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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**PRELIMINARY COMMENTS ON  
THE UNIFIED ELECTORAL CODE  
OF THE REPUBLIC OF GEORGIA**

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## **Preliminary Comments on the Unified Electoral Code of the Republic of Georgia**

1. In general terms, the new Electoral Code as proposed in the Draft must be regarded as an important step forward in the process of securing democratic standards for representative government in the country. The unification of election rules at all levels (presidential, parliamentary and local) in a single code is a clear advantage, making it possible to define general rules for all elections and then add specific provisions for the respective types of election. One of the results is that the problem of organization of the system of Election Commissions (Central, District and Precinct) can be approached in a comprehensive and effective manner.

2. The provisions of Chapter II on registration of voters appear to be in the right direction, but are probably not quite satisfactory. I assume it is realistic in the current circumstances to entrust the task of compiling the voter lists to the Election Commissions, but I agree with the view (expressed *i.a.* by the OSCE) that the aim ought to be to have this task seen to by the local and other census authorities in consultation with the Commissions. Perhaps the national census which is pending in the country (as I understand) will make it possible to move further in this direction.

3. The extensive provisions on Election Commissions in Chapter IV involve significant reform towards professionalisation of these institutions. They may need improvement, but at this point I mainly refer to the comments of the other rapporteurs.

4. As regards the provisions of the Chapters on polling and conduct of election (VII and VIII), I would mention at this point that I agree with Mr. Rose that the matter of absentee ballots and use of mobile ballot boxes needs further attention.

5. The provisions on complaints and appeals in Chapter IX and elsewhere constitute an interesting attempt at detailed regulation, but the framework may be too tight and require further scrutiny.

6. As regards the parliamentary elections, I agree that the threshold of 7% for political parties or blocs competing in the nationwide election of 150 members by proportional system appears too high. The fact that it was raised to this level in 1999 accordingly may be a problem.

7. I agree with the other rapporteurs that the absence of provisions for equalization among the voters in the 85 single-mandate constituencies is notable, and the resulting discrepancies in representation seem to be serious. However, I doubt whether it is appropriate to suggest that a principle of a maximum difference such as 10% in the number of voters behind the members from each constituency should be introduced, in view of the fact that the other 150 members are elected on a nationwide basis. The said principle presumably would result in a great weakening of the present rule that the territory of these constituencies should be determined according to administrative districts. It may be, therefore, that equalization through other means than reapportionment of constituencies should be looked for, and that the effort to minimize disproportionality should be moderate rather than strict.