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# Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia

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# INTRODUCTION

In August 2019, The Georgian Young Lawyers' Association (GYLA), with the support of USAID, launched the project “Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia”. It covers the territory of Tbilisi, Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Imereti, Samegrelo-Zemo Svaneti, Guria and Adjara.

One of the primary goals of the project is to support improvement of the electoral environment through monitoring and evidence-based advocacy. To this end, GYLA will monitor ongoing political processes and develop recommendations that will be presented to the public and decision-makers.

## PROPORTIONAL ELECTORAL SYSTEM: CONSTITUTIONAL AMENDMENTS

On June 24, 2019, the Chairperson of the ruling party announced the 2020 Parliamentary Elections to be held through fully proportional system, with zero (natural) threshold.<sup>1</sup> GYLA welcomed the initiative and called on the government to bring the announced changes to a logical conclusion through detailed discussions.<sup>2</sup>

On June 28 of the same year, the Parliament of Georgia received a corresponding draft law “On Amending the Constitution of Georgia” for introducing amendments to the Constitution of Georgia, which envisaged holding fully-proportional 2020 parliamentary elections, without any threshold.<sup>3</sup>

GYLA got involved in the process of implementing the constitutional amendments and participated in two sessions of the Steering Commission on Public Considerations and four public meetings (in Telavi, Batumi, Ozurgeti and Ambrolauri).

On October 28, 2019, the Legal Issues Committee of the Georgian legislative body approved the proposed amendment and considered that it was ready for the submission to the Parliament.<sup>4</sup> For the completion of the process, it is required to hold three draft hearings at the plenary session and the support of 113 MPs.

GYLA believes that the proportional electoral system (with the natural threshold) can convert the votes into parliamentary mandates with maximum accuracy, and, therefore, supports the reform. The organization hopes that the process will be finalized successfully.

## CHANGES IN ELECTORAL LAW

With the approaching 2020 Parliamentary Elections, the Parliament of Georgia has commenced the elaboration of the amendments to the legislation and presented a respective draft bill. GYLA participated in three meetings to discuss the document and offered several recommendations to the process participants.

The recommendations concerned both procedural and contextual issues identified in the document. GYLA posi-

<sup>1</sup> “The Zero Threshold for the Proportional Elections in 2020 - Ivanishvili”, News Portal Netgazeti, 24.06.2019, Available at: <https://netgazeti.ge/news/374865/>, Updated on: 01.11.2019.

<sup>2</sup> “GYLA’s Assessment of the Electoral System Proposed by the Ruling Party”, the official website of the Georgian Young Lawyers’ Association, 24.06.2019, Available at: <https://gyla.ge/ge/post/saia-mmartveli-partiis-mier-shemotavazebul-saarchevno-sistemas-af-asebs#sthash.kRcZWbHz.rUwhycOm.dpbs>, Updated on: 01.11.2019.

<sup>3</sup> The draft law “On Amendments to the Constitution of Georgia” on amending the constitutional law, the official website of the Parliament of Georgia, Available at: <https://info.parliament.ge/#law-drafting/18526>, Updated on: 01.11.2019.

<sup>4</sup> The report by the Legal Issues Committee, Official Website of the Parliament of Georgia, available at: <https://info.parliament.ge/file/1/BillPackageContent/21656>, updated 13.11.2019.

tively assessed certain parts of the amendments, yet criticized others.

In particular, GYLA offered the Parliament to reduce the number of election commission members and select the administration members based on an entirely professional model, as well as introduce mandatory gender quotas in the highest legislative body. The organization critically evaluated the proposed rules on the information coverage of the election campaign (the procedure to regulate negative campaigning and hate speech), as well as a novelty based on which, if an observer or a representative of an electoral subject are removed from a district on the polling day, they will be automatically deprived of the right to continue monitoring on others. Moreover, GYLA presented its recommendation to the initiators of the draft law to clearly define the right to appeal to the court a refusal of the election administration to draw up an administrative violation protocol.

GYLA has positively assessed the aspiration of the Parliament to address the problem of voter control and supports the idea of restricting campaigning activities on the polling day.

GYLA will be actively involved in parliamentary discussions once the draft law is registered as a an initiative.

## MUNICIPAL ASSEMBLY BY-ELECTIONS

On October 27, 2019, by-elections of municipal assemblies were held in seven election constituencies in Lagodekhi, Adigeni and Martvili municipalities:<sup>5</sup>

- Majoritarian election district №15.03 (Lagodekhi - 4 polling stations);
- Majoritarian election district №38.03 (Adigeni - 1 polling station);
- Majoritarian election district №65.11 (Martvili - 2 polling stations).

