

ORGANIC LAW OF GEORGIA

ON REFERENDUMS

Law of Georgia No 1746 of 19 November 2002 - LHG I, No 29, 26.11.2002, Art. 132

Chapter I - General Provisions

Article 1 - Referendum

1. A referendum is nation-wide polling by ballot intended to ultimately decide particularly important national issues.
2. A referendum is one of the forms of exercising power by the people as provided for by the Constitution of Georgia and this Law.
3. A referendum shall be held throughout the territory of Georgia.
4. A referendum shall be held on the basis of universal, equal and direct suffrage, by secret ballot.
5. Citizens shall participate in a referendum directly and in person. Each participant of the referendum shall have one vote.
6. Participation in a referendum shall be free. It shall be prohibited to control the expression of the will of citizens.
7. A referendum shall be organised and held openly and publicly.

Article 2 - Participants of a referendum

1. Any citizen of Georgia, who has attained the age of 18 years by the referendum day, regardless of race, skin colour, language, gender, origin, religion, political and other opinions, national, ethnic and social origin, property and birth status and place of residence, may participate in a referendum.
2. The following citizens may not participate in a referendum:
 - a) a citizen who has been recognised by court as a beneficiary of support and placed, according to the Law of Georgia in Psychiatric Care as an in-patient in a psychiatric institution;
 - b) a citizen who has been convicted and is in a penitentiary facility on the referendum day.

Law of Georgia No 2722 of 9 March 2010 - LHG I, No 12, 24.3.2010, Art. 43

Law of Georgia No 3403 of 20 March 2015 - website, 31.3.2015

Article 3 - Referendum issues

1. Referendums may be held on particularly important national issues, including major issues and principles provided for by the laws and treaties and international agreements of Georgia.
 - 1¹. Referendums may also be held to introduce new types of national taxes, except for excise, or to raise the upper threshold of the current rate according to the type of a national tax.
2. A referendum may not be held:
 - a) for adoption or repeal of a law;
 - b) for amnesty and pardon;
 - c) on the ratification and denunciation of treaties and international agreements;
 - d) on issues restricting fundamental constitutional human rights and freedoms.

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Article 4 - Holding referendums

1. The President of Georgia may, at the request of the Parliament of Georgia, the request of the Government of Georgia or the request of at least 200 000 voters, call for a referendum within 30 days after receipt of the request.

1¹. In cases provided for by Article 3(1¹) of this Law, only the Government of Georgia may initiate a call for a referendum.



2. A referendum may not be held in the case of:

a) an armed attack on Georgia;

b) martial law in the country;

c) mass disorders, military takeovers, armed rebellions, ecological disasters and epidemics or in other cases when the public authorities are unable to normally exercise their constitutional powers.

3. A referendum may not be called within one year after the date when the results of a referendum conducted on the same issue were officially published.

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Article 5 - Language of referendums

Referendums shall be organised and held in the Georgian language in Georgia, and also in the Abkhazian language in Abkhazia.

Article 6 - Material support for holding referendums

1. Material support for holding referendums shall be provided at the expense of the State Budget of Georgia.

2. Local authorities shall allocate and prepare premises and facilities required for organising and holding a referendum.

Article 7 - Agitation

1. Citizens, political parties, public associations of citizens, initiative groups may freely agitate for a referendum, and for an issue to be put up for a referendum.

2. Members of referendum commissions may not agitate for a referendum or an issue to be put up for a referendum.

3. Agitation may not be carried out on the referendum day.

Article 8 - Organising public opinion polls and publishing the results

1. It shall be prohibited to survey public opinion before polling is over on the referendum day. The results of a previously conducted survey may be published or commented on one week before the referendum if the results are directly or indirectly related to the issue put up for a referendum.

Chapter I¹ - Plebiscite

Law of Georgia of 29 October 1996 - The Parliament Gazette No 27-28/4, 21.11.1996, p. 52

Article 8¹ - Appointing a plebiscite and the procedure for holding a plebiscite

1. A plebiscite is nation-wide polling by ballot to find out the opinion of the voters of Georgia or part thereof with respect to particularly important national issues.

