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1. APPLICATION/COMPLAINTS TO BE SUBMITTED AFTER THE OPENING OF THE PRECINCT UNTIL THE BALLOT BOX IS OPEN

1.1 Persons drafting application/complaint after the opening of the precinct until the ballot box is open and their rights

From the opening of the precinct (from 7a.m.) until the ballot box is open, regarding the actions and decisions of the PEC and its individual members (other than drawing up the summary protocol of polling results):

• representative of an election subject;
• observers of an organization having an election observer status, in PEC or in upper DEC,

are entitled to:

• appeal on violations of the polling procedures on the voting day, for which they should draft an application¹/complaint² immediately upon detecting the violation (see Annex №1 for draft form of applications/complaints) in compliance with the requirements of the Election Code. (see Annex №2);
• immediately upon drafting the appeal, submit application/complaint to authorised persons of a PEC (to the chairperson, deputy chairperson or secretary of the PEC.)

Attention!

Application/complaint form provided in Annex №1 is recommendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №2.

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1 Application – Written request submitted in accordance with the established procedure, by a party interested in issuance of an administrative-legal act on granting rights.

2 Complaint – Written request submitted by an interested party to the relevant PEC/DEC in accordance with the established procedure requesting, for the purposes of restoring infringed right, either nullification, change, or issuance of a new administrative-legal act, or such action/inaction by PEC/DEC which does not entail issuance of an administrative-legal act.
1.2 Observing the registration process of application/complaint

Chairperson of the commission selects by casting lots no more than 2 representatives from the election subjects present at the polling station, who shall observe the process of registration of complaints. Author of an application/complaint may address these representatives on violations identified during the registration of an application/complaint, the commission shall make a relevant decision on the registration of the complaint.

**Note:** A representative selected through the casting lots and a registrar of complaints (commission secretary) may not be a person nominated by one and the same election subject.

1.3 Registering applications/complaints by the PEC

PEC secretary shall register applicant/complainant submitted to the PEC in accordance with the following procedure:

- PEC secretary notes the identity of the applicant in the PEC registration book;
- Person filing the application/complaint and person receiving it sign along the inscription;
- PEC secretary registers application/complaints from the 10th page of the Log-book;
- As a proof of receipt of application/complaint, commission secretary shall issue a (signed) notice to the applicant/complainant signed and stamped by the secretary. *(See Annex №3).*
- Person receiving an application/complaint is responsible for checking that an application/complaint includes all required information listed in Annex №2.

If the application/complaint does not include:
- date and time of drafting the application/complaint;
- name, address and place of registration of the applicant/complainant;
- number of the election precinct;
- in case of a witness – his/her first name, last name and place of registration,

person receiving an application/complaint at the PEC (chairperson/secretary/deputy chairperson) shall indicate the defect of the application/complaint to the applicant and
define the reasonable term for its rectification. The time given for rectification should be reasonable, that the gap may be duly filled.

**Attention:**

Term for rectification of the defect is defined by agreement between person submitting an application/complaint, and person receiving it. In case agreement between parties is not reached, the term for rectification of defect is unilaterally determined by the person receiving application/complaint at the PEC.

1.4 Procedures for rectifying defects

Person filing the application/complaint and person receiving it sign along the relevant inscription on defect in the registration book.

- The applicant/complainant may correct the defect by submitting a similar application/complaint indicating grounds for the defect eradicated, or submit a new application (indicating the data due to which the defect has been established).
- If the defect is corrected, person receiving application/complaint notes – “gap filled” – along the registered application/complaint in the registration book, with reference to exact date and time when the defect was corrected.
- Applicant/complainant and secretary of the commission shall sign along the relevant note in the registration book.

**Note:** In case the defect is not corrected during the defined period, the application/complaint shall not be reviewed, on which the PEC shall deliver ordinance (title of which should indicate reasons for not reviewing the application/complaint).

1.5 Responding to applications/complaints

Application/complaint shall not be reviewed when:

- Application/complaint is drafted by an unauthorised person;
- Application/complaint does not note essence and time of violation;
- Application/complaint was submitted to the election commission in violation of time-frames established by law,

on which PEC issues ordinance on disregarding the application/complaint (the title of the ordinance should indicate reasons for not reviewing the application/complaint).
• Chairperson of the PEC is required to immediately react to an application/complaint in an adequate manner and eliminate⁴ existing violation.

