

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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GYLA Finds the Increase of the Number of Voters on the Mobile Ballot Box List Suspicious

Under the decree no.13/2018 dated 26 April 2018, Vani DEC no.53 entered into the mobile ballot box lists of PECs within Vani Electoral District no.53 voters that are above 3% of voters in the unified list of voters at the polling stations, thus allowing 299 more voters to cast a ballot through mobile voting.

Under para.4 of Art.33 of the Election Code, number of voters entered into the mobile ballot box list may not exceed 3 per cent of the voters on the unified list of voters per electoral precinct. After reaching the maximum number of voters, the respective DEC will decide on adding more voters to the mobile ballot box list by the two-thirds of members attending the DEC session.

The existing legislation allows including in the mobile ballot box list more than 3% of the voters on the unified list of voters per electoral precinct only as an exception. Relevant DEC decides whether it is expedient to make such exception.

We are unaware of what exactly prompted the DEC to make such decision and whether the DEC had been informed about the need of concrete voters to cast a ballot through a mobile ballot box.

We believe that the decision to include more than 3% of voters in the ballot box list in 25 of 31 electoral precincts within Vani Electoral District no.53 is no longer an exception and it raises suspicions about mobilization of votes through mobile ballot boxes.

Additional information

Under para.2 of Art.33 of the Election Code, if a voter is unable to visit polling station on polling day, s/he may apply to the PEC for mobile voting at least two days before

the polling day. A voter is entered into the mobile ballot box list after the PEC secretary registers and endorses with his/her signature a written application or telephoned verbal application of a voter specifying the precise time of the telephone call and the telephone number.

Additional information – para.1 of Art.33 of the Election Code:

A mobile ballot box list shall be drawn up based on unified and special lists of voters (except for the voters staying abroad on polling day) if:

a) a voter is unable to visit the polling station due to health problems; (07.03.2014. N2093)

b) a voter is in prison;

b¹) a voter is under administrative imprisonment; (22.06.2016. N5441)

c) a voter is in hospital or in any other inpatient facility for treatment where no electoral precinct will be opened;

d) a voter: (22.06.2016. N5441)

d.a) is a military serviceman serving in a military unit or a border police unit at the state border of Georgia that is located far from the electoral precinct;

d.b) is a person indicated in para.1"d" of Art.32 of this Law and during the polling period s/he cannot leave the workplace due to service conditions or health conditions;

d.b) serves at the Medical Department, Penitentiary Department or penitentiary

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facilities of the Ministry of Corrections of Georgia and cannot leave his/her workplace due to service conditions.

e) a voter is within the territory of the electoral district but his/her location is difficult to access.