



საია საკონსტიტუციო სასამართლოში ადგილობრივი თვითმმართველობის არჩევნებისთვის დადგენილი მაჟორიტარული ოლქების საზღვრების არაკონსტიტუციურად ცნობას ითხოვს

GYLA Demands the Borders of Majoritarian Electoral Districts established for Local Self-Government Elections to be declared Unconstitutional in Constitutional Court

The Georgian Young Lawyers' Association appealed to the Constitutional Court on behalf of Vakhushti Menabdi, Vasil Zhizhiashvili, Gvantsa Sakanelashvili and Nona Kurdovanidze. GYLA demands through this claim that the borders of the majoritarian Electoral Districts established for the local self-government elections to be declared unconstitutional.

According to the challenged norms, the electorate □□ voice in small districts with few voters has a higher weight compared to the voters registered in districts with numerous voters. For example, a voter from both Mtatsminda and Saburtalo elects

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one MP in the Tbilisi Sakrebulo. The number of registered voters in Saburtalo is 134582, and in Mtatsminda - 53884. As the number of voters living in Saburtalo is 2.5 times higher than the number of registered voters in Mtatsminda, the weight of the registered voter in Saburtalo district is 2.5 times less than the weight of the number of registered voters in Mtatsminda.

The Constitutional Court of Georgia, by its Judgment N1/3/547 of May 28, 2015 [1], considered unconstitutional the norms of the Electoral Code, which defined the boundaries of Electoral Districts for parliamentary elections in a way that violated the principle of equal weight of voters. According to the established practice of the Constitutional Court of Georgia, "the primary purpose and basis of the exercise of the right to vote is to reflect the will of the citizens in the final results of the elections." Consequently, an important component of this right is the ability of voters to influence the outcome of elections. Following the disputed norms, the loss of the "weight" and impact of the electorate vote deprives the voter of the opportunity to exercise his/ her active suffrage effectively. In contrast, the chances of those voters whose vote "weight" has increased have a possibility of an increased impact on the election results. Such an electoral system deprives citizens of equal opportunities and fails to ensure that elections are held in accordance with the Constitution and that the will of the electorate is adequately reflected in the final results of the elections, which is contrary to the principle of democratic governance. The Judgment of the Constitutional Court concerned the equal suffrage in parliamentary elections, however, international experience confirms that the same approach is relevant for local self-government elections.

In the submitted claim, GYLA argues that the boundaries of the majoritarian electoral districts established for local self-government elections violate the principle of vote equal weight, which is why the challenged norms should be declared unconstitutional with regard to suffrage and equality rights.

[1] Judgment N1/3/547 of the Constitutional Court of 28 May 2015 in the case of Ucha Nanuashvili and Mikheil Sharashidze v. Parliament of Georgia.