• Chairperson or the secretary of the PEC are obliged to write along the application/complaint in the registration book and the log-book how/whether the defect was rectified/settled/eliminated, as well as cases when it was not upheld, and cases when the application/complaint was not reviewed.

• If the defect is corrected by a relevant PEC official ((chairperson/secretary/deputy chairperson) note – “violation eliminated” – is indicated along the registered application/complaint in the registration book, with reference to exact date and time when the defect was corrected.

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

**Note:** If the applicant/complainant is an observer of registered observing organisation, he/she has the right to immediately submit the application/complaint on the same violation, to DEC, as well as other registered observers of this organization; if applicant/complainant is a representative of an election subject in PEC, then the representative of the same subject in the DEC has the right to submit the application/complaint in relevant DEC.

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3 **Elimination** – correction, rectification, settlement, upholding the request.
2. APPLICATION/COMPLAINTS TO BE SUBMITTED FROM THE OPENING OF THE BALLOT BOX UNTIL THE SUMMARY PROTOCOL OF POLLING RESULTS IS DRAWN

2.1 Persons drafting application/complaint from the opening of the ballot box until the summary protocol of polling results is drawn up and their rights

From the opening of the ballot box until the summary protocol of polling results is drawn up (other than drawing up the summary protocol of polling results):

- representative of an election subject;
- observers of an organization having an election observer status, in PEC or in upper DEC,

are entitled to:

- file a complaint regarding violations of procedures for counting of votes and summarizing polling results and request revision or nullification of the polling results.

In case relevant official refuses to register application/complaint or other violations are identified during the registration process of a complaint, the applicant has to be guided by paragraph 1.2.

In case relevant official refuses to register application/complaint and/or violation identified by a representative was not eradicated by the commission call the CEC hotline number at:

032-251 00 51/ext. District Number

In case of lodging an application/complaint and identification of a defect, the parties have to be guided by paragraphs 1.3 and 1.5.

- PEC transfers application/complaint submitted in accordance with paragraph 2.1. to the upper DEC within 2 calendar days from the polling day.

- The applicant/complainant may submit application/complaint concerning the same violation directly to DEC, within the same timeframe.
• DEC secretary shall register in the registration book the application/complaint submitted to the DEC upon receipt, and shall issue a (signed) notice to the applicant/complainant (See Annex №4).

• When receiving an application/complaint, DEC secretary is responsible for checking that an application/complaint includes all required information listed in Annex №2.

If the application/complaint does not contain all required information listed in Annex 2, Secretary of the DEC shall indicate the defect of the application/complaint to the applicant and define the reasonable term for its rectification. The time given for rectification should be reasonable, that the gap may be duly filled, after which procedures envisaged by paragraph 1.4. apply.

**Attention:**

Term for rectification of the defect is defined by agreement between secretary of the DEC and applicant/complainant. In case agreement between parties is not reached, the term for rectification of defect is unilaterally determined by the secretary of the election commission.

**Note:** In case the defect is not corrected during the defined period, the application/complaint shall not be reviewed, on which the election commission shall deliver ordinance (title of which should indicate reasons for not reviewing the application/complaint).

2.2 Reviewing an application/complaint

• Application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC which takes decision within 2 calendar day from its registration in DEC. The latter delivers decision in the form of an ordinance, which may be appealed only in the court according to the rule established by Election Code.

Application/complaint submitted to the DEC shall not be reviewed if requirements of paragraph 1.5 are violated.
3. APPEALING PEC SUMMARY PROTOCOL OF POLLING RESULTS

3.1 Procedures for appealing PEC summary protocol on polling results

- representative of an election subject;
- and an organization having an election observer status in the upper DEC,

may appeal the summary protocol within 2 calendar days from drafting of such protocol, in case if provided PEC summary protocol of polling results is drafted in violation of the requirements of election legislation as provided in Annex №5.

Procedures related to revision of application/complaint related to appealing PEC summary protocol of polling results are reflected in DEC Instruction: “Procedures for Reviewing Application/Complaint at the District Election Commission”.

