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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**DRAFT AMENDMENTS**

**TO THE DRAFT ELECTION CODE**

**OF GEORGIA**

**(transmitted by the Georgian Authorities  
on 8<sup>th</sup> December 2011)**

N	Initial Draft	Draft Joint Opinion On The Draft Election Code Of Georgia	Amended Draft
1.	<p><b>Article 116. Nomination of Candidates in Majoritarian Election Districts</b></p> <p>1. The right to nominate a candidate for parliamentary elections in a majoritarian election district is granted to:</p> <p>a) A party participating in elections independently;</p> <p>b) Election block.</p> <p>2. Any party or election block, which participates in the elections independently, has a right to nominate candidates for an MP to be elected in the majoritarian in each election district.</p> <p>3. The rules for nomination of the majoritarian candidates in the election district by the independent Party/election block is carried out in a way determined by Paragraphs 9 and 13 of the Article 115 of this Law.</p> <p>4. During the elections, next to sequential number of a ballot paper should be indicated the names and surnames of a majoritarian candidate and titles of the parties and election blocks, which have nominated the aforementioned candidate;</p>	<p>21. Under Articles 111 and 116(1) of the draft Code, independent candidates are precluded from running for parliament as only political parties and electoral blocs may nominate candidates. Article 141 restricts independent candidates from seeking election to a local selfgovernment Sakrebulo, while Article 159 denies self-nomination to the Tbilisi Sakrebulo. Article 167(2) allows only parties and electoral blocs to nominate candidates for the Tbilisi mayoralty elections. Under Article 97.1, however, an initiative group of five voters is able to nominate candidates for the office of President of Georgia. <b>The Venice Commission and the OSCE/ODIHR recommend that, in line with Paragraph 7.5 of the OSCE Copenhagen Document, the Code reinstates the possibility for independent candidates to run in all types of elections.9 It is, moreover, recommended that this option be arranged in such a way as to make it reasonably possible, in practice, for independent candidates to meet registration</b></p>	<p><b>Article 116. Nomination of Candidates in Majoritarian Election Districts</b></p> <p>1. The right to nominate a candidate for parliamentary elections in a majoritarian election district is granted to:</p> <p>a) A party participating in elections independently;</p> <p>b) Election block.</p> <p><b>c) Voters' initiative group of five persons.</b></p> <p>2. Any party or election block/<b>voters' initiative group</b>, which participates in the elections independently, has a right to nominate candidates for an MP to be elected in the majoritarian in each election district.</p> <p>3. The rules for nomination of the majoritarian candidates in the election district by the independent Party/election block/<b>voters' initiative group</b> is carried out in a way determined by Paragraphs 9 and 13 of the Article 115 of this Law.</p> <p>4. During the elections, next to sequential number of a ballot paper should be indicated the names and surnames of a majoritarian candidate and titles of the parties and election blocks, which have nominated the aforementioned candidate.</p>

