

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



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GYLA IS CONDUCTING THE MONITORING OF STAFFING OF THE DISTRICT AND PRECINCT ELECTION COMMISSIONS WITHIN THE PRE- ELECTION MONITORING PROCESS

Gyla is conducting the monitoring of staffing of the election commissions within the pre-election monitoring process and has identified the shortcomings during this process:

1. The criteria for selection of members and motivation of decision-makers are unclear. Decisions made are not substantiated. The selection procedure of candidates is conducted without any discussions, exchange of opinions and arguments between members of the Commission. It is not explained on what grounds a particular candidate has been preferred over the other or why the candidate "a" is better than the candidate "b", or why the candidate "a" did better than the candidate "d".

2. The Election Administration has no objective prerequisites for selection of qualified and independent persons with high ethical norms. The individual characteristics and skills of a candidate which may help a contestant stand out from other candidates are not taken into consideration and highlighted during the decision making process. For example, the election code does not provide for the necessity of conducting face-to-face interviews with candidates who wish to become members of the commission. The supervising election commissions make a decision on compliance of each candidate with the CEC / DEC commissions requirements on the basis of documents submitted to the Commission^[1]. Without face-to-face interviews, decisions made based only on the submitted documentation cannot determine the level of compliance with the requirements of professional skills, qualifications, capabilities and personal qualities of the candidate, which is the main objective of the competition.

3. For years, GYLA [] observers have been reporting about cases when, in district or precinct election commissions, supervising election commissions selected persons on a professional basis who had already been presented by parties in the election administration during previous elections. Although the Election Code of Georgia does not provide the prohibition thereof, we believe that this practice poses a risk to the essence of composing electoral commissions with qualified, independent and impartial members and affects the image of the election administration as an apolitical, independent, impartial and trustworthy administrative body. Despite the fact that the above mentioned cases did not violate the law, the existence of the tendency contradicts the purpose of the law - when selecting commission members on a professional basis, election administration shall be composed of independent, impartial and apolitical members.

Based on the above, we believe that:

In the long term perspective, the reform of the election administration should be implemented. The rule of composing of election commissions must be revised at all levels. The supervising bodies of the election administration (CEC, District Commissions) shall be staffed only by qualified and non-political members. In addition, the number of commission members should be reduced and two level, different complexity tests should be introduced for applicants wishing to become members of precinct and supervising commissions.

Prior to the implementation of the reform [] avoidance of any doubts regarding composition of election commissions from one election until another, we think that:

- The normative base regulating the process of conducting the competition should be improved;**
- The terms of the competition for selecting commission members should be improved;**
- There should be a mechanism for identification of best candidates;**
- The procedure for conducting the competition should be detailed for each stage of the competition;**
- The criteria for assessment of contestants should be determined and decisions made based on these criteria;**
- More criteria for evaluation should be introduced rather than only a diploma certifying the acquisition of higher education or experience in election field;**
- A face-to-face interview should be defined as a mandatory stage;**
- The assessment form of candidates should be approved;**
- The timeframe established for the selection of a temporary member of the DEC shall be extended;**

- The Election Administration should ensure timely publication of information regarding the competition for the broader public, so that as many people as possible could take part in the competition.

GYLA continues to monitor the process of composing the PECs and will provide to the public any detailed information about any deficiencies identified.

The Full Report is available in the attached file.

[1] Any citizen of Georgia, who has attained the age of 21, who has good command of the official language of Georgia, has acquired a higher education, holds a certificate of an Electoral administration officer and meets the requirements set out in paragraphs 11 and 17 of Article 20 of the Organic Law of Georgia "Election Code of Georgia" has the right to take part in the competition. The candidate supported by the majority of the CEC members shall be considered as elected.