



**ISFED**

INTERNATIONAL SOCIETY FOR  
FAIR ELECTIONS AND DEMOCRACY

**INTERNATIONAL SOCIETY OF FAIR ELECTIONS  
AND DEMOCRACY (ISFED)**

**MONITORING OF OCTOBER 27, 2013 PRESIDENTIAL ELECTIONS  
FINAL REPORT**

**2013**

## TBILISI

**Report prepared by: Nino Lomjaria**

**Tamar Bartaia**

**Nino Khitarishvili**

**Elene Nizharadze**

**Tatia Kinkladze**

**Nino Janashia**



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## I. About the Monitoring Mission

The present document is a report of monitoring of the October 27, 2013 presidential elections by the International Society of Fair Elections and Democracy (hereinafter, the ISFED). At the 2013 presidential elections ISFED, as an organization with one of the broadest networks was actively involved in **pre-election as well as the Elections Day and post-election monitoring**. Similar to the 2012 parliamentary elections, the ISFED carried out monitoring of the presidential elections with the use of new methods and innovative technologies.<sup>1</sup>

The process of monitoring entailed three key stages:

**Pre-Election Monitoring.** Throughout a four-month period<sup>2</sup> leading up to the presidential elections, 73 long-term observers of ISFED conducted pre-election monitoring throughout all election districts of Georgia. The length of the monitoring and the use of effective methodology enabled us to analyze the process as a whole, which served as the basis for a comprehensive and objective assessment of the pre-election period. The pre-election monitoring focused on fields including use of state resources, activities of election administrations and political parties, formation of voter lists, pressure on political grounds, threats and vote buying.

**The Election-Day Monitoring** was carried out at **910** election precincts throughout Georgia, including at **800** randomly selected election precincts with the use of the Parallel Vote Tabulation (PVT) methodology. In addition to the randomly selected precincts, ISFED stationed its short-term observers at additional **110** election precincts. Together with short-term observers, the Election Day monitoring mission consisted of 78 mobile groups, 73 district observers, 20 lawyers and 20 cameramen. The Election Day observation combined three key components – opening and setting up election precincts, the polling process, vote counting and tabulation

**The Post-Election Monitoring** was carried out by ISFED by means of 73 district observers and lawyers of the organization. It monitored the work of election administration, application process at district election commissions (DECs) and the process of vote tabulation. It filed dozens of complaints with the election administration over alleged violations observed during the process.

## II. Key Findings

For the improvement of applicable legal framework during the period leading up to the elections, creation of an inter-factional task force on elections in the parliament was a positive step forward, allowing all stakeholders to present legislative recommendations and participate in discussions. It is to the credit of the task force that the Election Code and the Law of Georgia on Political Unions of Citizens were amended. We also welcome changes for limiting use of state resources, giving legal entities an opportunity to provide funding for parties, reducing unreasonable and disproportionate sanctions imposed on political parties, drawing a line between the

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<sup>1</sup> At 2012 parliamentary elections ISFED was the first organization in Georgia to implement the Election Day reporting by means of observer text messages. For 2013 presidential elections ISFED realized a pilot project in 49 election precincts that entailed receiving of information from observers by means of computer tablets

<sup>2</sup> ISFED performed pre-election monitoring from July 5 through October 20, 2013

timeframes for administrative proceedings and proceedings that involve property impounding, as well as timeframes for filing corresponding appeals. However, the work of the inter-factional task force did not address certain important issues that include staffing of election administration, changes in the election system for local self-government and parliamentary elections, formation of voter lists, media coverage of elections, etc. Therefore, we believe that in order to further improve the election laws the work on election reform should continue.

It is ISFED's assessment that the work of the CEC was open, promoting collaborative environment with local and international organizations as well as political parties. The CEC was actively involved in voter awareness. It created a video about election procedures as well as guidelines for use of state resources, consideration of election disputes and other matters.

However, ISFED criticized two of the CEC's decisions: one about the refusal to register a holder of dual citizenship as presidential candidate, made on the basis of a wrongful interpretation of the Constitution, and another about regulations of photo and video shooting during the polling day.

As to District Election Commissions, majority of problems revealed during the monitoring was related to staffing of the election administration. Some of the temporary members of district election commissions appointed by the CEC as well as political parties also served in various public agencies. Further, members of the Coalition Georgian Dream interfered with the work of district election commissions.