**Note:** Application/complaint was submitted to the election commission in violation of timeframes established by law, and/or was drafted by an unauthorised person defined by the Election Code; DEC issues ordinance on disregarding the application/complaint (the title of the ordinance should indicate reasons for not reviewing the application/complaint).
PROCEDURES FOR REVIEWING APPLICATION/COMPLAINT AT THE DISTRICT ELECTION COMMISSION
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1. Applications/Complaints On Violation of Procedures for Counting of Votes and Summarizing Polling Results

1.1 Submitting applications/complaints to the DEC

Subject defined by the Election Code are entitled to address application/complaint on violation of procedures for counting of votes and summarizing polling results to upper election commission in accordance with the procedure established by organic law of Georgia – “Election Code of Georgia”:

• on violations of the polling procedures on the voting day after the opening of the precinct (from 7 a.m.) until the ballot box is open, for which they should draft an application/complaint immediately upon detecting the violation (see Annex №1 for draft form of applications/complaints) in compliance with the requirements of the Election Code. (see Annex №2);

• from the opening of the ballot box until the summary protocol of polling results is drawn up (other than drawing up the summary protocol of polling results) file a complaint regarding violations of procedures for violation of procedures for counting of votes and summarizing polling results and request revision or nullification of the polling results.

Attention!

Application/complaint form provided in Annex №1 is recomendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №2.

An application/complaint on violations conducted from the opening of the ballot box until drafting of the summary protocol of polling results (other than drawing up the summary protocol of polling results) shall be forwarded by PEC to the upper DEC within 2 calendar days from the polling day. The applicant/complainant may submit application/complaint concerning the same violation directly to DEC, within the same timeframe.

PEC summary protocol of polling results may be appealed in the upper DEC within 2 calendar days from drafting of such protocol, provided PEC summary protocol of polling results is drafted in violation of the requirements of election legislation listed in Annex 5.
1.2 Registration of the application/complaint by the District Election Commission (DEC)

DEC secretary shall register application/complaint submitted to the DEC in accordance with the following procedure:

• DEC secretary notes the identity of the applicant in the DEC registration book;
• Person filing the application/complaint and person receiving it sign along the inscription;
• As a proof of receipt of application/complaint, commission secretary shall issue a (signed) notice to the applicant/complainant signed and stamped by the secretary. (See Annex №4).
• Commission secretary is responsible for checking that an application/complaint includes all required information listed in Annex №2.

In case secretary of the DEC refuses to register an application/complaint, the applicant may call the CEC hotline number at:

032-251 00 51

If the application/complaint does not include:

• date and time of drafting the application/complaint;
• name, address and place of registration of the applicant/complainant;
• number of the election precinct;
• in case of a witness – his/her first name, last name and place of registration

DEC secretary of the commission shall indicate the defect of the application/complaint to the applicant and define the reasonable term for its rectification. The time given for rectification should be reasonable, that the gap may be duly filled.

Note: Term for rectification of the defect is defined by agreement between secretary of the DEC and applicant/complainant. In case agreement between parties is not reached, the term for rectification of defect is unilaterally determined by the secretary of the district election commission.

1.3 Procedures for rectifying defects

Person filing the application/complaint and secretary of the DEC sign along the relevant inscription on defect in the registration book.
• The applicant/complainant may correct the defect by submitting a similar application/complaint indicating grounds for the defect eradicated, or submit a new application indicating the data due to which the defect has been established.
• If the defect is corrected, secretary of the DEC notes -“gap filled”- along the registered application/complaint in the registration book, with reference to exact date and time when the defect was corrected.
• Applicant/complainant and secretary of the DEC shall sign along the relevant note in the registration book.

**Note:** In case the defect is not corrected during the defined period, the application/complaint shall not be reviewed, on which the DEC shall deliver ordinance (title of which should indicate reasons for not reviewing the application/complaint).

### 1.4 Responding to application/complaints

Application/complaint shall not be reviewed when:

- Application/complaint is drafted by an unauthorised person;
- Application/complaint does not note essence and time of violation;
- Application/complaint was submitted to the election commission in violation of timeframes established by law;

on which DEC issues ordinance on disregarding the application/complaint (the title of the ordinance should indicate reasons for not reviewing the application/complaint).

DEC is required to immediately react to an application/complain in an adequate manner and eliminate existing violation.

### 1.5 Summoning of parties for consideration of application/complaint

For considering the complaint, the parties may be summoned in writing, as well as by telephone (including cell phone, text message), email, fax or other technical means. DEC has to inform the party on the time and place of consideration of the complaint in the election commission no later than 3 hours before the start of examination of the case.

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4 Elimination – correction, rectification, settlement, upholding the request.
If the applicant is:

- an observer organization or its representative, registered in the election commission; time and place of consideration of the complaint shall be notified to the respective observer or this organization, registered in the election commission of this organization;
- an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
- a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

Summoning of the party by technical means shall be confirmed by:

- contacting on the telephone number indicated by him/her;
- email, fax or text message – through confirmation received by relevant technical means.

