members of electoral commissions at the moment of their first appearance at the commissions.

7. The officials of Georgian state and local representative bodies, leaders of central and local administrations and their deputies, candidates of the members of Parliament and those of local self-governing bodies, authorized persons of parties and electoral blocs participating in elections, accredited representatives of candidates of members of Parliament can not be members of electoral commissions.

8. The powers of a chairman, deputy chairman, secretary or member of the electoral commission shall be terminated:

a.on the basis of points 2, 3 and 7 of this article and point 4 of article 14;

b.in case of their resignation (a notification of resignation shall be submitted to a superior electoral commission and shall be accepted within three days after submission; if the person

is a member of the Central Electoral Commission, such a notification shall be presented to the Central Electoral Commission itself);

c.in case of their recall or removal from offices;

d.in case of disbanding or prohibition of party which has appointed a member of commission;

e.in case of unification of parties which have appointed him, and if the unification has resulted in the creation of a new party; in such a case a newly established party, after being registered in the Ministry of justice of Georgia, has the right to appoint one member in all electoral commissions.

Article 19. Organizing the Work of Electoral Commissions

1. The rule of operation of electoral commissions shall be determined by this law and the regulations of commissions which shall be adopted by the Central Electoral Commission by the majority of two-thirds of the present members.

2. The electoral commissions shall elect their deputy chairmen and secretaries.

3. The meeting of an electoral commission shall be authorized to start business if the majority of total members of commission is present. The decision shall be passed by the majority of present members. In case of equal division of votes the vote of a chairman shall have decisive power. The members of commission who do not agree with the decision of commission have the right to express their opinion in written which shall be attached to the record of meeting and submitted to a superior electoral commission.

4. The electoral commissions shall be represented by their chairmen. If there is no chairman in a commission, or the chairman of commission is not able to discharge his duties the same shall be discharged by the deputy chairman as an acting chairman.

5. For the purpose of ensuring organizational, legal and technical support to the elections work groups may be established under the authority of Central Electoral Commission. The members of work groups shall be appointed and provided with compensation by the Central Electoral Commission.

Article 20. Rights and Duties of Members of Electoral Commissions

1. The chairman, deputy chairman and secretary of the Central Electoral Commission during the whole term of their office shall be provided with salaries assigned by the Parliament at the expense of state budget. At the same time they may reserve their previous positions held before their being appointed (elected) to the above offices.

2. All members of electoral commissions within the whole period of preparation and holding of elections have the right to unpayable leave. At the same time, all members of the Central Electoral Commission, four members of district electoral commissions and two members of precinct electoral commissions, within the whole period of preparation holding of elections, and the other members of precinct electoral commissions during the last ten days before the elections, may provided with salaries from the funds assigned for the elections and in the amount determined by the Central Electoral Commission. The number of paid members of the Central and district electoral commissions shall be determined by the Central Electoral Commission and that of the paid members of precinct electoral commissions - by the district electoral commissions. The salaries of the members of the Central and district electoral commissions shall be assigned by the Central Electoral Commission and those of the members of precinct electoral commissions - by the district electoral commissions. At the same time, the superior commissions shall take into account the proposals of those commissions whose members are assigned salaries. The overtime work shall be paid in the amount determined by the Central Electoral Commission and from the funds assigned for the elections.

3. The members of the Central Electoral Commission, during the remained period of their powers, at the suggestion of the Central Electoral Commission and by the decision of the parliament of Georgia, may be provided with salaries form the state budget. The staff schedule of the Central Electoral Commission shall be approved by the Parliament of Georgia at the suggestion of the Commission.

4. The chairmen and bookkeepers of commissions, and the head of financial department of the Central Electoral Commission, in the name of their respective commissions, shall manage the funds allotted to the commissions and be responsible for their reasonable use.

5. The members of electoral commissions during the whole period of elections have no right to agitate in favor or against parties, electoral blocs or candidates participating in the elections.

Article 21. Central Electoral Commission

1. The Central Electoral Commission of Georgia shall consist of the chairman of commission, the deputy chairman, the secretary and to less than 20 members.

2. The Parliament of Georgia is empowered to appoint the chairman of commission and two members no later than 60 days prior to the general elections. The Parliament shall immediately announce its decision to the official media.

3. The supreme councils or the presidiums of the autonomous republics are empowered to appoint one member of the Central Electoral Commission.

4. If there are less than 23 members in the commission and existing vacancies are not filled within 14 days, the Parliament in its first working week shall appoint additional members to fill the vacancies and raise the number of members up to 23.

5. The commission, if there are at least 23 members in the commission, is entitled to elect form its members the deputy chairman and the secretary of commission.

6. The Central Electoral Commission shall announce its complement, address and telephone numbers to the official media.

Article 22. Powers of Central Electoral Commission

1. Prior to the filling of all vacancies in the Central Electoral Commission the meetings of the commission shall be authorized to do business if at least two-thirds of actual members are present.

2. The Central Electoral Commission has the power:

a.to take control, within its terms of reference, over the implementation of the Constitution and this law on the whole territory of Georgia and ensure there uniform use; to pass instructions by the majority of total members for the solution of issues required for the holing of electoral campaign as well as of those necessary for the implementation of this law;

b.to delegate, if necessary, by the decision of two-thirds of its members, a part of its powers to newly established groups for the solving of previously determined issues;

c.to establish electoral districts; to appoint the chairmen and two members of district commissions and in case of urgency - the additional members; to publish the lists of members of commissions and their addresses;

d.to register electoral precincts to be established outside of Georgia at electoral districts;

e.to announce the commencement and the end of electoral measures;

f.to register the parties and electoral blocs participating in elections;

g.to register the authorized persons of parties and electoral blocs participating in elections independently and provide them with appropriate certificates;

h.to register the lists of parties and electoral blocs participating in elections independently; to provide appropriate certificates to candidates;

I.to lead the operation of electoral commissions and to hear their information;

j.to check the validity of electoral commissions' decisions, cancel, if necessary, those decisions and make final decisions; in extraordinary cases, by the consent of two-thirds of its members, to terminate the powers of inferior electoral commissions and delegate these powers to special groups established by the Central Electoral Commission itself;

k.to determine the rules of use and distribution of electoral funds; to distribute money available to district commissions and parties and electoral blocs participating in elections; to take control over the providing of electoral commissions with premises, transport and communications and to consider other issues related with material and technical support to elections;

l.to develop the forms of electoral documents, design electoral boxes and stamps of electoral commissions, determine the rule of keeping the electoral documents;

m.to provide during the electoral campaign for the creation of equal conditions for all parties, electoral blocs and candidates participating in elections;

n.to determine, in accordance with this law and other laws of Georgia, the rule of use of mass media in the election campaign and take control over the observation of such a rule;

o.to determine the duties of ministries and other state and public establishments of Georgia as well as of autonomous republics of Abkhazia and Adjaria related with the preparation and holding of elections and hear their information;