	<p><b>Article 141. Right to Run for Sakrebulo in the Elections</b></p> <p>A party, an election block, a candidate nominated by a party and an election block registered at the relevant election commission are entitled to run for Sakrebulo in the elections.</p> <p><b>Article 157. Right to take part in elections of Tbilisi Sakrebulo</b></p> <p>1. Right to take part in the elections of Tbilisi Sakrebulo shall be given to the party, election bloc, candidates nominated by the party and the election bloc if registered by the election commission defined by the present Law.</p>	<p><b>requirements (e.g. required numbers of signatures).</b> The lack of provisions for independent candidacy is not in line with international standards. This is particularly important in relation to local elections to encourage local participation. Limiting participation in local elections to centrally organised, national political parties is antithetical to what local government and local representation should be about.</p>	<p>If a majoritarian candidate is nominated by voters' initiative group, next to sequential number of a ballot paper should be indicated – "independent".</p> <p><b>Article 141. Right to Run for Sakrebulo in the Elections</b></p> <p>A party, an election block, a candidate nominated by a party , an election block, voters' initiative group of five persons registered at the relevant election commission are entitled to run for Sakrebulo in the elections.</p> <p><b>Article 157. Right to take part in elections of Tbilisi Sakrebulo</b></p> <p>1. Right to take part in the elections of Tbilisi Sakrebulo shall be given to the party, election block, candidates nominated by the party, the election block, voters' initiative group of five persons, if registered by the election commission defined by the present Law.</p> <p><b>Article 159. Nomination of majoritarian candidates for</b></p>
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<p><b>Article 159. Nomination of majoritarian candidates for membership of Tbilisi Sakrebulo</b></p> <p>1. The following entities have the right to nominate majoritarian candidates for membership of Tbilisi Sakrebulo:</p> <p>a) Party taking part in elections independently;</p> <p>b) Election block.</p> <p>2. The party and election bloc shall have a right to nominate as a candidate for elections of Tbilisi Sakrebulo a legally capable citizen of Georgia, who speaks state language and has attained 21 years by the time of polling day.</p> <p><b>Article 167. Registration of Tbilisi Mayor Candidates; Defining the Sequential Numbers</b></p> <p>2. A candidate of Tbilisi mayorship can be introduced by a party or an election bloc registered in accordance with the 142nd article of this law no later than 30 days before the polling day.</p> <p><b>Article 97. Right to Nominate Candidate for the Presidency</b></p>		<p><b>membership of Tbilisi Sakrebulo</b></p> <p>1. The following entities have the right to nominate majoritarian candidates for membership of Tbilisi Sakrebulo:</p> <p>a) Party taking part in elections independently;</p> <p>b) Election block;</p> <p>c) Voters' initiative group of five persons.</p> <p>2. The party, election block, voters' initiative group shall have a right to nominate as a candidate for elections of Tbilisi Sakrebulo a legally capable citizen of Georgia, who speaks state language and has attained 21 years by the time of polling day.</p> <p><b>Article 167. Registration of Tbilisi Mayor Candidates; Defining the Sequential Numbers</b></p> <p>2. A candidate of Tbilisi mayorship can be introduced by a party, an election block, voters' initiative group registered in accordance with the 142nd article of this law no later than 30 days before the polling day.</p>
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	<p><b>of Georgia</b></p> <p>1. A political union (party) of citizens or initiative group consisting of 5 voters has the right to nominate a candidate for the Presidency of Georgia.</p>		
<p><b>2.</b></p>	<p><b>Article 3. Basic principles of elections, referendum and plebiscite</b></p> <p>The basic principles of conducting elections, referendum and plebiscite in Georgia are:</p> <p><b>a) Universal suffrage of participating in elections/referendum:</b></p> <p>a.a) Any citizen of Georgia who by the elections/referendum has attained or is on the day of election/referendum attaining the age of 18 and who meets the requirements prescribed by this Law enjoys the active electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with this Law complying therewith have restricted suffrage;</p> <p>a.b) Any citizen of Georgia who meets the requirements of this Law enjoys the passive electoral right, except for the persons who, under the Constitution of Georgia and/or in accordance with this Law, complying therewith, or by the Law of Georgia “on Combating Drugs Crimes” have restricted passive suffrage.</p> <p>a.c) A person who has been declared incapable by the court or is being placed in a penitentiary institution in accordance with a court judgment shall not be eligible to</p>	<p>26. As specified above (see footnote 15), the essential aim of imprisonment should be reform and social reinstatement. As stipulated in Article 3(a.c.) of the draft Code, it appears that the right to vote is denied based on any ruling of a competent court regardless of the type of crime. It would be advisable that unless a severe criminal offence is committed – felonies which should be clearly specified by law – or an electoral crime is perpetrated, prisoners should not be disenfranchised. <b>The Venice Commission and OSCE/ODIHR recommend that Article 3 be amended to exclude only those persons who are in prison on a conviction for such a serious criminal offence that the forfeiture of political rights is indeed proportionate to the crime committed from voting rights. Such criminal offences should be clearly defined in the Code, to avoid any doubt as to what constitutes a serious criminal</b></p>	<p><b>Article 3. Basic principles of elections, referendum and plebiscite</b></p> <p>The basic principles of conducting elections, referendum and plebiscite in Georgia are:</p> <p><b>a) Universal suffrage of participating in elections/referendum:</b></p> <p>a.c) A person who has been declared incapable by the court or is being placed in a penitentiary institution in accordance with a court judgment shall not be eligible to take part in elections/referendum. <b>except the persons who have committed less grave crime and are sentenced not more than five years of imprisonment.</b></p>