2. A plebiscite shall be appointed by the Prime Minister of Georgia.

3. The results of a plebiscite are of recommendatory character for the public authorities.

4. Procedures established by this Law, except for Article 4 of the same law, shall apply to the holding of plebiscites.

Law of Georgia of 29 October 1996 - The Parliament Gazette No 27-28/4, 21.11.1996, p. 52

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Chapter II - Organising and calling for Referendums



Article 9 - Calling for referendums

1. A referendum shall be called by the President of Georgia by an edict that shall be countersigned by the Prime Minister of Georgia, except when a referendum is called at the request of the Government of Georgia.
2. Referendums shall be organised and held by the Central Referendum Commission.

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Article 10 - Initiative group for holding a referendum

1. If the holding of a referendum is initiated by voters, an initiative group shall be set up. The list of an initiative group shall include the first and last name and the place of residence of each of its members. An initiative group shall formulate clearly and specifically the issue proposed for a referendum.
2. An initiative group shall apply to the Central Referendum Commission with a request to register the issue proposed for a referendum by the initiative group. The issue shall be formulated in agreement with an initiative group.
3. The Central Referendum Commission shall register an issue proposed for a referendum and the composition of the initiative group, and publish information about such registration and the address of the initiative group in the official press.
4. An issue proposed for a referendum shall be included in the papers of signatures of voters.
5. A certificate of registration shall be issued to the initiative group within one month after an application for registration is filed. Registration may be refused if the requirements of this Law have not been met.
6. An initiative group may, within five days after being refused registration, appeal the refusal to the respective district (city) court. The court shall, within five days, review the appeal and make a decision that may be further appealed in accordance with the procedure established by legislation.

Law of Georgia No 1739 of 23 June 2005 - LHG I, No 36, 11.7.2005, Art. 226

Article 11 - Procedure and time frames for collecting signatures

1. An initiative group shall start collecting signatures from the day of receipt of the certificate of registration.
2. Signatures shall be collected on a sample paper agreed with the initiative group and determined by the Central Referendum Commission. Each of such papers shall be signed by not more than 50 citizens who shall themselves write in their first and last name, year of birth, number of their personal identification card, address and the date of signature. A person responsible for the collection of signatures shall sign each paper completed with the above data, indicating his/her address. The signature of a person responsible for the collection of signatures shall be attested by a notary or by a local self-government body.

Article 12 - Review of the results of collecting signatures

1. The completed signature papers shall be forwarded to the initiative group that shall summarise the data on the results of collecting signatures and forward them, along with the papers of citizens' signatures, to the Central Referendum Commission not later than three months after receipt of the certificate of registration.
2. The Central Referendum Commission shall check the materials received and if it decides that they comply with the requirements of this Law, the Central Referendum Commission shall submit its report and the request of the initiative group to hold a referendum to the President of Georgia not later than one month after receipt of the materials.
3. If it is established that a citizen has signed an application for holding a referendum two or more times, all of his/her signatures shall be deemed invalid.

Article 13 - Making a decision with respect to the request for holding a referendum

1. The Central Referendum Commission shall submit the issue on the referendum to the President of Georgia.
2. The President of Georgia shall make one of the following decisions with respect to a request for holding a referendum:
 - a) appoint the date of the referendum;
 - b) provide a well-grounded refusal to the request for holding a referendum.
3. The decision to hold a referendum shall be published by an edict of the President of Georgia, within 30 days after receipt of the request of the Parliament of Georgia/the Government of Georgia to hold a referendum, and after receipt of the report of the Central Election Commission provided for by Article 177 of the Organic Law of Georgia - the Election Code of Georgia. The edict of the President shall be countersigned by the Prime Minister of Georgia, except when a referendum is called at the request of the Government of Georgia.
4. An edict on holding a referendum shall include the date of the referendum and an exact formulation of the issue put up for a referendum. The edict



shall be published for public availability through the official press and other mass media not later than three days after the edict is issued.

5. The Government of Georgia shall, within seven days after the publication of an edict of the President of Georgia on the appointment of the date of a referendum, pass an ordinance to ensure the organisation of the referendum, which shall determine the funding and other issues related to the holding of the referendum.

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Article 14 - Time frames for holding a referendum

1. A referendum shall be held not earlier than two months and not later than six months after the President of Georgia makes a decision to hold a referendum.
2. (Deleted - 6.9.2013, No 1018).