p.to approve texts of electoral ballot-papers, provide for the printing of ballot-papers and supplying them to electoral commissions;

q.to establish the results of elections according to party lists and summarize general results of elections; no later than five days after summarizing of elections to announce the results of elections to media and publish the list of elected members of Parliament; to register the newly elected members of Parliament and provide them with appropriate certificates;

r.to present a credential Committee of Parliament appropriate documentation necessary for checking powers of newly elected members of Parliament;

s.to appoint, if necessary, new balloting in those electoral districts, where the elections were considered invalid;

t.in case of withdrawal of a member of Parliament elected by a party list to determine the identity of a substitute in accordance with this law, register the latter, provide him with an appropriate certificate and present the credential Committee of Parliament the appropriate documentation necessary for checking powers of the newly elected member of Parliament;

u.to appoint elections in electoral districts in case of withdrawal of members of Parliament elected in single-mandate electoral districts and ensure that elections be held;

v.to consider the statements and complaints related to the actions of district electoral commissions and make appropriate decisions;

w.in exceptional cases, if it is impossible to follow the requirements provided by the Constitution and this law, to set new term of electoral measures in district electoral commissions; to appoint by the consent of two-thirds of its members new date of elections in this district;

x.to exercise other powers in accordance with this law and other laws of Georgia.

Article 23. District Electoral Commissions

1. Each district electoral commission shall consist of a chairman, deputy chairman, secretary and no less than four members.

2. The Central Electoral Commission shall appoint the chairman and two members of each district electoral commission. The Central Electoral Commission shall announce the addresses and telephone numbers to official media no less than 60 days prior to elections.

3. If there are less than seven persons in a commission, the Central Electoral Commission, within 30 days, shall appoint additional members to fill the existing vacancies and inform about this appropriate district electoral commission.

4. Each district electoral commission, within four days after its creation, shall elect the chairman and the secretary of commission from its members.

5. Each district electoral commission shall immediately announce its complement, address and telephone numbers to local media.

Article 24. Powers of District electoral Commissions

The district electoral commissions have the power:

a.to take control, within their terms of reference, over the implementation of the Constitution and this law on the territory of their respective electoral districts and ensure there uniform use.

b.to establish electoral precincts and publish their lists;

c.to appoint the chairman and two members of each precinct commission and in case of urgency - the additional members; to publish the lists of members of precinct commissions and their addresses;

d.to lead the activities of precinct electoral commissions and hear their information;

e.to appoint bookkeepers of precinct electoral commissions; to distribute money available to precinct electoral commissions; to take control over the providing of precinct electoral commissions with premises, transport and communications and solve other issues related with the material and technical support of elections in districts;

f.to register candidates which are to stand for elections in their respective districts, provide them with appropriate certificates and financial means;

g.to register in their respective districts the authorized persons of parties and electoral blocs participating in elections independently and provide them with appropriate certificates;

h.to provide during the electoral campaign for the creation of equal conditions for all parties, electoral blocs and candidates participating in elections; to provide for the publication and distribution of information about the candidates standing for elections in their respective districts; such an information shall include the curricula vitae and basic principles of the electoral programs of candidates;

i.to ensure that the local media observe this law;

j.to hear the information of local authorities and administrations, managers of enterprises and organizations related with to the preparation and holding of elections;

k.to help the candidates and voters with the arrangement of meetings with each other;

l.to provide the precinct electoral commissions with ballot-papers;

m.to determine and announce to the local media the results of elections in their respective districts and the number of total voters and of those who took part in elections in the given districts;

n.to organize new voting in those precincts where the voting was considered invalid;

o.to organize elections in electoral districts to replace the withdrawn members of Parliament;

p.to consider statements and complaints related to the decisions and actions of precinct electoral commissions and make appropriate decisions;

q.to exercise other powers in accordance with this law.

Article 25. Precinct Electoral Commissions

1. Each precinct electoral commission shall consist of the chairman, deputy chairman, secretary and at least two members. The precinct electoral commissions shall be established no later than 35 days prior to elections, and in exceptional cases determined by article 16 of this law-no later than three days prior to elections. The appropriate district commissions shall determine the minimal number of members in precinct commissions and publish it in local media along with the information about the electoral precincts.

2. The district electoral commissions shall appoint the chairman and two members of each precinct commission.

3. If on the 35th day before the elections the number of members of a precinct commission is less than the number determined by this law, the district electoral commission, within three days, shall appoint additional members to fill the existing vacancies.

4. Each precinct electoral commission, within two days after its creation, shall elect from its members a deputy chairman and a secretary of commission and immediately inform about this the district electoral commission.

5. The tem of powers of each precinct commission shall be completed immediately after the end of elections.

6. Each precinct electoral commission shall immediately announce its complement, address and telephone numbers to local media.

Article 26. Powers of Precinct Electoral Commissions

The precinct electoral commissions have the power:

a.to compile the lists of voters in their respective precincts;

b.to have the voters acquainted with the lists of voters; to receive and consider statements about the errors made in the lists of voters and make appropriate amendments to the lists;

c.to provide the voters with voter’s cards and at their desire - voter’s certificates;

d.to inform the public about the location and working hours of the precinct commission as well as about the date and the time of elections;

e.to ensure that the premises, boxes, cabins and information stands be prepared;

f.to organize the voting in their respective precincts;

g.to determine the number of total voters in their respective precincts and the number of those who took part in elections; to sum up the elections in their respective precincts and count the votes given to all candidates, parties and electoral blocs;

h.to consider statements and complaints related to the preparation and holing of voting in their respective precincts and make appropriate decisions;

i.to exercise other powers as determined by this law.

Article 27. Rules of Appointing and Nominating the Members of Electoral Commissions

1. The right to nominate candidates to electoral commissions shall be granted to:

a.public associations which are registered according to existing legislation;

b.local authorities or administrations;

c.the voters through the submission of appropriate application to electoral commissions; the applications to be submitted to district commissions shall be signed by at least 50 voters and those to be submitted to precinct commissions - by at least 10 voters living in districts and precincts.

2. For the nomination or appointing of members of electoral commissions the appropriate organization s and electoral commissions shall be given an application which shall include the name, date of birth, position (profession), address and telephone number (hereinafter the “identity and address”) of the person to be nominated or appointed. In cases determined by point 1 (“c”) of this article the application shall include the name, last names, dates of birth, addresses, dates of signature and signatures of the undersigned.

Article 28. Procedure of Changing the Complement of Electoral Commissions

1. The members of electoral Commissions may be released from their offices in cases determined by point 8 of article 18 of this law.

2. The members of commissions may be recalled only by those persons who have appointed him.

3. The superior commissions may remove the members of inferior commissions from their offices (the members of the Central Electoral Commission may be removed by the Central Electoral Commission itself) in case of the violation of this law and the systematic breach of electoral regulations by these members. The decision on the removal of members from their offices shall be passed by the majority of total members of the given commission. In such cases the persons in question can not be appointed to the electoral commissions till the next elections.

