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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

DRAFT LAW ON THE AMENDMENTS TO THE
“ELECTION CODE OF GEORGIA”

Draft

Organic Law of Georgia
On the Amendments to the Organic Law of Georgia “Election Code of Georgia”

Article 1 – The following amendments shall be made to the Organic Law of Georgia “Election Code of Georgia” (Legislative Herald of Georgia (“Saqartvelos Sakanonmdeblo Matsne”), (www.matsne.gov.ge), 10.01.2012, Registration Code: 010190020.04.001.016032:

1. Article 8:

a) Paragraph 6 shall be formulated as follows:

„6. The issues of human resources shall be resolved by the majority vote of the total number of the election Commission members, unless otherwise defined by this law; “

b) Paragraph 24 shall be formulated as follows:

„24. In case of absence of the commission chairperson, or upon her/his instruction, the Commission Deputy Chairperson shall perform her/his duties, and in case of the CEC, the Deputy Chairperson, who is elected in accordance with paragraph 2 of Article 11 of this law, while in case of her/his absence, the deputy selected based on paragraph 1 of Article 11”.

2. Article 10 shall be formulated as follows:

“Article 10 – Composition of the CEC and procedures for electing the CEC Chairperson

1. The CEC shall be composed of not more than 17 members, including the CEC Chairperson, two Deputy Chairpersons and a CEC Secretary. A CEC Chairperson simultaneously shall act as a member of the CEC. Termination of the authority of the CEC Chairperson concurrently shall result in the termination of his/her membership. The Parliament of Georgia shall elect 7 members of the CEC, upon recommendation by the President of Georgia, while the parties shall appoint not more than 9 members, under the procedure established by this Law.

2. The President of Georgia shall select the candidates of the CEC Chairperson and recommend them to the Parliament of Georgia, in accordance with Article 12 of this law.

3. The Parliament of Georgia shall elect the CEC Chairperson upon recommendation by the President of Georgia, in accordance to Article 12 of this law. The term of office of the CEC Chairperson shall be 5 years, if she/he is elected by at least two-thirds of the total numbers of the Members of the Parliament of Georgia, and in other cases she/he shall be elected for 6 months.

4. The candidate of CEC Chairperson shall be a capable citizen of Georgia, who has attained the age of 25, is a non-partisan, has a higher education, is fluent in the official language of Georgia, meets the requirement set forth by subparagraph “b”-“f” of Article 12(5) of this Law, this paragraph and the requirements of Article 27 (2) of the Law of Georgia on “Public Service”, and has a work experience of not less than 5 years.

5. The Decree of the Parliament of Georgia on election of a CEC Chairperson shall be sent to the CEC within 7 days since its adoption“.

3. Article 11 shall be formulated as follows:

„Article 11. The Procedures for Electing the CEC Deputy Chairperson and a Secretary

1. One CEC Deputy Chairperson and a CEC Secretary shall be elected out of the CEC members elected by the Parliament of Georgia. Not less than 2 members of the Commission shall have the right

to nominate the candidates for Deputy Chairperson and Secretary of the CEC. The same candidate may be nominated only twice.

2. One Deputy CEC Chairperson shall be elected out of the candidates appointed by the parties as defined by Article 13 of this law, which are not the members of the Parliamentary majority. The candidate shall be nominated based on the decision of the majority of the parties as defined by this paragraph. If no candidate is selected by the majority, the candidate shall be re-elected by the voting of those members of the parties appointed according to Article 13, that expressed a desire to be elected as a Deputy. A candidate is considered to be elected as a Deputy, if he/she is supported by the majority of the total number of the CEC members. If a candidate fails to receive a majority vote of the CEC members, re-voting is held and as a result the candidate is considered as elected if she/he is supported by the one-third of all members of the Commission.

3. If the Deputy Chairperson and a Secretary of the CEC are not elected within the term defined by Article 1, the Commission member who receives the most votes during the election shall fulfill his/her responsibilities until his/her election; and in case of equal votes - a person selected by casting of lots”.

4. Article 12 shall be formulated as follows:

„Article 12. Procedure for Electing CEC Members

1. The President of Georgia shall select and submit to the Parliament of Georgia candidates for the CEC membership, as stipulated by this Article. The term of office of the CEC members elected by the Parliament of Georgia is 5 years, if not otherwise determined by this Article.

2. Candidates for the CEC membership shall be selected through vacancy announcement.

3. The President of Georgia shall issue an ordinance on the vacancy selection and setting up a selection commission not later than 30 days before the expiration of the term of office of a CEC member, and in case of early expiration of the term of a CEC member, not later than 15 days from its occurrence. A selection Commission shall be composed of not more than 10 members. A selection Commission shall be composed of those non-profit (non-commercial) legal entities registered in Georgia, which has at least 7 years of experience in election issues and the field of democracy and human rights; as well as the representatives of the higher educational institutions, who hold the position of at least an Associated Professor. The Commission shall be composed by the representatives of non-entrepreneurial (non-commercial) legal entity defined by this paragraph. Vacancy selection documents shall be submitted not later than 14 days after the vacancy notice. If the above time frame coincides with the election period, the President of Georgia shall announce the vacancy selection not later than 7 days following the announcement of the final results of the election. The CEC member authority shall terminate upon electing a new member.”.

