

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of NGOs about Changing the Presidential Election Date

On July 1, 2013, the president of Georgia set the date for the upcoming presidential election. According to the President's Administration first announced October 27 as the date of the presidential elections and later it changed the date to October 31 under the presidential decree.

Changing of the date was criticized by public as October 31, 2013, is Thursday and therefore, a working day. Further, it was also stated that the president had no right to set a working day as the date for the presidential elections in view of Article 6 of the Election Code stipulating that "following elections, referendum/plebiscite, **except for presidential elections, may be held on any day of the week.**" The stipulation means that presidential elections may not be held on any day of the week;

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however, neither the Code nor any other applicable law prescribes any particular day for holding the presidential elections. Notably, the foregoing provision of the Code coexisted with the constitutional norms specifying that presidential elections must be held during the second week of April following expiration of the incumbent president's authority, on a Sunday. The foregoing norm has been removed from the Constitution and therefore, we believe that the impugned stipulation of Article 6 constitutes a legal gap. Therefore, under the applicable law the president was authorized to determine the date for presidential elections independently.

Even though the president set October 31, 2013 (Thursday) as final date for the presidential elections, we believe that holding the election in the middle of a week will be rather problematic in a number of ways:

Under Article 6 of the Election Code, the polling day is a public holiday; however, this is rather problematic for Georgians living abroad, making it almost impossible to realize their right to vote on a working day. It also provides to be a problem during the October 1, 2012 parliamentary elections.

Holding of elections in the middle of a week would also impede voters living in Georgia as casting a ballot requires going to a place of registration and often implies travelling from one town to another, for which declaring one day as a public holiday is insufficient.

We believe that the president of Georgia should set the date for the elections in a way that will ensure maximum voter turnout, both inside and outside the country, and maximum realization of voting rights by each and every citizen of Georgia. Otherwise, it may endanger the feeling of nihilism among Georgians towards the election processes, putting a democratic society at a serious risk.

In this light, and considering that we deem holding of presidential elections on a Sunday important for maximum realization of voting rights by Georgian citizens residing in Georgia and abroad, we call on the President of Georgia to adopt the most effective, simple and timely resolution to the problem and change the date set for the upcoming presidential elections in his decree and instead, set the election date for Sunday in October.

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International Society for Fair Elections and Democracy
Transparency International - Georgia
Georgian Young Lawyers' Association
Article 42 of the Constitution
Public Movement Multinational Georgia
Human Rights Education and Monitoring Center
Democratic Initiative of Georgia
Center for Development and Democracy
Election and Political Technologies Research Center
Civil Society and Democracy Development Center
Center for the Development of Civil Society and Democracy
Human Rights Center
Public Advocacy