4. In cases provided by this article, i.e. in the event of removal or death of members of electoral commissions, the new members shall be appointed by those organizations or institutions which had appointed the replaced member of commission. They may do that at their convenience. If no more than 30 days are left before the elections the new members of district commissions shall be appointed within 10 days; if no more than 15 days are left the new members of precinct electoral commissions shall be appointed within five days.

Article 29. Assisting Electoral Commissions in the Performance of their Duties

1. The decisions of electoral commissions shall be mandatory for all public institutions, enterprises, governmental officers and mass media being subsidized by the government.

2. The complaints related to the decisions and actions of electoral commissions may be presented to superior electoral commissions and in cases determined by this law - to the courts.

Article 30. Electoral Funds. Election Costs

1. The approximate election costs shall be determined by the Central Electoral Commission and approved by the President of Georgia. The factual costs shall be determined by the Central Electoral Commission within two months after the end of elections and approved by the newly elected Parliament.

2. The Ministry of Finance of Georgia shall be responsible for the appropriation of electoral costs, determined by the Central Electoral Commission and approved by the President of Georgia, as well as for the transfer of money to the account of Central Electoral Commission no later than 60 days prior to elections.

3. Only the government of Georgia shall assign subsidies to electoral commissions.

4. The costs spent by parties, electoral blocs and candidates participating in elections for the electoral campaign shall not exceed the amount determined by the Central Electoral Commission (the established sum of money for parties and electoral blocs is equal to the number of candidates nominated by those parties or blocs multiplied by the amount of money to be given to independent candidates). The electoral funds shall be administered by their management boards consisting of bookkeepers and cashiers who shall be appointed by the leaders of independent parties, or parties, or parties united in electoral blocs, or independent candidates. The managers of electoral funds shall be responsible for the proper use of electoral funds.

5. The money available for parties, electoral blocs and candidates shall be transferred to their accounts, which shall be opened in the banks (or their branches) of Georgia after the registration of those parties, electoral blocs and candidates in the Central Electoral Commission. The money appropriated by the government of Georgia shall be transferred no later than 25 days prior to elections.

6. The Central Electoral Commission, no later than 50 days prior to elections shall determine the rules of distribution and use of electoral costs. The Central Electoral Commission shall transfer the money available for district commissions to their current accounts no later than 50 days prior to elections. The chairmen and bookkeepers of commissions shall be responsible for the management and proper use of funds allotted for their respective commissions. No later than 50 days after the end of elections the district commissions shall cease all kinds of transactions with organizations and private persons, then within 10 days shall transfer the remains available on their accounts to the account of the Central Electoral Commission and within two weeks present financial reports to the Central Electoral Commission.

7. Within 30 days after the end of elections all kinds of transactions by the electoral funds shall be ceased and the remains of electoral funds of candidates shall be transferred to the account of the Central Electoral Commission. In case of a party's or electoral bloc's wining at least one seat in the Parliament, the remains of electoral funds of parties shall be transferred to the accounts of these parties and those of electoral blocs shall be distributed equally among the parties constituting these electoral blocs. In other cases the money shall be transferred to the account of the Central Electoral Commission.

8. No later than two months after the publishing of results of elections the Central Electoral Commission shall make public the account of costs spent by the parties, electoral blocs and candidates elected to the Parliament during the electoral campaign. The form of account shall be determined by the Central Electoral Commission. To the account there shall be attached a report of the Chamber of Control. The legitimacy of the use of electoral funds by parties, electoral blocs and candidates shall be checked by the Chamber of Control of Georgia and the Central and district electoral commissions; the financial activities of inferior commissions shall be checked by the Central Electoral Commission and the latter's ones - by the Parliament and the Chamber of Control.

9. The public enterprises, organizations and establishments shall provide premises and other facilities to electoral commissions free of charge. The media being subsidized by the government, the list of which will be determined by the Central Electoral Commission, shall publish all electoral documents submitted by the Central Electoral Commission, programs of parties, electoral blocs and candidates as well as other documents free of charge.

Article 31. Publicity in the Operation of Electoral Commissions

1. The right to attend the meetings of electoral commissions and to be in the polling premises shall be granted to the authorized persons of parties and electoral blocs, accredited representatives of candidates, representatives (one per party) of those parties which have not appointed their members in electoral commissions, representatives of public associations and media and observers form different states and international organizations; and on the day of elections, from the moment of sealing boxes to the very summing up of elections, to representatives of parties and blocs (one per each) and candidates of members of Parliament.

2. The powers of representatives of parties or public organizations shall be certified by the leaders of those parties or public organizations with their signatures, and those of observers - by the signatures of the authorized persons of parties or electoral blocs. The certificates shall be submitted to the appropriate electoral commissions no later than two days before the meeting of commission. The certificates shall be submitted to precinct commissions no late than two days before elections. The precinct commission shall make decision within 24 hours. In case of refusal the commission shall provide a written substantiated reply that may be appealed against to superior electoral commissions.

3. The media shall cover the course of preparation and holding of elections to the Parliament. They have an unrestricted right to attend all meetings and procedures of electoral commission. The electoral commissions, parties and electoral blocs, state and public organizations, enterprises and organizations shall provide the media with all information related with elections.

4. The Central Electoral Commission has the right to broadcast every day through national radio and television the information related to elections, and the district commissions may do the same through local networks. The information shall be broadcast by the chairmen of commissions, deputy chairmen or any persons assigned by commissions specifically for this purpose.

5. All electoral commissions shall regularly publish their decisions to official mass media.

CHAPTER V. LISTS OF VOTERS, VOTER CARD AND VOTING LICENSE

Article 32. Lists of Voters and the Rule of Compiling thereof

1. The list of voters shall be compiled in two copies for each electoral precinct and shall be signed by the chairman and secretary of precinct electoral commission. While compiling lists the electoral commissions may invite the representatives of the public.

2. The legislative and executive bodies of central and local authorities shall guarantee the registration of voters and shall transfer to the precinct electoral commissions information about the voters, living on their territories, which is required for compiling the lists of voters.

3. The lists shall include the names, last names, dates of birth and addresses of voters.

4. The lists of voters in electoral precincts which are established in hospitals and other medical institutions, on vessels which are in high seas on the day of elections, and in governmental establishments of Georgia outside the country shall be compiled on the basis of data submitted by the leading offices of those establishments and the captains of vessels.

Article 33. The Rule of Entering the Names of Voters into the Lists of Voters

1. All citizens of Georgia eligible to vote and living permanently on the territory of the given electoral precinct at the moment of compiling the list as well as IDPs according to their factual place or residence shall be included in the lists of voters. The lists of IDPs shall be made separately and IDPs shall not be eligible to vote in single-mandate electoral districts.