The format of the Inter-Agency Task Force for Free and Fair Election was very important during pre-election period, as it enabled political parties and monitoring organizations to raise important issues pertinent to the election period before the commission and submit reports about alleged violations.

The IATF which operated under the auspices of the Ministry of Justice, did elaborate several important recommendations; however, considering non-binding nature of these recommendations as well as the lack of mechanism to ensure compliance, majority of these recommendations was never realized.

Further, examining issues raised by the UNM in a constructive manner was also problematic as frequently meetings of the IATF turned into the scene of political debates. Lack of constructive environment at the IATF meetings had adverse impact on the work of the commission and the opposition's full involvement in it.

Compared to 2012 parliamentary elections, the State Audit Office was less active. The financial monitoring service did not examine any of ISFED's reports of vote buying.

Compared to 2012 pre-election period, when the service of financial monitoring was harshly criticized for violations, the process of obtaining statements from citizens did not involve any violations. Total of 92 persons were interviewed during the pre-election period for obtaining statements.

Similar to the 2012 parliamentary elections, the issue of voters removed from registration remained a problem. The CEC estimated that number of such voters was 97 000. We welcome the fact that the CEC did not include these voters automatically on the voter list, unlike the previous 2012 elections. Instead, the Agency for the Development of State Services posted a database on its website for re-registration of voters removed from

registration, through which every individual citizen was able to receive information about the status of his/her registration and learn about procedures of re-registration.

During the pre-election period, there were no frequent abuses of state resources by political parties and election subjects. ISFED detected total of 17 cases of abusing public resources both in favor of the ruling party as well as the opposition. ISFED found that the coalition Georgian Dream abuse public resources in ten cases, the UNM in seven.

ISFED also detected several facts of vote buying with the involvement of Prime Minister Bidzina Ivanishvili, by transferring goods of material value or offering benefits to citizens of Georgia.

During the reporting period ISFED detected 14 acts of pressure and threats. In most of the cases these threats and pressure were leveled against municipal officials.

We identified 7 acts of assault on political grounds, including 3 against the UNM supporters, two against supporters of the Democratic Movement – Unified Georgia and two against members of the coalition Georgian Dream. Assaults were perpetrated both by supporters of various candidates as well as police officers, representatives of municipal authorities and members of parliament.

Changes of municipal officials on political grounds continued during the pre-election period. Even though the IATF issued a recommendation to terminate any comprehensive changes in self-government agencies, the process continued intensely and also entailed impeachment of Gangebelis and Sakrebulo Chairpersons. During the pre-election campaign Gangebelis were replaced in 19 municipalities, Sakrebulo Chairpersons in three; notably, we found that majoritarian MPs interfered in the work of self-government authorities in a number of municipalities; in a number of instances Gangebelis were replaced amid public protests.

During the pre-election period election subjects and their supporters held agitation meetings throughout Georgia. We found attempts to interfere with the UNM primaries by using force by radical opponents of the political opposition. These facts were later discontinued.

ISFED estimates that from July 1 through October 23, 2013, political parties and their presidential candidates held total of 801 public meetings during the pre-election period in various territorial units of Georgia.

The pre-election period was marked with a free media environment in which various outlets covered meetings of election subject candidates with voters and political developments that unfolded. Despite these positive developments, several media outlets faced a number of obstacles. The most outstanding of these cases was the case of Guria Moambe when local media outlet accused Gangebeli of exerting pressure, while one of the owners of Maestro TV made a statement about alleged pressure on political rounds by a group of officials. We would like to also highlight the developments around the public broadcaster involving the closing down of political talk-shows during the pre-election period.

Polling was conducted in an organized manner and in a peaceful environment throughout Georgia. Majority of violations detected on the Election Day were procedural in nature. Several major flaws in the polling process include failure to adequately maintain election materials (**112** cases), presence of unauthorized individuals at election precinct (**13** cases), voting with inappropriate documents (**12** cases), violation of regulations for sealing

election documents (12 cases) and problems about voter lists in Batumi. Further, there was a trend of gaps in summary protocols (18 cases) and rewriting information recorded in summary protocols (13 cases).

