

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



NGOs are against establishing the new ad hoc agency in charge of voter lists

As it is known, on September 26 the draft of the Organic Law of Georgia on “Introducing Amendments to the Election Code of Georgia” was initiated to the Parliament. The proposed document envisages establishment of ad hoc commission for development of voter lists that will “ensure specification of voter lists on the whole territory of Georgia by different means, including door to door inspection principle”. “The commission will specify voter lists by July 1, 2012. The list submitted by the

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commission to the Central Election Commission (CEC) is considered to be voter's general list. " Representative of NGOs and political parties form the Commission. Even though initially the Georgian Young Lawyers' Association, International Transparency –Georgia and International Society for Fair Elections and Democracy were also represented among NGOs, these organizations were not given opportunity to be involved in elaboration and examination of the draft. In particular, the draft initiated on September 26, was passed to the bureau the same day, while at least 72 hours interval should have been observed between initiation of the draft and the session of the bureau. Furthermore, the rule established by the regulation on publication of the information about the session of Legal Issues Committee was also violated. It envisages publication of information on the web-page of the Parliament about the session and its agenda two days prior to the session. In this restricted period of time it is completely impossible to participate in law drafting process for the interested persons.

As for voter lists, the applicable rule for their formation has been criticized repeatedly. We used to mention that competences/responsibilities are not strictly differentiated among the Civil Register and the CEC. Nevertheless, the draft does not address the principle of division of competences among the agencies. Namely, instead of defining one responsible entity, additional third actor -the Commission is being introduced. We are against establishing the new ad hoc entity with the purpose to ensure specification of lists only for 2012 elections. Such solution of the problem conflicts with recommendations of the Venice Commission, providing for the establishment of one permanent entity in charge of developing and renewing voter lists.

We would emphasize once again that it is necessary to establish on the basis of law one specific agency responsible on developing and correcting voter lists. We consider that the Civil Register Agency possesses all necessary resources and technical means to take full responsibility on the issue.

We think that Commission should possess function of checking and inspecting voter lists. For effective fulfillment of the function, all relevant state agencies shall cooperate with the Commission and submit necessary information thereto. The mandate of the Commission and rule of its operation should be strictly defined and its expenditures should be specified. Special mechanisms should be worked out for monitoring Commission funds and for evaluating its activities. In such situation membership of the commission will be reasonable for political parties and NGO

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representatives. We consider that in the current form our membership in the commission or membership of any other organization is not justified and will not contribute to development of voter lists.

The Georgian Young Lawyers' Association
International Transparency Georgia
International Society for Fair Elections and Democracy