4. A candidate for CEC membership shall be a legally capable citizen of Georgia who has attained the age 25, is non-partisan, has higher education, is fluent in the official language of Georgia, meets the requirements of Article 27 (2) of Georgian Law on “Public Service”, has at least 5 years of working experience and the Certificate of an Election Administration Officer.

5. The following individuals may not be elected/appointed as a CEC member:

a) A person, who does not hold a Certificate of an Election Administration Officer;

b) A person who has been dismissed from the position at the Election Administration by the election commission or the court due to violation the Electoral Legislation of Georgia, within 4 years since dismissal from the position;

c) The person who has been convicted as an administrative offender by the court due to the violation of the Electoral legislation of Georgia, within the 4 years since the entry into force of the court decision.

d) convicted person;

e) an electoral subject/a candidate for an electoral subject and its representative;

f) an observer.

6. Unless a minimum of 2 people are nominated for a vacant position within the time frame determined by this Law the selection process shall continue until a minimum of 2 people are nominated for the vacant position.

7. A list of candidates shall be published along with the biography within 2 days after deadline for nominating the candidates expires.

8. A Selection Commission shall present to the President of Georgia not less than 2 and not more than 3 candidates for CEC membership for each vacancy not later than 5 days after the deadline for nominating candidates expires. The President of Georgia shall make a decision on the selection of candidates and recommend 2 candidates to the Parliament of Georgia for one vacant CEC member seat not later than 7 days after the candidates are selected.

9. The Parliament of Georgia selects the CEC members in accordance to this Article and the rule defined by the regulation of the Parliament of Georgia no later than 14 days following the submission of the CEC membership candidates by the President of Georgia to the Parliament of Georgia.

10. The Parliament of Georgia shall elect CEC members by the roll-call vote. Each candidate shall be put to vote separately. A person shall be deemed elected if supported by the two-third of the majority of members of Parliament of Georgia. If the number of these persons exceeds the number of the positions to be filled, the candidates with the best results shall be deemed elected. If a winner cannot be determined due to an equal number of votes, the candidates shall immediately be re-voted upon until a winner is determined among them. If all the vacancies are not filled as a result of voting, the rest of the candidates shall be put to vote not earlier than 4 weeks since the first voting. A person shall be deemed elected as a result of the re-voting, if supported by the two-third of all the members of the Parliament of Georgia. If the vacancy still remains unfilled, re-voting takes place again not earlier than 4 weeks since the second voting. A person shall be deemed elected as a result of the mentioned voting if supported by the majority of the three-fifth of all the members of the Parliament of Georgia. If the vacancy is still unfilled again, the re-voting takes place again not earlier than 4 weeks since the last voting and the person who is supported by the majority of all the members of Parliament of Georgia shall be deemed elected. If the vacancy still remains unfilled, the President of Georgia shall, within 3 days, submit 2 candidates to the Parliament of Georgia per each vacancy. If a vacancy still remains unfilled, no later than within 3 days the vacancy shall be announced again and the nomination procedure shall start over.

11. The same candidate may be nominated only twice.

12. The term of office of a CEC member elected by less than two third of Parliament of Georgia shall be 6 months.

13. A Resolution of the Parliament of Georgia regarding the election of a CEC member shall be submitted to the CEC within 7 days after its adoption.

5. Article 13 shall be formulated as following:

„Article 13. Procedure for Appointing and Terminating the Term of Office of CEC Members by Parties

1. A political party shall be eligible to appoint one CEC member, if the party was registered by the CEC Chairperson to run for parliamentary elections and in accordance with Article 125 (4, 5 and 9) of this law was assigned a mandate of the member of the Georgian Parliament.

2. If the number of parties defined in this Article is more than 9, the party having the best results in the election shall have priority during appointment of the CEC member.

3. If the parties have equal votes in the election, the priority during appointment of CEC member shall be given to a party that registered for the elections the earliest.

4. The party may withdraw the CEC member appointed by it. No such withdrawal shall take place during the period from the day of calling the election until summing up the final election results. A party may appoint a new member of CEC within the above-mentioned period only in case of resigning or death of the appointed member.

6. Article 14

a) Subparagraph „n²“ shall be added to subparagraph „n¹“ of paragraph 1 and shall be formulated as follows:

„n²) approves by the Ordinance the composition of the CEC consultation group and its Regulation.

b) subparagraph „u“ of paragraph 1 shall be formulated as follows:

„u) considers the statements and claims related to the election in accordance with the rule defined by this law and makes relevant decisions within its authority, including leaving the statement/claim without a review in case of proper ground.

7. Article 15:

a) Article 2(g¹) shall be removed.

b) Article 3(a) shall be formulated as follows:

„a) fulfils the obligation of the CEC Chairperson in accordance with Article 8 (24) of this Law.

8. Paragraph 16¹ shall be added to Article 16 and formulated as follows:

„Article 16¹. CEC consultation group

1. The composition and the Regulation of the CEC Consultatio group is approved by the CEC.

2. CEC consultation group shall be composed of the representative of a Public Defender's office of Georgia and the international and local experts selected by the election observation organizations.