It is noteworthy that in Adigeni<sup>6</sup> and Martvili<sup>7</sup> majoritarian districts only one candidate was running for the mandate of municipal assembly, while in Lagodekhi - 3.<sup>8</sup> Eventually, all three mandates were obtained by the political union of citizens Georgian Dream - Democratic Georgia.<sup>9</sup>

The elections were observed by ten local and one international organization.<sup>10</sup>

## BUDGETARY AMENDMENTS

On September 30, 2019, the Government of Georgia submitted a draft Law “On the State Budget of Georgia for 2020” to the Parliament.<sup>11</sup>

On October 17, “Transparency International – Georgia” published a brief analysis and recommendations concerning the draft 2020 State Budget of Georgia.<sup>12</sup>

<sup>5</sup> “The Sakrebulo By-Elections Completed”, the official website of the Central Election Commission of Georgia, available at: <http://cesko.ge/geo/list/show/119019-sakrebuloebis-shualeduri-archevnebis-kenchiskris-protsesi-dasrulda>, updated: 13.11.2019.

<sup>6</sup> Zurab Peikrishvili, Georgian Dream - Democratic Georgia.

<sup>7</sup> Robert Kakulia, Georgian Dream - Democratic Georgia.

<sup>8</sup> Malkhaz Melashvili, “European Georgia - Movement for Freedom”; Davit Beglarashvili, Movement for Free Georgia; Omar Shvelidze, “Georgian Dream - Democratic Georgia.”

<sup>9</sup> “Today CEC took a notice on summarizing results of October 27, 2019 Sakrebulo By-elections,” the official website of the Central Election Commission of Georgia (CEC); Available at: <http://cesko.ge/geo/list/show/119034-tsekom-dghes-tsnobad-miigho-informatia-27-oqtombris-sakrebuloebis-shualeduri-archevnebis-shedegebis-shedjamebis-shesakheb>, updated: 13.11.2019.

<sup>10</sup> GYLA did not monitor the elections.

<sup>11</sup> The draft law on the Draft State Budget of Georgia 2020, the official website of the Parliament of Georgia, Available at: <https://info.parliament.ge/#law-drafting/18853>, Updated: 13.11.2019.

<sup>12</sup> “Brief Analysis and Recommendations concerning Draft 2020 State Budget of Georgia”, Transparency International Georgia’s offi-

According to the explanatory note attached to the Draft 2020 State Budget:<sup>13</sup>

- **From July 1, 2020**, the state pensions will increase by 30 GEL for individuals aged 70 and over, as well as social allowances for persons with severe forms of disabilities and those under 18 years of age (over 450,000 citizens), for which additional GEL 80 million will be allocated. In parallel, the rule of regular increase in the number of retirement benefits will be introduced;
- **From July 1, 2020**, salaries will increase by 100 GEL within the framework of the programs for emergency and rural area doctors (up to 8,000 citizens);
- The salary supplement for senior, leading and mentor public school teachers (up to 43,000 citizens) will increase by 150 GEL from **October 1, 2019** and by an additional 150 GEL by the commencement of the academic year **2020**. More than 140.0 million GEL will be allocated for this in **2020**;
- **From September 1, 2020**, the salaries of public kindergarten employees (teachers, educators and others - more than 32,000 citizens) will increase by GEL 100, for which up to 15.0 million GEL will be allocated;
- Salaries for firefighters, police officers and their equals will increase by an average of GEL 125 from **July 1, 2020**.

The Parliamentary Elections 2020 will be held on October 31. The enactment of a number of the reviewed amendments coincides with the pre-election period and is therefore believed to be aimed at boosting the electorate's sympathy.

GYLA believes that all legislative amendments aimed at improving the social condition of citizens should take effect from January 1, 2020 in order to prevent using administrative resources for electoral purposes and undermining the prospects of securing the equal electoral environment.

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cial website, available at: [https://www.transparency.ge/ge/blog/sakartvelos-2020-clis-saxelmcipo-biujetis-proektis-mokle-analizi-da-re-komendaciebi/?custom\\_searched\\_keyword=%E1%83%91E1%83%98%E1%83%A3%E1%83%AF%E1%83%94%E1](https://www.transparency.ge/ge/blog/sakartvelos-2020-clis-saxelmcipo-biujetis-proektis-mokle-analizi-da-re-komendaciebi/?custom_searched_keyword=%E1%83%91E1%83%98%E1%83%A3%E1%83%AF%E1%83%94%E1), Updated: 14.11.2019.

<sup>13</sup> Explanatory note to the Draft Law on the State Budget of Georgia 2020, the official website of the Parliament of Georgia, Available at: <https://info.parliament.ge/file/1/BillReviewContent/231731>, Updated: 13.11.2019.