Submitting Legislative Proposals and Initiatives Electronically

To the Parliament of Georgia and

Implementing its Support Mechanism through the Official Website

Of the Parliament of Georgia

(Commitment 1.2.)

(Concept)

March 2016, Tbilisi
Forward


Commitment 1.2. of the Open Parliament Georgia Action Plan – Submitting legislative proposals and initiatives electronically to the Parliament of Georgia and implementing its support mechanism through the official website of the Parliament of Georgia – addresses the public services improvement challenge of OGP.

In accordance with the Action Plan, not later than the end of February 2016, the Parliament of Georgia shall elaborate a concept for electronical submission of legislative proposals and initiatives by means of the website of the Parliament of Georgia. The final purpose of the Commitment is not only to enable citizens to submit legislative proposals and initiatives electronically, but also to enable them to electronically support the aforementioned proposals and initiatives.

According to the Action Plan:

**In case of a legislative proposal** – All legislative proposals registered in the Parliament will be automatically published on the website of the Parliament and the citizens will have an opportunity to join proposals by means of an electronic signature. Simultaneously, all documents elaborated in the process of reviewing legislative proposals will be published on the website as well.

**In case of a legislative initiative** – On the one hand, in accordance with the established procedure, initiative groups will have an opportunity to proactively disclose information related to a legislative initiative on the website of the Parliament of Georgia and on the other hand, they will be able to join the abovementioned legislative initiative by means of an electronic signature. Furthermore, as defined by Georgian legislation, in case the legislative initiative receives 30,000 electronic signatures, relevant review procedures will be initiated.
The Open Government Guide provides the issues related to support of legislative proposals and legislative initiatives in second and third steps of its recommendation commitments. To be more precise, cooperation with CSOs in order to strengthen their involvement in parliamentary activities is provided by the second step recommendation commitment. In order to implement the aforementioned commitment, the Open Government Guide includes a recommendation to integrate new operational models that will ensure communication between the stakeholders.

In order to make the information related to the parliamentary and governmental activities easily understandable and usable, non-governmental organizations and citizens elaborated various innovative tools (for example, internet applications). Accessibility of the parliamentary information will increase involvement of citizens and NGOs in legislative activities. It is mentioned in the Open Government Guide that by means of new technologies citizens and NGOs will be able to receive information on legislative initiatives submitted to the Parliament by private companies and visualize legislative processes.1

When discussing examples of implementation of the recommendation commitments provided by the Open Government Guidebook, special attention should be paid to the example of (1) Latvia. www.manabalss.lv2 is a Latvian website that was elaborated by the CSOs. This website enables citizens to submit draft laws to the Legislative Authority. The Parliament of Latvia reviews a draft law in case it is supported by at least 10,000 citizens.3

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1 The Open Government Guidebook, pg. 228,
3 Social Initiative Platform, https://manabalss.lv/
In order to register a legislative proposal (and/or initiative), a citizen shall send its proposal to the named website. The proposal/initiative shall include: 1. Content of the proposal, 2. Amendments that should be made to the legislation in order to adopt the proposal, 3. Reasoning.

Within 24 hours after submission of the proposal, a group of experts contacts the citizen and suggests amendments that shall be applied to the submitted proposal. After amending the proposal the author of the proposal shall independently collect 100 signatures by means of social networks. The purpose of the abovementioned is to define whether the proposal has supporters or not.

Upon collection of 100 signatures, the website experts review if it is physically possible to implement the proposal and whether it is in compliance with legislation, Constitution and human rights. It is crucial that the initiative is not against any particular individual, idea or event and is submitted in the state language.

Thereafter the legislative proposal is published on the website and collection of signatures begins. Collection of signatures on the website is not limited in time. Brief description of the document is available on the website and full text of the proposal is attached thereto. Below the proposal any interested individual can view the signatures, updates and stages of the document. Upon collection

of 10,000 signatures the legislative proposal is sent to the highest legislative body. Any citizen of Latvia that reached the age of 16 can register on the website and support legislative proposals.

