

Organic Law of Georgia on “Political Unions of Georgia” – Comparison of the current and agreed versions

Current Version	Agreed Version	Improvement
<p>“Article 26¹</p> <p>1. Limitations established under this Chapter for a party shall additionally apply to:</p> <p>a) A legal entity, if it is directly or indirectly related to a party, is otherwise under a party’s control, or has declared the political goals and tasks;</p> <p>b) A legal entity, which through a representative or other person calls for the voters to support or abstain from supporting any political force;</p> <p>c) A person, who has declared the political and electoral goals and tasks, a person related to him/her, as well as a person having business relations with him/her, which has the political and electoral goals, or carries out the activities that have impact on the expression of political will by the citizens of Georgia in the elections, plebiscite, and referendum, and these activities are carried out for evading the regulations of this Law.”</p>	<p>Article 26¹</p> <p>1. Limitations established under this Chapter for a party shall apply to:</p> <p>a) A person, who has declared his/her electoral goals and bears respective financial and material resources to achieve these goals;</p> <p>b) The rules of financial transparency established under this Chapter shall apply to a person, who will be held numerously liable for the breach of this Law, or the breach relates to the amount in excess of 30,000 GEL.</p> <p>2. The liability stipulated in this Law shall apply to any action and person, the goal of which is to avoid the limitations established by the law, including to the sham transactions.</p> <p>3. The limitations shall aim to regulate the revenues and expenses related to the political and electoral goals of a party and a person with declared electoral goals, and to ensure their transparency.</p> <p>4. Limitations with respect to persons defined in Paragraph 1 of this Article shall apply to only those actions, which are related to the use of finances or other materials resources in favor of a political force. The scope of limitations shall not include economic/entrepreneurial activities, property rights, and other private legal rights and freedoms, unless they are related to electoral goals and/or are carried out for avoiding the limitations established by the law.</p> <p>5. The limitations stipulated in this Law shall not apply</p>	<p><i>1. The Law will no longer include the notion of persons directly and indirectly related to a political party;</i></p> <p><i>2. The Chamber of Control will no longer be entitled to impose limitations on a person based on the expression of political sympathy or antipathy;</i></p> <p><i>3. A circle of persons will be narrowed down and clearly defined, to whom the limitations established for a political party will apply;</i></p> <p><i>4. The term has been defined to establish until when the limitations imposed by the Chamber of Control on a person can last.</i></p> <p><i>The agreement over Paragraph 2 of Article 26¹ was not reached and it will be further discussed at the committee hearings.</i></p>

	<p>to international organizations and those legal entities, which aim at institutional development of political unions, and which is unrelated to the support or abstention from support of any political force.</p> <p>6. The limitations stipulated in this Law may not be applied against the freedom of expression, discharge of civil activities, and the pre-election campaign.</p> <p>7. If the circumstances defined under Sub-Paragraph (a) of Paragraph 1 of Article 26¹ no longer exist, the Chamber of Control of Georgia, at its own initiative or based on the application of a person subjected to the limitations established under Article 26¹, shall examine the issue of lifting the limitations from a person through the simple administrative proceedings.</p> <p>8. The limitations imposed based on Sub-Paragraph (b) of Paragraph 1 of this Article shall be lifted within one month from summarizing the election results.</p>	
<p>“Article 25¹</p> <p>1. Overall annual state funding, contributions, and revenues in other forms allowed by law received by a party and physical persons and legal entities related to it shall not exceed 0.2% of Georgia’s Gross Domestic Product of a previous year, as well as the overall expenses borne by a party shall not exceed 0.2% of Georgia’s Gross Domestic Product of a previous year.”</p>	<p>Article 25¹:</p> <p>a) Paragraph 1 shall be formulated as follows:</p> <p>“1. Overall annual expenses of a political union/electoral entity shall not exceed 0.2% of Georgia’s Gross Domestic Product. These expenses include the expenses borne by a political union and other person in union’s favor, as established by the Chamber of Control of Georgia.”</p> <p>b) Paragraph 1¹ with the following formulation shall be added to Paragraph 1:</p> <p>“1¹. Upper threshold of overall annual electoral expenses of an independent single-seat candidate shall be determined under the following procedure: the upper threshold of expenses allowed for the parties in an electoral campaign (0.2% of the Gross Domestic Product of a previous year) shall be divided by an overall number</p>	<p><i>1. Limitations on revenues for the parties will be lifted.</i></p> <p><i>2. The upper threshold of expenses of independent single-seat candidates was defined.</i></p>

