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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW ON THE REFERENDUM
OF GEORGIA

Chapter I General Provisions

Article 1. Referendum

1. Referendum is a general-public survey by voting, particularly important for making final decisions about the state issues.
2. Referendum is one of the forms of implementing public authority which is ensured by the Georgian Constitution and this Law.
3. Referendum is conducted on the whole territory of Georgia
4. Referendum is conducted with the purpose of expressing general, equal will, directly, through secret voting.
5. Citizens participate in the referendum directly and in person. Each participant has only one vote.
6. Participation in the referendum is free and control/influence over the participants' choice is inadmissible.
7. Referendum is prepared and conducted openly and publicly.

Article 2. Participants of the referendum

1. Any citizen of Georgia who is at least 18 years old by the day of conducting the referendum can participate regardless of race, color of skin, ethnicity, sex, religion, political stance, social belonging, rank, material condition and place of residence.
2. Following people can not participate in the referendum:
 - a) People who have been recognized as inactive by the court
 - b) People who are in the institution of execution of punishment on the referendum day.
3. Referendum issues
 1. Referendum maybe be conducted about the issues of great state importance; Also about the issues and principles considered by the Law of Georgia, and international contracts and agreements.
 2. Referendum may not be conducted:
 - a) in order to pass or revoke a law
 - b) for amnesty or leniency purposes
 - c) in order to ratify and denunciate international contracts and agreements or
 - d) about the issues which restrict general human constitutional rights and freedom

Article 4. Arranging the referendum

1. With the request of the parliament of Georgia, at least 200 000 voters or a personal initiative, the president of Georgia appoints the referendum within 30 days after receiving a request.
2. Referendum may not be conducted:
 - a) in case of an armed attack in Georgia;
 - b) when a country is at war
 - c) in case of a massive disorder, military revolution, armed riots, ecological catastrophes and epidemics or in other cases where the government bodies are restricted from implementing their authority

3. Referendum cannot be appointed about one and the same issue within one year from the day when the results of the referendum are officially announced.

Article 5. Language of Referendum

Referendum is prepared and conducted in Georgia in the Georgian language and in Abkhazia in Abkhazian language.

Article 6. Material providing for arranging the referendum

1. Funds for arranging the referendum are allocated from the state budget.
2. Local self-government bodies provide and prepare necessary buildings and equipment for the conduct of the referendum.

Article 7. Agitation

1. Citizens, political parties, social unions and initiative groups have a right to agitate referendums as well as the issues brought up at the referendum.
2. Referendum commission members do not have a right to agitate the issues brought up at the referendum.

Article 8. Organization of Public Opinion Survey and announcement of the results

1. Conduct of public opinion survey is forbidden on the referendum day until the end of poll. It is acceptable to publish or comment on the recent survey results one week prior to the referendum day if the results directly or indirectly relate to the issues brought up at the referendum.

Chapter II Preparation and appointment of the referendum

Article 9. Appointing the referendum

1. President appoints the referendum;
2. Central Referendum Commission prepares and conducts the referendum.

Article 10. Initiative group for arranging the referendum

1. If the voters initiate the conduct of referendum, an initiative group is formed. First name, last name and place of residence of each member of the initiative group should be indicated on the group list. The group should clearly and specifically define the issue proposed for the referendum.
2. The initiative group addresses the central referendum commission with the request to register the issue proposed for the referendum. Formulation of the proposed issue should be ascertained by the agreement of the initiative group.
3. The Central Referendum Commission registers the issue proposed for the referendum as well as the members of the initiative group and publishes this information in the official press along with the address of the initiative group.
4. The issue proposed for the referendum is entered in the papers of the voter signatures.
5. The initiative group will be issued the registration card within one month period after requesting the registration. Rejection of registration is possible if the law requirements are not fulfilled.
6. The initiative group can litigate the rejection of registration in the Supreme Court of Georgia within 5 days. The supreme court of Georgia adjudicates the appeal and makes the final decision within 5 days from its reception.