According to PVT, voter turnout throughout Georgia was 46.9%<sup>3</sup>, in Tbilisi – 48.2% and 46.4% in the regions, a significant decrease from the 2012 parliamentary elections when voter turnout was 60.9%.

ISFED's observers filed total of 93 complaints over violations in polling, vote counting and drawing up of summary protocols in various district and precinct election commissions. Complaints were also filed over violations that include inadequately preparing/maintaining election documents, voting with inappropriate documents, pre-made signatures, violation of casting-of-lots and inking procedures, regulations for sealing election material, etc. ISFED's observers reacted to 216 violations in total. Notably, majority of these violations were technical in nature and mostly result of lack of professionalism and qualification of election commission members.

Application process on the Elections Day was conducted in a transparent manner, in observance of applicable laws. District election commissions examined facts, representatives of the organization were able to attend complaints review and express the position of the organization about applications filed. Decisions of election commissions were mostly substantiated; however, many decisions failed to provide grounds for rejecting the claims.

### III. Political Context

2013 Presidential elections constituted an important event in the political life of the country, considering that coming into force of constitutional amendments that altered the balance of political powers between different branches of the government and significantly decreased powers of the president is related to this date.

Conducting the presidential elections fairly was an important challenge for the government that came into power following the 2012 parliamentary elections and for the democratic development of the country. Amid developments in local self-governments following the 2012 parliamentary elections<sup>4</sup> and arrest of several high-ranking officials, followed by allegations about political prosecution by the opposition, it was important for the new authorities to prove there was a political will to conduct elections in free and fair environment.

The CEC registered unprecedentedly high number of presidential candidates. Out of the twenty-three presidential candidates registered, three candidates took the lead – Giorgi Margvelashvili from the coalition Georgian Dream, Davit Bakradze from the United National Movement and Nino Burjanadze from the Democratic Movement – Unified Georgia.<sup>5</sup>

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<sup>3</sup> with a margin of error of +/-0.9% (at a 95% confidence level)

<sup>4</sup> Following the 2012 parliamentary elections as a result of which former opposition force came into power, heads of local self-government authorities representing the UNM massively resigned or were dismissed; instead, representatives of the coalition were appointed. Municipal employees were dismissed on political grounds and new appointments were also often politically motivated. Sakrebulo Members started massively leaving the UNM;

<sup>5</sup> In a survey conducted by the National Democratic Institute (NDI) in September, Giorgi Margvelashvili, candidate of the coalition Georgian Dream was leading among the presidential candidates with 39% support, followed by Davit Bakradze, candidate of the United National Movement with 18% support and Nino Burjanadze, candidate of the Democratic Movement – Unified Georgia as a third runner up with 7% of support. In September survey conducted by Greenberg Quinlan Rosner, 43% of respondents supported

Pre-election promises made by presidential candidates were mostly similar. In terms of foreign policy, Giorgi Margvelashvili and Nino Burjanadze pledged to regulate relations with Russia, in view of the European choice of Georgia, while Davit Bakradze highlighted the importance of continuing the Euro-Atlantic path of Georgia.

All three candidates pledged to reinforce the economy, improve infrastructure, increase pensions and teacher's salary. Nino Burjanadze laid particular emphasis on restoration of justice and conclusion of the process of cohabitation, while Davit Bakradze emphasized multi-party government and the necessity of effective control of government.

#### **IV. Election Legislation**

##### **1. Working Process within the Inter-Factional Task Force**

Creation of the inter-factional task force and the work to revise election laws within the format of the group is a positive step forward for improving the election environment. The task force was set up on March 7, 2013 under the resolution of the chairperson of the parliament and continued to work for over seven months. It is important that NGOs and other interested parties are able submit their legislative recommendations to the inter-factional group.

We welcome the fact that some recommendations submitted by NGOs have been taken into account. However, a number of issues were not considered or reviewed at all, even though they were submitted at an early stage. These issues include, for instance, providing an exhaustive list of grounds for establishing the so-called "special election precincts" and cases when such precincts can be set up; Narrowing down the list of political office holders envisaged by the Election Code; specifying the term "agitation"; Prohibiting military servicemen from participating in majoritarian and self-government elections if they are stationed in election precinct outside the place of their registration, etc.