	<p>of voters in the country, and the received number shall be multiplied by the number of voters in this electoral district.”</p> <p>c) Paragraph 5 shall be formulated as follows:</p> <p>“5. Overall expenses borne by the parties within the election bloc, as well as expenses borne in their favor shall not exceed the cap established in Paragraph 1 of this Article.”</p>	
<p>Paragraph 7 of Article 27:</p> <p>“7. If the contributing physical persons receive income in full or partially from one source (from physical persons or legal entities or from persons related to them), then their overall annual contributions in favor of one electoral entity shall not exceed 500,000 GEL, and the overall contribution of each of them shall not exceed 60,000 GEL.”</p>	<p>Paragraph 7¹ shall be added to Article 27:</p> <p>“7¹. If the Chamber of Control determines that the acceptance of donation breaches the requirements set under this Law, it shall issue an individual-legal act, within five days from delivery of which a party shall be obligated to return to the contributor that portion of donation, which is in excess of the cap established under the law.”</p>	<p><i>This addendum provides that if a donation exceeds the 500,000 GEL limit, the Chamber of Control will notify a party, which received the donation, about this violation, and if this party returns this donation to the contributor within 5 days, neither the party nor the contributor will be fined.</i></p>
<p>“Article 27¹</p> <p>1. A party shall submit the information on contributions to the Chamber of Control of Georgia <u>within 3 days</u>.</p> <p>2. If the acceptance of donation breaches the requirements set under this Law, a party shall be obligated to return the amount to its contributor within 3 days from the transfer of this amount to its bank account. In case of non-fulfillment of this obligation the amount shall be transferred to the state budget.</p> <p>3. In case of non-fulfillment of respective obligations by an authorized official of a party,</p>	<p>Paragraphs 1 and 2 of Article 27¹ shall be formulated as follows:</p> <p>“1. A party shall submit the information on contributions as well as on payment of membership fees to the Chamber of Control of Georgia within 5 working days.</p> <p>2. If the acceptance of donation as well as payment of a membership fee breaches the requirements set under this Law, a party shall be obligated to return the amount to its contributor / person who paid a membership fee within 5 working days from the transfer of this amount to its bank account. In case of non-fulfillment of this obligation the amount shall be transferred to the state</p>	<p><i>1. The term for the parties to provide information to the Chamber of Control was increased from 3 to 5 days.</i></p> <p><i>2. In cases where a party could not have been aware of illegal donation, then it will be obligated to return such donation not from the day when the donation was received, but from the day when the request of the Chamber of Control is received.</i></p>

	s/he shall be held liable pursuant to the legislation of Georgia.”	budget. If a party was unaware of or could not have been aware of the illegality of donation, the obligation to return money shall arise from the moment of respective request of the Chamber of Control.”	
	Article 32. Paragraph 4 “4. A party shall be obligated to reflect in the financial declaration the expenses of a legal entity that is directly or indirectly related to it or is otherwise under its control.”	Article 32: a) Paragraph 4 shall be formulated as follows: “4. A party shall be obligated to reflect in the annual financial declaration those expenses borne by a person subjected to limitations established under Article 26 ¹ of this Law, which were spent on the electoral goals and activities of a party. These expenses shall not include the expenses borne by the persons defined in Paragraph 5 of Article 26 ¹ for the institutional support of a party.”	<i>It has been clearly defined the expenses of which organizations must a party reflect in the annual declaration.</i>
		Sub-Paragraphs (k) and (l) with the following formulation shall be added to Paragraph 2 of Article 34 ¹ : “k) If there is a substantiated assumption as to the existence of circumstances stipulated in Article 26 ¹ , the Chamber of Control of Georgia shall be authorized to request from a person a financial report. l) The Chamber of Control of Georgia shall make the decision on application of limitations established under Article 26 ¹ of this Law in respect of a person through the simple administrative proceedings. These limitations shall be in effect until the end of elections. Upon request by a party, a copy of the decision shall be provided to a party before 12:00 p.m. on the following day from when the act was issued.”	<i>The mechanism of requesting the information from a person and making a decision on application of limitations on a person by the Chamber of Control was specifically defined.</i>
	Article 34 ² . Paragraph 7 “7. Numerous breaches of the norm stipulated in this Article, or in case of intentional non-	Article 34 ² . Paragraph 7 “7. Concluding a transaction foreseen under Article 33 ¹ of this Law, -	<i>The norm, based on which the entity's electoral registration could have been suspended and</i>

