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

**GEORGIA**

**DRAFT AMENDMENTS TO THE**  
**ELECTION CODE AND TO THE**  
**RULES OF PROCEDURE OF THE PARLIAMENT**

## Organic Law of Georgia

### On Amending the Organic Law of Georgia - Election Code of Georgia<sup>1</sup>

The Organic Law of Georgia - Election Code of Georgia (Legislative Herald of Georgia (www.matsne.gov.ge), 10.01.2012, registration code: 010190020.04.001.016032) shall be amended as follows:

#### **Article 8(24) shall be formulated as follows:**

“24. In case of absence of CEC Chairperson or by instruction of CEC Chairperson, his/her authority is assumed by Deputy Chairperson.”.

#### **Article 10 shall be formulated as follows:**

#### **“Article 10. CEC composition, election / appointment by the President of Georgia of CEC members and chairperson, terms of their office**

1. The CEC consists of not more than 17 members. Among them are a CEC Chairperson, Deputy of the CEC Chairperson and a CEC Secretary. The CEC chairperson is a CEC member at the same time. Termination of the terms of office of the CEC Chairperson at the same time leads to termination of his / her membership.

2. The Parliament of Georgia shall elect or the President of Georgia shall appoint 7 CEC members in the manner established by this Law and the Rules of Procedure of the Parliament of Georgia, while not more than 9 CEC members are appointed by the parties in the manner prescribed by this Law.

3. The chairperson of the Parliament of Georgia shall nominate a candidate for CEC membership to the Parliament of Georgia in accordance with this article and the Rules of Procedure of the Parliament of Georgia. The candidate for the CEC membership shall be selected by an open competition in the manner established by the Rules of Procedure of the Parliament of Georgia.

4. A candidate for CEC membership / a person appointed by the President of Georgia as a CEC member must be a capable citizen of Georgia from the age of 25, who is non- partisan, during the last 5 years has not been a member of the Election Commission appointed by a party, an election subject, a representative of the election subject or any political party donor, has a higher education, is fluent in the state language of Georgia, meets the requirements of Article 27(2) of the law of Georgia on Public Service and has at least 5 years of work experience and a certificate of election administration officer.

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

a) a person who does not have a certificate of election administration officer;

b) a person who has been dismissed from his / her position at the Election Administration of Georgia by an election commission or court due to violation of the election legislation of Georgia, – within 4 years from the date of his / her dismissal;

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<sup>1</sup> <https://info.parliament.ge/#law-drafting/26961>

- c) a person who has been recognized by the court as an administrative offender due to violation of the election legislation of Georgia – - within 4 years after the entry into force of the court decision;
- d) a convicted person;
- e) an electoral subject/candidate for electoral subject, his / her representative;
- f) an observer.

6. If, in the case provided for by the Rules of Procedure of the Parliament of Georgia, all the elective members of the CEC have not been elected as a result of repeated re-voting, for the purpose of appointing a CEC member/CEC members, the chairperson of the Parliament of Georgia shall send to the President of Georgia a list of persons participating in the open competition for selection of a candidate/candidates for CEC membership and relevant competition documents within 1 week after voting. The President of Georgia shall be entitled to appoint as many or less CEC members within 1 week after receiving the above-mentioned list and documentation for a period of 5 years, as many CEC members remain to be elected by the Parliament of Georgia. At the same time, the President of Georgia must indicate in his/her decree on the appointment of a CEC member the position of the elective member of the CEC this person is appointed on.

7. The term of office of the CEC member elected by the Parliament of Georgia/appointed by the President of Georgia is 5 years. If a new CEC member has not been elected/appointed by the President of Georgia before the expiration of the term of office of the active CEC member, the term of office of the active CEC member shall be extended until the new CEC member is elected/appointed by the President of Georgia.

8. The CEC chairperson shall be elected/appointed by the President of Georgia in the manner prescribed by this Law and the Rules of Procedure of the Parliament of Georgia for the election / appointment by the President of Georgia of a CEC member. A candidate for the CEC chairmanship/a person appointed by the President of Georgia as the CEC Chairperson shall meet the requirements of the fourth and fifth paragraphs of this article.

9. A CEC chairperson's term of office is 5 years. If a new CEC chairperson has not been elected/appointed by the President of Georgia before the expiration of the term of office of the active CEC chairperson, the term of office of the active CEC chairperson shall continue until the election /appointment by the President of Georgia of the new CEC chairperson.