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Article 15 - Withdrawal of a request for holding a referendum

The Parliament of Georgia, the Government of Georgia, or an initiative group may withdraw its request to hold a referendum before the President of Georgia makes a decision to call a referendum.

Organic Law of Georgia No 1018 of 6 September 2013 - website, 23.9.2013

Chapter III - Procedure for Holding Referendums

Article 16 - Referendum commissions

1. Referendums shall be organised and held by:

- a) the Central Referendum Commission;
- b) district referendum commissions;
- c) precinct referendum commissions.

2. The functions of the Central Referendum Commission and district referendum commissions shall be performed by the Central Election Commission and district election commissions respectively. Precinct referendum commissions shall be set up according to the Organic Law of Georgia - the Election Code of Georgia, in accordance with the procedure established for setting up precinct election commissions. If the referendum day falls on the day of general elections, the functions of precinct referendum commissions shall be assigned to precinct election commissions set up for those elections.

3. Referendum commissions shall cease to operate once the results of the referendum are officially announced.

Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 17 - Participation of members of an initiative group in the work of referendum commissions

If a referendum has been called at the request of voters, an initiative group may appoint its overseers in election commissions of all or certain types.

Article 18 - Participation of political parties and public associations in referendum commissions

Any political party or public association registered in accordance with the procedure established by law may appoint one overseer in referendum commissions of all or certain types.

Article 19 - Power of referendum commissions

1. The Central Referendum Commission shall, 40 days before the referendum is held, publish through mass media (press, television and radio) the list of district referendum commissions assigned to supervise the organisation and holding of the referendum in respective territories.

2. In the period of organisation and holding of a referendum, the Central Election Commission shall:

- a) monitor the precise and uniform application of this Law throughout the territory of Georgia;
- b) manage the organisation and conduct of the referendum and coordinate the activities of district election commissions;



- c) distribute among the commissions funds allocated by the State for holding the referendum and monitor the logistical support for district commissions;
- d) determine the form and the procedure for the storage of documents necessary to organise and hold the referendum;
- e) hear the information of governmental and socio-political organisations on the issues related to the organisation and holding of the referendum;
- f) establish the results of the referendum throughout Georgia and publish the final results of the referendum;
- g) review appeals on the decisions and actions of referendum commissions and make final decisions on them.

3. A district election commission shall:

- a) monitor the precise and uniform application of this Law in the respective territory;
- b) coordinate the activities of precinct referendum commissions;
- c) facilitate the review of the referendum issue within its territorial jurisdiction;
- d) hear information on the issues related to the organisation and holding of a referendum that has been provided by heads of local self-government bodies, enterprises, institutions and organisations;
- e) timely provide the precinct referendum commissions with referendum ballot papers;
- f) establish the results of the referendum within its territorial jurisdiction;
- g) review the issues related to the decisions of precinct referendum commissions, and make respective decisions.

4. A precinct referendum commission shall:

- a) introduce citizens to the lists of participants of polling, review applications regarding inaccuracies in the lists and make a decision to make appropriate changes to them;
- b) deleted;
- c) deleted;
- d) provide the premises, boxes and rooms necessary for polling;
- e) organise polling on the referendum day;
- f) sum up the results of polling in the referendum precinct;
- g) review applications and appeals related to the arrangement and organisation of polling, and make decisions on them.

Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 20 - Referendum precincts holding a referendum

1. A month before the referendum, district election commissions shall publish in the local press the list of referendum precincts established in their respective territories, with an indication of their boundaries and the location of precinct referendum commissions and polling places.
2. District election commissions shall, if necessary, change the boundaries between the referendum precincts or establish new precincts and precinct referendum commissions.

Article 21 - Lists of participants of a referendum

1. To hold a referendum, a unified list of voters compiled in accordance with the requirements of the Organic Law of Georgia - the Election Code of Georgia shall be used.
2. Respective election commissions shall ensure making appropriate changes to the lists of citizens.
3. Precinct election commissions shall make the lists of citizens available for the public 10 days before the referendum is held.