2. No one shall be included in more than one list.

Article 34. Acquainting the Citizens with the Lists of Voters, Issuing the Voters cards and the Right to Appeal against the Errors in the Lists of Voters

1. The lists of voters shall be put up in electoral precincts for general acquaintance no later than 10 days prior to elections, and in the electoral precincts to be established in hospitals and other medical institutions - three days prior to elections.

2. The precinct electoral commissions shall distribute the voter cards among voters and such cards shall include the names, last names, ordinal numbers of voters in the list and the numbers and addresses of the precincts.

3. Each citizen has the right to appeal against the inaccuracies in the list of voters. The appeal of inaccuracies in the list of voters shall be considered by the precinct electoral commission within two days, or immediately if it is the day before of elections or the day of elections. The commission shall correct the errors or give the person in question a substantiated written reply which no later than five days prior to elections may be appealed against to a district (city) court. The court is obliged to consider the case within three days. The court's decision shall be final.

Article 35 Voting License. Additional Lists of Voters

1. If the voter changes his residence within the territory of country but not within the territory of city (town, village) in the period between the publishing of lists and the beginning of voting, the precinct electoral commission, upon his request and on the basis of his passport or any other identification document shall issue a voter license after which he will be withdrawn from the list of voters. The voter shall certify his withdrawal from the list and receipt of license by the signature.

2. On the basis of voter license the voter shall be included in an additional list according to his location on the day of elections.

3. The voter who will vote in different single-mandate electoral district on the basis of voter license shall not be entitled to vote in this single-mandate electoral district and shall not be given a ballot-paper.

CHAPTER VI. NOMINATION AND REGISTRATION OF CANDIDATES. BALLOT-PAPER

Article 36. Incompatibility of the Status of Candidate with Public Office

The President of Georgia, members of executive authorities, leading officers of governmental establishments and their deputies, heads of apparatus of the President and the Parliament of Georgia, chairs and deputy chairs of local administrations and local self-governing bodies, officers of the ministries of interior and defense and state security service, judges, procurators, their deputies and assistants and investigators shall not be nominated the candidates of Parliament if not released from their offices before the registration.

Article 37. Submitting Party Lists

1. The parties and electoral blocs participating in elections have the right to submit party lists.

2. Each party or electoral bloc participating in the elections have the right to submit one party list. The number of candidates in the party list shall not be less than 100 and shall not exceed the number which is the sum of the number of candidates from the given party or electoral bloc nominated in single-mandate electoral districts and 150.

3. No such persons shall be included in party lists who at the same time are the members of other parties participating in elections, except the parties constituting the same electoral bloc. No person shall be included in more than one party list.

4. The rule or compiling party lists shall be determined by the parties and electoral blocs themselves. While compiling the lists the parties and electoral blocs shall take into account the fact that the mandates received by the parties and electoral blocs will be distributed in order from the beginning of the list.

5. The party lists shall include the names, last names, dates of birth, professions and party membership of candidates. They shall be confirmed by the signature of leaders of independent parties or all leaders of parties constituting the electoral bloc.

6. The party lists shall be submitted to the Central Electoral Commission no later than 30 days after the appointment of elections. To the lists there shall be attached register cards signed by the candidates and certifying that they agree to stand for the elections with the given party; and if the candidate is standing in single-mandate electoral district he shall certify as well that he agrees to stand in the given electoral district as a candidate of the given party or electoral bloc (the Central Electoral Commission shall distribute the register cards among the authorized persons of parties and electoral blocs in advance). Along with above documents the authorized persons of parties and electoral blocs shall receive a dated note of receipt of documents.

Article 38. Nomination of Candidates in Electoral Districts

1. The right to nominate the candidates in electoral districts shall be granted to parties, electoral blocs and initiative groups of voters consisting of no less than five members. Each initiative group has the right to nominate one candidate in the given electoral district if the candidate is supported by no less than 1,000 voters living in the given district, except in cases determined by article 8.

2. Each person may be nominated only in one electoral district.

3. To nominate the candidate the initiative group of voters shall apply to the district electoral commission no later than 50 days prior to elections. The appropriate application shall be signed by all members of the initiative group with the indication of their identities and addresses, as well as of the name, last name, profession, position, party membership of the candidate, and the number of electoral district in which he is standing for elections. To

the application there shall be attached the register card signed by the candidate (in two copies), where along with his resume there shall be a certification that he agrees to stand for elections in the given electoral district (the Central Electoral Commission shall pass out the register card to the initiative group in advance). One copy of completed register card shall be given by the district electoral commission to the Central Electoral Commission no later than 45 days prior to elections.

4. Along with documents the initiative group shall receive a dated not of receipt of documents, the right to collect signatures of supporters and a sample forms of signatures.

5. The completed and signed forms along with the application of the initiative group, which shall include the number of forms and total number of the undersigned voters, shall be submitted to the district electoral commission no later than 40 days prior to elections.

6. Along with all above documents the initiative group shall receive the note certifying the nomination of a candidate. The note shall include the date of receipt of documents.

Article 39. Lists of the Supporters of Parties and Candidates and their Checking

1. The voters of electoral districts shall confirm their support to parties and candidates standing for elections in their respective districts by placing their signatures in appropriate forms.

2. The Central and district electoral commissions shall check the authenticity of signatures according to the rule determined by the Central Electoral Commission. All forms which are not confirmed by collectors of forms in accordance with the established rule shall be considered invalid. All forms which lack other information about the undersigned persons apart from their signatures, or those ones which do not contain the correct data shall also be considered invalid. All signatures made by fraud, threat or force, if this is verified by the undersigned persons in written, as well as forged signatures and those made by different persons, if this is verified by the undersigned persons in written, shall be considered invalid. The lists of party supporters shall be checked and appropriate decisions shall be made within 14 days, but no later than 34 days prior to elections. The checking of authenticity of signatures and of making appropriate decisions shall end the day before the end of registration of candidates in electoral districts. If the number of authentic signatures in the list of party supporters is less than 50,000 and the number of authentic signatures in the list of candidate supporters is less than 1,000, such parties and candidates shall not be registered.

3. The right to be acquainted with the lists of supporters shall be given to the electoral commissions only and in case of complaints to the courts as well. The lists of supporters shall be destroyed no later than 20 days prior to elections.

Article 40. Registering the Party Lists and the Candidates

1. The party lists shall be registered by the Central Electoral Commission which shall immediately transfer the list of candidates nominated by the parties in different electoral districts to the electoral commissions of appropriate districts. The independent candidates shall be registered by appropriate district commissions which shall immediately transfer the registration records to the Central Electoral Commission. The registration of party lists and candidates shall end no later than 25 days prior to elections.

2. In the event of the Supreme Court's cancellation of the Central Electoral Commission's refusal to register the parties and electoral blocs, the term of registration for these parties and electoral blocs shall be determined within three days after the Court's making its decision.

3. The registration of party lists and candidates shall be fulfilled if all documents listed in article 37, 38 and 39 are provided to the Central Electoral Commission.

