



POLLING STATIONS - THE MAIN CORNERSTONE OF ELECTIONS



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ABSTRACT

In this article, we discuss the legislative proposal submitted by us, according to which we request an amendment to Article 61, Part 1, Paragraph 1 of the Election Code of Georgia, according to which a new function was added to the member of the flow regulation commission - if necessary, electronically check In the list. In addition, Article 58 (4) (b) of the law requires a change, according to which special places for election observers and party representatives will be allocated at the polling station on polling day, from where they will be able to freely observe the election process at the polling station.

With these changes, the Election Code of Georgia will be able to better regulate the problems existing at the polling station on the polling day; It serves to create a safe, comfortable electoral environment for both the voter and the other persons involved in the election process in the line of duty.

Keywords: Elections, Legislative Proposal, Election Code.

საარჩევნო უბნები - არჩევნების მთავარი ქვაკუთხედი

ციალა მელაძე

საქართველოს ტექნიკური უნივერსიტეტის
ბიზნეს-ტექნოლოგიების
ფაკულტეტის საჯარო მართვის
პროგრამის დოქტორანტი

ანოტაცია

სტატიაში ჩვენ განვიხილავთ ჩვენს მიერ წარდგენილ საკანონმდებლო წინადადებას, რომლის მიხედვით ვითხოვთ საქართველოს ორგანულ კანონის საქართველოს საარჩევნო კოდექსის 61 მუხლის 1 ნაწილის ე-ა პუნქტში შევიდეს ცვლილება, რომლის მიხედვით ნაკადის მომწესრიგებელ კომისიის წევრს დაემატა ახალი ფუნქცია - საჭიროების შემთხვევაში ელექტრონულად გადაამოწმოს ამომრჩევლის საარჩევნო უბანი და ამომრჩევლის ნომერი ამომრჩეველთა სიაში. ამასთან, აღნიშნული კანონის 58-ე მუხლის მე-4 ნაწილის ბ პუნქტშიც მოთხოვნილი გვაქვს განხორციელდეს ცვლილება, რომლის მიხედვით კენჭისყრის დღეს, საარჩევნო უბანზე, გამოიყოფა სპეციალური ადგილები საარჩევნო დამკვირვებლებისა და პარტიის წარმომადგენლებისთვის, საიდანაც ისინი შეძლებენ თავისუფლად დააკვირდნენ უბანზე მიმდინარე საარჩევნო პროცესს.

აღნიშნული ცვლილებებით საქართველოს საარჩევნო კოდექსი შეძლებს მეტად მოაწესრიგოს საარჩევნო უბანზე, კენჭისყრის დღეს არსებული პრობლემატიკა; იგი ემსახურება უსაფრთხო, კომფორტული საარჩევნო გარემო შეუქმნას როგორც ამომრჩეველს ისე არჩევნების პროცესში ჩართულ სხვა პირებს, რომელიც ასრულებენ სამსახურობრივ მოვალეობას.

საკვანძო სიტყვები: არჩევნები, საკანონმდებლო წინადადება, საარჩევნო კოდექსი



INTRODUCTION

Elections are one of the most important forms of democracy, and the quality of its development determines the level of development of the country. Consequently, elections have always played an important role in the history of democracies. It is part of a political process for which it is important to create an effective electoral environment. Properly analyzed election laws and procedures are one of the prerequisites for fair, transparent elections. It is necessary to take steps that will guarantee the flow of the electoral process in the right direction in terms of organizational management [1, p. 155].

The election administration plays a key role in determining the degree of electoral democracy. The Election Administration of Georgia is an independent administrative body established in accordance with the Election Code of the Law of Georgia and, importantly, it is independent of other state bodies within its authority.

The Election Administration of Georgia includes:

- A) the CEC and its staff;
- B) the SEC and its apparatus;
- C) district election commissions;
- D) Precinct election commissions.

The highest body of the election administration of Georgia is the CEC. It is responsible for the work of election commissions at all levels and determines the uniform application of Georgian election legislation throughout Georgia.

The election administration should be an impartial body; To do this, attention should be paid to the rules of election of this body. The writings of the administration should be selected not on the basis of their political affiliation but on the basis of their professional qualities. What is meant by professional skills? They should be aware of election issues and be able to organize elections effectively. These are the main characteristics that the election administration should rely on. It is important to periodically train them on issues such as: electoral processes, international obligations, human rights standards.

Abraham Lincoln said, "The ballot is stronger than a bullet." And if we want the voter to make his choice in a free environment, the polling stations must be arranged first.

According to the Election Code of Georgia, a polling station is an administrative election unit, which is established in accordance with the rules established by the legislation of Georgia, during elections and referendums for voting and counting of votes [2].