	take part in elections/referendum.	<b>offence.</b>	
<b>3.</b>	<p><b>Article 110. Passive Electoral Right</b></p> <p>1. Any citizen of Georgia, having right to vote, may be elected as the member of Parliament if he/she has attained age of 25, has lived in Georgia for no less than 10 years and knows Georgian language.</p> <p><b>Article 134. Active and Passive Election Rights</b></p> <p>1. A Georgian citizen, who has reached the age of 21 years by the time of the polling day, may be elected as a member of a representative body of local self-government - Sakrebulo. A citizen, who has lived in Georgia at least for five years, may be elected as a member of Sakrebulo.</p>	<p>29. Although reasonable residency requirements may be imposed, such requirements should be in the pursuit of a legitimate aim and the means employed must not be disproportionate. The Code of Good Practice in Electoral Matters stipulates that, where local and regional elections are concerned, residency requirements may be imposed.<sup>17</sup> It is recommended that these periods should only exceed six months to protect national minorities. For example, in the <i>Polacco and Garofalo v. Italy</i> case, only those persons who had been continuously living in the Trentino-Alto Adige Region for at least four years could be registered to vote for the regional council elections.<sup>18</sup> The European Commission determined that this requirement was neither disproportionate nor unreasonable because it was intended to ensure a thorough understanding of the regional context so that the citizens' vote could take into account the concern for the protection of linguistic minorities. The residency requirements in</p>	<p><b>Article 110. Passive Electoral Right</b></p> <p>1. Any citizen of Georgia, having right to vote, may be elected as the member of Parliament if he/she has attained age of 25, <b>has lived in Georgia at least for five years and before the announcement of election date has been living in Georgia for last 3 years, or is registered at the consulate of Georgia.</b></p> <p><b>Article 134. Active and Passive Election Rights</b></p> <p>1. A Georgian citizen, who has reached the age of 21 years by the time of the polling day, may be elected as a member of a representative body of local self-government - Sakrebulo. A citizen, who has lived in Georgia at least for <b>three</b> years, may be elected as a member of Sakrebulo.</p>

		<p>Georgia, which are not aimed at protecting national minorities and are instituted not only for local elections, are overly long. Therefore, following the Code of Good Practice in Electoral Matters and the comments of the United Nations Human Rights Committee on residency requirements,<sup>19</sup> <b>the Venice Commission and the OSCE/ODIHR recommend that requirements on the length of residency should be reconsidered and reduced for all elections and, in particular, for parliamentary elections.</b></p>	
4.		<p>32. Signature support requirements should, however, be clarified with regard to parliamentary and local elections in order to stipulate that these requirements apply countrywide.<sup>21</sup> As noted in the OSCE/ODIHR Final Report on 2008 parliamentary elections, in some cases it was possible for a parliamentary candidate to be elected with as few as 1,800 votes in a single-mandate electoral district. Also, as previously noted, many single-mandate electoral districts in certain municipalities during the 2010 local self-government elections</p>	<p><b>Article 116. Nomination of Candidates in Majoritarian Election Districts</b></p> <p>11. The nomination of the candidate by the voters' initiative group shall be confirmed by 1 percent (no less than 500) signatures of registered supporters on the territory of relative election district, except if the nominated candidate was elected as the MP of Georgia in the last Parliamentary elections.</p>

