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# Free, Fair and Equal Electoral-Political 2022-2025 Cycle in Georgia

**NEWSLETTER №54**  
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# INTRODUCTION

Since August 2019, the Georgian Young Lawyers' Association (GYLA) has been actively engaged in implementation of the “Free, Fair and Equal Election” projects across Georgia, which encompasses the electoral political cycle spanning from 2020 to 2025. Among the project’s primary objectives is the advancement of the electoral landscape by means of monitoring and evidence-based advocacy. In pursuit of this goal, our organization diligently monitors ongoing policy processes and formulates recommendations that are disseminated to the public and presented to key decision-makers. Presently, we are pleased to introduce Newsletter №54, offering insights into the significant events of March 2024 that have notably shaped the political environment.

## 1. FORTHCOMING AMENDMENTS IN THE ELECTION CODE

On 20 March 2024, the MPs of Faction “Georgian Dream” initiated amendments to Organic Law of Georgia “Election Code of Georgia” in the Parliament of Georgia. These amendments address two primary areas: one concerning Parliamentary elections and the other pertaining the elections of a municipality representative body - Sakrebulo.

In accordance with the first amendment, paragraph 6<sup>1</sup> will be added to Article 115 of the Election Code.<sup>1</sup> This allows a political party when composing its party list during the Parliamentary elections to assign its MP candidate as a delegate for voters registered within a specific electoral district (districts). If successful in securing a seat, the designated candidate will serve as the delegate for that particular electoral district. Each candidate for Member of Parliament may be appointed as a delegate for just one district. In the party list, relevant candidates will be marked with number of the district they are designated to as a delegate.<sup>2</sup>

As outlined in the Explanatory Note, the objective of the legislative amendment is to maintain ties between the population and the members of the Parliament within the framework of a proportional election system. These ties enable the MPs to timely and efficiently address the needs and challenges faced by the local community.<sup>3</sup>

The “Georgian Dream” Faction’s initiative was labeled as “political hypocrisy” by the MP of “Lelo” Faction, Davit Usupashvili, who assumed that the initiative aimed at reintroducing majoritarian elements into the proportional election system. He outlined that the main objective is to mislead voters and utilize the authority and resources of former majoritarian representatives to the fullest extent possible.<sup>4</sup> The MP of faction “For Georgia”, Beka Liluashvili assessed the initiative as strengthening election candidates as so-called “local feudal lords”.<sup>5</sup>

In response, the author of the initiative, MP Givi Mikanadze, asserts that the objective of the amendment is not to reinstate majoritarian system, but rather to create a sense among the population of having ties with particular MPs.<sup>6</sup>

**GYLA reckons that there are visible signs of reintroducing the majoritarian system elements to the proportional electoral system, characterized by a sort of personification of the proportional system. The introduction of the concept of “Delegate” will have a certain influence on the formation of voters’ will. In addition, parties will be given an opportunity to prioritize candidates from regions where they anticipate stronger support. Moreover, the parties whose regional representation is weak will find themselves in an**

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<sup>1</sup> Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia “Election Code of Georgia”, Official Webpage of the Parliament of Georgia, 20.03.2024, available at: <https://parliament.ge/legislation/28268>, updated: 10.04.2024.

<sup>2</sup> Ibid.

<sup>3</sup> Explanatory Note of the Draft Organic Law on Amendments to the Organic Law of Georgia “Election Code of Georgia”, Official Webpage of the Parliament of Georgia, 20.03.2024, available at: <https://shorturl.at/eqrR>, updated: 10.04.2024.

<sup>4</sup> “Davit Usupashvili - The Major Problem of the Planned Amendments in the Election Code is Political Hypocrisy”, Information Portal “Interpressnews”, 02.04.2024, available at: <https://shorturl.at/defkK>, updated: 10.04.2024.

<sup>5</sup> “The New Amendment of [Georgian] Dream in the Election Code – Why is the Opposition Talking about Feudal Lords?” Information Portal “Radio Tavisupleba”, 28.03.2024, available at: <https://shorturl.at/bAGW8>, updated: 10.04.2024.

<sup>6</sup> Ibid.