3. The consultation group submits the recommendations for dispute review process to the CEC. The group shall be equipped with additional functions based on the CEC Ordinance, such as engagement in the process of recountin of election results.

9. Paragraph 3 shall be added to Article 18 and formulated as follows:

„3. The number of Municipality representative body (Sakrebulo) members elected by majoritarian and proportional system shall be defined by the present Law.”.

10. Article 19 shall be formulated as follows:

“Article 19. Setting up of District Election Commissions (DECs)

1. The District Election Commission (DEC) is a standing territorial body of the Election Administration of Georgia. The CEC shall set up DEC's by a majority of the CEC, unless otherwise provided by this law. A DEC has an official seal with its name on it, a stamp, and a settlement and current bank accounts. The DEC chairperson and accountant are responsible for the DEC expenditure authorized by the CEC. A DEC may spend funds allocated for elections from any account opened with any commercial bank and/or its branch office.
2. The CEC is authorized to set up by ordinance one DEC within the boundaries of one municipality, and 10 DEC's within the Tbilisi City Municipality. The boundaries of a respective municipality shall be the jurisdiction of a DEC.
3. The DEC member shall be elected for a term of 5 years, while the tenure of a DEC member elected by the CEC following the announcement of an election under the paragraph 5 of this Article shall be determined for the period starting with their appointment and ending with the announcement of final results of the respective elections, unless otherwise provided by this law.
4. 5 DEC members shall be elected for a 5 year-term by the two-third majority vote of the CEC members, unless otherwise provided by this law.
5. After calling the elections, 9 DEC members shall be appointed by the respective political unions under the procedure established by Article 13 of this Law, and 3 members shall be elected by the two-third majority vote of the CEC members, for the period until the final results of a respective election are announced, unless otherwise provided by this Law.
6. The decision of a party on the appointment of a DEC member shall be submitted to the CEC within 7 calendar days after calling of the elections. If the authorized parties fail to appoint or withdraw the members of the election commission within the term established by this paragraph, as a result of which the composition of DEC falls below two-thirds of the full membership, from the next day after the expiration of this term, the CEC has the right to fill the number of members of DEC up to two-thirds of the full membership, in accordance with the rules established by the law.
7. The party has the right to withdraw a DEC member appointed by it only 3 weeks before the polling day. The party has the right to appoint a new DEC member only in case of resignation or death of the appointed member.
8. A person nominated as a DEC member shall not be considered a DEC member if the deadline for submitting documents defined under Article 20, paragraph 13 of this Law has not been met, and/or if the documents submitted are incomplete or inaccurate and the deficiencies therein have not been corrected. If the documents submitted fail to comply with the requirements determined under Article 20, paragraph 17 of this Law, the CEC Chairperson shall, within 2 days, notify (indicating non-compliance) the party that appointed the DEC member of this fact. Corrected documentation shall be returned to the CEC in 3 days.
9. A person appointed as a DEC member by an authorized party shall not be considered a DEC member either if it is revealed that this person, at the time of his/her nomination to the CEC, is a

- member of the same or another election commission, and/or a person nominated fails to meet the requirements under Article 20, paragraph 17 of this Law. In this case, the CEC Chairperson shall, within 2 days, notify the party of this fact and give additional 1 day to submit a new DEC member.
10. A DEC shall elect head officers from among its members elected for the term of 5 years by majority vote of the DEC members.
 11. A DEC may not be placed in the same building as the administration of a state representative, the municipality representative body (Sakrebulo) or the City Hall, a party, a court, a police division, or a division of the State Security Service of Georgia are located.
 12. A party, the election headquarters of a party/an initiative group may not be located in the same building as the DEC.
 13. The DEC Chairperson may, during the election period, hire supporting and technical staff (except for an accountant), by contract, for the election commission, within the number determined by the CEC ordinance. Supporting and technical staff of the DEC commission shall not be public servants under the Law of Georgia on Public Service and they shall not fall under the requirements of incompatibility of offices provided for by the legislation of Georgia.
 14. The DEC Chairperson may hire, by contract, an accountant, in accordance with the number defined under paragraph 13 of this Article until the end of the procedures provided for by Article 53, paragraph 5 of this Law.”.

11. Article 20

a) Paragraphs 1 and 2 shall be formulated as follows:

- “1. A DEC shall consist of not more than 17 members appointed/elected within the period and under the procedure established by this Law by the subjects defined by the same Law.”.
2. The heads of the DEC are elected by the DEC from among the members of the commission appointed by the CEC for a term of 5 years by the majority of the full membership, by roll call voting, at the first session of the commission, after the relevant vacancy is announced. The term of office of the chairperson of the district election commission shall be determined by the term of his/her membership in the DEC.”

b) Paragraph 9 shall be formulated as follows:

- “9. The term of office of 3 DEC members appointed by the CEC under Article 19, paragraph 5 of this Law, and the term of office of commission members appointed by parties under Article 13 of this Law shall cease immediately after the final results of elections are announced.”.