Article 11. Rule and timeframe for collecting the signatures

1. The initiative group begins collecting signatures upon the reception of the registration card.
2. Signatures must be collected on the official papers determined by the Central Referendum Commission and agreed by the initiative group. Each paper must be signed by at least 50 citizens who should write their name, date of birth, address, ID number and date of signature by themselves. Each paper, completed with the abovementioned data, must be signed by the person responsible for collecting the signatures. This person should also indicate his/her address on each paper and his/her signature must be verified in the Notary Bureau or a local self-government body.

Article 12. Adjudicating the results of collecting signatures

1. Completed signature papers are sent to the initiative group, which defines the summarized data about the results of collecting signatures and submits it to the Central Referendum Commission along with the signature papers no later than 3 months after receiving the registration card.
2. Central Referendum Commission checks the received materials and if they do not contradict with the requirements of this Law, the Commission submits its conclusion and the request of the initiative group about the conduct of referendum to the President no later than 1 month after receiving the materials.
3. If it is found out that one and the same voter had signed the request form for the conduct of referendum twice or more times, all the signatures will become invalid.

Article 13. Making a decision related to requesting the conduct of referendum

1. The Central Referendum Commission submits the referendum issue to the president of Georgia.
2. The president of Georgia makes one of the decisions listed below, regarding the request for the conduct of referendum:
 - a) About appointing the date for the referendum and providing for its arrangement;
 - b) About rejecting the request for the conduct of referendum. Such a decision can be made only in case of violating the Georgian constitution or contradiction with the requirements of this Law.
3. The decision about the appointment of the referendum is announced in the President's Decree within 30 days after receiving the request for the conduct of referendum.
4. The decree about the conduct of referendum should indicate the exact date of the referendum, accurate formulation of the referendum issue and definition of funding and other issues related to the conduct of referendum. This Decree is introduced to the citizens through official press and other means of Mass Media, no later than 7 days after adopting the decree.

Article 14. Timeframe for the conduct of referendum

1. The Referendum is conducted no earlier than 2 months and no later than 6 months after the president's decision about the conduct of referendum.
2. In an exceptional case, the president can change the date for the conduct of referendum.

Article 15. Retrieving the decision about the conduct of referendum

The initiative group can retrieve the decision about the conduct of referendum before the President makes the decision.

Chapter III

The rule for arrangement of referendum

Article 16. Referendum commissions

1. Agencies which ensure preparation and conduct of referendum are:
 - a) Central Referendum Commission;
 - b) District Referendum Commissions;
 - c) Precinct Referendum Commissions;
2. Central and District Election Commissions of the Parliament of Georgia are held responsible for carrying out the functions of Central Referendum Commission and District Referendum Commissions. Precinct Referendum Commissions are created by the Central Election Commission of Georgia in accordance with the rule of formation of Precinct Election Commissions established by the Law of Georgia about Parliamentary Elections.
3. Referendum Commissions cease their activities immediately after announcement of the results of Referendum.

Article 17. Participation of members of the initiative group in the activities of Referendum Commissions

If the referendum is announced on the base of voters' request, initiative group has a right to appoint a supervisor in all or some circles of election commissions.

Article 18. Participation of political parties and social unions in Referendum Commissions

Any political party or social union registered in accordance with the rule of law has a right to appoint one supervisor in all or some circles of referendum commissions.

Article 19. Authority of Referendum Commissions

1. Central Referendum Commission, 40 days prior to the conduct of referendum, publishes by means of press and media (TV, radio, press) the list of District Referendum Commissions which have been assigned to guide preparation and conduct of the referendum on relevant territories.
2. Within the period of preparation and arrangement of referendum, Central Election Commission:
 - a) Controls if this law is exercised accurately and equally on the entire territory of the country.
 - b) Guides the preparation and operation of referendum, coordinates activities of DEC's and defines the rule of changing of their compositions;
 - c) Distributes the funds allocated by the state budget among the commissions, controls material-technical facilitation of district commissions.
 - d) Defines the form of necessary documents for preparation and conduct of referendum as well as how they should be kept.
 - e) Hears the information of state, social-political organizations concerning preparation and conduct of referendum;
 - f) Determines results of the referendum; announces final results;
 - g) Adjudicates appeals regarding the decisions and actions of referendum commissions, reaches final decision.
3. District Election Commission:
 - a) Controls if this law is exercised accurately and equally on the entire territory of the country;
 - b) Coordinates activities of Precinct Referendum Commissions;