**Note:** The party shall also be considered summoned in case it is unfeasible to contact him/her through technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.).

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session. *(See Annex №6).*

In DEC act shall be drawn up by one of the members of the commission, as assigned by the commission chairperson, and signed by the person drafting the act and the DEC chairperson.

Absence of the party shall not be a ground for postponing the examination of the complaint.

**1.6 Examination of an application/complaint at the DEC**

Decision on examination of the complaint shall be taken based on accurate inquiry into and study of evidences submitted by the parties and materials acquired by the election administration of Georgia on its own initiative.

A party shall have a right to participate in the process of examination of the complaint as established by the Georgian election legislation.

A party is entitled to conduct relations with an election commission by means of:

- a representative;
- a lawyer.
A representative should present to the election commission proof of representation certified in accordance with rules established by law:

- Representation of citizens is proved by the document issued by them confirming this representation;
- Representation of an initiative group of voters and the candidate for President of Georgia is proved by the relevant document confirming this representation;
- Representation of an organisation (party/observer organisation) is proved by a proxy certificate issued by the person in charge of that organisation;
- Representation by a lawyer is proved by power of attorney/credentials issued in due manner on the name of the lawyer by the person granting such proxy.

**Attention:**

If a representative does not present a duly approved document of representation, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be taken without considering his/her position on the issue.

Application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC which takes decision within 2 calendar day from its registration in DEC. The latter delivers decision in the form of an ordinance, which may be appealed only in the court according to the rule established by Election Code.

Complaint filed at DEC regarding the decisions of the PEC or PEC officials are reviewed within 2 calendar day.

Application/complaint shall not be reviewed by the DEC if it does not comply to the requirements set out in paragraph 1.4.
2. APPLICATIONS/COMPLAINTS ON VIOLATIONS OF ELECTION LEGISLATION (EXCEPT FOR THE POLLING DAY)

Decisions of PEC/commission head officials may be appealed to the relevant DEC within 2 calendar days after their delivery.

2.1 Registration of the application/complaint by the District Election Commission (DEC)

DEC secretary shall register application/complaint submitted to the DEC in accordance with the following procedure:

- DEC secretary notes the identity of the applicant in the DEC registration book;
- Person filing the application/complaint and person receiving it sign along the inscription;
- As a proof of receipt of application/complaint, commission secretary shall issue a (signed) notice to the applicant/complainant signed and stamped by the secretary. (See Annex №4)

Attention!

In addition to the requirements established by the legislation, parties are requested to clearly indicate in their application/complaint contact details of the applicant/complainant: a telephone number, (home/cell phone), as well as fax and email (if any).

In case secretary of the DEC refuses to register an application/complaint, the applicant may call the hotline number at:

032-251 00 51

2.2 Responding to application/complaint

Application/complaint shall not be reviewed when:

- Application/complaint is drafted by an unauthorised person;
- Application/complaint was submitted to the election commission in violation of timeframes and rule established by law;
on which DEC issues ordinance on disregarding the application/complaint (the title of the ordinance should indicate reasons for not reviewing the application/complaint).

**Attention!**

DEC does not identify defect for application/complaints on violations of election legislation (except for the polling day). Provided relevant grounds are present, the application/complaint will be disregarded without establishing defect on it.

2.3 Summoning of parties for consideration of application/complaint

Summoning of the parties is conducted in accordance with the rules envisaged by paragraph 1.5.

2.4 Examination of application/complaint at the DEC

Examination of application/complaint is conducted in accordance with the procedure defined in paragraph 1.6.
3. APPEALING DEC DECISIONS

3.1 Decisions of DEC/commission head officials regarding decisions of PEC/commission head officials (including a) PEC decisions regarding election of the PEC chair, deputy chair, secretary; b) polling day procedures and c) drawing up of a summary protocol) may be appealed to the relevant district/city court within 2 calendar days.

3.2 Decisions of DEC/commission head officials (including establishment of election precincts), except for those mentioned in paragraph 3.1. may be appealed to CEC within 1 calendar day after their delivery.

Attention!