NGO representatives attended discussions about proposed drafts at the parliamentary legal affairs committee but without having an opportunity to present once more recommendations not reflected in bills proposed, which is rather regrettable. It was stated as an argument that the inter-factional group did not address a particular issue concerned or that an agreement could not be reached, while in fact the reality is that the legal affairs committee itself removed from or changed in proposed drafts issues that the inter-factional group had already reached an agreement about.<sup>6</sup>

According to the schedule of the inter-factional group published in advance, it should have concluded its work on seven specific issues by the end of May and tabled subsequent draft laws. Due to the fact that initially the inter-factional groups was rather passive in its work, it failed to conclude all issues in due time and continued to work through June and July. Nevertheless, the group did not discuss a number of recommendations submitted

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Giorgi Margvelashvili, while 22% supported Davit Bakradze and 8% supported Nino Burjanadze. See: <http://www.cacianalyst.org/publications/field-reports/item/12833-polls-reveal-georgian-dream-candidate-in-lead-ahead-of-presidential-election.html> <http://frontnews.ge/en/news/9971-Greenberg-Quinlan-Rosner-Research-43-of-Georgian-respondents-would-vote-for-Margvelashvili-22-Bakradze-and-8-Burjanadze>

<sup>6</sup> E.g. amendments were made to Article 49 with the third reading, regulating implementation of projects/programs funded from the State Budget



by NGOs citing lack of time as the reason. Its representative stated that they plan to address these issues during the next stage of their work.

The International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers' Association (GYLA) and Transparency International – Georgia have submitted their recommendations about issues including

- Voter lists
- Regulation of the use of state resources
- Proposed amendments to the Organic Law on Political Unions of Citizens
- Recommendations about media coverage of pre-election environment

Recommendations considered and recommendations not considered by the inter-factional group are as follows:

## **2. Voters' List Recommendations:**

### ***Recommendations considered:***

1. The Agency for the Development of State Services will now be the body responsible for formation of voter lists. Corresponding amendments will come into force just in time for the 2014 self-government elections.

### ***Recommendations not considered:***

1. Providing an exhaustive list of grounds for establishing the so-called “special election precincts” and cases when such precincts can be set up;
2. Prohibiting military servicemen from participating in majoritarian and self-government elections if they are stationed in election precinct outside the place of their registration;
3. Improving rules for registration of voters on mobile ballot-box lists.<sup>7</sup>

## **3. Abuse of State Resources**

### ***Recommendations considered:***

1. Prohibiting agitation during events funded from the state budget; however, we recommended absolute prohibition while under the amendments adopted prohibitions applies only to an event organizer, which limits the scope of the prohibition and increases the chances of misunderstanding in practice;
2. Incompatibility of the status of a presidential candidate with official position;
3. Obligation of local self-government agencies to elaborate the list of buildings within the period of five days after the launch of pre-election campaign that can be used as venues for pre-election campaigning, and providing the list to district commissions. The latter should make the list public within the period of two days; posting of the list on the CEC website.
4. Defining the meaning of agitation material and amending Article 46 accordingly.

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<sup>7</sup> Current provision stipulates that number of mobile ballot box voters should not exceed 3% of total number of voters in a given election precinct

### ***Recommendations not considered***

1. Narrowing down the list of political office holders envisaged by the Election Code – in particular, removal of deputy ministers, Gamgebelis and state authorized representatives – Governonrs from the list;
2. Providing more specific definition of the term agitation – adding the notion of passive agitation and limiting the right of certain categories of individuals (law enforcement officers, representatives of religious organizations, etc.) to attend campaign events;
4. Increasing the duration of pre-election campaign up to four months;
5. Prohibiting agitation near election precincts on the polling day.

### **4. Organic Law of Georgia on Political Union of Citizens**

#### ***Recommendations considered:***

1. Legal persons are now able to provide funding for parties;
2. Sanctions envisaged by the law were decreased from five times the amount concerned to two.
3. Information about financial status of an individual based on court warrant;
4. Timeframe for administrative proceedings and sequestration proceedings.

#### ***Recommendations not considered***

1. Institutional independence of the Audit Service;
2. Frequency of publishing reports – financial report of an election subject that also entails information about expenses made must be published shortly before the elections;

### **V. Voters' List**

For 2013 presidential elections, total number of voters was **3 537 851**.