		<p>had fewer than 1,000 voters. In line with the Venice Commission's Code of Good Practice in Electoral Matters, <b>the Venice Commission and the OSCE/ODIHR recommend that Articles 113(9) and 142(3) be considered for further amendment to stipulate that the required signatures do not exceed one per cent of the number of voters in the respective electoral unit for which elections are held.</b></p>	
<p><b>5.</b></p>	<p><b>Article 38. Inspection of Lists of Supporters</b></p> <p>2. Based on random selection, the election commission inconsistently shall check validity of 20% of established number of signatures of supporters. If no less than its 10% is voided commission additionally shall check the signatures in the same way. If no less than its 10% is voided supporters lists voided part shall be returned to election subject and 2 days term is given to fill the gaps. The election commission shall once again check the amended part of supporters list with other lists presented by the election subject. The supporters list shall be wholly invalidated in case if established number is still voided and electoral subject based on the resolution of election commission chairman</p>	<p>33. The provisions for checking signatures by the CEC would benefit from additional clarifications as a safeguard against possible abuse and to ensure objectivity in application. Article 38(2) can be used to invalidate valid signatures if accompanied by a certain percentage of invalid signatures. Such a process can lead to abuse where an election commission may have the goal of finding enough invalid signatures for the sole purpose of rejecting a candidacy, instead of finding enough valid signatures to register the candidacy.<sup>22</sup> <b>The Venice Commission and the OSCE/ODIHR recommend that Article</b></p>	<p><b>Article 38. Inspection of Lists of Supporters</b></p> <p>2. <b>The election commission consistently shall check quantity of signatures defined by the law on the blank of the supporters' list. If the number of signatures of supporters appeared less than defined by the law, voided part of the list shall be returned to election subject and 2 days term is given to fill the gaps. The election commission shall once again check the amended part of supporters list presented by the election subject according to the abovementioned rule. If the number of signatures of supporters once again appeared less than defined by the law, the supporters list shall be</b></p>

	<p>is refused for the registration.</p>	<p><b>38(2) be amended accordingly.</b></p>	<p>wholly invalidated and electoral subject, based on the resolution of election commission chairman is refused for the registration</p>
<p><b>6.</b></p>	<p><b>Article 100. Registration of a Candidate for the Presidency of Georgia</b></p> <p>5. Candidate for the presidency of Georgia may withdraw his/her candidacy until 12:00 of the day before the balloting by addressing the CEC with the written application. In case a candidate withdraws his/her candidacy for the Presidency of Georgia, the name of the latter shall be stamped with the stamp "Withdrawn" on the ballot paper.</p> <p><b>Article 120. Revocation of Decision on Nomination of Candidate for Membership of the Parliament of Georgia</b></p> <p>1. A candidate for membership of the Parliament of Georgia, as well as the nominating party or election block, have the right, at any time, but no later than 2 days before election day, to refuse to take part in the elections or to revoke the decision on nomination of a candidate, for the purpose of which they have to apply to the relevant election commission.</p> <p>3. A candidate for membership of the Parliament may withdraw his/her candidacy, no later than 2 days prior to Election Day for which the candidate must apply to the CEC;</p>	<p>34. Articles 113(25)(a) and 114(14) provide that nominating parties may withdraw from a parliamentary election and can cancel their decision to nominate a candidate up to two days before an election day. The same deadline applies for parliamentary candidates withdrawing their own candidacy (Article 120(3)). Article 100(5) provides that presidential candidates can withdraw as late as 12:00 on the day before elections. The draft Code stipulates that candidates, parties or blocs that withdraw from elections be marked on the ballots with a special stamp. After ballots are printed, no amendment to ballots should be made by hand due to the possibility of human error or abuse.<sup>23</sup> <b>As recommended in the previous Joint Opinion,<sup>24</sup> the Venice Commission and the OSCE/ODIHR recommend that a more realistic deadline for withdrawal be set, one which expires before the ballots have been printed.</b></p>	<p><b>Article 100. Registration of a Candidate for the Presidency of Georgia</b></p> <p><b>5. Candidate for the presidency of Georgia may withdraw his/her candidacy at any time but no later than 10 days before the balloting by addressing the CEC with the written application.</b></p> <p><b>Article 120. Revocation of Decision on Nomination of Candidate for Membership of the Parliament of Georgia.</b></p> <p>1. A candidate for membership of the Parliament of Georgia, as well as the nominating party or election block, have the right, at any time, but <b>no later than 10 days</b> before election day, to refuse to take part in the elections or to revoke the decision on nomination of a candidate, for the purpose of which they have to apply to the relevant election commission.</p> <p>3. A candidate for membership of the</p>

