



# **GYLA and ISFED Submit the Complaint to the Constitutional Court on the Prohibition to Nominate the Mayoral/Governor Candidate by the Voters' Initiative Group**

On April 28 2014, the Georgian Young Lawyers' Association (GYLA) and the International Society for Fair Elections and Democracy (ISFED) addressed the Constitutional Court of Georgia, representing six (6) residents of Tbilisi. The residents requested to declare unconstitutional the provisions of the code, which allow only political parties and electoral unions to nominate the mayoral/governor candidates. The NGOs consider that the disputed provisions, creating unequal environment among the party-nominated candidates and the independent candidates violate the right to ban the discrimination, guaranteed under the Article 14 of the Constitution of Georgia.

In addition, the disputed provisions force the citizens to associate themselves with a political force for participating in the mayoral elections; therefore, such provisions contradict the Second Paragraph of the Article 26 of the Constitution of Georgia. The Article 26 guarantees the right of a citizen to refuse to participate in the activities of a political party.

GYLA and ISFED also consider that the disputed provision contradicts the Articles 28 and 29 of the Constitution. The First Paragraph of the Article 28 guarantees the right of a citizen of Georgia to participate in the elections. This provision also ensures the right of a citizen of Georgia to exercise his/her passive electoral right, which implies the right to be nominated in the mayoral/governor elections. The Article 29 of the Constitution of Georgia grants the citizen of Georgia the right to hold the state

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position; this is the right, of which the independent mayoral/governor candidate was deprived of under the disputed provisions.