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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT ORGANIC LAW OF GEORGIA ON
“MAKING AMENDMENTS AND ADDITIONS INTO
THE ORGANIC LAW –
ELECTIONS CODE OF GEORGIA”**

Draft 8/09/05

ARTICLE 1. The following additions and amendments shall be made to the Organic Law of Georgia – Elections Code of Georgia (Georgian Legislation News, #25, 22.08.2001. art. 107):

1. Strike out: paragraph 3 of article 15, paragraph 2 of article 109, paragraph 2 of article 111, paragraph 3 of article 112, paragraph 5 of article 115, article 118;
2. Add Chapter XVII¹ as provided below:

Chapter XVII¹
Elections to *Sakrebulo* of the Capital of Georgia - Tbilisi

Article 127. General Rules for the Elections to the Sakrebulo (Council) of the Capital of Georgia – Tbilisi

The norms established by this Code shall be applied to the elections to the Self-Government Body of the Capital of Georgia – *Sakrebulo* – unless otherwise provided by the norms contained in this Chapter.

Article 127¹. Composition of Tbilisi *Sakrebulo*

Tbilisi Sakrebulo (Council) shall consist of 37 members.

Article 127². Electoral System

1. Elections to the Tbilisi Sakrebulo shall be conducted through the mixed electoral system.
2. 25 members of Sakrebulo shall be elected in multi-mandate local electoral districts through the first pass the post electoral rule (majoritarian system) and the 12 persons - through the proportional system on the entire territory of Tbilisi.

Article 127³. Equal Suffrage

In the elections to the Sakrebulo of the Capital of Georgia - Tbilisi, every voter shall have one vote.

Article 127⁴. Election Districts

1. 10 multi-mandate local Election Districts shall be established for the elections to Tbilisi Sakrebulo:
 - a. Mtatsminda
 - b. Vake
 - c. Saburtalo
 - d. Krtsanisi
 - e. Isani
 - f. Samgori

- g. Chugureti
- h. Didube
- i. Nadzaladevi
- j. Gldani

2. The Central Election Commission of Georgia shall assume the functions of a consolidating election commission to ensure distribution of the mandates to be elected to Sakrebulo through the proportional electoral system.

Article 127⁵. Determining Number of Mandates in Respective Local Election District to be Distributed through the Majoritarian Electoral Rule during Tbilisi Sakrebulo Elections

1. Number of the mandates in any election district shall be determined based on the number of voters on the territory of that election district as of January 1 situation of the election year.
2. Number of mandates in any electoral district shall be determined according to the number of the voters therein based on the following principle – 1 mandate per 25 000 voters.
3. Number of mandates per one election district shall not be less than 2 and more than 3.
4. Number of mandates shall be determined by CEC (Central Elections Commission) no later than within 10 days after elections are appointed.

Article 127⁶. Right to Participate in and Registration for Tbilisi Sakrebulo Elections

1. Any party, electoral block, the candidate(s) nominated either by a party or an electoral block, shall have the right to participate in the Tbilisi Sakrebulo elections, provided that they have been registered by the Election Commission as provided in this article.
2. Only political parties and electoral blocs shall have the right to participate in *Sakrebulo* elections through the proportional electoral rule and obtain a mandate of the *Sakrebulo* member.
3. The right to participate in the Majoritarian (first pass the post) elections in local election districts shall be given to a party or candidates nominated by the electoral block, provided that the number of the candidates to be nominated as one electoral subject shall equal the number of the mandates in the respective local election district.
4. The candidate participating in elections through the majoritarian (first pass the post) electoral rule shall be registered by the respective local election district, while the party lists shall be registered by the CEC of Georgia.

Article 127⁷. Submission of Party Lists for Tbilisi Sakrebulo

1. Any party or electoral block shall submit the party list for the Tbilisi Sakrebulo elections through the proportional electoral system to the CEC of Georgia no later than 30 days prior the polling.
2. The party list of the candidates to participate in the Tbilisi Sakrebulo elections through the proportional electoral rule shall not have less than 12 and more than 24 candidates.

3. The party list may include only a member of that particular party or a person that is not a member of the other party participating in the elections and the party list, submitted by an electoral block, may have members only of those parties that are united in that electoral block or a person that is not a member of any other party participating in the elections. One and the same person may be included only in one party list and may be nominated for one local electoral district only.

4. The procedures for compiling the party lists shall be established by parties and electoral blocks. When compiling the party lists, it should be taken into consideration that the mandates gained by an electoral bloc shall be distributed according to the candidates' sequence in the list from the top of the list.