			Parliament may withdraw his/her candidacy, <b>no later than 10 days</b> prior to Election Day for which the candidate must apply to the CEC;
7.	<p><b>Article 14. Central Election Commission authority</b></p> <p>1. CEC shall:</p> <p>x) be responsible for the formation of the general list of voters, its computer processing and publishing on the internet - CEC web page on the part, designated for public inspection (the last name, first name, date of birth, ID registration address, also the actual address for Internally Displaced People (IDPs), the date of registration in the general list of voters).</p>	<p>51. Political parties, election blocs, election observers and voters are provided with an opportunity to scrutinise the preliminary voters list and to request changes under Article 31(7). However, there is no requirement that the preliminary list of voters be publicly posted or made available in minority languages in minority-populated areas.</p> <p><b>The Venice Commission and the OSCE/ODIHR recommend that voter lists be posted publicly and not merely made available for inspection in the premises of the DEC. It is further recommended that voter lists be posted for public scrutiny also in minority languages, particularly in those areas where other election materials are provided in minority languages.</b> This would be consistent with Article 14(1)(t) of the draft Code, which directs the CEC to “ensure publication and distribution of information,” while DEC under Article 21(1)(l) must “assist in compiling the list of voters in accordance with procedures</p>	<p><b>Article 14. Central Election Commission authority</b></p> <p>1. CEC shall:</p> <p>x) be responsible for the formation of the general list of voters, its computer processing and publishing on the internet -CEC web page on the part, designated for public inspection (the last name, first name, date of birth, ID registration address, also the actual address for Internally Displaced People (IDPs), the date of registration in the general list of voters).</p> <p><b>Voters' list of the electorate who belong to ethnic minority shall be published on CEC web page on their relevant language.</b></p>

		established by this Law and ensure publicity and accessibility thereof.”	
8.	<p><b>Article 39. Domestic and Foreign Observers</b></p> <p>2. A domestic observer organization may be a local non-profit legal person, registered in accordance with Georgian legislation no later than 2 years before polling day, the statute and regulation of which, at the time of registration, includes election monitoring and/or protection of human rights and which is registered at the CEC or a relevant DEC for the purpose of observing elections.</p>	<p>54. Article 39(2) of the draft Code provides that accreditations will only be issued to those domestic observer organisations that have been registered under Georgian law “no later than 2 years before polling day”. This provision of two years is restrictive. <b>The Venice Commission and the OSCE/ODIHR recommend that the limitation of two years in Article 39(2) be reduced to a reasonable period to facilitate the accreditation of domestic observer organisations.</b></p>	<p><b>Article 39. Domestic and Foreign Observers</b></p> <p>2. A domestic observer organization may be a local non-profit legal person, registered in accordance with Georgian legislation no later than <b>one year</b> before polling day, the statute and regulation of which, at the time of registration, includes election monitoring and/or protection of human rights and which is registered at the CEC or a relevant DEC for the purpose of observing elections.</p>
9.	<p><b>Article 41. Rights of Observers</b></p> <p>n) get acquainted with the summary protocols of voting and election results, compiled by election commissions.</p>	<p>59. Article 41(n) of the draft Code states that observers have the right to “get acquainted” with the protocols prepared by election commissions. This phrase suggests that observers may visually inspect protocols, but have no right to obtain a copy from the election</p>	<p><b>Article 41. Rights of Observers</b></p> <p>n) get acquainted with the summary protocols of voting and election results, compiled by election commissions, <b>request and receive copies of abovementioned protocols from the relevant</b></p>