DEC decisions may be appealed to the relevant district/city court within 2 calendar days in following exceptional cases of:

- DEC ordinance on refusal to amend voters’ data/lists.
- DEC ordinance on refusal to register an observer organization.
4. PROTOCOL ON ADMINISTRATIVE VIOLATIONS

Subjects specified by Election Code are entitled to address application/complaint to the DEC on administrative violations envisaged by articles 79, 81 and 86-92 of the organic law of Georgia – Election Code – and article 174² of the Code of Georgia for Administrative Offences.

DEC protocols on administrative violations (For draft form of the Protocol see Annex №7) shall be drawn up by a designated person authorised by the relevant DEC (chairperson/deputy chairperson of the DEC)

An application/complaint on drawing up a protocol on administrative violations is subject to unilateral review through oral hearing from a person authorised to complete such protocol with the participation of interested parties; a protocol on oral hearing is drawn up. Following an oral hearing of an application/complaint, a person authorised to complete such protocol:

• upholds the application/complaint and draws up a protocol on administrative violations;

or

• makes a statement on refusal to uphold an application/complaint.

Attention!

When examining a case of administrative violations, presence of a person charged with an administrative offence is mandatory. Where this person is avoiding appearance, he/she may be summoned by persuasion by the Ministry of Internal Affairs.

Protocol on administrative violations is completed in two copies, from which the first copy remains with a person authorised to complete such protocol and the second copy is issued to the offender.

Attention!

Protocol on administrative violations and materials attached to it should be sent to relevant district/city court for review immediately after such protocol is drafted.
Administrative violation cases are reviewed by district (city) courts, after receiving the administrative violation protocol and other materials within fifteen days (and violations prescribed in article 174\(^2\) of Administrative Code – within 3 days) period.

A resolution adopted by the Court can be appealed in Appeal Court within ten days after issuing its decision by the person, against whom the resolution is issued, or by the victim or by the authorized person for drawing up the protocol.

**Attention!**

Decision of the authorised person of the DEC (ordinance) on refusal on drawing up of a protocol on administrative violations may be appealed to the CEC within 1 calendar day from its delivery.

### 5. Complaints Registry

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

Complaints submitted to the DEC and related information; in particular: registration number, date of submission, information on the person submitting the complaint, application/complaint, date and place of examination of the application/complaint, pertaining decision, scanned version of the application/complaint and the decision.

In order to place abovementioned information in the registry, within 1 day from the delivery of a decision, DEC conveys information to the CEC, Electoral Process Management Department, Division of Relations with Election Commissions and Information Management responsible for placing information in the registry no later then 1 day from the receipt of such information.

Information placed in the registry is free-of-charge and public.

Information placed in the registry can be used freely. Interested persons may use the information placed in the registry with mandatory identification of the source.
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1. APPLICATION/COMPLAINTS ON VIOLATIONS OF ELECTION LEGISLATION

1.1 Lodging application/complaint to the CEC

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

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

Note: Decisions of DEC/commission head officials (including on drawing up of a summary protocol of polling/elections results) may be appealed in the CEC within 1 calendar day after their delivery by the commission.

1.2 Registering application/complaint by the CEC

CEC Registration and Administrative Department registers application/complaint submitted to the CEC.

Immediately upon receipt, application/complaint is consecutively registered in the registration book according to the turn of receipt. Each document is assigned relevant registration number; date, time, and number of pages of each application/complaint is registered in the registration book along with identity and contact details (telephone) of the applicant/complainant. Written notice of receipt of the document shall be given to the applicant/complainant indicating:

• Exact date and time of receipt of application/complaint;
• Registration number assigned to the document in the registration book.

CEC official receiving the application/complaint shall provide proof of receipt of such application/complaint with signature and a stamp.

Attention!

In addition to the requirements established by the legislation, parties are requested to clearly indicate in their application/complaint contact details of the applicant/complainant: a telephone number, (home/cell phone), as well as fax and email (if any).
1.3 Responding to application/complaint

Application/complaint shall not be reviewed by the CEC when:

• Application/complaint is drafted by an unauthorised person;
• Application/complaint concerns a decision of the DEC taken with regard to appeal of the PEC decision (including decision regarding the election of the PEC chair, deputy chair and secretary);
• Application/complaint was submitted to the election commission in violation of timeframes and rule established by law.

on which CEC issues ordinance on disregarding the application/complaint (the title of the ordinance should indicate reasons for not reviewing the application/complaint).

Attention!

CEC does not identify defect for application/complaints submitted to it. Provided relevant grounds are present, the application/complaint will be disregarded without establishing defect on it.