Organic Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 22 - Referendum ballot papers

1. A referendum ballot paper shall specify the question to citizens regarding the referendum issue and options of possible answer: 'Yes' _ 'No'.
2. The Central Election Commission shall determine the form of a referendum ballot paper, ensure their production in the required quantity and



provide referendum ballot papers to district election commissions not later than two days before the polling. For their part, district election commissions shall transfer the ballot papers to precinct election commissions not later than 12 hours before the polling starts.

3. A certificate of acceptance and delivery on the transfer of ballot papers to respective commissions shall be drawn up in 2 copies in accordance with the procedure established by the election legislation.

4. If necessary, referendum ballot papers and protocols shall also be printed in another language understandable to the local population.

Organic Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 23 - Organising the polling

1. Polling on the referendum day shall take place from 08:00 to 20:00 hours.

2. Polling shall be organised in a specially designated building, equipped with a sufficient number of booths or rooms for a secret ballot. The place for issuing a ballot paper shall be determined, and a ballot box shall be installed and the text of issues put up for the referendum shall be posted in a visible place.

3. Each voter shall vote in person. A referendum ballot paper shall be issued to a voter by a precinct election commission based on the list of voters, upon the production by the voter of the identity card (passport) of a citizen of Georgia. A voter shall confirm the receipt of a referendum ballot paper by signing in the list.

4. If a voter is unable to go to the place of polling, the precinct election commission shall, at his/her request, assign at least two of its members to arrange voting at the place of location of this voter, based on the annex to the list, for the purpose of which one mobile ballot box shall be used.

5. Precinct election commissions shall be responsible for the appropriate organisation of polling.

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Article 24 - Polling

1. Voters shall complete referendum ballot papers in a secret polling booth or room. The participant of a referendum shall circle the option of the answer indicated in the ballot paper that he/she votes for.

2. No one shall be allowed to be present in a polling booth or room when a voter completes the ballot paper. A voter incapable of independently completing the ballot paper may invite any other voter into the booth or room, except for a member of the election commission.

3. A voter shall in person cast the completed ballot paper in the ballot box.

Article 25 - Counting of the results of polling in an electoral precinct

1. A precinct election commission shall count the results of polling according to electoral precincts. After the voting is announced as complete, the precinct election commissions shall count the unused ballot papers.

2. Precinct election commissions shall determine the total number of voters based on the unified and special lists of voters, and the total number of voters participating in voting according to the signatures in the lists of voters.

3. Ballot boxes shall be opened after the above numbers are determined. Ballot papers shall be counted according to the Organic Law of Georgia - the Election Code of Georgia.

4. Based on the ballot papers present in the ballot boxes, precinct election commissions shall determine:

- a) the number of voters who voted for the issue put up for the referendum;
- b) the number of voters who voted against the issue put up for the referendum;
- c) the number of ballot papers deemed invalid.

5. A ballot paper shall be deemed invalid if it does not comply with a determined sample, as well as if both or none of the options of the answer have been circled in it. If the validity of a referendum ballot paper is doubted, the precinct election commission shall decide by voting if the ballot paper is valid.

6. The precinct election commission shall immediately review the results of the counting of votes at its session and draw up a respective protocol. The protocol shall include:

- a) the number and the name of the electoral district, the number of the referendum precinct;
- b) the name of the referendum;
- c) the numbers of seals of precinct referendum commissions and registrars;



- d) the number of voters in a unified list;
- e) the number of voters in a special list;
- f) the total number of voters (the total number of voters in a unified and a special list);
- g) the total number of voters participating in the referendum (according to signatures in the lists of voters);
- h) the number of received referendum ballot papers;
- i) the number of unused referendum ballot papers;
- j) the number of spoiled referendum ballot papers;
- k) the number of invalid referendum ballot papers;
- l) the number of voters who voted for the issue put up for the referendum;
- m) the number of voters who voted against the issue put up for the referendum;
- n) the date and time of drawing up of the protocol;
- o) the protocol data with which a commission member disagrees (a commission member shall make this note in the column 'dissenting opinion' and sign it);
- p) the number, the date and time of registration of the protocol (to be entered while issuing the protocol).

7. The protocol shall be signed by the chairperson, the deputy chairperson, the secretary and members of a precinct election commission. The protocol and the counted ballot papers shall be forwarded to a respective district election commission.