10. A resolution of the Parliament of Georgia on the election of a CEC member or CEC chairperson shall be submitted to the CEC within 7 days after its adoption. A decree of the President of Georgia on the appointment of a CEC member or CEC chairperson shall be submitted to the CEC within 7 days after its promulgation.”.

**Article 11 shall be formulated as follows:**

**“Article 11. Rule of election of Deputy CEC Chairperson and CEC Secretary**

- 1. CEC Chairperson has 1 Deputy Chairperson. The Deputy of the CEC Chairperson and CEC Secretary shall be elected from among the CEC members elected by the Parliament of Georgia/appointed by the President of Georgia. At least 2 CEC members shall have the right to nominate their candidates. The same candidate may be nominated only twice.
- 2. Paragraph 2 shall be removed.

3. If Deputy CEC Chairperson or CEC Secretary is not elected, the acting authority of this official is assumed by the CEC member who received the most votes during the election, in case of same amount of votes – the one defined by means of casting a draw.“.

**Article 12 shall be removed.**

**In Article 13:**

**a) paragraph 3<sup>1</sup> shall be inserted after paragraph 3 with the following formulation:**

“3<sup>1</sup>. A person appointed by a party as a CEC member must meet the requirements of Article 10(5) of this Law.”;

**b) paragraph 4 shall be formulated as follows:**

“4. A party shall have the right to withdraw a CEC member appointed by it. It is inadmissible to withdraw him/her in the period from the appointment of elections to the summary of the final results of the respective elections. The party shall have the right to appoint a new CEC member during this term only in case of resignation or death of the CEC member appointed by it.”.

**Article 15(3)(a) shall be formulated as follows:**

“3. Deputy CEC Chairperson:

a. Assumes the authority of CEC Chairperson in case of absence of CEC Chairperson or by instruction of CEC Chairperson.”.

**Article 28(4<sup>1</sup>) shall be formulated as follows:**

“4<sup>1</sup>. If a member of an Election Commission is withdrawn or his / her powers are prematurely terminated during the period when a court or Election Commission is conducting proceedings against him / her for the purpose of imposing disciplinary liability for violation of election legislation, a competent body shall confirm the fact of violation of the legislation and if the fact is confirmed, the restrictions set by Article 10(5)(b), Article 20(17)(b) and Article 24(6)(a) of this Law shall apply to the member of this Election Commission.”.

**In Article 29:**

**a) subparagraph (a) of the first paragraph shall be formulated as follows:**

“a) if a member of the Election Commission has not terminated activities and/or service incompatible with the status of an Election Commission member within 7 days from his/her election / appointment by the President of Georgia;”;

**b) paragraph 4 shall be formulated as follows:**

“4. In case of death of a CEC member elected by the Parliament of Georgia/appointed by the President of Georgia, the Parliament of Georgia shall recognise this fact, which is recorded in the Minutes of the plenary session of the Parliament of Georgia, and in case of death of an elected

DEC member, the CEC shall recognise this fact, which is recorded in the Minutes of the CEC session.”.

**The following article shall be added to the draft law:**

Article 2. As soon as this draft law enters into force, authority of Deputy Chairperson of Central Election Commission of Georgia (hereinafter - CEC) shall be suspended for the Deputy Chairperson who is elected from the CEC members appointed by political parties.

**This Law shall come into force upon promulgation.**

## Rules of Procedure of the Parliament of Georgia

### On Amending the Rules of Procedure of the Parliament of Georgia<sup>2</sup>

**Article 1.** Article 211<sup>1</sup> of the Rules of Procedure of the Parliament of Georgia (Legislative Herald of Georgia ([www.matsne.gov.ge](http://www.matsne.gov.ge)), 14.12.2018, registration code: 010190030.06.001.016054) shall be formulated as follows:

#### **“Article 211<sup>1</sup> - Rules of election of CEC members and chairperson**

1. The Parliament shall, in the manner prescribed by the Organic Law of Georgia - Election Code of Georgia and these Rules of Procedure, elect 7 CEC members and chairperson for a period of 5 years. If the Parliament of Georgia fails to elect a CEC member/CEC chairperson, the CEC member/CEC chairperson shall be appointed by the President of Georgia for a period of 5 years in accordance with the Organic Law of Georgia - Election Code of Georgia.