5. The party list shall contain the following information on each of the nominated candidate:

- a. first and last names;
- b. date of birth;
- c. profession;
- d. occupation (position);
- e. working place (if unemployed, the word "unemployed" shall be written);
- f. party affiliation (if applicable, if non-party – the word "non-party" shall be written);
- g. Georgian citizen's ID (Georgian citizen's passport) and personal numbers;
- h. place of registration;

6. In the event the party runs in elections independently, the party list shall be approved by the signature of the head of the party and the electoral block's party list shall have the signatures of the heads of all parties forming the bloc.

7. A party list shall be attached with two photos of each candidate, the registration card signed by him/her (two copies), indicating the date when the card was filled in, basic data on the candidate (name, last name, Georgian Citizen ID (Georgian Citizen Passport) and personal numbers, place of registration, place of birth), as well as **the fact of his permanent living in Georgia during 5 years** and the consent to participate in elections through the given party list. (Translator's remark – the Georgian text does not specify whether these should be the last 5 years or not).

Article 127⁸. Nomination of Majoritarian Candidates for Tbilisi Sakrebulo

1. The right to nominate candidates for the Tbilisi Sakrebulo through the first pass the post (majoritarian) electoral rule shall be given to:

- a. the party independently participating in elections;
- b. electoral bloc.

2. A party or electoral block shall have the right to nominate a person with elective franchise, if he/she is supported by no less than 200 voters, provided that the number of candidates nominated as one electoral subject shall equal the number of mandates in the local electoral district.

3. The subjects provided in paragraph 1 of this article shall, in addition, submit to the local electoral district the Reserve List of the candidates.

Article 127⁹. Ballot Papers

1. There should be one type of a ballot paper produced for the Tbilisi *Sakrebulo* elections.
2. The ballot paper shall include the sequential number of candidates, the corresponding number of the names and last names of the candidates and shall also indicate the name of nominating party / electoral bloc.
3. Data concerning the candidates shall be entered into the ballot papers according to the numerical order to be determined by casting of lots.
4. The voter participating in elections shall circle only one numerical number.

Article 127¹⁰. Determining the Majoritarian Election Results in Local Electoral District

1. The majoritarian elections to the Tbilisi *Sakrebulo* shall be considered conducted if the voter turnout is no less than 1/3 of the number of voters in the respective electoral district.
2. Elected to the Tbilisi *Sakrebulo* shall be those candidates that participated in elections as one subject and received votes more than the others.

Article 127¹¹. The Rule for the Distribution of Mandates under the Proportional System

1. To distribute the mandates under proportional system, one shall sum up the votes received by the party and electoral bloc candidates in the local electoral district.
2. The *Sakrebulo* mandates, to be distributed under proportional system, shall be given only to those electoral subjects that received no less than 4% of the voters participating in elections.
3. To establish the number of mandates for each electoral subject, the number of votes received by the subject shall be multiplied by 12 and divided by the sum of the votes received by such subjects. The whole part (integer) of the received number shall be the number of mandates obtained by the electoral subject.
4. If the sum of the mandates received by an electoral subject is less than 12, one mandate from the undistributed mandates shall be given to each of those electoral subjects that received greater number of votes.
5. If more than 12 electoral subjects receive more than 4% of the votes participating in elections, the distribution rule established by paragraph 2 of this article shall not apply. In such a case, the undistributed mandates shall be given one to each electoral subject having received greater number of the votes.

Article 127¹². Registration of the Tbilisi *Sakrebulo* members

The Central Election Commission shall, within 5 days after the tabulation of final results of elections, register the persons who were elected *Sakrebulo* members and issues them respective credentials.

ARTICLE 2. This law shall be put into effect upon its publication.

President of Georgia

Mikheil Saakashvili

**Explanatory Note
on the Draft Organic Law of Georgia on
“Making amendments and Additions into the Organic Law –
Elections Code of Georgia”**

The proposed draft provides for the amendments and additions to the acting Election Code and concerns the changes in the rule for electing the Tbilisi *Sakrebulo*.

The proposed draft law is actually the document stemming from the draft developed with the purpose of amending the Law of Georgia “on the Capital of Georgia – Tbilisi” and specifying the regulations for electing the Tbilisi Sakrebulo members.

According to the proposed draft, 25, out of all 37, Sakrebulo members shall be elected in the multi-mandate electoral districts through the majoritarian electoral rule and the remaining 12 – through the proportional rule according to the total number of votes on the entire territory of Tbilisi.

The draft also establishes the rule for determining the number of mandates in local electoral districts, the rule for nominating the candidates by parties and electoral blocs and tabulating the election results, the regulations for registering the party lists, electing Sakrebulo members and substituting the withdrawn ones.

The proposed amendments will complete the legislative process, which will completely regulate the formation of self-governance in the capital of Georgia.

The draft law does not entail additional budgetary expenses.

Author and initiator of the draft is the Deputy Chairman of the Parliament of Georgia – Mikheil Machavariani.