It is necessary to identify an individual that leaves an electronic signature. The aforementioned is carried out by means of an internet banking. The internet banking provides name and surname of the signatory and time, when the latter joined the legislative proposal.

Below you can find a brief description of one of the legislative proposals and information related thereto. The purpose of the proposal was to make it compulsory for the Parliament of Latvia to review legislative proposals that collect 10,000 signatures.
Identification of an individual by means of the internet banking
Updates related to the legislative proposal

Initiatives news

Be Good news - Home has supported the Sauna in second reading!

Last week members of the Sauna supported the opening, in addition to reducing the required number of signatures to 1200 - 1800! Last week we had to subtract the required number of signatures for the final reading to the Sauna. This step will be one of the most important steps in any legislative process.

Authors: CHRISTOPHAUS  2 2

Be Good news - Teem atam supported the Sauna in second reading!

The Sauna allowed for the Sauna to be supported at the final stage of the process. This step will help to bring the Sauna closer to the goal of becoming a popular destination.

Authors: CHRISTOPHAUS  2 2

Be好 news - Committee has completed their studies - as a successful Open Sauna a popular idea!

A month ago, the newly-elected parliamentary committee presented their report on the opening of the Sauna. During the month, we conducted in-depth analysis of the Sauna and we made some interesting findings. These findings will help to bring the Sauna closer to the goal of becoming a popular destination.

Authors: CHRISTOPHAUS  2 2

Be Good news - President's office and lawyers involved in the Sauna 'parliamentary opening'

Office of the President and the Sauna's legal team engaged in the planning of the Sauna. For information on the Sauna, please visit www.sauna.lv.

Authors: CHRISTOPHAUS  2 2

Be Good news - Legal Affairs Committee decided to push for "parliamentary opening!"

The decision to push for the Sauna's "parliamentary opening" was made to ensure that the Sauna becomes a destination for all.

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Third step recommendation commitment of the Open Government Guidebook is elaboration of a
digital platform, which will strengthen citizens’ involvement in the parliamentary activities. In
addition to other recommendations, the Guidebook provides elaboration of e-petition website
that will enable citizens to submit and support draft laws. In the event a draft law is supported by
predefined number of citizens, the Parliament is obliged to review it.5

When discussing the aforementioned matter, the example of (2) Finland is of particular interest.
“Open Ministry” is civil society’s e-petition platform, which enables citizens to submit draft laws
to the Parliament of Finland. Any legislative initiative that is supported by not less than 50,000
citizens is automatically reviewed by the Parliament. For example, initiatives like copyright
regulations, making Swedish language an optional subject for Finnish students and other were
supported by 50,000 citizens.6

“Open Ministry” defines number of steps for formation of a legislative initiative. First and second
steps are stages of preparation of the idea and legislative initiative as a working document.7 From
the third step collection of signatures begins. The aforementioned is possible by means of a paper
version, as well as by leaving an electronic signature. Identification of the electronic signature is
carried out by bank system or mobile phone. Collection of electronic signatures is allowed within
6 months upon publication of the initiative on the website. Upon collection of 50,000 signatures,
the legislative initiative is submitted to the Parliament of Finland and the parliamentary
committee reviews it. After Committee hearing the draft law is sent to the plenary session.

5 The Open Government Guidebook, pg. 233,
“Open Ministry” platform, where the main features and functions of the website are explained
Collection of signatures for the legislative initiative
Review of the idea before it becomes an initiative and collection of the signatures begins

Let's start: ENERGY DRINKS K16 - European Citizens' Initiative a ban on the sale of energy drinks to children under 16 years of age (Ended)

Citizens' initiative to date 3.9.2012.

The bill amending the Food Act as follows:
subsection 2. A new paragraph 8 as follows: a new 10 a § 79 and § Food Act (23/2005) is added:

10 a § Retail Prohibitions
added sugar or other sweetening matter containing carbonated drink that contains caffeine more than 130 mg per liter, may not be sold to a person who is sixteen years younger.
The Citizens' Initiative can be read [here](#).

Medborgarinitiativ policy Lasas i sin Helhet [text](#).