**unequal position. Furthermore, the proposed amendment fails to clarify how many representatives a district will have or which party they will belong to if multiple candidates from the same district are elected. The most importantly, this change in the population, for whom the fully proportional electoral system is new and unfamiliar, will create confusion. Voting for a specific party will be motivated not by party preferences but by personal sympathies, which is clearly a characteristic feature of classical majoritarian system.**

The second part of the amendments alters the first paragraph of Article 149 of the Election Code, which prescribed a 40% threshold for a member of Sakrebulo through the majoritarian electoral system.<sup>7</sup> Following the amendments, in the majoritarian electoral part of Sakrebulo, the candidate who receives the highest number of valid votes will be declared the winner. If multiple candidates receive an equal number of votes, the candidate who registered first will be deemed the winner. Consequently, the prospect of holding a second round of Sakrebulo elections is entirely eliminated

As per the Explanatory Note and the authors of the initiative, the purpose of the amendment is to increase the efficiency of Sakrebulo, which will be able to start meeting and working immediately. The elimination of the 40% threshold and the potential for a second round aims to prevent situations that led to extended meeting times and delayed functioning of Sakrebulo. Additionally, authors highlight the potential cost savings by avoiding the need to organize a second round.<sup>8</sup>

Moreover, as stated by the MPs of the “Georgian Dream” faction during the Regional Policy and Self-Government Committee hearing, this amendment gives the opposition parties a chance to secure their representation in the first round, even if they fail to collect 40% of votes. Such instances also took place in previous local government elections.

**GYLA believes that while the goals and arguments presented by the initiators may be relevant, what truly matters is those things that counterbalance them; namely, the current amendments may lead to a scenario where the winning majoritarian candidate received more votes than others, however, the overall number of votes commands a relatively small percentage of total votes (e.g. 20%) and he/she will still be able to secure the victory despite of a significant portion of opposing votes (e.g. remaining 80%). In this case, the idea of representation and majority loses its meaning. Establishing an upper limit in majoritarian elections aims to guarantee that the winning candidate secures the highest feasible percentage of votes, thereby maximizing support from the population, which is constrained by the current amendments. Furthermore, local self-government, being the closest government entity to the people, should have the strongest support from the local population.**

**As for the elimination of the second round, especially in the name of financial savings, GYLA contends that democracy, particularly in its direct form such as elections, should not be curtailed on the grounds of financial constraints or shortages. The purpose of the second round was to foster consensus among the population or political groups, while one candidate won due to specific agreements and public concessions. The second round in practice lasted around one month, which is not so lengthy to justify its complete elimination.**

On 1 April, the mentioned amendments were heard and endorsed by the Parliamentary Committees of Regional Policy and Self-Government and Legal Issues.<sup>9</sup>

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<sup>7</sup> Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia “Election Code of Georgia”, Official Webpage of the Parliament of Georgia, 20.03.2024.

<sup>8</sup> Explanatory Note of the Draft Organic Law on Amendments to the Organic Law of Georgia “Election Code of Georgia”, Official Webpage of the Parliament of Georgia, 20.03.2024.

<sup>9</sup> “The Regional Policy and Self-Government Committee Approved the Draft Election Code”, Official Webpage of the Parliament of Georgia, 01.04.2024, available at: <https://shorturl.at/sFPU9>, updated: 17.04.2024.

## 2. DISCUSSIONS IN THE PARLIAMENT REGARDING THE OPENING OF POLLING STATIONS ABROAD

On 22 March, the Minister of Foreign Affairs of Georgia, Ilia Darchiashvili was summoned to the Parliament within the interpellation. The subject of the interpellation was the addition of polling stations abroad, which constitutes the primary demand of the opposition's months-long campaign, aiming to enable more Georgian citizens living abroad to participate in elections. It is noteworthy that statistically between 2012 and 2022, 245 thousand Georgian citizens emigrated, however, only 12 thousand citizens participated in the 2020 elections.<sup>10</sup> Following the initiative of the union of Zurab Girchi Japaridze's and Elene Khoshtaria's parties, "Girchi-Droa", emigrants started collecting signatures for increasing number of polling stations abroad.<sup>11</sup> The main topic discussed in the interpellation was the position of the Government of Georgia regarding this matter.

As stated by Ilia Darchiashvili, opening additional polling stations abroad means opening Georgian Consulates in all respective cities.<sup>12</sup> Opening the consulates in another country shall be admissible with the consent of the hereof state and under the procedure stipulated by the Vienna Convention, which can take months.<sup>13</sup> The Minister of Foreign Affairs believes that the solution lies not in the demand for additional consulates but in better informing citizens living abroad. It is crucial to explain to the population about the necessary steps immigrants must take to participate in elections.<sup>14</sup> Particularly, some people who are residing abroad illegally fear that registering or showing up for registration will result in their deportation from the host country, compelling them to return to Georgia. However, it is important for them to understand that registering abroad does not automatically lead to deportation and this registration is solely for electoral purposes.<sup>15</sup> As proposed by Herman Sabo, a member of "Girchi" parliamentary faction, to mitigate these risks, during the registration, individuals should only be required to provide their city of residence rather than their exact address. The mentioned informative campaign will soon be launched by the Ministry of Foreign Affairs and the Election Administration of Georgia.<sup>16</sup>

