



## Non-governmental organizations respond to the statement of the Chairperson of the CEC

The decree no. 221/2016 of the Chairperson of the CEC of November 22, 2016, determined the amounts of direct funding to be allocated to political parties from the State Budget of Georgia. This decree contradicts the requirements of law as it puts only one political union – ``Industry Will Save Georgia`` – in a privileged position without any legal grounds.

Despite the fact that this party failed to overcome the statutory 3% threshold and was not able to obtain funding as a result of the 2016 parliamentary elections, by means of incorrect interpretation of law and on the basis of the said decree, it is going to receive an additional funding of GEL 300,000 and also obtain the right to appoint members in election commissions. Due to this, the Free Democrats party, for example, which overcame the statutory 3% threshold and obtained funding as a result of the 2016 parliamentary elections, are going to lose the right to have members in election commissions.

Moreover, it turns out that, by the decree of the CEC Chairperson, the results of two elections will be summed up in favor of one party, which contradicts Paragraph 8 of Article 30 of the Organic Law of Georgia on ``Political Unions of Citizens.`` According to this norm, parties can choose between using either the results of the recent parliamentary elections or those of the recent local self-government elections to receive funding.<sup>[1]</sup> And in this particular case, the Industrials party is using the results of the recent local government elections to receive funding without an alternative, because, as noted above, the party failed to obtain funding in the 2016 parliamentary elections.

As for bonuses related to creating a fraction, according to the Organic Law of Georgia on ``Political Unions of Citizens,`` the formula that is used to calculate the budgetary funding for parties enables ``a party that has been registered with the Georgian Central Election Commission for the purpose of participating in the recent parliamentary elections and whose members have been elected to the Parliament of Georgia, provided that the given party creates a parliamentary fraction” to receive an additional GEL 300,000.

It is noteworthy that on November 18 this year, at the very first session of the Parliament of the ninth convocation, two fractions – ``Georgian Dream`` and ``Georgian Dream-Industrialists`` – were **created** within the parliamentary majority. The second fraction includes five MPs from Georgian Dream and one majoritarian MP nominated by the “Topadze Industrialists – Our Homeland” **election bloc**. Therefore, it is unclear by what criteria we can consider this fraction as having been created by the ``Industry Will Save Georgia`` **party**. The phrase “**provided that the given party creates a parliamentary fraction**” is also vague, as the law fails to explain when a fraction should be considered as having been created by a concrete party.

Finally, it should be mentioned, that on November 15, 2016, only a day before the approval of the summary protocol of the results of the parliamentary elections, the

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CEC received the correspondence from the Industrialists party and based on that correspondence the CEC referred to the non-partisan candidate as a partisan candidate in the summary protocol. The Chairperson of the CEC received and used the information related to registration of parties/blocs when not only the deadline for registration of parties/blocs had expired, but the elections had also been held. Otherwise, according to the requirements of the law, the CEC certainly would not even have reviewed the documents if the deadline for their submission had not been met.

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[1] According to the law, after a party has obtained 3% or more of the votes, it will receive budgetary funding in three components. These components are as follows: the basic funding, which amounts to GEL 300,000 per year; bonuses for each member of the Parliament elected under a proportional electoral system; a component corresponding to the number of votes received by the party.