The initiative käynnistäähot Finnish Parents' Association and Förbundet Hem och Skola i Finland. Pani activities initiated by the leaders of State Kurt Thomas (tel. 050-5443757) and Micaela Romantschuk-Pietilä (tel. 050-3362016). The initiative is representative of Kurt Thomas and the Deputy State Representative works Micaela Romantschuk.

Finnish Parents' Association Förbundet och Hem och Skola i Finland står behind the initiative. Verksamhetsledarna State Kurt Thomas (tel: 050-3443757) and Micaela Romantschuk (tel: 050-3362016) is initiativeagarna.

For more information [www.energiajuomatK16.fi](http://www.energiajuomatK16.fi)

Mera information [www.energidryckerF16.fi](http://www.energidryckerF16.fi)

Link to file description of this initiative.
Signature collection points and leaving comments on initiatives
Submission of legislative proposal and legislative initiative to the highest legislative and executive bodies is also implemented in Germany, USA, Great Britain and other. It is provided by Article 17 of the Federal Constitution of Germany that anyone has a right to address the highest legislative body with a written request. German Parliament created a committee, which is obliged to consider all the legislative proposals submitted to the Bundestag.

In USA right to submit a legislative proposal was provided by the first amendment made to the Constitution in the year of 1791. As a result, all citizens have a right to submit a legislative proposal to the Government of USA. Upon collection of signatures, the legislative proposal is
reviewed by the White House. In Great Britain any interested individual can also submit a legislative proposal to the Government. At the first stage legislative proposal (based on the content of the proposal) is reviewed by relevant authorized body and upon collection of signatures, the proposal is redirected to the Parliament and debates are held.

**Constitution of Georgia and Rules of Procedures of the Parliament of Georgia**

The Constitution of Georgia, as well as the Rules of Procedures of the Parliament of Georgia provides that any citizen has a right to submit legislative proposal and legislative initiative to the highest legislative body of the country. Therefore, collection of signatures by means of a website is interconnected with two different legislative procedures.

1) **Legislative Initiative**

Article 67 of the Constitution of Georgia provides that a legislative initiative can be submitted by not less than 30,000 voters. Furthermore, in accordance with Article 144 of the Constitution of Georgia, a subject entitled to submit a legislative initiative may submit a draft law in form of an independent, separate document or as an amendment or invalidation of an existing law. Accordingly, in compliance with the Constitution of Georgia and the Rules of Procedures of the Parliament of Georgia, not less than 30,000 voters can address the Parliament with a legislative initiative that aims to implement a new law, or amend/invalid an existing law. Final elaboration and shaping of the draft law is carried out by a subject that is entitled to submit a legislative initiative (Article 145 of the Rules of Procedures of the Parliament of Georgia).

In accordance with Point 2 of the Article 145 of the Rules of Procedures of the Parliament of Georgia, an explanatory note shall be attached to the draft law. The explanatory note shall include: general information on the draft law – reasons for elaboration of the draft law, purpose of the draft law, basic essence of the draft law and its financial justification.

Financial justification of the draft law includes: source of financing necessary expenditures for adoption of the draft law, impact that the draft law will have on the budget expenditures, new financial obligations of the state, expected financial outcomes of the law for those individuals that are subject to it, amount and principle of determination of the amount of the fees and taxes defined by the draft law.

Moreover, the explanatory note of the draft law includes interconnection of the draft law with international legislation. To be more precise, it includes interconnection of the law with EU
directives, obligations of Georgia that derive from its membership in various international organizations and Georgia’s bilateral and multilateral agreements.

Results of consultations carried out during elaboration of the draft law are attached to its explanatory note and include: governmental, non-governmental and/or international organization/body, experts that participated in elaboration of the draft law (if applicable): assessments made by the organizations/bodies and/or by the experts that participated in elaboration of the draft law.

The explanatory note includes information on author and initiator of the draft law.

In accordance with Point 3 of the Article 145 of the Rules of Procedures of the Parliament of Georgia, the draft law shall also be attached with: an assessment made in relation to the draft law by an independent expert (if applicable).