4. If the documents submitted to the Central Electoral Commission do not comply with all requirements of this law, or if there are incorrect or incomplete data, specifically if there is the consent of a person to stand for elections for a president, a member of parliament or local representative body simultaneously, or to stand for elections in different electoral districts or on the basis of different party lists, the candidates who have submitted these documents shall be refused to be registered, or if they are already registered they will be removed from elections by the Central Electoral Commission.

5. If at 12 a.m. of the day before the elections the number of candidates in the party list submitted to a district commission is less than the number determined by article 37 of this law the registration of party list shall be canceled.

6. In case of the cancellation of the registration of a candidate or his withdrawal from elections by any other reason the remained candidates shall reserve their ordinal numbers in ballot-papers determined by the district commissions.

7. In case of refusal of registration or the cancellation of registration the candidates and the authorized persons of parties and electoral blocs having submitted the party lists to the Central Electoral Commission have the right to appeal to the Central Electoral Commission against the decision of the district electoral commissions, or to the Supreme Court of Georgia against the decision of the Central Electoral Commission within three days after getting the refusal. The Central Electoral Commission or the Supreme Court of Georgia shall make decisions within three days after receiving the appeal.

8. The Central Electoral Commission shall publish the registered party lists in official media, and the district electoral commissions shall publish the lists of candidates along with data to be included in ballot-papers in local media no later than 15 days prior to elections.

9. After the end of registration the Central Electoral Commission shall determine by casting of lots the ordinal numbers of candidates and party lists.

Article 41. Removal and Resignation of Candidates.

1. The parties and electoral blocs participating in elections may remove their candidates at any time by 12 a.m. of the day before the elections or after the registration of elected members of Parliament. Except in cases when the powers of a member of Parliament, elected on the basis of the party list, are terminated from the moment of termination of powers to the moment of recognition of powers of his substitute. The candidate shall be removed by the Central Electoral Commission on the basis of application signed by a party leader (or a person assigned by electoral blocs on the basis of their respective regulations).

2. The candidates nominated as such in electoral districts may resign by 12 a.m. of the day before the elections. For this purpose they shall submit appropriate applications to the district electoral commissions which, in turn, shall immediately notify the Central Electoral Commission about this event. The persons nominated by parties as candidates shall resign at their convenience and for this purpose they shall submit appropriate applications to the Central Electoral Commission. In such cases the candidates shall immediately be removed from electoral districts.

3. The electoral commissions shall make public the above information within three days, but it less than four days are left before elections they shall do this immediately.

Article 42. Ballot-Papers

1. The ballot-papers of two different colors shall be prepared for the elections.

a.first ones shall include the names by which the parties or electoral blocs are participating in elections (after which the names of independent parties or of those constituting the electoral blocs shall be specified), in the order determined by the Central Electoral Commission by casting of lots;

b.the other ballot-papers shall include the following data: the number and the title of electoral district; the name, last name, date of birth, profession, position and party membership of a candidate; the name of party or electoral bloc having nominated the candidate; the name of party or electoral bloc having nominated the candidate; of the candidate is nominated by a group of voters, there shall be a note: “nominated by a group of voters.” The candidates shall be entered to the ballot-papers in the order determined by the Central Electoral Commission by casting of lost.

2. The Central Electoral Commission shall print the ballot-papers in Georgian and Abkhazian\ (for Abkhazia) and if necessary in languages of those people who live on the territory of the given electoral district.

3. The ballot-papers shall be registered properly. The Central and district electoral commissions shall ensure respectively that district and precinct electoral commissions get the ballot-papers in timely manner. Each district electoral commission shall receive approximately 5% as must ballot-papers as the number of voters in the district. The chairmen or deputy chairmen or secretaries of commissions shall certify the receipt of ballot-papers by their signatures.

CHAPTER VII. GUARANTEES FOR PARTIES, ELECTORAL BLOCS AND CANDIDATES PARTICIPATING IN ELECTIONS

Article 43. Election Programs of Parties, Electoral Blocs and Candidates

1. The parties, electoral blocs and candidates are entitled to have the public acquainted with their electoral programs. The programs of parties, electoral blocs and candidates shall not advocate the wan and violence, shall not call for the violent change of the political system or the overthrow of existing government, shall not jeopardize the territorial integrity of the country, and shall not appeal for the ethnic, national or religious hatred.

2. The Central Electoral Commission shall ensure that the electoral programs of parties and electoral blocs be published in central and local media. The district electoral commissions shall guarantee the publication and distribution of information about the parties and information shall include resume and basic principles of electoral programs of those candidates, provided that they submit all appropriate data to the district commissions no later than 25 days prior to elections.

Article 44. Authorized Persons of Parties and Electoral Blocs and Accredited Representatives of Candidates

1. Each party or electoral bloc after being registered by the Central Electoral Commission may appoint one authorized person to each electoral district, who together with the authorized persons to the Central Electoral Commission shall represent the party or electoral bloc in their relationship with electoral commissions, governmental and public organizations. The authorized persons of the parties or electoral blocs to the Central Electoral Commission shall appoint the authorized persons to district Commissions.

2. Each candidate may appoint no more than the accredited representatives who shall represent the candidate in electoral relations.

3. The candidates shall assign their accredited representatives and provide them with certificates issued by electoral commissions.

4. The parties, electoral blocs and candidates may remove or replace the authorized persons or accredited representatives at any time and shall notify the appropriate electoral commissions about this event. The authorized persons and accredited representatives may retire at any time prior to elections.

5. The authorized persons of the parties and electoral blocs and the accredited representatives of candidates, at their submitting appropriate applications and certificates, shall be given unpaid leaves by the time of summing up of elections. However, the leaders of their enterprises, establishments and organizations may reserve for them the average salaries.

Article 45. Releasing of Candidates form their Duties During the Electoral Campaign

1. The candidates of members of Parliament, at their submitting appropriate applications and certificates, shall be given unpaid leaves by the end of electoral campaign. However, the leaders of their enterprises, establishments and organizations may reserve for them the average salaries.

2. After being registered the candidates shall not be called up for the military service or military training. If the candidate serves in military forces, he shall be released from such a service by the next day of elections. The elected members of Parliament shall be released from military service for the term of their office.

Article 46. Immunity of Candidates

1. No criminal charges may be brought against the candidates of members of Parliament by the time of summing up of elections. They shall not be detained, arrested or searched if there is no consent of the Central Electoral Commission to the notification of procurator's office, except in cases when they are caught while committing the crime, about which the Central Electoral Commission shall immediately be notified. If the Central Electoral Commission does not agree which the detention or arrest of candidate the latter shall immediately be released.

Article 47. Electoral Agitation

1. The candidates shall have the equal rights from the moment of their registration and during the whole electoral campaign.

2. The citizens of Georgia, parties, public associations, authorized persons and accredited representatives are entitled to agitate in favor or against the parties, electoral blocs and candidates.

