

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA urges the CEC to amend rules of competition for recruiting DEC members

In December 2015, the CEC announced a competition for recruiting DEC members, with the aim of selecting highly qualified individuals to fill 193 vacancies in 65 district election commissions. DEC members will be selected gradually, From January 12 through February 6, 2016. Candidates will be selected for the term of five years and they will be involved in free and fair administration of parliamentary, presidential and local self-government elections in 2016-2018.

Existing practice of recruitment of election administration members and current distribution of powers at electoral commissions favors a single political force in

Georgia's election administration system, which is the reason why the rules for establishing electoral commissions has been criticized on a number of occasions by political unions. Recent amendments to the election law did not apply to rules of selecting election workers, as requested repeatedly by NGOs and political parties for years.

For over the years GYLA monitored recruitment of election workers, identified violations and proposed subsequent recommendations. GYLA's observers have reported that in many cases DEC members selected professionals who served as party proxies in election administration in previous elections.[1] Although Georgian legislation does not prohibit such practice, we believe that it called recruitment of independent and unbiased election workers into question and had a negative impact on reputation of election administration as an independent, unbiased and reliable administrative agency. Higher agencies of election administration (CEC, district) should be staffed by professional, apolitical and independent candidates. In addition, number of commission members should be cut and two levels of certification should be introduced. Election workers should be randomly selected from a pre-established database of certified election workers.

Under the existing legislation, DEC members are recruited in an open selection process; however, the selection process does not involve interviews and is based solely on documents submitted to the CEC.[2] The CEC has the right to request an interview with a candidate and invite him/her to a CEC session.[3]

We think that existing rules of competition are problematic and should be amended for a number of reasons: the objective of the competition is to select candidates based on their professional skills, qualification, capacity and personal characteristics, which will ensure that election administration is staffed by highly qualified individuals.[4] In this light, we believe that it is impossible to evaluate candidate's personal characteristics, capacity and professional skills without an interview and based solely on documents submitted to the CEC. This practice is inadequate to create objective preconditions for selecting qualified, independent and ethical individuals.[5]

On December 11, 2015, GYLA applied to the CEC and requested monitoring of competition for selection of election administration members.[6] Although according to the CEC public access to all stages of the competition is guaranteed by the Election

Code and CEC bylaw adopted on the based on the Election Code, the CEC refused to allow us monitor the process. It stated that neither the Election Code nor regulations of competition provide the right of a non-profit (non-commercial) legal entity to monitor the process of selection of DEC members. However, because competition dates coincided with dates of by-elections for Gardabani Municipality Gamgebeli, it explained that if GYLA gained accreditation for monitoring of elections in Gardabani, it would be allowed to monitor CEC sessions by means of registered observers.[7]

The CEC's refusal to allow GYLA to monitor selection process and attend CEC sessions falls short of requirements of existing laws, as well as resolution adopted by the CEC. We'd like to highlight that neither the Election Code nor competition regulations indicate in any way that competition is closed. To the contrary, competition regulations stipulate that one of the principles of competition is openness. The principle of openness should not be interpreted narrowly – i.e. it does not apply to competition results and general information only. Access to information should be ensured during all stages of competition, whether its dates coincides with election period or not. We believe that CEC sessions should be open and all interested individuals should be able to monitor the process of selection of election workers.

Therefore, we plan to follow closely to the process of selection of DEC members [8] and we will update public about course of the monitoring and trends identified. In addition, considering the high public interest in the process, we urge the CEC to review competition rules and interview each candidate to study them more thoroughly and make objective and substantiated decisions.

[1] Professional election workers for April 27, 2013 interim parliamentary elections included 14 DEC chairs and 15 deputy chairs served as party proxies in election administration 2012 parliamentary elections. Professional election workers during 2013 presidential elections served as party proxies in election administration during 2013 presidential elections. <https://gyla.ge/ge/post/arasamtavrobo-organizaciebi-ceskos-ganckhadebas-ekhmaurebian-49>

[2] The following individuals are eligible to participate in the competition: citizens of Georgia who have reached the age of 21, speak the state language, have higher education, are certified election workers and fulfill requirements established by

paragraphs 11 and 17 of Article 20 of the Election Code of Georgia. Winning candidates receive approval by majority of all members of the CEC.

[3] Article 8.4 of Regulations of Competition for Selection of DEC members adopted under the March 2, 2012 resolution of the CEC

[4] Article 2 of Regulations of Competition for Selection of DEC members adopted under the March 2, 2012 resolution of the CEC

[5] Candidate's application should indicate his/her name, education, specialization and science degree (if any), address (as stated in his/her ID), workplace and position, current address and telephone number (if any); DEC district and name to which the candidate is applying for. The application should be signed by the candidate and enclosed with a) 2 photos of the candidates; b) copy of ID; c) copy of higher education (and science degree) diploma, if any d) copy of election worker's certificate; e) candidate's CV and description of experience of experience working in election administration (if any)

[6] Letter to the CEC chair, dated 11.12.2015 #c-01/134.15

[7] CEC's letter to GYLA 18/12/2016 #01-02/1897

[8] Letter to the CEC chair, 11.12.2015 #c-01/134.15