Similar to the 2012 parliamentary elections, the issue of voters removed from registration remained a problem. The CEC estimated that number of such voters was 97 000. We welcome the fact that the CEC did not include these voters automatically on the voter list, unlike the previous 2012 elections. Instead, the Agency for the Development of State Services posted a database on its website for re-registration of voters removed from registration, through which every individual citizen was able to receive information about the status of his/her registration and learn about procedures of re-registration. The CEC also conducted a campaign to raise public awareness about registration procedures; further, those who registered received ID cards free of charge. We believe that the decision about re-registration of voters removed from registration was a positive step forward to improve voter list; however, out of 97 000 voters removed from registration only 9000 were able to re-register.

Even though the process of improving the voter list was commendable, ISFED protested against making the personal information of voters removed from registration public. In particular, the list that was published contained personal information about voters, including their name, surname, DOB and personal identification number. The Election Code stipulates that voter name, surname, DOB, address and place of actual residence, date of registration and sex is part of the voter list that's public. ISFED believes that personal identification

number of voters was made public against stipulation of the Election Code of Georgia and the law of Georgia on Protection of Personal Data.

Even though ISFED applied to the Agency for the Development of State Services not to make personal information of voters publicly accessible, the Agency did not protect personal identification number of voters. ISFED also applied to the inspector for the protection of personal information but he stated that publishing personal identification number of citizens did not violate the law of Georgia on the protection of personal information.

ISFED would like to particularly highlight the problem of registration of citizens living abroad. Notably, their number is as low as 48 460 considering that hundreds and thousands of Georgian citizens live outside the country. We believe this is due to the lack of awareness of citizens of Georgia residing abroad about registration terms and procedures. The CEC needs to address the problem.

As to the convicts and defendants with the right to vote, only 197 out of 1747 expressed their desire to cast a ballot in presidential elections.

Voter list needs to be improved by implementing a number of measures, including for instance door-to-door campaigns and use of biometric information for preparing voter lists. Further, the authorities, the CEC, in view of interests of voters residing abroad, should come up with alternative means of voting.

## **VI. Election Administration**

Starting from July 1, 2013, after the pre-election campaign was officially launched, ISFED was monitoring the work of the CEC, district and precinct election commissions by means of long-term observers in all election districts throughout Georgia.

### **1. The Central Election Commission**

The work of the Central Election Commission for the presidential elections was mostly commendable.

It is ISFED's assessment that the work of the CEC was open, promoting collaborative environment with local and international organizations as well as political parties by organizing meetings, providing easy access to information and transparent decision-making.

The CEC was actively involved in voter awareness. It created a video about election procedures as well as guidelines for use of state resources, consideration of election disputes and other important matters.

The election administration conducted a number of important activities to ensure equal election environment, including awareness campaign for persons with disabilities and designing special ballots. However, lack of

election districts adapted to the needs of persons with disabilities remained an issue. The CEC estimates the number of election districts adapted at 302<sup>8</sup> or only 8%.<sup>9</sup>

Despite these positive initiatives, one issue that ISFED found problematic was the decision of the CEC to refuse registration as presidential candidate to a holder of dual citizenship, which was criticized by the organization as it was made on the basis of wrongful interpretation of the Constitution.

Para.11, Article 29 of the Constitution of Georgia that has been cited as legal grounds for the foregoing order stipulates that “office of the president of Georgia... shall not be held by a citizen of Georgia who is also holding a foreign citizenship.” ISFED believes that the norm does not apply to persons participating in elections as candidates; rather, the Constitution differentiates between election of a president and holding the position of a president, while the prohibition stipulated by para.11, Article 29 of the Constitution applies only to holding of the office. Under para.2, Article 70 of the Constitution, any citizen of Georgia including a foreign citizen has the right to run in presidential elections but they must abandon foreign citizenship prior to taking the oath of office under Article 29 of the Constitution.<sup>10</sup>

The resolution of the CEC providing regulation of photo and video shooting at election precincts on the Election Code remained a problem for the new presidential elections as well. ISFED and other NGOs filed in courts of all instances against the resolution<sup>11</sup> as early as one year ago but the claim was rejected by courts.

