



INFORMATION BULLETIN

(20 March-28 April 2019)

INTRODUCTION

On March 20, 2019, the Central Election Commission of Georgia (CEC) announced the date of by-elections of the Parliament of Georgia at Mtatsminda №1 Majoritarian Election District,¹ and on March 30, 2019, the extraordinary election of mayors for Marneuli, Zestafoni, Chiatura, Zugdidi and Khulo municipalities² and Sakrebulo by-elections for Sagarejo, Akhmeta, Adigeni, Zestafoni, Chiatura, Tkibuli, Tskaltubo and Ozurgeti municipalities.³

The pre-election monitoring mission of the Georgian Young Lawyers' Association (GYLA) revealed the following violations in the period between March 20 and April 28, 2019:

- **3 cases of vote bribery:** The parties below carried out the activities prohibited by law:
 - In 2 cases - "Georgian Dream - Democratic Georgia";
 - In 1 case - The new political center – "Girchi".
- **1 case of manipulation with voter residence registration and violation of the principle of secrecy:** In the given case again "Girchi" was the electoral subject that carried out the above actions.

In 2 municipalities (Adigeni and Tskaltubo) the amendments were introduced to the budget, which, pursuant to the legislation, is considered as the **use of budgetary resources for the electoral purposes**.

¹ Decree №16 / 2019 of the CEC issued on 20 March 2019.

² Decree №27 / 2019 of the CEC issued on 30 March 2019.

³ Decree №26/2019 of the CEC issued on 30 March 2019.

BRIBERY OF VOTERS, MANIPULATION BY VOTER RESIDENCE REGISTRATION AND VIOLATION OF THE PRINCIPLE OF SECRECY BY “GIRCHI”

On March 22, 2019, Herman Sabo,⁴ the Majoritarian candidate of the new political center ("Girchi") in Mtatsminda, called upon his supporters to register in Mtatsminda district.⁵ He addressed to owners of the apartment and promised them to pay their utility bills, for example, the water bill (which is calculated according to the number of persons registered in an apartment).⁶

In addition, on April 17, 2019, Zurab Japaridze, one of the leaders of "Girchi", promised Mtatsminda voters certain benefits in exchange of a photo of a ballot paper with the political union circled.⁷

The above action of "Girchi" can be assessed in several ways:

Bribery of voters. Parties are prohibited to motivate voters by promising to give funds, securities or other material possessions.⁸ The goal of Girchi's promise to pay utility bills is to motivate citizens to receive certain financial benefits, and constitutes the bribery of voters. According to the law, the act may cause the termination⁹ of the registration of an electoral subject and imposition of administrative¹⁰ and criminal liability.¹¹

Manipulation by voter residence registration. Although changing the district of residence registration is not a violation of the election legislation, any pre-planned change of the registration address for the electoral purposes is an example of voter manipulation and contradicts the principle of fair and equal elections.

⁴ The official name of Herman Sabo is Germane Sabo, but GYLA refers to him in this document with the name which is known to the public.

⁵ Hermann Sabo calls upon supporters of Girchi to change their residence registration to Mtatsminda; News Portal "Netgazeti", 22.03.2019, Available at: <http://netgazeti.ge/news/350679>, updated on 02.05.2019.

⁶ The same above.

⁷ "Girchi" offers compensation to voters in exchange of their votes; Imedi TV, 17.04.2019, available at: <https://imedinews.ge/ge/saqartvelo/103024/girchi-amomrchevlebs-khmis-sanatsvlod-anazgaurebas-stavazobs>, updated on: 02.05.2019.

⁸ Article 25² (1) of the Organic Law of Georgia "On Political Unions of Citizens", Article 47(1)(a) of the Election Code of Georgia, Article 164¹ of the Criminal Code of Georgia.

⁹ Article 47(2) of the Election Code of Georgia.

¹⁰ Article 34²(6) of the Organic Law of Georgia "On Political Unions of Citizens": Receipt of unlawful gifts, income and services for electoral purposes by a natural person, if the cost of the given property (services) or transaction does not exceed GEL 100, shall result in the imposition of liability or a fine on a political party, a party representative, legal person in question equal to 10 times the value of the relevant property (services) or transaction, and on the natural person in question equal to twice of the relevant property (services).

¹¹ According to Article 164¹ of the Criminal Code of Georgia, if the amount of the funds (cost of a transaction) exceeds GEL 100, a person in question shall be charged with criminal liability, punishable by imprisonment for up to three years or a fine.

Violation of the principle of secrecy. In order to ensure that polling is secret, photo and video filming in a polling booth shall be prohibited.¹² According to the party's statement, voters will receive benefits if they produce a photo of the ballot paper with the political union circled.¹³ This pushes voters to abandon the principle of confidentiality in order to prove their support for the party.

Thus, GYLA believes that the above action of "Girchi" can be assessed as a manipulation, voter bribery, and violation of the principle of secrecy.

VOTE BRIBERY BY "GEORGIAN DREAM - DEMOCRATIC GEORGIA"

On April 11, 2019, Bidzina Ivanishvili, Chairman of the political party "Georgian Dream," met with the Patriarch of the Georgian Orthodox Church - Ilia II.¹⁴ According to the Patriarchate, at the meeting held on April 11, Ivanishvili promised Ilia II that Foundation "Cartu" would fully finance the painting of the Holy Trinity Cathedral.¹⁵

On March 29, Bidzina Ivanishvili, while visiting the village of Khibula, promised the local population to see to the problems with gas and water supply: "Gasification and water supply should be accelerated. If the budget does not have [the funds], I will do it. First of all, let's provide water for the village, the road..."¹⁶ - he said when addressing the people.