1.4 Summoning parties for consideration of application/complaint

For considering the complaint, the parties may be summoned in writing, by telephone (including cell phone, text message), email, fax or other technical means.

CEC has to inform the party on the time and place of consideration of the complaint in the election commission no later than 3 hours before the start of examination of the case.

If the applicant is:

• an observer organization registered in the election commission or its representative; time and place of consideration of the complaint shall be notified to the respective observer of this organization registered in the election commission or this organization;
• an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
• a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

Summoning of the party by technical means shall be confirmed by:

• contacting on the telephone number indicated by him/her;
• email, fax or text message – through confirmation received by relevant technical means.

**Note:** The party shall also be considered summoned in case it is unfeasible to contact him/her through technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.).

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session. (See Annex №6).

Act shall be drawn up in the CEC by an official of the CEC legal department, and signed by the person drafting the act and the head of division.

Absence of the party shall not be a ground for postponing the examination of the complaint.

1.5 Examination of application/complaint by the CEC

Decision on the examination of the complaint shall be taken based on accurate inquiry into and study of evidences submitted by the parties and materials acquired by the election administration of Georgia on its own initiative.

A party shall have a right to participate in the process of examination of the complaint as established by the Georgian election legislation.

A party is entitled to conduct relations with an election commission by means of:

• a representative;
• a lawyer.

A representative should present to the election commission proof of representation certified in accordance with rules established by law.

• Representation of citizens is proved by the document issued by them confirming this representation;
• Representation of an initiative group of voters and the candidate for President of Georgia is proved by the relevant document confirming this representation;
• Representation of an organisation (party/observer organisation) is proved by a proxy certificate issued by the person in charge of that organisation.
• Representation by a lawyer is proved by power of attorney /credentials issued in due manner on the name of the lawyer by the person granting such proxy.
Attention!

If a representative does not present a duly approved document of representation, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be taken without considering his/her position on the issue.

Application/complaint on decisions of DEC/commission head officials shall be reviewed by the CEC which takes decision within 1 calendar day.

Application/complaint submitted shall not be reviewed in cases provided in point 1.3. of this document.

2. APPEALING THE CEC DECISIONS

Decisions of CEC (including on drawing up of a summary protocol of election results) by persons specified in article 78 of the Election Code, may be appealed to Tbilisi City Court, within 2 calendar days after its delivery.
Annex №1

Form of application/complaint for the Parlamentarian Elections of Georgia

a) When presenting an application/complaint to the PEC, indicate name and number of the Precinct and Main District.

b) When presenting an application/complaint to any DEC, indicate name and number of the Main District.

Application/complaint
(underline one of the two)

Applicant/complainant  -------------------------------------------------
Name, Last name, Address according to the place of registration, and contact telephone number

Violations: polling procedure  ☐  time of violation  --------------
Hour, minute

Counting of votes/ summarizing polling results  ☐  № "---" "-----------" Precinct

Essence of the violation:  ---------------------------------------------------

Witness (if any)  --------------------------------------------------
Name, Last name, address according to the place of registration

In case an offender is revealed - all possible date obtained on him/her:  -------------------------------

Explanation by the offender (if any):

(other additional information)  -------------------------------------------------------------

Based on the abovementioned, please review my application/complaint and respond accordingly (whenever requesting nullification or other response, indicate relevant request)  -------------------------------

"-----" "-----------" 20----- Year

Applicant/complainant:

(Time of completion (hour, minute))  /

Note: Besides submitting the mentioned application/complaint to any District Election Commission of the Election District, shall be sent and reviewed by the main district election commission in accordance with the rules prescribed by the legislation.
Annex №2

Required Information Content for Application/Complaint for Submission to the Election Commission

Application/complaint shall include:

✓ date and time of drafting the application/complaint *;

✓ name, address and place of registration of the applicant/complainant *

✓ number of the election precinct *

✓ in case of a witness - his/her first name, last name and place of registration *

✓ essence and time of violation **

✓ in case an offender is revealed - all possible data obtained on him/her **

✓ explanation by the offender (if any)**

✓ Contact details of the applicant/complainant: a telephone number (home and/or cell phone ***

✓ as well as as fax and email (if any) of the applicant/complainant ***

✓ other additional information.

* Failure to indicate the above required information accurately/fully is considered as a ground for establishing defect on the application/complaint, and can serve as a ground for not reviewing it, if the gap is not duly filled.

