The Government is not Making Any Substantial Changes in Rules of Military Voting

We issue this statement in reaction to the new regulations of military voting proposed by the government.

We welcome that the draft amendments unveiled by the government abolish the possibility to create special electoral precincts in military units and regulate various matters of military voting in more detail. **However, the new regulations substantially fail to remedy the problems in military voting**. Military workers who are not registered at their place of deployment will still be able to participate in majoritarian elections, meaning that the risk of manipulating with military votes will

remain intact.

Following the 2012 elections the government reduced number of special polling precincts, which was a positive step forwards; however, it did not consider improving legal regulations for military voting until after the October 31, 2015 parliamentary by-elections, amid suspicions that movement of military unit(s) ahead of the Election Day aimed at artificially boosting the number of supporters of a majoritarian candidate of a certain political force in different electoral district. Subsequently, at the initiative of the Inter-Agency Commission for Free and Fair Elections a special task force was set up to review different opinions about military voting and work on legislative changes. [1]

Within the task force the Ministry of Defense of Georgia prepared a draft law according to which military workers will no longer be able to vote through special electoral precincts; instead, they will receive a ballot at an electoral precinct/district nearest to their place of deployment, while military workers, who are unable to leave their place of deployment due to their service or health conditions, will vote through a mobile ballot box.

As to participation of military workers in majoritarian elections, unlike other voters on a special list of voters, they will still be able to receive a majoritarian ballot outside their place of registration, which has been a controversial issue for many years. According to the new regulations, only those military workers who are deployed on the territory of the military base for the term of one year or more will participate in majoritarian elections of the parliament. Similar rule applies to participation of military workers in local self-government elections.

Because establishment of and voting at special electoral precincts has been a long-lasting controversial issue[2], we elaborated corresponding written opinions/recommendations years ago and since then, we have been working to prompt the government to address the problems of military voting.[3] We believe that military voters should vote at their place of registration or in civilian electoral precincts located near their base. [4] In regards to this, we welcome the above initiative. As to majoritarian voting, we believe that similar to other voters on a special list of voters, military workers should not be allowed to participate in majoritarian or local self-government elections; instead, **they should be able to vote in majoritarian elections only when their place of deployment and their place of civilian registration are within the borders of the same electoral district (or local majoritarian electoral district)**

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We plan to submit our recommendations as a legislative initiative to the parliament of Georgia. We urge the government to reconsider its own initiative and make substantive changes with respect to military voting.

Georgian Young Lawyers' Association

International Society for Fair Elections and Democracy

Transparency International – Georgia

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[1] Georgian Young Lawyers' Association and International Society for Fair Elections and Democracy were both members of the task force.

[2] Unlike other voters on special list of voters, the Election Code provides an exception for military workers to receive a majoritarian ballot irrespective of their place of civilian registration. For instance, a military worker registered in Senaki but serving in Gori can vote in elections for Gori majoritarian MP. In addition, existing election legislation allows making unfounded decisions about establishing special electoral precincts.

[3] Written opinion of the three organizations was presented to the tasks force set up at with the Ministry of Defense to work on special electoral precincts, as well as to the inter-agency commission for free and fair elections.

[4] http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2010)013-e