In accordance with Point 4 of the Article 145 of the Rules of Procedures of the Parliament of Georgia, if a draft law results in amendment of another existing legislative act, it shall be attached with a relevant project on amendments that the aforementioned legislative act will face. These project shall be submitted to the Parliament in a form of a legislative package. In addition, the draft law shall be attached with the edited version of those articles that will face amendments as a result of adoption of the draft law.

Article 146 of the Rules of Procedures of the Parliament of Georgia provides stages and procedures for discussion of the draft law submitted to the Parliament. However, it is noteworthy that initially the draft law is submitted for registration to the Organizational Department of the Parliament.

According to the Rules of Procedures of the Parliament, for further conclusions, the Organizational Department forwards the draft law to the Legal Department and the Budget Office of the Parliament. The Legal Department and the Budget Office study legal and financial impacts of the draft law and return it to the Organizational Departments. The latter forwards the draft law and conclusions attached thereto to the Bureau of the Parliament of Georgia. If the submitted draft law does not comply with the abovementioned requirements of the Rules of Procedures of the Parliament, the Bureau of the Parliament is entitled to return the draft law with conclusions attached thereto to the initiator.

In accordance with Point 8 of Article 147 of the Rules of Procedures of the Parliament, after the Bureau makes a decision to review the draft law, the latter is submitted to committees, factions, majority, minority, the Legal Department of the Parliament, the Government of Georgia and upon request to the independent MPs. Furthermore, the draft law is proactively disclosed on the website of the Parliament.
2) Legislative Proposal

In accordance with Article 150 of the Rules of Procedures of the Parliament of Georgia, legislative proposal is a request on adoption or invalidation of a law and it is submitted to the Parliament by an individual that is not a subject to submission of a legislative initiative.

Legislative proposal can be submitted by the citizens of Georgia, state authorities (except for executive government institutions and legal entities of public law), local self-government entities, political and civil unions, as well as other legal entities registered in compliance with Georgian legislation.

In accordance with the Rules of Procedure of the Parliament of Georgia, legislative proposal can be submitted to the Parliament in form of a draft law or/and as basic principles of the proposal or concrete proposal. The legislative proposal shall include the authors’ justification, signature and address.

The bureau or the Chairperson of the Parliament defines the leading committee and within 5 days forwards the legislative proposal to other committees that review the draft law within 20 days.

The committee reviews the legislative proposal in accordance with Articles 152 and 153 of the Rules of Procedures of the Parliament of Georgia. As a result of review, the legislative proposal may be reasoned as accepted or declined.

In accordance with the Rules of Procedures, if the legislative proposal is submitted to the Parliament as a concrete proposal and the leading committee considered it as acceptable, the committee, upon the agreement with the Bureau of the Parliament, elaborates a draft law and submits it to the Bureau.

If the legislative proposal is submitted to the Parliament in form of a draft law and the leading committee considered it as acceptable, in accordance with the Rules of Procedures, the draft law is submitted to the Bureau of the Parliament.

In the event that the legislative proposal is accepted by the Parliament, the leading committee is considered as the subject to the right of legislative initiative.
IDFI Recommendations

Deriving from the Rules of Procedures of the Parliament of Georgia, it can be said that all legislative proposals become legislative initiatives upon approval and acceptance by the leading committee. Accordingly, after becoming a legislative initiative, procedures for review of legislative initiatives defined by the Rules of Procedures of the Parliament of Georgia are used.

Based on the aforementioned, it is crucial to define technical basis for submission of legislative initiative and legislative proposal to the Parliament of Georgia.

Furthermore, the basis for review of legislative initiative and legislative proposal defined by the Rules of Procedures of the Parliament of Georgia are similar to the earlier discussed examples of Latvia and Finland for the following reasons: Firstly, submitted initiative shall be in compliance with formal aspects of legislative initiative and secondly, legal and economic aspects of the submitted initiative are examined.

As shown in the above discussed examples, it is important to keep the process related to submission of legislative initiatives and proposals transparent and present this process in maximally simplified and easily understandable format.