C) Paragraph 16 shall be formulated as follows:

16. “The CEC shall elect DEC members by a roll-call vote. Each candidate shall be voted on separately. A person supported by the two-third majority vote of the CEC members shall be deemed elected. If the number of elected candidates exceeds the number of available vacancies, candidates with the most votes shall be elected. If the winner cannot be determined due to an equal number of votes received by some candidates, the candidates shall be put to a vote immediately in order to determine the winner. If a winner is still not determined, he/she shall be determined by casting lots. If a member of the DEC is not elected in accordance with the procedure established by this paragraph, the candidates shall be re-elected. A person will be considered elected as a result of re-voting if he/she is supported by the majority of CEC members, if all vacancies are not filled again, the competition for the remaining vacancy will be re-announced.”

12. Article 21**a) Paragraph “d¹” and “d²” shall be added to paragraph “d” and formulated as follows:**

“d¹) shall open respective election documentation and recount polling results, in case, when the votes received by the subjects, number of voters and/or invalid ballot papers are corrected by the PEC in the summary protocol of polling results, not accompanied by the summary protocol;

d²) Not later than on the 6th day after the polling, the DEC shall reveal 5 election precincts on a random selection basis, from among the election precincts located on the territory of the election district, open packages received from those election precincts and recount ballots. Random selection does not include those precincts, where electronic ballot counting machines are located.”

B) Subparagraph "K" shall be formulated as follows:

“k) Considers applications and complaints related to the election process and, within its authority, makes appropriate decisions, including, if there are appropriate grounds, to leave the application / complaint unconsidered.”

13. Subparagraph “f” of paragraph Article 22(1) shall be removed.**14. Article 24 shall be formulated as follows:****"Article 24. Setting up of the Precinct Election Commission (PEC)**

1. The Precinct Election Commission (PEC) consists of 17 members, appointed/elected by the subjects defined by this law, within the term and in the manner prescribed by the same Law.
2. 8 PEC members shall be elected by the relevant DEC by the two-third majority vote of the DEC members, provided that they are also supported by at least 3 respective DEC members elected by the CEC for 5-year term. A DEC member shall not participate in the above election process, if he/she is the family member of the candidate for the membership of the respective PEC (spouse, direct relative in the ascending or descending line, stepchild, sister, brother, stepchild of a parent or a child, spouse's sister, brother, parent). A person shall not be elected as a PEC member, if he/she has been appointed as an election commission member of any level, during the last general elections, by a political party.
3. 8 PEC members abroad are elected by the CEC, in accordance with this Article and Article 25.
4. 9 PEC members shall be appointed by the relevant political associations in accordance with the procedure established by Article 13 of this Law.
5. A legally competent citizen of Georgia from the age of 18, who meets the requirements defined by this Law, may be elected/ appointed as a member of a PEC.
6. The following subjects shall not be elected as PEC members:
 - a) a person who has been dismissed from a position in the Electoral Administration of Georgia by the election commission or the court for violating the electoral legislation of Georgia – for 4 years after the day of his/her dismissal;
 - b) a person who has been recognized as an administrative offender by court for violation of the electoral legislation of Georgia, for 4 years after the entry into legal force of the court decision;
 - c) a person with previous conviction (except when a fine has been imposed as a sanction);
 - d) an MP of Georgia or the head of staff of the Parliament of Georgia;

- e) ministers and deputy ministers of Georgia and the Autonomous Republics;
- f) heads of departments and divisions of the ministries;
- g) the chairperson of a municipality representative body Sakrebulo, Mayor, and their deputies;
- h) a military service member, employees of the Ministry of Internal Affairs of Georgia, the Ministry of Defense of Georgia, the State Security Service of Georgia, the Georgian Intelligence Service, the state sub-agency institution within the system of the Ministry of Justice of Georgia – the Special Penitentiary Service, the Special State Protection Service of Georgia, the Investigation Service of the Ministry of Finance of Georgia, and an investigator of the State Inspector’s Service;
- i) judges and their assistants;
- j) employees of the Prosecutor’s Office;
- k) electoral subjects/candidates and their representatives;
- l) election observers.

7. A public servant (except for persons provided for in paragraph 5(d-j) of this Article) may be elected as a PEC member. The requirements for incompatibility of offices established by the Law of Georgia on Public Service shall not apply to him/her. In case a public servant is elected as a PEC member, the term of office of the public servant during his/her exercise of powers of a PEC member may be suspended at his/her permanent place of work, for which purpose he/she shall be granted an unpaid leave or his/her due paid leave at his/her own request, under the procedure established by law.”

15. Article 25

a) Paragraph 1 shall be formulated as follows:

1. The PEC shall elect a PEC chairperson, deputy chairperson, or secretary, upon the vacancy becomes available, at its first session, from among the PEC members elected by the DEC, for the term of membership, by a majority vote of the total number of members elected by the DEC, by a roll-call vote. Not less than 2 PEC members shall have the right to nominate a PEC candidate.”

b. Paragraphs 3 to 5 shall be formulated as follows:

3. “The same candidate may be nominated only twice for the same vacant position of the head of the PEC.