The member of the Parliamentary Political Group "European Socialists", Fridon Injia outlined the difficulties faced by Georgian citizens living in Russia regarding their participation in the elections posed by the absence of diplomatic relations between these two countries.<sup>17</sup> As an alternative, Injia proposed to the Parliament the idea of opening a polling station in the nearest accessible location - Minsk, the capital of Belarus. The second option, securing polling stations through Swiss embassies, was deemed unfeasible.<sup>18</sup>

In response to the opposition's reference to socio-economic issues in the country as a key driver of emigration,<sup>19</sup> MPs from the "Georgian Dream" party argued that the statistics encompass not only citizens emigrating but also those departing for purposes like education, employment, and/or medical treatment and departing from the country is not necessarily a disaster.<sup>20</sup>

During the parliamentary session, the main question, particularly, the quantity of polling stations abroad for 2024 Parliamentary elections, remained unanswered.

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<sup>10</sup> "What did the Emigrants Do to You? Darchiashvili Met the Parliament regarding the Polling Stations Abroad", Information Portal "Radio Tavisupleba", 22.03.2024, available at: <https://shorturl.at/dlpI4>, updated: 10.04.2024.

<sup>11</sup> "There is too much Hype for Opening Polling Stations Abroad - The Minister of Foreign Affairs", Information Portal "Radio Tavisupleba", 26.12.2023, available at: <https://shorturl.at/hsNY6>, updated: 10.04.2024.

<sup>12</sup> "What did the Emigrants Do to You? Darchiashvili Met the Parliament regarding the Polling Stations Abroad", Information Portal "Radio Tavisupleba", 22.03.2024.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

### 3. REVOCATION OF “ABANDONED PARTIES”

On 21 February 2024, MPs from the “Georgian Dream” faction introduced a draft law in the Parliament, proposing amendments to ten legislative acts. According to the draft law, if a political party does not submit a financial report to the Anti-Corruption Bureau for two consecutive years, the National Agency of Public Registry will revoke the registration of this party upon the Bureau’s request.<sup>21</sup> As stated by the authors, the objective of the draft law is the revocation of the so-called “Abandoned Parties”.<sup>22</sup> Currently, there are 514 registered parties in Georgia, but only a small fraction of them are actively involved in political activities.<sup>23</sup> For example, during the 2020 elections, only 73 parties applied to the CEC for the registration, out of which 50 were registered.<sup>24</sup> Political parties that are no longer active cannot cancel registration themselves; the proposed law aims to assist them in this process, leading to the enhancement and updating of the parties’ registry.<sup>25</sup> The proposed initiative raised varied opinions from both politicians and constitutionalists, and extended beyond politics into the realm of the constitutional law. The Constitution of Georgia explicitly stipulates that the prohibition of a political party shall be admissible only by decision of the Constitutional Court in cases defined by the organic law.<sup>26</sup> Banning political parties is a highly sensitive matter in a democratic state and can directly affect political pluralism. According to constitutional expert Levan Alapishvili, the revocation of a party should comply with constitutional requirements and be decided by the Constitutional Court, rather than by the Public Registry.<sup>27</sup>

As stated by the authors, the draft law does not intend to limit activities of political parties, and the reference to the latter has been assessed as a speculation. The aim is to update the parties’ registry and revoke abandoned parties, which do engage in political activities regardless.<sup>28</sup>

### 4. THE “PEOPLE’S POWER” OFFICIALLY REGISTERED THE POLITICAL PARTY

On 18 March, Political Group “People’s Power” was officially registered as a political party.<sup>29</sup> A member of the Parliamentary majority, Sozar Subari was unanimously chosen as the party chairman.<sup>30</sup> The main committee of the Party consists of 8 members. The Statute and structure of the party were accepted during the Founding Congress, and the composition of the audit and vote counting commission were also established.<sup>31</sup>

The political movement “People’s Power” was for the first time established in August 2022, with their primary goal being to disseminate information among the population.<sup>32</sup> The members of the movement were notable for

<sup>21</sup> Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia “on Political Associations of Citizens”, Official Webpage of the Parliament of Georgia, 21.02.2024, available at: <https://shorturl.at/ekz57>, updated: 17.04.2024.

<sup>22</sup> “Anri Okhanashvili – It is speculation that the amendments on the [organic] law “on Political Associations of Citizens” impose restrictions on parties, rather it is an issue of the revocation of so-called “abandoned parties”, Information Portal “1tv.ge“, 04.03.2024, available at: <https://rb.gy/riohtp>, updated: 10.04.2024.

<sup>23</sup> “Even an Appointed Official under the Prime Minister will have the Authority to Revoke Parties - What does the Constitution and Kobakhidze’s Manual Say about This”, Information Portal “Radio Tavisupleba“, 05.03.2024, available at: <https://rb.gy/uwn6q1>, updated: 10.04.2024.