1. Any citizen (from the age of 18) or organization shall have a right to register a legislative proposal on the website of the Parliament of Georgia;
2. So called “frame document” (application) shall be available on the website of the Parliament. This document shall include specific regulations and rules for elaboration of a draft law;
3. The “frame document” shall make it possible for idea authors to choose two directions: 1. Define minimal standards that are necessary for submission of a legislative proposal to the Parliament (general idea, justification, signature and address of the author) and an application for registration of the legislative proposal or 2. Idea author can choose higher standards for approval – collect 30,000 signatures, shape the “frame document” into a draft law. Upon collection of 30,000 signatures, the organizational department of the Parliament will register the draft law as a legislative initiative. If the leading committee approves the legislative proposal, the latter will be registered as a legislative initiative.
4. The full process of review of the legislative initiative shall be open. Conclusions of the committees shall be attached to the initiative published on the website and information related to all stages of review of the initiative shall be proactively disclosed.
5. In the process of collecting of signatures, all citizens of Georgia (except for legal persons) shall be eligible to vote from the age of 18;
6. In order to register on the website (this is applicable to both – signatory and author of idea) the following information shall be indicated:

- Name (name, surname that are given in ID card);
- ID number;
- Email address;
- Mobile phone number (only if a short text message function is enabled);
- Password.

The aforementioned information will be confidential and protected. Identity of a signatory or an author of idea will only be displayed by their initials. In case citizen already has an account on other governmental website or database (for example: my.gov.ge, rs.ge and other), the latter can use already existing parameters (enter the same username and password that is used on the governmental website).

7. The legislative proposal shall be composed in the state language;

8. The basis for refusal to register a legislative proposal can be:
   - Proposals that are not subject to the competence of the legislative authorities;
   - Proposals that do not have appropriate content or cannot clearly express idea;
   - Proposals that include offensive, indecent content or are submitted as a joke;
   - Proposals containing hate speech, discrimination, call for violence and can harm an individual;
   - Proposals on illegal overthrow of the constitutional order or proposal containing calls for disobedience of Georgian legislation; and
   - Proposals that contain personal data or refers to only one specific individual, personal circumstances or issue.

9. Proposal that is declined for one of the abovementioned reasons shall still be published on the website and the grounds for refusal to register the proposal shall be specified.

10. Upon creation of a profile on the platform, citizen shall go through the following steps for verification:
    - When logging in, ID number and identity of the user shall be verified;
    - The user shall enter symbols randomly chosen by the system (so called “captcha system”);
    - Afterwards, the system shall send a link to the email address of the user (or special 6 digit code shall be sent to the mobile number). The user shall click on the link in order to activate the “signature”;
    - If a person signs a proposal, the system shall compare their email address to the email addresses of the persons that have already left their signatures on the proposal.

11. A citizen shall be able to support one and the same proposal only once (however, they also shall be able to support a number of proposals at the same time);
12. Supporters of a proposal shall be able to receive news by email;
13. The platform shall be technically developed by the Information Technologies Service of the Parliament, however, it shall be moderated by the Organizational Department of the Parliament (for this purpose, amendments to the Rules of Procedures of the Parliament shall be made);
14. The Legal Committee and the Budget Office of the Parliament shall prepare conclusions on legislative proposals until they become legislative initiatives or are reviewed as legislative proposals by the Bureau of the Parliament (for this purpose, amendments to the Rules of Procedures of the Parliament shall be made);
15. Any legislative proposal, including proposals submitted to the Parliament in writing, shall be proactively disclosed on the website;
16. The electronic platform does not limit the citizen of Georgia in collection of 30,000 signatures. However, in this case, the legislative initiative shall still be published on the website in a form of already initiated document that does not require collection of signatures;
17. In the cases defined by Points 15 and 16, do not initially provide the author of the initiative or the proposal with conclusions and remarks;
18. No time limit shall be used for collection of signatures;
19. The website shall have an archive;
20. In case a legislative proposal is registered on the website, only electronic signatures can be collected.