4. For the regular elections, a DEC shall elect the PEC members not later than on the 46th day before the Election Day, and in case of extraordinary elections, not earlier than on the 50th day and not later than on the 46th day. Before the elections of the PEC members, the list of respective candidates shall be published on the CEC official website. Members of a PEC set up in an exceptional case shall be elected not earlier than on the 10th day and not later than the 9th day before the Election Day.

5. The CEC shall elect the PEC members set up abroad not earlier than on the 24th day and not later than the 20th day before the Election Day.”

c) Paragraph 11 shall be formulated as follows:

11. “The DEC shall elect PEC members by roll-call vote. Each candidate shall be voted on separately. A person who is supported by two-third majority vote of the commission members shall be deemed elected. If the number of elected candidates exceeds the number of available vacancies, candidates with the most votes shall be elected. If the winner cannot be determined due to the equal number of votes

received by some candidates, the candidates shall be put to a vote immediately to determine the winner. As a result of re-voting, a person will be considered elected if he/she is supported by the majority of the CEC members. If a winner is still not determined, he/she shall be determined by casting lots. If all the vacancies are not filled after polling, the CEC shall make an appropriate decision.”.

16. Subparagraph “d¹” of Article 26 (2) shall be removed.

17. Paragraph 9 of Article 29 shall be formulated as follows:

9. “PEC members shall not be withdrawn during the last 20 days before the polling day, on the polling day and on the day after the polling day.”

18. Article 45:

a) Paragraph 4:

a.a) Subparagraph “H” shall be formed as follows:

H. Civil servants - during working hours and/or when they directly perform their official duties;”

a.b) Subparagraph "J" shall be formed as follows:

j) “of the legal entities under public law (except for the personnel of higher and vocational educational institutions, arts institutions, religious unions and bar associations), nonentrepreneurial (noncommercial) legal entities established by the state or municipalities, directors, educators, teachers, other persons employed in pre-school and educational institutions and general education institutions established by the state or municipality, and other personnel employed there - during working hours or when they perform their official duties.”;

b) Paragraph 12 shall be formed as follows:

“12. It is not allowed to place agitation materials at a 25-meter distance from the entrance of the polling station, which is subject to removal/dismantling/taking off. It is also prohibited to hinder 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 from the polling station on the polling day.”.

19. Subparagraph "d" shall be added to Article 48 (1) and formulated as follows:

“d) assembly by official reasons of public servants, personnel of the legal entities under public law, nonentrepreneurial (noncommercial) legal entities established by the state or municipalities, directors, educators, teachers, other persons employed in pre-school and educational institutions and general education institutions established by the state or municipality, and other personnel employed there”.

20. Paragraph 2¹ shall be added after paragraph 2 of Article 61 and formulated as follows:

2¹. “Members of the Commission appointed by the political parties shall not participate in the casting of lots provided for in subparagraph "e.b." of paragraph 2 of this Article.”

21. Paragraph 4¹ shall be added to Article 70 (4) and formulated as follows:

4¹: "After sealing the PEC seal provided for in paragraph 13 of Article 71 and signing it by all members of the Commission, it is prohibited to draw up a protocol to amend the summary protocol of the voting results."

22. Article 71:

a) Paragraph 6¹ shall be added to paragraph 6 and formulated as follows:

6¹: The PEC summary protocol of polling results has a legal force if signed by two-thirds of the PEC members elected by the DEC and at least 1 member of the PEC appointed by the political union provided for in Article 13 of this law.

b) Paragraph 8 shall be formulated as follows:

“8. A PEC shall be responsible for posting a photocopy of a summary protocol of polling results for public review. A PEC shall, if requested, immediately give a photocopy of the protocol (attached with dissenting opinions of commission members) to the representatives of a party/an initiative group of voters and to observers from an observer organization. The photocopy of a protocol shall be certified by the PEC seal and signatures of the PEC chairperson and secretary (these protocols shall have the same legal force as PEC summary protocols for polling results). The above-mentioned persons shall endorse the receipt of a photocopy of the protocol by signing in the PEC log-book.”.

23. Article 75:

a) Paragraph 1 shall be formed as follows:

“1. Based on the summary protocols of PECs, and bearing in mind the results of the consideration of violations of the electoral legislation of Georgia, a DEC shall, not later than the 14th day after polling day, summarize the results of a referendum, elections of the Parliament of Georgia, elections of the municipality representative body Sakrebulo, and of the Mayor. It shall determine the results of the Parliamentary elections of Georgia, elections of the municipality representative body Sakrebulo and of the Mayor, and shall draw up summary protocols of each type for polling and election results held in an electoral district. The DEC shall forward the protocols to the CEC not later than the following day.”.

b) Subparagraph 1¹ shall be added to paragraph 1 and formulated as follows

“1¹: Correction of data in the summary protocol of the polling results drawn up by the PEC shall be allowed only by the DEC decision, which shall be based on the decision to open sealed packages received from the PEC, number of voter signatures participating in the polling and recount of ballots.”.

c) Subparagraph 5¹ shall be added to paragraph 5 and formulated as follows:

“5¹: “The DEC summary protocol of polling results has a legal force if signed by two-thirds of the DEC elected by the CEC and at least 1 member of DEC appointed by the political union provided for in Article 13 of this Law.”

