



Georgian Young Lawyers' Association and the International Society for Fair Elections and Democracy Filed in Court

Pursuant to the amendments made to the Law on 2013 Republican Budget of Adjara Autonomous Republic, budget income of Adjara A/R was increased with GEL 14722700 (fourteen million seven hundred twenty-two thousand and seven hundred), including GEL 13 554 400 (thirteen million five hundred fifty-four thousand and four hundred) allocated for infrastructure and social projects.

Para.3, Article 49 of the Election Code prohibits from the day of calling of elections until the sum up of the election results, implementation of such projects not being previously envisaged in the state/local budget, as well as increase of those budgetary programs stipulated by the budget prior to the elections, initiation of unplanned transfers or boosting of planned transfers in the local budget. The foregoing amendments to the budget boosts funding for existing programs in violation of the Election Code. The Election Code delegates authorized individuals with the right to file in court for suspension of expenses.

In this light, we filed in Batumi City Court for suspension of increased expenses.

We welcome any infrastructure and healthcare initiatives; however, the authorities must determine priorities in the process of planning the budget to increase of the budget expenses during pre-election period in violation of applicable legislation.

As far as we know, it was stated in the process of adoption of the foregoing amendments that the prohibitions stipulated by the Election Code do not apply to the budget of Adjara A/R, which is a wrongful assumption. Under para."c", Article 6 of the

Budgetary Code of Georgia, the budget entails the state, as well as autonomous and local budgets. Furthermore, in view of the principle of unity envisaged by the Budget Code, Adjara A/R budget is subject to stipulations of law that apply to the central and local budgets. These budgets have common budget classification and registration system, and are subject to the same principles of the state financial control.

Notably, several days ago the parliament of Georgia adopted amendments to the election legislation with three hearings, including those affecting para.3, Article 49 of the Code. The amendments significantly narrow the scope of the provision and it would apply to the period 60 days before the elections. Further, the prohibition would no longer apply to boosting of budget programs, as well as initiation of unplanned transfers or boosting of planned ones.

Amendments to para.3, Article 49 of the Election Code have not been discussed and agreed with the inter-faction group of the parliament set up for the purpose of improving election legislation (GYLA has been actively involved in the work of the group) but rather, the initiative was discussed in the legal affairs committee, during the second committee hearing about amendments to the election legislation. Regrettably, the foregoing initiative is likely to result in the increase of spending state resources, similar to the foregoing case of Adjara A/R budget. Similar trends have been evidenced in some municipalities.