



Discussion: Local Self-Government Elections of October 21, 2017 - Electoral Disputes - Existing Practices and Justice Challenges

On May 23, 2018 the Georgian Young Lawyers` Association (GYLA) held a discussion on the issue of „Electoral Disputes of 2017 □ Findings and Challenges □□ and presented the study concerning - „GYLA`s strategic litigation, and observation of electoral disputes directed by other subjects (local observer organizations and election subjects) - analysis of electoral disputes in 2017 □□□ The study is being carried out in the framework of the project □□□□□□□□ More Competitive, Fair and Inclusive Electoral Environment for the 2016-2018 Electoral Cycle in Georgia A□ which is

implemented with the financial support of the United States Agency for International Development (USAID). The project aims to promote inclusive, competitive, and transparent electoral processes in Georgia.

To achieve this goal, there were following issues analyzed within the framework of the study: more specifically, electoral disputes in the First and Second Instance Courts in Tbilisi and 8 regions, which have been directed by GYLA along with other subjects (observer organizations/election subjects) during the pre-election, election-day and post-election period of local self - government elections 2017. The mentioned court decisions were scanned in both procedural and contextual terms. Simultaneously with analyzing the decisions taken by the Court, the authors of the study examined the actions and decisions of the relevant state institutions.

Key findings of analysis of electoral disputes during the pre-election period of local self-government elections 2017:

- The problem of distinguishing interference with the functions and activity of election commission and obstructing the work of election commission;
- mParticipation of foreign national in agitation;
- mRejection of imposing administrative liability to a foreign national;
- Placement of political advertising during a non-election period.

Key Findings of analysis of electoral disputes taken place during a voting day and subsequent period in local self-government elections of 2017:

- Control over voter`s will and vulnerability of personal data;
- Explanation of the commission member as an „universal remedy” to shortcomings;
- Rejection imposing disciplinary liability on the misconduct committed by the commission members, citing the absence of a gross violation;

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- Inability to enforce a court decision regarding imposing disciplinary liability;
- Scopes of using discretionary power of Precinct Election Commission (PEC) when imposing disciplinary liability on District Election Commission (DEC) members.
- The term of transmitting court decisions to the party;
- Drawing up an amendment protocol built on explanation and oral memory.

The implementation of the project was made possible in the scope of the project „ - Promoting Competitive, Fair and Inclusive Environment for 2016-2018 Election Cycle in Georgia. □□ The project is supported by the United States Agency for International Development (USAID). The opinions expressed belong to GYLA and may not necessarily reflect the views of the donor organizations.

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