24. Paragraph 1 of Article 76 shall be formulated as follows:

“1. The CEC shall, based on protocols received from DEC and PECs, and not later than the 25th day after the polling day, summarize at its meetings the results of elections of the Parliament of Georgia, elections of the Mayor of Tbilisi and Sakrebulo of Tbilisi, and shall prepare a summary protocol thereon.”.

25. Article 77:

a) Paragraph 2 shall be formed as follows:

“2. A decision of a PEC/the head of a PEC may be appealed to a respective DEC within 2 calendar days after the decision is made. The DEC shall review the appeal within 4 calendar days. The decision of the DEC may be appealed to a respective district/city court within 2 calendar days. The district/city court shall consider the appeal within 2 calendar days. The decision of the district/city court may be

appealed to the Court of Appeals within 1 calendar day after the decision is made. The Court of Appeals shall review the appeal within 2 calendar day. The decision of the Court of Appeals shall be final and may not be appealed.”.

b) Paragraph 4 shall be formulated as follows:

“4. Decisions of DEC/DEC head officers may be appealed to the CEC within 2 calendar day after decisions are made. The CEC shall examine the appeal within 2 calendar days. The decision of the CEC may be appealed to the Tbilisi City Court within 2 calendar day after its delivery. The Tbilisi City Court shall examine the appeal within 2 calendar days. The decision of the Tbilisi City Court may be appealed to the Court of Appeals within 1 calendar day after the decision is delivered. The Court of Appeals shall deliver its decision within 2 calendar day after filing the appeal. The decision of the Court of Appeals shall be final and may not subject to appeal.”.

a) c) Paragraph 5³ shall be added after paragraph 5² and formulated as follows:

“5³. Claims may be submitted to the DEC and the CEC both in hard copy and electronic form. Procedure for submitting a claim in an electronic form shall be determined by the CEC ordinance.”.

26. Article 78:

a) Paragraph 1¹ shall be formed as follows:

1¹: “The persons referred to in this Article have the right to submit an application / claims on election disputes defined by this Article to the Election Commission, if they are registered in the electronic registry of persons authorized for election disputes conducted by the CEC.”

b) Paragraph 11 shall be formulated as follows:

11. Applications / claim on election disputes provided for in Article 78 of this Law submitted to the election commission / Court by persons other than the persons specified in this Article shall remain unconsidered. The application / claim submitted to the election commission shall remain unconsidered even if the application / claim is not accompanied by a document certifying the person's identification.”.

27. Paragraph 8¹ shall be added to paragraph 8 of Article 93 and formulated as follows:

“8¹: The decision of the CEC Chairperson and the persons authorized by the CEC (officials) to refuse to draw up a protocol on the violation of the election legislation of Georgia may be appealed before the court within 2 calendar days. The Court shall examine the claim within 10 calendar days. As a result of the examination of the case, the court decides on the imposition of an administrative penalty or refuses to uphold the appeal.”.

28. Paragraph 1 of Article 125 shall be formulated as follows:

“1. The CEC shall, based on protocols received from DEC, PECs and final court decisions, summarize, at its session, the results of the elections of the Parliament of Georgia not later than on the 25th day after Election Day and draw up a summary protocol of final results of the elections.”.

28. Article 140 shall be formulated as follows:

“Article 140. Composition of a municipality representative body Sakrebulo

Majoritarian and proportional composition of self-governing communities and self-governing cities (except for Tbilisi) shall be determined as follows:

	Majoritarian	Proportional	Total
1. Batumi Electoral District	7	28	35
2. Kutaisi Electoral District	7	28	35
3. Rustavi Electoral District	7	28	35
4. Poti Electoral District	7	28	35
5. Sagarejo Electoral District	13	26	39
6. Gurjaani Electoral District	13	26	39
7. Sighnaghi Electoral District	12	24	36
8. Dedoplistskaro Electoral District	10	20	30
9. Lagodekhi Electoral District	10	20	30
10. Kvareli Electoral District	9	18	27
11. Telavi Electoral District	13	26	39
12. Akhmeta Electoral District	10	20	30
13. Tianeti Electoral District	9	18	27
14. Gardabani Electoral District	10	20	30
15. Marneuli Electoral District	10	20	30
16. Bolnisi Electoral District	11	22	33
17. Dmanisi Electoral District	10	20	30
18. Tsalka Electoral District	10	20	30
19. Tetrtskaro Electoral District	12	24	36
20. Mtskheta Electoral District	9	18	27
21. Dusheti Electoral District	11	22	33
22. Kazbegi Electoral District	6	12	18
23. Kaspi Electoral District	10	20	30
24. Gori Electoral District	13	26	39
25. Kareli Electoral District	10	20	30
26. Khashuri Electoral District	10	20	30
27. Borjomi Electoral District	11	22	33
28. Akhaltsikhe Electoral District	11	22	33
29. Adigeni Electoral District	11	22	33
30. Aspindza Electoral District	10	20	30
31. Akhalkalaki Electoral District	13	26	39
32. Ninotsminda Electoral District	9	18	27
33. Oni Electoral District	11	22	33
34. Amberolauri Electoral District	10	20	30
35. Tsageri Electoral District	10	20	30
36. Lentekhi Electoral District	7	14	21
37. Mestia Electoral District	11	22	33