Several days before the parliamentary elections, the Central Elections Commission amended the resolution adopted on September 24, 2012. Prior to the amendment, para.2, Article 2 of the resolution stipulated that minimum distance between photo or video shooter and an object of shooting should have been at least three meters. Under the amended provision, the mandatory distance remains the same; however, if the area of a polling station makes it impossible for a photo or video shooter to observe the distance, election commission chairperson has the discretion to determine the distance.<sup>12</sup>

Even though amendments to the resolution of the CEC have improved regulations of photo and video shooting to a certain extent, it conflicts with para.25, Article 8 of the Election Code<sup>13</sup>, violating limits of the law and prescribing different regulations.<sup>14</sup> This way, it places unjustified restrictions on rights of all individuals seeking to conduct photo and/or video recording at polling stations on the Election Day.

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<sup>88</sup> See the CEC statement at <http://cesko.ge/ge/page/tanabari-saarchevno-garemo-shezguduli-shesadzleblobebis-mqone-amomrchevlebistvis2>.

<sup>9</sup> See <http://www.cesko.ge/uploads/other/18/18235.pdf>.

<sup>10</sup> See ISFED’s opinion about refusal of the CEC to register holder of dual citizenship as a presidential candidate, second interim report of the election monitoring: <http://www.isfed.ge/main/422/geo/>.

<sup>11</sup> See September 24, 2012 Resolution of the CEC N42/2012 on defining certain election procedures

<sup>12</sup> Compare: resolution of the CEC, dated October 16, 2013, N45/2013.

<sup>13</sup> Organic Law of Georgia, the Election Code, para.25, Article 8: persons having the right to be inside a polling station may conduct photo and video shooting outside polling booth, without interfering with the election process

<sup>14</sup> For detailed information please see ISFED’s statement about photo and video shooting at polling stations <http://www.isfed.ge/main/459/geo/>;

## **2. District and Precinct Election Commissions**

Through LTOs ISFED was actively monitoring setting up of district and precinct election commissions and their staffing. In frames of the monitoring of election administration, observers also attended meetings of election commissions to evaluate processes from legal point of view.

Majority of problems revealed during the monitoring was related to staffing of the election administration.

Some of the temporary members of district election commissions appointed by the CEC as well as political parties also served in various public agencies. DEC members are prohibited from simultaneously serving in public agencies and working in election commission under the applicable law. The trend was particularly notable in the following nine DECs: Lagodekhi #15, Rustavi #20, Marneuli #22, Lentekhi #46, Kutaisi #59, Ozurgeti #60, Chokhatauri #62, Lanchkhuti #61.<sup>15</sup>

Further, members of the Coalition Georgian Dream interfered with the work of district election commissions. ISFED's long-term observers have reported such cases in Mtskheta, Ambrolauri, Chokhatauri, Tbilisi and Martvili district election commissions. The interference mostly entailed the following: heads of local offices of the coalition visited district election commissions with lists prepared in advance, demanding appointment of persons they favored as DEC members.<sup>16</sup>

ISFED condemns any interference in the work of the election administration or their coercion to influence their decisions. It not only constitutes violation of law but also has adverse impact on the pre-election environment.

## **VII. The Inter-Agency Task Force for Free and Fair Elections**

The format of the Inter-Agency Task Force for Free and Fair Election was very important during pre-election period, as it enabled political parties and monitoring organizations to raise important issues pertinent to the election period before the commission and submit reports about alleged violations. Based on these reports, the IATF issued recommendations.

The IATF which operated under the auspices of the Ministry of Justice, did elaborate several important recommendations; however, considering non-binding nature of these recommendations as well as the lack of mechanism to ensure compliance, majority of these recommendations was never realized.<sup>17</sup>

Further, examining issues raised by the UNM in a constructive manner was also problematic as frequently meetings of the IATF turned into the scene of political debates. Lack of constructive environment at the IATF meetings had adverse impact on the work of the commission and the opposition's full involvement in it.

Even though the report of the IATF published on September 30, 2013, included a number of recommendations raised by ISFED<sup>18</sup>, Transparency International – Georgia or the Georgian Young Lawyers' association, the

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<sup>15</sup> For detailed information please see ISFED's third interim report of pre-election monitoring: <http://www.isfed.ge/main/407/geo/>.

