



Statement of NGOs about the new rule of staffing of election commissions

Non-governmental organizations are responding to the draft law that was registered in the Parliament of Georgia on June 5 and which, along with other changes, envisages making an amendment to the rule of staffing of election commissions.

According to the proposed draft law, appointment of members of the election administration by parties will be dependent on the number of votes that the party received in the most recent parliamentary elections, instead of the existing rule according to which appointment of members of election commissions depends on the amount of funding that the party receives from the state budget. **Unlike the existing rule, the aforementioned changes allow parties to appoint more than one member in the election administration,** which, in its turn, will not

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ensure multi-party representation in election commissions. **For example, whereas the existing rule allows the Georgian Dream to appoint only one member of the seven members appointed by parties, the draft law will allow it to appoint four members.** The amendment was drafted by MPs from the ruling party and, according to the draft law, it will enter into force after the announcement of the results of the 2017 local government elections.

The explanatory note of the draft law says that the amendment aims to improve the work of the election administration as a stable institution. **However, in reality, the amendment is very problematic both in terms of retention of trust in the election administration and ensuring an equal election environment for political forces, as it clearly serves to strengthen the positions of the ruling party in the election administration.** It should be noted that the civil society and experts, both within the country and abroad, have long emphasized the necessity of changing the rule of staffing of the election administration in order to ensure that this important institution is more protected from improper political influences and is based on professional competence and independence of its members.^[1] **Instead of carrying out fundamental reforms in this necessary direction, which the rule of staffing of election commissions requires, the proposed amendment is going to politicize this institution even more,** because the new rule will help the ruling party obtain a dominant position compared with other parties at all levels of the election administration. It should be taken into consideration that higher election commissions take part in the selection of professional members, which creates the risk that people loyal to the ruling party may be appointed as professional members, as the Georgian Dream will have more members in higher election commissions than other parties. For this reason, in order to balance the commissions, it is vital to ensure that as many political parties as possible are entitled to appoint members and that the ruling party does not constitute the majority in the commissions.

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We call upon the Parliament of Georgia not to support the said amendment. Instead, it is necessary to carry out a fundamental reform of the election administration and to staff the higher bodies of the election administration (the CEC, DEC)s only with professional, apolitical, and independent members. We have developed detailed joint recommendations, and we are ready to cooperate with the Parliament in connection with a real and fundamental reform of the election administration.

And at the transitional stage, we believe that:

- The rule of staffing of the election administration should be linked to election results, although not in such unjustified form: one party should only be entitled to appoint one member in the election administration, not several members as proposed by the draft amendment.
- At the same time, work should continue **to improve the normative framework regulating the conduct of job competitions for members of election commissions**, in order to ensure the selection of the best candidates among applicants for the positions of commission members.^[2]

Georgian Young Lawyers' Association

Transparency International Georgia

International Society for Fair Elections and Democracy

Open Society – Georgia Foundation

[1]

<https://gyla.ge/files/rekomendaciebi%20saarCevno%20garemos%20gaumjobesebasTan%20c>

; Joint Opinion on the Draft Election Code of Georgia, adopted by the Council for Democratic Elections at its 39th meeting (Venice, 15 December 2011) and by the Venice Commission at its 89th plenary session (Venice, 16-17 December 2011), Paragraphs 36, 37.

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[2] <http://www.osce.org/odihr/elections/georgia/297551?download=true>