		<p>commission. <b>The Venice Commission and the OSCE/ODIHR recommend that Article 41(n) be amended to specifically state that observers have the right to obtain copies of all protocols completed by election commissions.</b><sup>39</sup> More widely, the Code should ensure that observers be able to follow all elements and stages of an electoral process, including such aspects as the delimitation of electoral districts and the financing of electoral campaigns.<sup>40</sup></p>	<p><b>election commissions.</b></p>
<p><b>10.</b></p>	<p><b>Article 50. General regulations of media coverage of election campaign</b></p> <p>1. Since 50th day before election day until the approval of the final election returns by the CEC, owners of broadcasting license and the public broadcaster shall abide by the following terms:</p> <p>b) Paid airtime allocated by a TV or radio broadcaster shall not exceed 15 % of its total daily broadcasting time and no electoral subject shall be allocated more than one-third of this time;</p>	<p>71. The methodological requirements for opinion polls for obtaining “qualified electoral subject” status appear strict, as does the requirement about the number of times (five times in a year or once not less than 30 days before election day) that a poll must yield a certain result in order to qualify a particular subject for free airtime. Moreover, it is not entirely clear who is the appropriate body for assessing and enforcing these requirements as the final decision seems to be left to the broadcaster. <b>It is recommended that Article 51 be amended to address these concerns. In accordance with the Venice Commission</b></p>	<p><b>Article 50. General regulations of media coverage of election campaign</b></p> <p>1. Since 50th day before election day until the approval of the final election returns by the CEC, owners of broadcasting license and the public broadcaster shall abide by the following terms:</p> <p>b) Paid airtime allocated by a TV or radio broadcaster shall not exceed 15 % of its total daily broadcasting time and no electoral subject shall be allocated more than one-third of this time; <b>Paid airtime fee shall be the same for every election subject (for qualified and non-qualified subjects).</b></p>

		<p><b>Code of Good Practice in Electoral Matters and the Venice Commission and OSCE/ODIHR Guidelines on Media Analysis during Election Observation Missions, public media “should provide parties and candidates in elections with equal access and fair treatment.”<sup>46</sup> This should be reflected in Article 51.</b></p>	
<p><b>11.</b></p>	<p><b>Article 71. Summary protocol of the results of the elections in the precinct election commission</b></p> <p>9. From the day following the Election Day the photocopies of summary protocols shall be handed over by District Election Commission. District Election Commission hands over the photocopies of Precinct Election Commission summary protocols, certified with District Election Commission stamp and signatures of District Election Commission chairman and secretary (these protocols shall have same legal power as the Precinct Election Commission summary protocol). Representative/observer confirms the receipt of a photocopy by a signature in the District Election Commission book of registration.</p>	<p>106. Article 71 outlines the procedures for the completion of summary protocols on voting results by election commissions in an electoral constituency. Article 71(9) requires that the DEC’s “hand over” signed and certified “photocopies of the Precinct Electoral Commission summary protocols...(these protocols shall have the same legal power of the Precinct Electoral Commission summary protocols).” This Article further stipulates that a representative/observer receives a photocopy of a PEC protocol and confirms the receipt by signing the DEC book of registration. Article 71 does not expressly require the DEC to</p>	<p><b>Article 71. Summary protocol of the results of the elections in the precinct election commission</b></p> <p>9. From the day following the Election Day the photocopies of summary protocols of the Precinct Election Commission shall be handed over by District Election Commission. District Election Commission hands over the photocopies of Precinct Election Commission summary protocols, certified with District Election Commission stamp and signatures of District Election Commission chairman and secretary (these protocols shall have same legal power as the Precinct Election Commission summary protocol). Representative/observer</p>