On June 28, 2021, the Parliament adopted amendments to the Code of Georgia, which introduced a

100-meter radius at polling stations and sanctions for violating the 100-meter radius rules. Accordingly, paragraph 12 of Article 45 of the Code was amended as follows:

"It is inadmissible to place agitation material 25 meters from the entrance of the polling station. This material is subject to removal / dismantling / seizure. It is also inadmissible to physically obstruct the movement of voters in the polling station or within 100 meters of the polling station on the polling day. It is also inadmissible to gather people or register voters within 100 meters of the polling station on polling day." [3]

On June 14, 2021, we proposed a legislative proposal to the Parliament (N 1-7964 / 21/10), according to which we request an amendment to Article 61, Part 1, Paragraph 1 of the Organic Law of Georgia, according to which a new function was added to the member of the flow regulation commission. In this case, electronically verify the polling station and the number of voters in the voter list. The flow regulator is a member of the commission that regulates the flow of voters to the polling station. It asks the voter to present a Georgian citizen ID card or a Georgian citizen's passport; It then checks with an ultraviolet lantern whether the voter is marked, and after making sure that the voter is not marked, gives the right to participate in the voting. Also, the flow regulator monitors how many voters stand at the voter registration desk. If more than two voters are standing at the registration table, the next voter enters the polling station temporarily. In addition, Article 58 (4) (b) of the law requires a change, according to which special places for election observers and party representatives will be allocated at the polling station on polling day, from where they will be able to freely observe the election process at the polling station.

As you know, until 2013, voter cards were issued only once, 2-3 days before the elections. And then, for more voter awareness, its distribution was defined in two stages before the election. Voters arriving at the polling station in some cases do not remember which polling station they have the opportunity to vote at, and most often they do not know their number on the voter list. They may not have received this information for some reason. This makes it difficult for all voter registrars, as they spend most of their time searching for voters on voter lists. And finding voters by numbering makes their job much easier. In practice, voter registrars interfere with voter lists when searching by name and surname, and in addition to improper time management, this makes it even more difficult for them. The election process is flawed and a large number of voters are gathered at the polling station. In order for the registrars to simplify the work process



and save time, it is necessary for the voter to present his / her number to the registrar. Given the pandemic environment, the delay of voters at the polling station, especially inside the polling station, endangers the health of those inside the building.

Observers and party representatives often interfere with the election process and escalate the election. In practice, we encounter cases where observers or party representatives sit close to voter registrars and are not allowed to work in a quiet environment. This inconvenience will be caused not only by the registrars, but also by other members of the commission, who have a significant responsibility on polling day. Accordingly, specially designated polling stations will reduce ongoing controversy at polling stations. Also, a certain distance will be maintained, which, in the context of today's pandemic environment, is completely acceptable and necessary.

The bill may have a positive impact on children's rights, as voters who go to the polls with their children will not have to spend much time in the polling station, and the improved voting environment proposed by the bill will have a positive impact on children. The UK is positive about voters coming to the polls with their children, as it believes that with this move, children are becoming accustomed to respecting the democratic process.

During the election process, attention should be paid to the social distance of voters and the observance of appropriate hygienic norms. The election environment should be regulated so that the voter feels protected; Otherwise it will lead to a decrease in voter turnout.

France held local elections in 2020. Voters were instructed to bring their own pens and keep a one-meter

distance in the rows. Despite security measures, turnout fell by about 20% compared to previous elections.

In the US, voters who wished to run in the election and had symptoms were able to cast their ballots by mail. Consequently, to reduce the risks posed by the development of coronavirus, many states have begun to popularize the mail voting system so that more voters can vote[4].

South Korea has increased its staff in connection with the election. To what extent can Georgia do the same? Given that we are talking about the protection of social distance, and often elections in Georgia are held in a small room, the increase in the number of employees in election commissions can not have a positive impact on the pandemic situation in Georgia. The role of the flow regulator (one of the members of the election commission), which controls the number of voters in the territory of the polling station, will be important in the protection of social distance.

CONCLUSION

With these changes, the Election Code of Georgia will be able to better regulate the problems existing at the polling station on the polling day; It serves to create a safe, comfortable electoral environment for both the voter and the other persons involved in the election process in the line of duty. Amendments to this law will regulate hitherto incompletely regulated election legal issues. Legislative changes provide:

- ✓ Simplify the work process for voter registrars,
- ✓ Reducing the number of voters at the polling station,
- ✓ Improving time management,
- ✓ To neutralize a politically difficult background,
- ✓ Adherence to safety rules.

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