2. Not later than 30 days before the expiration of the term of the CEC member, and in case of early termination of the CEC member's powers – not later than 15 days after the early termination of his/her powers, the chairperson of the Parliament shall issue an order on holding an open competition for selection of a candidate/candidates for CEC membership and establishing a Competition Commission for selection of a candidate / candidates for CEC membership. The Competition Commission shall consist of not less than 7 and not more than 9 members. The Competition Commission shall include representatives of civil society and academic circles. The President of Georgia shall have the right to have 1 representative in the composition of the Competition Commission, which may not be a representative of civil society and/or academic circles at the same time. The deadline for submitting an application for participation in the competition and other relevant competition documents shall be not later than 2 weeks after the announcement of the competition. If these terms coincide with the election period, a chairperson of the Parliament shall announce the competition not later than 1 week after the final results of the election are announced. The Competition Commission is headed by a chairperson elected by the Commission. The Competition Commission shall decide by the majority of the votes of its members.

3. Not later than 2 days after the deadline for submitting an application for participation and other relevant competition documents, the list of participants of the competition is published on the website of the Parliament along with their biographies. The Competition Commission shall be authorized to have interviews with the participants of the competition.

4. Not later than 1 week after the expiration of the application for participation in the competition and other relevant competition documents, the Competition Commission shall select and submit to the Chairperson of the Parliament as many candidates for membership of the CEC as many CEC members are to be elected. The results of the voting conducted by the Competition Commission regarding all persons participating in the competition and the motivation of the Competition Commission members to support or refuse to support each of these persons shall be reflected in the Minutes of the Competition Commission's meeting. This protocol is public.

5. The chairperson of the Parliament shall make a decision on nominating a candidate for CEC membership to the Parliament not later than 1 week after the nomination of this candidate for CEC membership to him/her or refusing to nominate to the Parliament this candidate for election. If the chairperson of the Parliament has made a decision to nominate a candidate for the CEC membership to the Parliament, he / she must indicate in the nomination to which elective position of CEC membership he / she shall nominate this candidate. If the chairperson of the Parliament

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<sup>2</sup> <https://info.parliament.ge/#law-drafting/26962>

has made a decision to refuse to nominate a candidate for the CEC membership to the Parliament, he / she shall announce a new competition for the position of the respective member of the CEC to be elected in the manner established by this article, after which the appropriate procedures are re- conducted.

6. As a rule, within 2 weeks after the Chairperson of the Parliament nominates a CEC membership candidate for election to the Parliament, the Parliament shall elect the CEC member. The Legal Issues Committee of the Parliament shall consider the issue of the CEC membership candidate.

7. Each candidate for CEC membership shall be separately voted when electing a CEC member / members by the Parliament. A candidate, who was supported by at least three- fifths of the full composition of the Parliament, shall be considered elected. If, as a result of voting, all CEC members to be elected are not elected, not earlier than the beginning of the next week, each of the remaining candidates shall be re-voted. A candidate who was supported by the majority of the full composition of the Parliament shall be considered elected during the re-voting. If, as a result of re-voting, all CEC members to be elected are not re-elected again, not earlier than the beginning of the next week, each of the remaining candidates shall be re-voted again. A candidate who was supported by the majority of the full composition of the Parliament shall be considered elected during the repeated re-voting. If, as a result of repeated re-voting, all CEC members to be elected have not been elected again, the Chairperson of the Parliament shall send to the President of Georgia a list of persons participating in an open competition for the selection of a candidate/candidates for CEC membership and the relevant competition documents within 1 week after voting. If the President of Georgia has not appointed a CEC member/members in accordance with the Organic Law of Georgia - Election Code of Georgia, not later than 1 week a new competition for the elective position/positions of the relevant CEC member/members shall be announced in the manner established by this article, after which the relevant procedures shall be re-conducted.

8. The CEC chairperson shall be elected/appointed by the President of Georgia for electing/appointing by the President of Georgia as a CEC member in the manner prescribed by the Organic Law of Georgia – „Election Code of Georgia“ and these Rules of Procedure.

**Article 2.** These Rules of Procedure shall come into force upon promulgation.

Chairperson of the Parliament of Georgia

Shalva Papuashvili