38. Kharagauli Electoral District	11	22	33
39. Terjola Electoral District	10	20	30
40. sachkhere Electoral District	11	22	33
41. Zestaponi Electoral District	12	24	36
42. Baghdati Electoral District	9	18	27
43. Vani Electoral District	10	20	30
44. Samtredia Electoral District	12	24	36
45. Khoni Electoral District	10	20	30
46. Tchiatura Electoral District	11	22	33
47. Tkibuli Electoral District	9	18	27
48. Tskaltubo Electoral District	13	26	39
49. Ozurgeti Electoral District	15	30	45
50. Lanchkhuti Electoral District	10	20	30
51. Chokhjatauri Electoral District	12	24	36
52. Abasha Electoral District	11	22	33
53. Senaki Electoral District	12	24	36
54. Martvili Electoral District	12	24	36
55. Khobi Electoral District	12	24	36
56. Zugdidi Electoral District	14	28	42
57. Tsalenjikha Electoral District	9	18	27
58. Chkhorotsku Electoral District	9	18	27
59. Keda Electoral District	7	14	21
60. Kobuleti Electoral District	12	24	36
61. Shuakhevi Electoral District	7	14	21
62. Khelvachauri Electoral District	8	16	24
63. Khulo Electoral District	8	16	24

29. Paragraphs 1 and 2 of Article 148 shall be formulated as follows:

„1. To determine the number of seats obtained by a party list, the number of votes received by the party list shall be multiplied by the number of the seats to be allocated proportionally in the electoral district and divided by the sum of the votes received by those parties that received not less than 3% of the votes cast in the elections. The whole part of the figure obtained shall be the number of seats obtained by the party list. The number of votes cast in the election shall not include the number of votes recorded on invalid ballot papers.

2. If the total number of seats obtained by party lists in an electoral district is less than the total number of seats, each unallocated seat shall first be allocated in sequence to the better polling party lists that failed to obtain a seat under the first paragraph of this Article, but received at least 3% of the votes cast in the election. If any undistributed seat(s) is/are still left, each seat shall be allocated in sequence to the party lists that acquired at least one seat and have the largest remainder. The number of votes cast in the election shall not include the number of votes recorded on invalid ballot papers.“.

30. Paragraph 4 of Article 155 shall be formulated as follows:

“4. The Tbilisi Sakrebulo is composed of 50 members, out of which 10 members are elected in the territory of local single-seat majoritarian electoral districts, and 40 – through the proportional electoral system in the whole territory of Tbilisi City Municipality.”.

31. Paragraphs 1-4 of Article 162 shall be formulated as follows:

“1. Seats in the Tbilisi Sakrebulo shall be allocated under the proportional system only to electoral subjects that received at least 2,5% of votes cast in the election. Seats shall be allocated in accordance with the procedures set forth by this Article.

2. To determine the number of seats obtained by a party list, the number of votes received by the party list shall be multiplied by 40 and divided by the sum of the votes received by those parties that received not less than 2,5% of the votes cast. The whole part of the figure obtained shall be the number of seats received by the party list. The number of votes cast shall not include the number of votes recorded on the ballot papers declared invalid.

3. If the sum of the seats received by party lists is less than 40 in total, each undistributed seat shall first be allocated, in sequence to the better polling party lists that failed to obtain a seat under the first paragraph of this Article, but received at least 2,5% of the votes cast in the elections. If any undistributed seat(s) is/are still left, each seat shall be allocated in sequence to the party lists that obtained at least one seat and have the largest remainder. The number of votes cast in the elections shall not include the number of votes recorded on invalid ballot papers.

4. If none of the party lists obtains a seat under the paragraph 2 of this Article, each seat shall be awarded to those 40 subjects that received more votes than others. The number of votes cast in the elections shall not include the number of votes recorded on invalid ballot papers.”.

32. Article 196:

a) Paragraph 19 shall be formed as follows:

„19. A political party has the right to appoint one member to the CEC, if the party was registered by the CEC chairperson to run in the parliamentary elections and was assigned the mandate of a member of the Parliament of Georgia in accordance with Article 125, paragraphs 4, 5, and 9.

b) The following paragraphs 20 and 21 shall be added after paragraph 19:

„20. If the number of parties given in the first paragraph of this article is more than 9, the party that receives more funding budget shall be preferred when appointing a CEC member.

21. In case of equal amount of funding when appointing a CEC member, preference shall be given to a party that has passed the election registration earlier.

22. In case all the members of the Parliament who are in the list of the party referred to in paragraph 1 of this Article, who exercises the powers of a Member of Parliament in accordance with Article 224, Paragraph 10 of the Rules of Procedure of the Parliament of Georgia, have left the party and joined another party, then the right to appoint one member of the CEC is transferred to this party.

23. A party has the right to withdraw a member of the CEC appointed by it. Withdrawal shall be inadmissible from the date of the election until the final results are summarized. The party has the right to appoint a new member of the CEC during this period only in case of resignation or death of the appointed member.