	fulfillment of a lawful request of the Chamber of Control of Georgia, or if a legal offense has caused significant damage, the Central Election Commission of Georgia shall be authorized, based on the submission of the Chamber of Control of Georgia, to <u>suspend the election registration of an electoral entity</u> , if the offense involves action committed within 1 year prior to the elections.”	shall result in fining with the fivefold amount of the value of transaction.”	<i>which in fact equaled the removal of entity from elections, was revoked.</i>
		Pecuniary sanctions in Paragraphs 1, 2, and 3 of Article 34 ² were reduced from tenfold amount of contribution/membership fee to the fivefold amount.	
	Paragraph 8 of Article 34 ² : “8. The Chamber of Control of Georgia shall arrest the property of a party, a physical person and/or legal entity (including bank accounts), which may be appealed in court together with the resolution on legal offense. The appeal shall not suspend the effect of the arrest.”	Paragraphs 10-11 of Article 34 ² : “10. In case of administrative offences stipulated in this Article, an authorized official of the Chamber of Control shall draw up the protocol of administrative offense, which shall be immediately sent for examination to the district (city) court. 11. If there is a circumstance that may hinder the enforcement of penalty foreseen under the law for the offense, together with drawing up the protocol of administrative offence the Chamber of Control shall be authorized to arrest the property of a party, physical person and/or legal entity (including bank accounts), in proportion to the sanction foreseen for a respective offence, which shall be put in effect immediately and shall be submitted together with the protocol of administrative offence to court for approval/confirmation.”	<i>1. The Law has defined a type of document that the Chamber of Control must issue when imposing sanctions on a person. 2. It was defined that based on this Law a person's property can be arrested only in the portion of a disputed amount (property) and not including person's all property and accounts. The Chamber of Control will not be able to arrest a person's property based on its sole decision, as this sanction will have to be approved/confirmed by the court.</i>
		“34 ³ . Bribing of Voters	<i>1. A party will no longer bear criminal responsibility for</i>

	<p>Directly or indirectly offering, promising, giving or providing the money, securities (including a financial instrument), other property, the property right, service, or any other advantage up to 100 GEL for voting for or refraining from voting for any political entity in the elections, -</p> <p>shall result in fining of a physical person with 200 GEL, and fining of a legal entity with 500 GEL.”</p>	<p><i>assisting the voters with up to 100 GEL.</i></p> <p><i>2. A voter will no longer bear criminal responsibility for accepting the assistance up to 100 GEL.</i></p> <p><i>3. The exemption of voters from liability for accepting the assistance could not be agreed upon.</i></p>
<p>The Criminal Code, Article 164¹. Bribing of Voters</p> <p>Directly or indirectly offering, promising, giving or providing, or requesting or accepting intentionally the money, securities (including a financial instrument), other property, the property right, service, or any other advantage for political purposes, and/or entering into sham or other transactions to avoid restrictions imposed by law, - shall be punishable with imprisonment for up to three years or a fine.</p> <p>Remark:</p> <p>1. The property foreseen by this Article does not include the accessories of campaigns of political unions of citizens having a small value – T-shirts, caps, hats, banners, and other similar items.</p> <p>2. A person shall be exempt from criminal liability for the political and electoral promises associated with the future</p>	<p>The Criminal Code, Article 164¹. Bribing of Voters</p> <p>Directly or indirectly offering, promising, giving or providing, <u>or accepting</u> the money, securities (including a financial instrument), other property, the property right, service, or any other advantage over 100 GEL for voting for or refraining from voting for any political entity in the elections, and/or entering into sham transactions to avoid restrictions imposed by this Article, -</p> <p>shall be punishable with a fine.</p> <p>2. The same action committed in a large volume - shall be punishable with imprisonment for up to one year.</p> <p>Remark:</p> <p>1. The property foreseen by this Article does not include the accessories of campaigns of political unions of citizens having a small value – T-shirts, caps, hats, banners, other similar items and other exceptions established under the Organic Law of</p>	<p><i>1. A voter will no longer bear administrative or criminal responsibility for requesting the assistance.</i></p> <p><i>2. The exemption of citizens from criminal liability for accepting a gift could not be agreed upon yet.</i></p>

<p>distribution of budgetary means and the future implementation of the state policies.</p> <p>3. A legal entity (except a party, which is not held criminally liable) shall be punished for the action stipulated in this Article either with liquidation or deprivation of the right to pursue activities and/or a fine.</p>	<p>Georgia on “Political Unions of Citizens”.</p> <p>2. A person shall be exempt from criminal liability for the political and electoral promises associated with the future distribution of budgetary means and the future implementation of the state policies.</p> <p>3. A legal entity shall be punished for committing the offense stipulated in this Article either with liquidation or deprivation of the right to pursue activities and/or a fine.</p> <p>4. A political union of citizens shall be punished for committing the offense stipulated in this Article with a fine.</p> <p>5. A large volume for the purposes of this Article shall be 5,000 GEL.</p>	
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