



GYLA assesses the competition for selection of the District Election Commission members

The Georgian Young Lawyers' Association (GYLA) observed the competition for 193 vacant positions in 65 electoral districts held in December, 2015. The goal of the monitoring was to assess, whether the principles of objectiveness, transparency, non-discrimination and publicity stipulated by regulations of competition for members of District Election Commission (DEC) were respected;^[1] as well as, whether the rights and legal interests of the participants were respected. In order to achieve the mentioned goals, GYLA conducted the research and analysis of norms regulating the competition, the representatives of GYLA attended the voting sessions and verified the information regarding the elected members of the commissions.

The research and analysis of norms regulating the competition showed that the regulations of competition^[2] comprises of problematic norms, as the decision made based on the submitted documentation could not determine professional skills, qualification, capabilities of the candidate and the level of compliance of the

personhood of candidates with requirements of vacant positions.

Taking into account importance of the process and high public interest, in order to have justified decisions regarding each candidate, GYLA urged the Central Election Commission (CEC) to review the rules of conducting competition for selecting DEC members and introduce an interview as a mandatory stage, but CEC did not amend the rules of competition in this regard^[3] and the competitions were held with acting regulations.

GYLA representatives were directly observing the voting sessions and the procedure of decision making. Although the procedure of voting for the candidates of DEC was conducted openly and transparently, that must be assessed positively, it still should be noted that according to the conducted observation, decisions of CEC were made without discussion. The candidates' selection procedure was held without any discussion, exchanging the views between the commission members and submitting any arguments. As a result, CEC did not justify the decisions made and did not explain the grounds for declining the specific candidates or why one specific candidate was better than the other. According to our information declined candidates were not explained the reasons of the decisions made.

As a result of monitoring the Competition results it was also outlined that in the number of cases, the Election Commission selected those candidates as members of DEC merit-based that were assigned as the members of the Precinct Election Commissions (PECs) and DEC members on previous elections by the Parties. Although these facts are not considered as the violation of the Law, such tendency contradicts the aim of the legislation – to staff the Elections Administration with independent, impartial and apolitical members.

It should also be noted that 24 acting members of the Trade Unions, established in August 5, the same year, participated in the competition. They all met the requirements established by legislation,^[4] but out of 24 persons, only one person was re-elected as a member of DEC who left the Trade Union unsolicited. This raises the questions regarding the objectivity of the competition and selecting members of the Election Commission on non-discriminatory basis. In order to protect the rights of mentioned persons, on March 30, 2016, GYLA applied to Tbilisi City Court for discriminatory treatment on the ground of membership of Trade Unions. The claim is to request reimbursement of non-pecuniary damage from CEC.

We consider, that it is significant to refine the normative base regulating the competition, in order to ensure that members of the Election Commissions are selected on the bases of objective, transparent and fair procedures.

[1] <https://www.matsne.gov.ge/ka/document/view/1602674>

[2] The decree of the CEC March 2, 2012 of the CEC on “approval competition regulation for selecting DEC members”

[3] Letter to the CEC chairman, 11.12.2015 #8-01/134.15

[4] Article 20, Election Code of Georgia