- c) Assists discussion of the issues of referendum on the territory of a district (city, city rayon);
 - d) Hears the information of heads of local self-governance bodies, enterprises, agencies, organizations regarding preparation and conduct of referendum;
 - e) Ensures Precinct Referendum Commissions with referendum ballot papers in a timely way;
 - f) Determines results of the referendum in district (city, city rayon);
 - g) Discusses issues related to the decisions of Precinct Referendum Commissions and makes relevant decision.
4. Precinct Referendum Commission:
- a) Informs citizens about the lists of participants of the poll, discusses complaints regarding inaccuracies in the lists and makes a decision on entering relevant changes;
 - b) Issues citizens with voting licenses in accordance with the Law of Georgia about Parliamentary Elections;
 - c) Informs citizens about the day and place of conduct of referendum 10 days prior;
 - d) Ensures preparation of relevant buildings, ballot boxes and rooms necessary for conduct of Polling;
 - e) Organizes polling process on the day of Referendum;
 - f) Summarizes results of the poll in a referendum precinct;
 - g) Adjudicates statements and appeals regarding preparation of referendum and polling procedures. Reaches decision.

Article 20. Referendum precincts arranging referendum

1. District Election Commissions, one month before referendum, publish in local press the boundaries of referendum precincts formed on relevant territory with indication of the location of Precinct Referendum Commissions and polling stations.
2. District Election Commissions change boundaries between referendum precincts in case of necessity or create new precincts and Precinct Referendum Commissions.

Article 21. The lists of participants of referendum

1. Voter lists compiled for Parliamentary Elections of Georgia are used for the conduct of referendum.
2. Precinct Election Commissions ensure making relevant changes in citizens' lists.
3. Precinct Election Commissions publicize citizens' lists 10 days prior to the conduct of referendum.

Article 22. Referendum ballot paper

1. Referendum ballot paper should indicate a question proposed for referendum and two possible answers to this question: "yes" – "no".
2. Central Election Commission defines the form of referendum ballot paper, ensures preparation of necessary amount of ballot papers as well as transfer of these ballot papers to Precinct Election Commissions.
3. A protocol is written on transfer of ballot papers to Precinct Election Commissions with indication of quantity and date. One copy of the protocol is kept in relevant District Referendum Commission.

Article 23. Conduct of polling

1. Polling is conducted on the Referendum Day from 7:00 am to 8:00 pm.
2. Polling is conducted in a specially allocated building, where necessary booths or secret rooms have been arranged. The place of issuance of ballot paper is determined,

ballot box is placed and the text of issues proposed for referendum is posted at a visible place.

3. Each voter votes personally. Precinct Election Commission issues referendum ballot papers on the basis of voter list or voting license upon presentation of a personal ID. Voter confirms receipt of referendum ballot paper by signing the list. Voting licenses are attached to supplementary list.

4. If a voter is unable to come to polling station, upon his/her request, Precinct Election Commission assigns at least two members to conduct polling at the place of residence of this voter on the basis of voter list annex by using one mobile ballot box.

5. Precinct Election Commissions are held responsible for organizing polling.

Article 24. Polling

1. Voters fill out referendum ballot papers in secret voting booths or rooms. Participant of referendum circles the answer favored by him/her.

2. It is forbidden to allow two or more people in the voting booth while voter is filling out a ballot paper. Voter who is unable to fill out ballot paper independently may ask another voter for help except for a member of election commission.

3. Voter deposits filled out ballot paper in the ballot box personally.

Article 25. Tabulating results of the poll in election precinct

1. Precinct Election Commission tabulates polling results in accordance with election precincts. After announcing closure of the poll, PECs count unused ballot papers and destroy them. Afterwards, relevant protocol is written.

2. Precinct Election Commission determines the overall number of participants of the poll on the basis of main and supplementary lists of participants of referendum and the number of participants of referendum – on the basis of voter's signatures that confirm receipt of ballot paper.

3. Ballot boxes are opened once this number is determined. First of all, ballot papers in mobile ballot boxes are counted.