** Failure to indicate the above required information is considered as a ground for not reviewing an application/complaint without prior establishment of a defect on it.

*** Indication of inaccurate/incomplete information cannot be considered as a ground for establishing defect on the application/complaint and not reviewing it, but can serve as a ground for impossibility to summon a party to the examination of the complaint.
Notice

On Registering of an application/complaint

Date of receipt of an application/complaint: .................................................................

Time of receipt of an application/complaint: ..................................................................

Registration number of an application/complaint: ...........................................................

Secretary of the commission: .........................................................................................

/ Signature /
Annex №4

№ “……” ............District Election Commission

Notice

On Registering of an application/complaint

Date of receipt of an application/complaint: ............................................................

Time of receipt of an application/complaint: ............................................................

Registration number of an application/complaint: ..................................................

Secretary of the commission: .................................................................

/ Signature /
Annex №5

It is possible to appeal the PEC summary protocol of polling results, if the protocol does not indicate or indicates inaccurate information about:

- Number and name of a District, Number of a Precinct.
- Number of a Precinct set up for special cases (if any) which is linked to the Main Precinct;
- Title of elections/referenda, election system (proportional, majoritarian);
- Date of polling (in cases of repeated polling or a second round, appropriate indication should be made);
- Numbers of PEC and election registrars’ stamps;
- Number of voters on the general list;
- Number of voters on the special list;
- Number of voters’ signatures on the voters’ lists at 12:00 p.m. and 17:00 p.m.;
- Total number of voters participating in the elections (according to the signatures on the voters’ lists);
- Number of ballot papers received;
- Number of invalid ballot papers;
- Names of election subjects, number of votes cast for election subjects;
- Date and time of drafting the protocol;
- Protocol data to which a PEC member objects (PEC member makes appropriate inscription in the graph “dissenging opinion” and signs it).
Annex №6

Act

On Summoning of the Party by Technical Means

City/town -------------- ,,---“ ,,---------“ 20-- Year

Person drafting the act -----------------------------------------------

(Name, Last name, authority)

have drafted the present Act on-----------------------------------------

(Identity of a person being summoned, name and number of technical means employed for summoning of the party and the result)

(Time and place for examination of a complaint)

(Title of a complaint on which the person is to be summoned)

In case of absence, the party was informed about content of article 77.(25); and 77.(31) of the Organic Law of Georgia – “Election Code of Georgia”.

In view of the above mentioned the present Act was drawn up, the validity of which we hereby certify with our signatures:

(Signature of a person completing the Act)

(Signature of the chairperson of the DEC/CEC Head of Division)

Time of drafting of the Act ---------------------------------------------
Annex №7

Protocol №  on Administrative Offence

1. ________________________________  2. ________________________________
   Date of drafting (DD/MM/YY)  Place of drafting

3. ____________________________________________________________________
   Authority, Name, and Last Name/Body completing the Protocol

4. Offender’s  a) ________________________________  b) ________________________________
   Name, Last Name  Date of Birth

c) ________________________________  d) ________________________________
   Address  Identity Card, Serium and № or Personal №

In case of legal persons - title, legal address, information about authorised person in charge

5. ____________________________________________________________________
   Place, time, and essence of the violation

________________________________________________________________________
________________________________________________________________________
Envisaged under article ....................... of the Organic Law of Georgia - “Election Code of Georgia” or article
_________________________ of the Code of Administrative Offences of Georgia.

6. ____________________________________________________________________
   Name, Last Name, and address of a witness (if any)

________________________________________________________________________

7. ____________________________________________________________________
   Name, Last Name, and address of a victim (if any)

8. Protocol is accompanied by:

________________________________________________________________________
Witness (if any): __________________________

Signature

Victim (if any): __________________________

Signature

Signature of the person completing the Protocol

Offender: __________________________

Signature, refusal to sign or submit a protocol

When completing the Protocol the offender was informed about his/her rights and duties envisaged by article 252 of the Code of Administrative Offences of Georgia: “person accused of administrative offence has a right to acquaint himself/herself with the materials of the case, give explanation, present evidence, file motions; Use legal assistance of a council during case deliberations, speak his/her native language and use services of an interpreter whenever he/she does not speak the language of litigation; appeal the ruling of the court on the case”.

Contractor: Central Election Commission (CEC)
Address: Tbilisi, D. Agmashenebeli Alley. 13th Km.

Producer: Sps -s registration №11-3497