GYLA believes that the above fact is an alleged case of vote bribery. The chairperson of the Political Union of Citizens "Georgian Dream - Democratic Georgia" in both of the given cases promises to provide certain services free of charge to the electorate during the election period, which is the violation of the Election Code and envisages the imposition of relevant liability.¹⁷

¹² Article 58(6) of the Election Code of Georgia.

¹³ "Girchi" promises compensation to voters in exchange of their votes; Imedi TV, 17.04.2019, available at: <https://imedinevs.ge/ge/saqartvelo/103024/girchi-amomrchevlebs-khmis-sanatsvlod-anazgaurebas-stavazobs>, updated on 02.05.2019.

¹⁴ Foundation "Cartu" will fully finance the painting works of the Holy Trinity Cathedral"- Ivanishvili met with Ilia II, Information Portal "Netgazeti", 11.04.2019, Available at: <http://netgazeti.ge/news/355777>, Updated on: 02.05.2019.

¹⁵ The same above.

¹⁶ "If the budget does not have, I will do it" - Ivanishvili's promise to the local population in Khibula, information portal "Netgazeti", 29.03.2019, available at: <http://netgazeti.ge/news/352555>, Updated on: 02.05.2019.

¹⁷ About the responsibility see the case of "Girchi".

USE OF BUDGETARY RESOURCES FOR THE ELECTORAL PURPOSES

During the reporting period, GYLA studied the amendments introduced to the municipal budgets of those municipalities, where the extraordinary / by-elections are to be held. 60 days prior to the Election Day, it is prohibited to implement any projects / programs that have not been previously stated in the budget of any local self-government. In addition, any increase of the amount of social allowances or allocation of new ones shall be prohibited in the same period.¹⁸ In this respect, the following issues have been identified:

1. According to the amendment introduced to the budget of Adigeni municipality on April 2, a completely new program ("Assistance to families with children with disabilities") was financed with GEL 8000.¹⁹ Following this, pursuant to the amendment of April 17, the social allowance programs were additionally increased by GEL 9800.²⁰
2. Funding of the social programs of Tskaltubo municipality was increased by 20 000 GEL under the amendment of the budget of April 4,²¹ and then by 32 100 GEL with the amendment of April 12.²²

It is obvious that Adigeni and Tskaltubo municipalities violated the legislation and introduced the amendments to their budgets after the announcement of the election date.

¹⁸ Article 49(3)(4) of the Election Code of Georgia.

¹⁹ Decree №11 of April 2, 2019 of Adigeni Sakrebulo "On Approval of the 2019 Budget of Adigeni Municipality", "On Amendment to the Decree # 80 of the Adigeni Sakrebulo of December 24, 2018, "Article 17.

²⁰ Decree №15 of April 17, 2019 of Adigeni Sakrebulo "On Approval of the 2019 Budget of Adigeni Municipality", "On Amendment to the Decree # 80 of the Adigeni Sakrebulo of December 24, 2018, "Article 17.

²¹ Decree №13 of April 4, 2019 of Tskaltubo Sakrebulo "On Approval of the 2019 Budget of Tskaltubo Municipality", "On Amendment to the Decree # 66 of the Tskaltubo Sakrebulo of December 24, 2018, "Article 17.

²² Decree №16 of April 12, 2019 of Tskaltubo Sakrebulo "On Approval of the 2019 Budget of Tskaltubo Municipality", "On Amendment to the Decree # 66 of the Tskaltubo Sakrebulo of December 24, 2018, "Article 17.

ABOUT THE MISSION

Georgian Young Lawyers' Association (GYLA) launched the monitoring of the pre-election period of May 19, 2019 Elections on March 20, 2019. The present document covers the period from the above date to April 28. GYLA monitors the pre-election processes with the help of approximately 10 long-term observers and central and regional offices in Tbilisi, Adjara, Guria, Samegrelo, Imereti, Samtskhe-Javakheti, Kvemo Kartli and Kakheti.

The monitoring mission includes observation of pre-election processes as well as the polling day and post-election procedures. Within the framework of the long-term monitoring mission, the objects of the monitoring are as follows: the Election Administration; State Audit Office; Georgian National Communications Commission; central and local authorities, electoral subjects and their supporters; public officials.

This bulletin provides the facts that may have an impact on the election environment, and which can be already evaluated thanks to the existing data. In addition, GYLA examines other cases identified during the reporting period, and the result of their analysis will be delivered to the public in the nearest future.

GYLA will specifically focus on a discrepancy of the law, namely: the CEC shall set the date for by-elections of municipal Sakrebulo no later than the 50th day before the Election Day.²³ 10-day period (the period between the 60th day and the 50th day prior to the polling day) is absolutely enough to introduce to any municipal budget an amendment that may contradict the abovementioned requirement of the election law, and the unlawfulness of such an act may be identified only after the announcement of the election day. Given this flaw, GYLA will observe any amendments to the budget in the period of 50 days prior to the elections.

²³ Article 154(4) of the Election Code of Georgia.