24. For the purposes of this Article, the amount of budget funding for the parties in the bloc shall be determined as of January 1, 2021.”

33. Paragraphs 203² and 203³ shall be added to the Law and formulated as follows:

Article 203². Conducting certain actions through electronic means by the CEC during the transition period

“1. For the next municipal elections, the CEC is authorized to carry out the procedures of registration of voters showing up at the polling station, voting, counting of votes and drawing up a summary protocol of the results through electronic means.

2. The CEC shall ensure the registration of voters at all polling stations with an electronic registrar.

3. The CEC shall ensure counting of ballot papers by electronic counter in at least as many precincts as is necessary to reveal the sociologically valid results of that constituency.
4. The rules and conditions for the use of electronic means provided for in paragraph 1 of this Article shall be determined by the CEC resolution.”.

33. The following Article 203³ shall be added to the law after Article 203²:

Article 203³. Rules for Financing Parties in the Election Blocs Created for the Purposes of the 2020 Parliamentary Elections of Georgia

The budget funding of parties included in the election block shall be determined as of January 1, 2021, before the publication of the summary protocol of the next parliamentary elections in Georgia.”

Article 2 - Temporary procedure and term for appointment and election of persons on vacant positions in the CEC

1. A political party that participated independently or as a member of an electoral block in the last parliamentary elections of Georgia and the respective party or electoral block received more than 1% of the actual votes, has the right to appoint one member to the CEC.

2. If the number of parties specified in paragraph 1 of this Article is more than 9, when appointing a CEC member, preference shall be given to the party that receives more funding budget.

3. In case of equal amount of funding when appointing a CEC member, preference shall be given to the party that has passed the election registration earlier.

4. In case all the members of the Parliament who are on the list of the party referred to in paragraph 1 of this Article, who exercise the powers of a Member of Parliament in accordance with Article 224, Paragraph 10 of the Rules of Procedure of the Parliament, leave the party and join another party, then the right to appoint one member of the CEC is transferred to this party.

5. A party has the right to nominate a member of the CEC appointed by it. The challenge is inadmissible from the date of the election until the final results are summarized. The party has the right to appoint a new member of the CEC during this period only in case of resignation or death of the appointed member.

6. For the purposes of this Article, the amount of budget funding for the parties included in the block shall be determined by the initial state of the Block Charter.

7. After the enactment of this Law, the President of Georgia shall issue an ordinance on holding a competition for new vacant positions in the CEC no later than 2 days after the vacancy arises. The deadline for submission of tender documents is not later than 5 days after the announcement of the tender.

8. The list of candidates shall be published within 1 day after the deadline for submission of candidates.

9. No later than 2 days after the deadline for submission of candidatures, the Competition Commission shall submit to the President of Georgia for the election of a person to a vacant position not less than 2 and not more than 3 candidates per vacancy. No later than 3 days after the selection of candidates, the President of Georgia makes a decision regarding the selection of candidates and submits 2 candidates for one vacant position to the Parliament of Georgia.

10. The President of Georgia shall select the candidates for the vacant position in accordance with the Organic Law of Georgia “Election Code of Georgia” and the rules established by this Article.

11. No later than 7 days after the nomination of candidates by the President of Georgia to the Parliament of Georgia, the Parliament of Georgia elects the persons nominated for the vacant position of the CEC in accordance with the Organic Law of Georgia “Election Code of Georgia”.

12. The Parliament of Georgia elects a candidate by voting on names. Each candidate is voted separately. A person who is supported by a two-thirds majority of the full membership of the

Parliament of Georgia shall be considered as elected. If the number of these persons turns out to be more than the number to be elected, the candidate with a better result among them will be considered elected. If the winner cannot be identified due to the equality of votes received by the candidates, these candidates shall be put to the vote immediately to determine the winner among them. If a candidate cannot be elected as a result of voting, the candidates shall be re-elected. In case of re-voting, the person who will be supported by the majority of two thirds of the full membership of the Parliament of Georgia shall be considered as elected. If a person is still not re-elected to a vacant position, another ballot shall be held. A person who will be supported by a three-fifths majority of the full membership of the Parliament of Georgia shall be considered elected during the mentioned voting. If a person is still not re-elected to a vacant position, another ballot shall be held. During the mentioned voting, the person who will be supported by the majority of the full composition of the Parliament of Georgia shall be considered as elected. No more than one ballot may be taken in one calendar week. If a person is still not elected for the vacant position, the competition will be announced no later than 3 days and the nomination procedure will start again. The term of office of a person elected on the basis of this Article, who is elected by less than two thirds of the total membership of the Parliament of Georgia, is 6 months.

Article 3. After this Law enters into force, the term of office of the CEC members appointed by the authorized political parties and the termination of the term of office of the CEC members appointed by the authorized party before this law enters into force.

After the enactment of this law, the term of office of the CEC members appointed by the authorized political parties begins, and before the enactment of this law, the CEC members appointed by the authorized party are terminated after the enactment of this law, after the Parliament of Georgia approves the relevant persons, but no later than September 1, 2021.

Article 4. This Law shall enter into force upon publication.

The President of Georgia

Salome Zourabishvili