

**Organic Law of Georgia
on Amendments and Supplements to the
Organic Law of Georgia on "Political Unions of Citizens"**

Article 1. The following amendments and supplements shall be made to the Organic Law of Georgia on "Political Unions of Citizens" (Parliamentary Gazette, #45, 21.11.1997, page 76):

1. Paragraphs 2¹ and 2² with the following formulation shall be added to Article 25:

"2¹. Monetary means provided and the material value or service (except for a voluntary work performed by a volunteer) rendered free of charge or at discount/preferential terms to support a party or a person foreseen under Article 26¹ shall be also considered as donation.

2². Limitations and regulations established by this Law in respect of donations shall also apply to the monetary means provided and the material value or service (except for a voluntary work performed by a volunteer) rendered free of charge or at discount/preferential terms to refrain from supporting a party or a person foreseen under Article 26¹."

2. Paragraph 1 of Article 25¹ shall be formulated as follows:

"1. Overall annual expenses borne by electoral entities throughout the election year shall not exceed 0.2% of Georgia's Gross Domestic Product of a previous year."

3. Paragraph 1¹ with the following formulation shall be added to Paragraph 1 of Article 25¹:

"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 of voters in the country, and the received number shall be multiplied by the number of voters in this electoral district."

4. Paragraph 5 of Article 25¹ shall be deleted.

5. Article 26¹ shall be formulated as follows:

"Article 26¹.

1. Limitations established under this Chapter for a party shall additionally apply to:

a) A person, who has declared his/her electoral goals and bears expenses for these goals, except for the donations made within the limits established by the law.

b) A person, who throughout the year contributes illegal donations worth total of 200,000 GEL.

2. Limitations stipulated in this article may not be applied against the freedom of expression and discharge of civil activities."

6. Paragraph 2 of Article 27 shall be formulated as follows:

"2. If the Chamber of Control determines that the acceptance of donation breaches the requirements set under this Law, it shall issue an individual administrative-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."

7. Paragraph 7 of Article 27 and Paragraph 4 of Article 32 shall be deleted.

8. Article 33¹ shall be formulated as follows:

"Article 33¹.

A transaction made in breach of the rules and limitations established under this chapter shall be void."

9. Sub-Paragraphs (k) and (l) with the following formulation shall be added to Paragraph 2 of Article 34¹:

"k) If there is a substantiated assumption as to the existence of circumstances stipulated in Article 26¹, the Chamber of Control of Georgia shall be authorized to request from the person a financial report.

l) The Chamber of Control of Georgia shall make the decision on application of limitations established under Article 26¹ 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."

10. Lifting of limitations established under Article 26¹ (proposed as a guiding principle):

If the circumstances stipulated in 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 limitations established under Article 26¹, shall examine the issue of lifting the limitations from a person through the simple administrative proceedings.

11. Paragraphs 1-5 of Article 34² shall be formulated as follows:

- "1. Acceptance or concealment by a party of financial or material contributions prohibited under the legislation of Georgia –
shall result in the transfer of prohibited contributions to the state budget and fining of a party with the triple amount of the received financial or material contributions.
2. Making the financial or material contributions prohibited under the legislation of Georgia by a physical person or legal entity in favor of a party –
shall result in fining of a physical person or legal entity making prohibited financial or material contributions with the triple amount of made contributions.
3. Acceptance by a person of financial or material contributions prohibited by the law in favor of a party and/or concealment of information on contributions –
shall result in fining of a person with the triple amount of made contributions.
4. Shall be deleted.
5. Failure by a party to fulfill the lawful obligation of providing the requested information to the Chamber of Control of Georgia –
shall result in fining of a party with 500 GEL."

12. Paragraphs 7 and 8 of Article 34² shall be deleted.

13. Procedure for arrest must be determined (proposed as guiding principles):

The Law must define the procedure for arresting by the Chamber of Control the property (including the bank accounts) of a party and other physical persons and legal entities. The regulation thus must stipulate the following key issues:

The arrest may be applied during the failure to fulfill lawful obligations, after the authorized person issues the act on imposition of a sanction.

The arrest may be applied only to the extent necessary for enforcing the issued act on imposition of a sanction and if there is a danger of disposal/spending of property by a person, thus rendering it impossible to enforce the decision on imposition of a sanction.

The Chamber of Control of Georgia shall address the court with a justified motion requesting to arrest the property to the extent necessary for enforcing the issued act on imposition of a sanction.

The judge shall decide on approval/rejection of the arrest on property within 24 hours from submission of the motion.

The court decision shall be subject to appellate challenge only in the appellate court within 48 hours.

Within 48 hours the appellate court shall make a decision that is final and is not subject to further appeal.

14. Article 34³ with the following formulation shall be added to the Law:

"34³. Bribing of Voters

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 –

shall result in fining of a physical person with 200 GEL, and fining of a legal entity with 500 GEL.

Remark:

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 Georgia on “Political Unions of Citizens”.

2. A person shall be exempt from administrative liability for the political and electoral promises associated with the future distribution of budgetary means and the future implementation of the state policies."

Article 2. This Law shall enter into effect immediately upon publication.

President of Georgia

Mikheil Saakashvili

Draft

**Law of Georgia
on Amendments to the Criminal Code of Georgia**

Article 1. Article 164¹ of the Criminal Code of Georgia (Legislative Herald of Georgia, #41(48), 1999, Art. 209) shall be formulated as follows:

"Article 164¹. Bribing of Voters

1. 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 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 –

shall be punishable with a fine.

2. The same action committed in a large volume –
shall be punishable with imprisonment for up to one year.

Remark:

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 Georgia on “Political Unions of Citizens”.

2. A person shall be exempt from administrative liability for the political and electoral promises associated with the future distribution of budgetary means and the future implementation of the state policies.

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.

4. A political union of citizens shall be punished for committing the offense stipulated in this article with a fine.

5. A large volume for the purposes of this article shall be 5,000 GEL."

Article 2. This Law shall enter into effect immediately upon publication.

President of Georgia

Mikheil Saakashvili