Organic Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 26 - Establishing the results of a referendum according to electoral districts

1. District election commissions shall, at their sessions, establish the results of the referendum based on the protocols which they receive from precinct election commissions and draw up respective protocols. The protocol shall include:

- a) the number and the name of the electoral district;
- b) the name of the referendum;
- c) the date of the referendum;
- d) the total number of voters in the electoral district;
- e) the total number of voters participating in the referendum;
- f) the number of received referendum ballot papers;
- g) the number of unused referendum ballot papers;
- h) the number of spoiled referendum ballot papers;
- i) the number of invalid referendum ballot papers;
- j) the number of voters who voted for the issue put up for the referendum;
- k) the number of voters who voted against the issue put up for the referendum;
- l) the date and time of drawing up of the protocol;
- m) the protocol data with which a commission member disagrees (a commission member shall make this note in the column 'dissenting opinion' and sign it);
- n) the number and the date of registration of the protocol (to be entered upon issuing the protocol).

1¹. The protocol shall be signed by the chairperson, the deputy chairperson, the secretary and members of a district election commission.

1². The protocol shall be forwarded to the Central Election Commission in accordance with the procedure established by the election legislation.

2. Referendum ballot papers issued according to electoral precincts shall be kept at district election commissions before the results of the referendum are officially published.

3. District election commissions shall review the facts of gross violation of this Law and shall immediately communicate their opinions regarding the invalidation of the results of the referendum to the Central Election Commission. Violations of this Law may be appealed to district election



commissions not later than the day following the referendum day; they shall review the appeals on the next day and submit their opinion to the Central Election Commission not later than the following day.

Organic Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 27 - Summing up the results of a referendum

1. The Central Election Commission shall, at its session, establish the results of a referendum based on the protocols received from district election commissions.
2. The Central Election Commission may invalidate the results of the referendum in precincts where this Law has been grossly violated. The Central Election Commission shall review this issue not later than five days after the referendum is held. While summing up the results of the referendum, the data received from such referendum precincts shall not be considered.
3. A protocol shall be drawn up at a session of the Central Election Commission. The protocol shall include:
 - a) the total number of voters;
 - b) the number of voters participating in the referendum;
 - c) the number of invalid referendum ballot papers;
 - d) the number of voters who voted for the issue put up for the referendum;
 - e) the number of voters who voted against the issue put up for the referendum.
 - f) the time and date of drawing up of the protocol.
- 3¹. The protocol shall be signed by the chairperson, the deputy chairperson, the secretary and members of the Central Election Commission. The protocol shall be immediately forwarded to the President of Georgia.
4. The Central Election Commission shall publish the results of the referendum through media (press, television, radio) within three days after the protocol has been drawn up.
5. An issue put up for a referendum shall be considered adopted if it has been voted for by more than half of the voters.
6. (Deleted).
7. If it turns out that the voters of the electoral districts where the referendum results were invalidated by district commissions and the Central Election Commission, might have influenced the final results of the referendum, the Central Election Commission may, within two weeks, task the respective commissions with conducting polling repeatedly.

Organic Law of Georgia No 5498 of 22 November 2007 - LHG I, No 39, 22.11.2007, Art. 369

Article 28 - Entry into force of a decision made as a result of a referendum

1. A decision on the referendum issue may not be made within the period between appointing the referendum and publishing the results of the referendum.
2. A decision made as a result of a referendum shall enter into force on the day of its publication. It has a legal effect and shall be final. The results of a referendum shall have direct force.
3. The legislative and the executive authority of Georgia shall harmonise the legislation of Georgia and other acts within one month, based on the results of the referendum.
4. The decision made as a result of a referendum may be changed or annulled only by a referendum.
5. The results of a referendum may be invalidated by the Constitutional Court of Georgia in accordance with the procedure established by law.

Article 29 - Liability for violations of the Law on Referendums

The liability for violations of the Law of Georgia on Referendums is determined by the legislation of Georgia in force.

Article 30 - Legal regulation during the transitional period of issues related to persons found legally incapable by court before 1 April 2015

Persons found legally incapable by court before 1 April 2015 and placed in an in-patient institution may not participate in a referendum or a plebiscite.

Law of Georgia No 3403 of 20 March 2015 - website, 31.3.2015



President of Georgia

Eduard Shevardnadze

Tbilisi

15 May 1996

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