3. The electoral commissions, together with local authorities and public organizations, are obliged to provide for the arrangement of electoral meetings, provided that the time and the place of meeting be announced in timely manner.

4. From the moment of registration the parties, electoral blocs and candidates have the right to design electoral slogans, statement, inscriptions, papers, photos, etc. (hereinafter - "posters").

5. The district electoral commissions, together with public institutions, no later than 15 days prior to elections shall ensure the publication and distribution of electoral information. Such an information shall include the party lists, lists of candidates, their programs and resume. In case of failure to submit information in timely manner, only the official data available in electoral Commissions will be published.

6. The local representative or executive authorities may ban the display of election posters on certain public buildings for the purpose of the protection of architectural and cultural

monuments and the safety of traffic. No one has the right to remove, tear or damage the election posters if they are not put up in banned places. Such actions will be punished properly.

7. Any agitation on the day of elections, except the posters previously put up on the wails of poll houses, shall be prohibited.

8. During the electoral campaign the public television and radio, for the purpose of electoral agitation, shall allot every day three hours for the broadcast free of charge which shall be distributed equally among the parties and electoral blocs participating in elections. The sale of time by the public TV and Radio Company is prohibited. The time of broadcast allotted by the private TV and radio companies, both with and without charge, after announcing of appropriate conditions and their furnishing to electoral commissions, shall be distributed equally among the parties and electoral blocs. If any party does not use its time in TV or radio the same shall not be given to other parties. The cost of broadcast time in TV or radio shall be the same for everybody. The electoral commissions in cooperation with TV and radio companies shall provide for the drawing up and observance of time-table of broadcast.

9. The time allotted to the candidates standing in electoral districts shall be equally distributed among them.

10. During the electoral campaign no addresses of the President of Georgia, members of Parliament and other officials related to elections shall be made, except in the period of time allotted specifically for this purpose. The addresses of presidential candidates and those of the members of Parliament shall also be prohibited, unless these addresses are related to official information.

11. During the electoral campaign no one shall be promoted or appointed to the high-ranking offices of local representative of executive bodies, procurator's office or police, except in cases determined by law.

12. From the moment of adoption of the election law the parties, electoral blocs, candidates, authorized persons and accredited representatives are prohibited from the attraction of voters by the means of material values and commodity, except the propaganda. In such cases the registration of parties, electoral blocs or candidates shall be canceled.

Article 48. Publicity during the Preparation and Holding of Elections

1. The electoral commissions shall prepare and hold the elections in the atmosphere of publicity. The electoral commissions shall have the public be aware of their activities, of the fact of establishment of electoral commissions, of the complement, location and working hours of electoral commissions. The voters must be acquainted with lists of voters and party lists, the lists of candidates standing for elections in electoral districts. They must know the electoral programs of parties, electoral blocs and candidates. The voters shall be informed about the results of elections.

2. The parties and electoral blocs have the right to publish their programs in central and local media. The candidates are entitled to publish articles related to electoral campaign in local media. For this purpose they shall provide their programs to editorial boards of newspapers no later than 15 days prior to elections. These documents shall be published in the order of their submission.

3. The list of newspapers and magazines which shall publish the election documents at no charge shall be determined by the Central Electoral Commission. The latter shall be responsible also for the determination of rule of operation of media during the electoral campaign.

4. No opinion polls shall be published during the last 14 days before the elections.

CHAPTER VIII. PROCEDURE OF VOTING AND SUMMING UP ELECTIONS. ELECTIONS FOR THE REPLACEMENT OF WITHDRAWN MEMBERS OF PARLIAMENT AND DETERMINING IDENTITY OF SUBSTITUTE

Article 49. Time and Place of Voting

1. The voting on the day of elections to the Parliament of Georgia shall be held from 7 a.m. to 8 p.m. The precinct electoral commissions shall inform voters about the time and place of elections no later than three days prior to elections.

2. No one is entitled to lock the door of building during the process of voting or to cease voting, except in cases determined by the Central Electoral Commission.

3. In electoral precincts established in hospitals and other medical institutions, on vessels being in high seas on the day of elections, and in hard accessible places the precinct electoral commissions may declare the voting finished at any time if all voters included in the list of voters have voted.

Article 50. Organizing Voting

1. The voting shall be held in specially assigned buildings which are not in the use of a single party or electoral block only. In such buildings their shall be sufficient rooms and cabins for secret voting; places of handing out ballot-papers shall be determined in advance and ballot boxes shall be set up. The ballot boxes shall be set up in such a manner that the voters while approaching them must pass rooms or cabins for secret voting. Pens shall be provided in rooms and cabins for secret voting. In all premises and rooms of voting lists of candidates nominated in appropriate electoral districts and instructions for filling in the ballot-papers shall be displayed.

2. If any party, electoral bloc or candidate included in ballot-papers no longer participates in elections the appropriate announcement shall be displayed in conspicuous places of electoral precinct as well as in cabins and rooms of voting.

3. The responsibility for organizing voting and creating guarantees for secret voting, for equipping buildings properly and maintaining required public order shall be given to the precinct electoral commissions. On the day of elections the responsibility for the maintenance of order in the buildings and its surroundings shall be taken by the chairmen of precinct electoral commissions. For the maintenance of order the decisions made by the chairmen of precinct electoral commissions shall be mandatory for everybody. No armed person shall be admitted to the building of voting. The police officers while executing their duties may be in the premises only with the consent of the chairmen of precinct electoral commissions. The voters may stay in premises only during the time necessary for the voting.

4. On the day of elections, before the commencement of voting, the chairmen of precinct electoral commissions shall announce the number of received ballot-papers. They, in the presence of commission members and persons having the right of attendance, shall check and then seal ballot boxes. Then control sheets signed by the members of commissions and the first voter come for voting shall be dropped into the box. On the control sheets the time of their dropping shall be indicated.

5. Each voter shall vote personally. No one is entitled to vote instead of another persons. The precinct electoral commissions shall had out ballot-papers on the basis of the lists of voters or voter licenses after the voters' submitting their ID cards.

6. The fact of receiving the ballot-papers shall be confirmed by voters by placing their signaturesin the lists of voters. The voter licenses shall be attached to additional lists of voters.

7. The citizens living in the given precinct who accidentally are not included in the list of voters, at the submission of their ID cards and references from the place of residence shall be included in the additional list.

8. In cases when certain voters are not able to come to the voting building due to the state of their health or any other reason, the precinct electoral commissions, upon the request of those voters, that shall be delivered to the precinct electoral commissions by the noon of the day of elections and shall be indicated in special records, shall organize the voting at the places of residence of those voters on the basis of an attachment to the list of voters. Besides, special note shall be made in the list of voters with respect to this fact. In such cases at least two members of electoral commissions shall participate in the organizing of voting; other persons having the right to attend the meetings of precinct commission may also attend the voting. For voting in such a manner one portable ballot box shall be used. Such a procedure of voting shall be implemented also in such cases when the voters are committed to penitentiary establishments without the sentence of courts.