4. On the basis of ballot papers found in ballot boxes, Precinct Election Commission determines:

1. Overall number of participants of the poll, or:

a) Number of voters who voted "yes" to the question proposed for referendum;

b) Number of voters who voted "no" to the question proposed for referendum;

2. Number of invalid ballot papers.

Unofficial ballot papers, ballot papers on which both or none of the answers are circled, are deemed invalid. In case authenticity of referendum ballot paper is doubtful, election commission determines the issue by voting.

5. Precinct Election Commission immediately discusses vote tabulation results at its session and writes protocol.

The protocol indicates:

a) Overall number of referendum ballot papers received at Precinct Election Commission;

b) Number of ballot papers destroyed after termination of polling;

c) Overall number of voters in relevant election precinct;

d) Overall number of voters participating in referendum;

e) Overall number of voters participating in polling;

f) Number of voters who voted "yes" to the question proposed for referendum;

g) Number of voters who voted "no" to the question proposed for referendum;

h) Number of invalid ballot papers.

Chairman, deputy chair, secretary and members of Precinct Election Commission sign the protocol. Protocol together with counted ballot papers are transferred to District Election Commission according to the rule established by the Central Election Commission of Georgia.

Article 26. Determining results of referendum in accordance with election districts

1. District Election Commissions determine results of referendum on the territory of a district (city, city rayon) at the session on the basis of protocols received from PECs. District Election Commissions then write a protocol.

The protocol indicates:

- a) Overall number of voters;
- b) Number of voters participating in referendum;
- c) Number of voters participating in polling;
- d) Number of voters who voted “yes” to the question proposed for referendum;
- e) Number of voters who voted “no” to the question proposed for referendum;
- f) Number of invalid ballot papers.

Deputy chair, secretary and members of District Election Commission sign the protocol.

The protocol is sent to the Central Election Commission of Georgia according to the rule established by itself. 2. Referendum ballot papers issued in accordance with election precincts are kept before official publication of the results of referendum. 3. District Election Commission considers the cases of violation of this law and immediately submits its opinion concerning invalidating results of referendum to the Central Election Commission. The appeal regarding violation of this law may be submitted to District Election Commission no later than the day after referendum. DEC must discuss the appeal on the very next day and submit its opinion to Central Election Commission no later than the following day.

Article 27. Summarizing the referendum results

1. The Central Election Commission on its session, determines the referendum results on the base of the protocols received from the District Election Commissions.
2. Central Election Commission is authorized to invalidate the referendum results in the precincts, where the law has been violated. The Central Election Commission must discuss this issue no later than 5 days after the conduct of referendum. The information received from such referendum precincts will not be taken into consideration when summarizing the referendum results.
3. A protocol is filled out on the Central Election Commission session

The protocol should indicate:

- a) Total number of Georgian citizens;
- b) Total number of participants of the referendum;
- c) Total number of voters;
- d) Number of voters, who voted “Yes”
- e) Number of voters who voted “No”
- f) Total number of invalid ballot papers

The chairman, deputy chairman, secretary and members of the Central Election Commission sign the protocol, which is immediately sent to the president of Georgia.

4. Central Election Commission publishes the results of the referendum through Media (Press, TV, Radio), within 3 days after writing the protocol.

5. The referendum issue will be passed if more than $\frac{1}{2}$ of the voters vote For.
6. The referendum is unauthorized if less than $\frac{1}{2}$ of citizens who have a right to vote, participate in it

7. If it is determined that the voters of those election districts whose referendum results were invalidated, could influence the final results of the referendum, the central election commission is authorized to hold the relevant districts responsible for conducting Re poll.

Article 28. Enforcement of the Decision of Referendum

1. It is inadmissible to make a decision about the referendum issue before the publication of final results.
2. The decision made as a result of the referendum, enters into force from the day of its publishing, has a legal power and is final. Referendum results have a power of direct activation.
3. Legislative and executive authorities are obliged to ensure the relevancy of the Georgian legislature and other acts with in accordance with the referendum results within one month period.
4. Decision made as a result of the referendum can be changed or canceled only through a referendum.
5. Constitutional Court of Georgia is authorized to invalidate the referendum results with the rule set by the law.

Article 29. Responsibility for violating the law about referendum

Responsibility for violating the law of Georgia about referendum is defined by the current Georgian legislature.

*President of Georgia
E. Shevardnadze*

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