		<p>complete its own protocol summarising the results from individual PECs within the district. However, Article 21(1)(f) indicates that a “summary protocol of DEC voting results shall be drawn up.” This would be consistent with previous Venice Commission and OSCE/ODIHR recommendations that the DEC complete a protocol, which includes results from individual PECs within the district as an integral part of the DEC protocol, thereby enabling parties and observers to audit the results. <b>The Venice Commission and the OSCE/ODIHR recommend that Article 71 include text similar to that in Article 21(1)(f), which requires that “summary protocol of DEC voting results shall be drawn up.”</b></p>	<p>confirms the receipt of a photocopy by a signature in the District Election Commission book of registration.</p>
12.	<p><b>Articles 21(1)(e), 72(3), 75(3), and 78(21). Articles 14(1)(k) and 78(22)</b></p>	<p>108. Provisions regulating the invalidation of election results should be clarified. Indeed, the inadequacy in the area of invalidation of election results has been shown by the experience of past elections.<sup>59</sup> As noted in previous Joint Opinions, there is an inconsistency in the draft Code between Articles 21(1)(e), 72(3), 75(3), and 78(21), which give the authority to</p>	<p>Words - “<b>By own initiative or</b>” was revoked from the relevant articles</p>

		<p>invalidate election results to DEC's, and Articles 14(1)(k) and 78(22), which appear to extend some invalidation powers to the CEC as well. <b>It is recommended by the Venice Commission and the OSCE/ODIHR that all articles which relate to invalidation of election results be thoroughly reviewed and amended to ensure their clarity and consistency, and that they expressly state the authority of the CEC in regard to invalidation of results.</b></p>	
<p><b>13.</b></p>	<p><b>Article 150. Summing up of Sakrebulo Election results at District Election Commission</b></p> <p>2. Elections in an election district shall be declared invalid if the number of ballot papers declared void in the given district is more than half of the total number of voters who took part in elections in the district.</p>	<p>109. Article 150(1) provides: "A district electoral commission may annul vote results in an electoral precinct where this law was grossly violated." This provision amounts to granting DEC's an extraordinary discretion in annulling the election in a precinct since judging whether the law has been "grossly" violated is a question of subjective appreciation. <b>The Venice Commission and the OSCE/ODIHR recommend that this provision be reviewed.</b> The Venice Commission Code of Good Practice counsels that an election commission "should have authority to annul elections, if irregularities may have influenced the</p>	<p><b>Article 150. Summing up of Sakrebulo Election results at District Election Commission</b></p> <p>2. Elections in an election district shall be declared invalid if the number of ballot papers declared void in the given district is more than half of the total number of voters who took part in elections in the district and <b>reacts on the results of the elections.</b></p>

		<p>outcome, i.e. may have affected the distribution of seats,”<sup>60</sup> including significant deviations from campaign finance regulations.<sup>61</sup></p>	
<p><b>14.</b></p>	<p><b>Article 14. Central Election Commission authority</b></p> <p>1. CEC shall:</p> <p>k) by own initiative or on the basis of a application/complaint, in accordance with the procedures for considering election disputes defined by this law, check the legitimacy of the decisions and acts of election commissions and their officials and in the event of violation, invalidate or revise them by resolution; by resolution make decision on opening the parcels received from respective precinct election commissions on the recounting of ballot papers/special envelopes/lists of voters;</p>	<p>110. Article 14(1)(k) grants the CEC the power to order a recount of ballots from a polling station. However, neither Article 14(1)(k) nor any other provision in the draft Code provides any criteria for when a recount is required. <b>It is recommended that the Code be amended to state what circumstances justify a recount. Further, it is recommended that the Code specify the procedures to be used during the recount. It is further recommended for the Code to provide that reasonable notice of the recount be given and that this notice be given to relevant stakeholders, including accredited observers.</b></p>	<p>Words - “<b>By own initiative or</b>” was revoked from the relevant articles.</p>