Article 51. Holding of Voting

1. The voters shall fill in the ballot-papers in the rooms or cabins for secret voting. No one has the right to attend the act of voting. Any person who is unable to fill in the ballot-paper independently may invite into the cabin or room any other person, except the members of electoral commission, accredited representatives of candidates, authorized persons and observers appointed by parties and electoral blocs.

2. In one of the ballot-papers, where the candidates of members of Parliament are listed, the voter shall mark the ordinal number of candidate whom he is voting for and shall cross out the names of other candidates.

3. In the other ballot-paper, where the names of parties and electoral blocs are listed, the voter shall mark the ordinal number of party or electoral bloc, whom he is voting for and shall cross out the other parties and electoral blocs.

4. If the ballot-paper is spoiled by the voter by accident he may ask the chairman or secretary of electoral commission to change it for a new one. Then a corner shall be torn out of the spoiled ballot-paper in the presence of the voter and kept separately.

5. The voters shall drop the filled ballot-papers into the ballot boxes.

6. The members of commissions and the persons having the right to attend the electoral precincts may require from the voters to show them ballot-papers to make sure that they are holding only two ballot-papers of different colors. The voters are obliged to show their ballot -papers.

7. The building for voting shall be closed at 8 p.m. The voters who are inside of building at this time may vote.

Article 52. Counting of Votes at Electoral Precincts

1. The following sequence of procedures shall be observed during the counting of votes:

a.after the end of voting the commission shall count and pack up the unused ballot-papers; the number and the mane of electoral precinct, the number and type of unused ballot-papers shall be indicated on each pack; the signatures of chairman or the deputy chairman and the secretary of commission as well as the commission stamp shall be placed on the packs; the spoiled ballot-papers shall also be counted, packed up and confirmed in above way;

b.on the basis of basic and additional lists of voters the precinct electoral commission shall ascertain the total number of voters living in the given precinct and the number of voters who received the ballot-papers;

c.the chairman of the precinct electoral commission in the presence of members of commission shall check the seal on the ballot box, then shall open it and check whether or not the control sheet is available; if the control sheet is not available in the box the commission shall attach to the commission record an explanatory note;

d.the commission shall count the number of ballot-papers of each color and of established form separately; the ballot-papers of unidentified form shall be counted separately; the ballot-papers considered invalid and those of unidentified form according to their colors shall be put in different envelopes shall be sealed in such a manner that it would be impossible to put in or pull out ballot-papers without breaking of seal; the name and the number of electoral precinct as well as the number and type of ballot-papers in the envelope shall be indicated on the envelope;

e.the ballot-paper shall be considered valid if a voter has voted for at least one party or electoral bloc, in accordance with above prescribed procedure, otherwise the ballot-paper shall be considered invalid;

f.the ballot-paper shall be considered invalid if it is impossible to determine which candidate the voter has voted for, in all other cases the ballot-paper shall be considered valid;

f.the commission shall classify and count separately the votes received by each candidate; then the ballot-papers shall be packed in the manner which is described in point “d”; on each envelope there shall be indicated the name and the number of electoral precinct, the last name of the candidate of members of parliament and the number of ballot-papers in the envelope;

g.the commission shall classify and count the votes received by each party or electoral bloc; then the ballot-papers shall be packed in the manner which is described in point “d”; on each envelope there shall indicated the name and the number of electoral precinct, the name of the party or electoral bloc and the number of ballot-papers in the envelope;

h.the precinct electoral commission shall discuss the results of counting of votes on its meeting; it shall develop two records; in one of those two records there shall be indicated the number of votes received by each candidate having been nominated in the given district; in the other - the number of votes received by each party or electoral bloc; the number of copies of records shall exceed the number of candidates, parties and electoral blocs listed in ballot-papers by three; each copy of record shall be signed by the chairman, deputy chairman, secretary and the members of commission and be stamped;

i.two copies of each record and all ballot-papers shall immediately be sent to the district electoral commission in a way determined by the latter; one copy of each record shall be kept by the precinct commission itself; one copy of each of them shall be handed out to parties and electoral blocs and accredited representatives of candidates.

2. In case of doubts with respect to validity of ballot-papers the commission shall resolve the question by casting of votes. The results of voting shall be entered into the record and such ballot-papers shall be packed up as described above.

Article 53. Summing up Elections by District Electoral Commissions

1. The district electoral commissions on the basis of records received from precinct electoral commissions shall ascertain the number of voters who participated in elections, number of invalid and unidentified ballot-papers, number of votes received by each candidate in their electoral districts and shall sum up elections.

2. The candidate who has received the majority of votes, but no less than one-thirds of those who participated in elections, in the given electoral district shall be considered elected.

3. The district electoral commissions shall consider the facts of breach of this law in electoral precincts and their decisions on the invalidity of the elections shall immediately present to the Central Electoral Commission. The complaints concerning the breach of this law shall be submitted to the district electoral commissions no later than the next day of elections. The district electoral commissions shall consider these complaints and make decisions on the next day and submit their decisions to the Central Electoral Commission no later than the next day.

4. The district electoral commissions shall sum up the elections on their meetings and develop their records.

5. The number of copies of records shall exceed the number of candidates listed in ballot-papers by two. Each copy of record shall be signed by the chairmen deputy chairmen, secretaries and members of commissions and be stamped.

6. The record of the district electoral commission and one copy of the record of precinct electoral commission shall be delivered to the Central Electoral Commission no later than five days after the elections, in a way determined by the Central Electoral Commission; one copy shall be kept in the district electoral commission and the one shall be handed out to accredited representatives of each candidate.

7. One copy of those records of precinct electoral commissions where the elections according to party lists are summed up shall immediately be delivered to the Central Electoral Commission in a way determined by the Central Electoral Commission itself.

Article 54. Summing up Elections by the Central Electoral Commission

1. The elections to the Parliament of Georgia according to party lists shall be considered held if at least one-thirds of total number of voters have taken part; in single-mandate districts the elections shall be considered held if at least one-thirds of total number of voters living in the given electoral district have taken part.

2. If no candidate is elected in the first round a second round of elections shall be held, in which two candidates having the best results from the first round shall take part. The Central Electoral Commission shall appoint the day of the second round. The candidate who will receive the majority of votes in the second round shall be considered elected.

3. The Central Electoral Commission on the basis of records received from district and precinct electoral commissions within no more than 20 days after the elections shall sum up the elections to the Parliament of Georgia and develop and appropriate record.

4. One copy of record shall be kept in the Central Electoral Commission, another one shall be presented to the Parliament of Georgia, and one copy shall be given to authorized persons of all parties and electoral blocs.