<sup>24</sup> Ibid.

<sup>25</sup> “Anri Okhanashvili – It is speculation that the amendments on the [organic] law “on Political Associations of Citizens” impose restrictions on parties, rather it is an issue of the revocation of so-called “abandoned parties”, Information Portal “1tv.ge“, 04.03.2024.

<sup>26</sup> The Constitution of Georgia, Article 23 (4).

<sup>27</sup> “Even an Appointed Official under the Prime Minister will have the Authority to Revoke Parties - What does the Constitution and Kobakhidze’s Manual Say about This”, Information Portal “Radio Tavisupleba“, 05.03.2024.

<sup>28</sup> “Anri Okhanashvili – It is speculation that the amendments on the [organic] law “on Political Associations of Citizens” impose restrictions on parties, rather it is an issue of the revocation of so-called “abandoned parties”, Information Portal “1tv.ge“, 04.03.2024.

<sup>29</sup> “The Chairman of Party “People’s Power” will be Sozar Subari”, Information Portal “Interpressnews“, 18.03.2024, available at: <https://rb.gy/90juge>, updated: 10.04.2024.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> “People’s Power Officially Registered the Political Party”, Information Portal “Civil.ge“, 18.03.2024, available at: <https://civil.ge/ka/archives/587654>, updated: 10.04.2024.

their anti-Western rhetoric.<sup>33</sup>

The newly formed political party intends to participate in the parliamentary elections, although the members hold varying expectations regarding the possible results. Viktor Japaridze states that they do not talk about their plans if coming to the power, although they are confident in overcoming the 5% threshold. While, on the other hand, according to Irakli (Dachi) Beraia, they were not created to overcome the 5% threshold. Also, they do not dismiss the possibility of forming a coalition with the “Georgian Dream” party.<sup>34</sup>

The main aim of the party is to make sure that the United National Movement and their 9-year regime are brought to justice and, as well as “to pull back the curtains” on everything.<sup>35</sup> It is noteworthy, that in March 2023, “People’s Power” initiated the so-called “Russian Law”, which passed the first reading. However, following the mass public protests, the Parliament withdrew it during a second reading.

## 5. MELIA-GVARAMIA “AKHALI” [“NEW”] POLITICAL UNION

On 11 March, Nikanor Melia and Nika Gvaramia announced during the presentation that they are consolidating into a new political entity called “Akhali” [“New”].<sup>36</sup> Their political party will be Number 4 on the list during the elections. During the presentation, the founders introduced the logo and colours of the party. Gvaramia expressed his readiness to fight for victory by all means, and is willing to collaborate with other political forces, if necessary.<sup>37</sup>

## 6. THE GEORGIAN DREAM BEGAN THE PRE-ELECTION CAMPAIGN

The Georgian Dream began the Pre-Election Campaign and held the first meeting in Batumi.<sup>38</sup> The meeting was led by the Chairman of the Party, Irakli Garibashvili, accompanied by the Executive Secretary of the Party, Mamuka Mdinardze, and the Regional Secretary of the Party, Dimitri Khundadze. The meeting was held with the leaders of party organizations and party activists of Batumi, Kobuleti, Khulo, Shuakhevi, Keda and Khelvachauri.<sup>39</sup> During the meeting, the discussions centered on the party’s forthcoming plans. The emphasis was also put on the pivotal role of the party supporters during the upcoming election period. The “Georgian Dream” plans to visit 10 regions within following 100 days.<sup>40</sup>

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> “Nika Melia and Nika Gvaramia are Uniting, Their Union “Akhali” will Participate in the Elections with Election Number 4”, Information Portal “Interpressnews”, 18.03.2024, available at: <https://rb.gy/wwcrm7>, updated: 10.04.2024.

<sup>37</sup> “Nika Gvaramia Presented his New Party with Melia”, Information Portal “Netgazeti”, 11.03.2024, available at: <https://netgazeti.ge/news/713152/>, updated: 10.04.2024.

<sup>38</sup> “The “Georgian Dream” Commenced Pre-Election Campaign in Regions from Adjara”, Information Portal “Palitrnews”, 02.03.2024, available at: <https://shorturl.at/ARSU7>, updated: 10.04.2024.

<sup>39</sup> Ibid.

<sup>40</sup> “10 Regions, 100 Days and the Preparation for the 9<sup>th</sup> Victory – the “Georgian Dream” Commenced Meetings with Party Activists from Batumi!”, Information Portal “Rustavi 2”, 02.03.2024, available at: <https://rustavi2.ge/ka/news/276666>, updated: 10.04.2024.