5. On the basis of records submitted by the precinct electoral commissions the Central Electoral Commission shall ascertain the number of valid, invalid and unidentified ballot-papers, number of votes received by the parties and electoral blocs, number of seats won by the parties and electoral blocs.

6. The mandates of the members of Parliament of Georgia shall be granted only to those party lists which have received at least 6% of total vote. To ascertain the number of mandates won by the party list, the number of votes received by the given party list shall be multiplied by 150 and divided by the sum of votes received by such parties. The integer part of the quotient shall be the number of mandates received by the party list.

7. If the number of mandates summed in the way described above is less than 150, out of the remains one mandate shall be given to those party lists which have received more votes. If the number of votes received by two and more party lists is equal, the mandate shall be given to that party list which was indicated first in the ballot-papers.

8. If any candidate is elected in electoral district as well as by party list, then he shall be considered elected in the electoral district. He shall be excluded from the party list and the candidates next in the party list will move up in the list. Those candidates shall be considered elected by party list whose ordinal numbers are less then or equal to the number of mandates won by the party list. The number of elected members by the party list shall not be changed.

9. The Central Electoral Commission may declare invalid the elections in those electoral precincts where the facts of gross violation of this law have taken place. This issue shall be considered by the Central Electoral Commission no later than five days after the elections.

10. In case of announcement of elections invalid in any electoral precinct the Central Electoral Commission shall appoint new voting for the candidates standing for elections in electoral districts, if the results of elections in the given precinct may influence over the general results of elections, or, when the new voting is to be held for the party lists, if the number of voters in the given precinct exceeds 10% of the total number of voters. The new voting shall be held within two weeks after the end of general elections. If after the new voting the elections are considered invalid once more, the final results shall be established without taking into account such precincts.

11. In the appropriate record there shall be indicated: the name and number of electoral districts and precincts where the elections have been considered invalid, the number of voters, grounds for considering elections invalid, total number of voters in each electoral district, number of those who participated in elections, the number of elected members of Parliament and the list of elected members arranged in alphabetical order.

12. Within five days after summing up of elections the Central Electoral Commissions shall announce the official results of elections through the national TV and radio and press.

Article 55. New Voting in Electoral Precincts

1. The new voting in electoral precincts shall be appointed by the Central Electoral Commission.

2. The new voting shall be held under the guidance of appropriate district electoral commission within two weeks after the general elections. The district electoral commission has the right to assign new team of precinct electoral commission for the holding of new voting.

Article 56. Registration of Newly Elected Members of Parliament

The Central Electoral Commission shall register the newly elected members of Parliament within five days after the summing up of elections and shall provide them with temporary certificates of the members of Parliament.

Article 57. Elections for the Replacement of Withdrawn Members of Parliament and the Rule of Substitution thereof for New Members

1. In case of annulment of powers of members of Parliament elected in single-mandate electoral districts, or their retirement, or their withdrawal by any other reason, the new elections shall be held in appropriate electoral districts. The new elections shall be appointed by the Central Electoral Commission no later than three months prior to elections and they shall be held in accordance with this law.

2. The elections for the replacement of the withdrawn members of Parliament elected in single-mandate electoral districts shall be held twice a year in May and June and October and November. The elections shall be held in the nearest spring or autumn. No elections for the replacement of members of Parliament shall be held within last six months prior to the end of the Parliament's powers.

3. If the withdrawn member of Parliament has been elected by the party list, he, within a month, shall be substituted by the next candidate in the same party list, provided that this candidate, within 15 days, agree to become a member of Parliament. If the latter refuses to become a member of Parliament, he shall be excluded from the party list and replaced by the next candidate in the list, and so forth. If there is no more candidate in the party list the vacant mandate shall be cancelled.

4. In cases envisaged by point 3 of this article the Central Electoral Commission shall present all necessary documentation to the Credentials Committee of Parliament.

5. The elected candidates shall be excluded from party lists.

Article 58. Procedure of Keeping the Documentation and Material Values of District Electoral Commissions

1. After the end of elections the district electoral commissions shall take an inventory of documentation and material values held by themselves. After this all documents and inventories shall be kept in the places allocated by the local administrations.

2. The local administrations and district electoral commissions shall be responsible for the keeping of inventory necessary for the holding of elections.

TRANSITIONAL PROVISIONS

For the elections to the Parliament of Georgia to be held in 1995:

Article 1

a.the parties which had their representative in the Parliament of Georgia by August 24, 1995 are not required to submit signatures of 50,000 voters as required by article 8 of this law;

b.the term determined by point 2 of article 15 of this law shall be equal to seven days;

c.in spite of the rule determined by point 2 of article 18 of this law, the right to appoint a member of commission shall be given to parties registered according to law which had their representative to the Parliament of Georgia by August 24, 1995;

d.in spite of the rule determined by point 3 of article 18 of this law, the right to appoint a member of commission shall be given to no less than five parties jointly which are registered according to law and which had no representative to the Parliament of Georgia by August 24, 1995;

e.in spite of the term determined by article 21 of this law, the Central Electoral Commission shall be established and its chairman shall be appointed by the Parliament of Georgia within three days after the adoption of this law;

f.in points 1 and 2 of article 30 of this law the word "President" shall be replace by the words "Cabinet of Ministers";

g.the words "executive authorities" in this law shall be replaced by the words "Cabinet of Ministers";

h.to article 36 of this law the following words shall be added: “members of the council of ministers of autonomous republics, head of apparatus of the Cabinet of Ministers”; the word President shall be replaced by the words “Head of State”;

i.point 1 of article 54 of this law shall be replaced by the words:

“The elections of November 5, 1995 by party lists shall be considered held if at least a half of total number of voters has participated in elections; the elections in a single-mandate electoral district shall be considered held if at least a half of total number of voters living in that district has participated in elections”.

Article 2

a.by creation of appropriate conditions required for the holding of elections in Abkhazia, the persons elected form Abkhazia during the general elections of 1992, who at the time of adoption of this law are the members of Parliament of Georgia, shall be entitled to enjoy the powers of the members of Parliament; these powers shall be terminated immediately after the appointment of elections to the Parliament of Georgia in single-mandate electoral districts of Abkhazia;

b.while summing up of elections of 1995, the number “150” indicated in points 6 and 7 of article 54 of this law shall be replaced by the number “146”;

c.if any person mentioned in point “a” of this article is registered as a candidate of members of Parliament his powers shall not be prolonged; in such a case to the number “146” mentioned in point “b” of this article there shall be added as more units as is the number of such persons, but no more than 4;

d.in case of appointment of elections envisaged by point “a” of this article, within seven days after the appointment of elections, the Central Electoral Commission, in accordance with points 6 and 7 of article 54, shall establish once again the number of mandates won by parties and electoral blocs and within three days shall submit to the Parliament of Georgia the list of members of Parliament; the mandates of members of Parliament shall be redistributed in the same manner if the powers of any person envisaged by point “a” of this article are terminated; the number of additional mandated shall not exceed 4.