<sup>16</sup> For detailed information please see ISFED's first interim report of pre-election monitoring: <http://www.isfed.ge/main/472/geo/>

<sup>17</sup> Despite recommendations issued by the IATF, public servants still engaged in pre-election campaigns during working hours and interfered with pre-election campaigning;

<sup>18</sup> The legal entity of public law Rural and Agricultural Development Fund is funded by the charity foundation Cartu (ISFED's first interim report of pre-election monitoring, p.6); Prime Minister's family transfers Info 9 free of charge to the managing company

IATF did not act on several important acts of vote buying, use of state resources, pressure and threats uncovered by us.

Furthermore, ISFED believes that even though the law does not prohibit ministers and deputy ministers from participating in pre-election agitation, the IATF should have limited participation of its members in agitation to promote trust and objectivity.

### **VIII. The State Audit Office**

Compared to 2012 parliamentary elections, the State Audit Office was less active.

The financial monitoring service did not examine any of ISFED's reports of vote buying.

In seven violations of law identified by the SAO, which involved late provision of information about spending of business travel allowance in cash, submission of financial declarations past the deadline and failure to submit information about membership fees, five parties were imposed with a fine by Tbilisi City Court's board of administrative cases while proceedings were terminated in two of the cases.

Compared to 2012 pre-election period, when the service of financial monitoring was harshly criticized for violations, the process of obtaining statements from citizens did not involve any violations. Total of 92 persons were interviewed during the pre-election period for obtaining statements.

### **IX. The Pre-Election Period**

#### **1. Methodology**

For monitoring the October 27, 2013 Presidential Elections, the International Society for Fair Elections and Democracy registered with the Central Elections Commission (CEC). Since July 1, 2013, ISFED has been carrying out pre-election monitoring for the presidential elections in all election districts of Georgia through 73 long-term observers (LTOs). The LTOs have undergone training in preparations for the monitoring. In the process of monitoring ISFED's LTOs are guided by international standards for monitoring organizations<sup>19</sup>, implying comprehensive, objective and transparent monitoring of elections. ISFED monitors all processes that may have an impact on election environment, including:

- Monitoring of election administration, which mostly entails monitoring composition of election administration and its activities;
- Monitoring public meetings of political parties/election subjects and their other political activities, as well as their election promises;

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(ISFED's fourth interim report of pre-election monitoring, p.11); Prime Minister gifts a valuable present to newlyweds during the celebration of Shuamtoba (ISFED's third interim report of pre-election monitoring, p.10); use of state resources; information about problems in staffing of election administration; several acts of pressure;

<sup>19</sup> In the process of monitoring ISFED follows Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, available at <http://www.gndem.org/declaration-of-global-principles>; while in evaluation it is guided by and shares the spirit of OSCE Copenhagen Document

- Detecting and studying any abuse of state resources;
- Detecting and acting on political pressure/threats, obstruction of political activities and alleged vote-buying.

LTOs conducted pre-election monitoring by means of specially designed electronic questionnaires. Prior to the monitoring, 73 LTOs of ISFED underwent two stages of a two-day training session about monitoring and reporting methodology.

## **2. Use of State Resources**

When examining misuse of state resources, ISFED mostly focused on the following circumstances

- Whether budgetary resources of central and local authorities were used for advancing pre-election campaigns of candidates or specific parties
- Whether buildings under the ownership of the authorities as well as human and/or material resources in public sector were used in favor of election subjects and political parties

Information obtained by ISFED's long-term observers during the pre-election period suggests no frequent misuse of state resources by political parties and election subjects. ISFED detected total of **17 cases** of abusing public resources both in favor of the ruling party and the opposition. ISFED found that the coalition Georgian Dream abuse public resources in ten cases, the UNM in seven.

Abuse of state resources during the pre-election period, as identified by ISFED, according to geographic locations:

ISFED found that public resources were mostly abused by local self-government officials by actively participating in pre-election meetings of political parties, directly engaging in mobilization of public for attending meetings with candidates.

## **3. Vote Buying**

ISFED detected several facts during the pre-election period that suggest vote buying.

### **The Rural and Agricultural Development Foundation**

Non-profit non-commercial legal entity Rural and Agricultural Development Foundation was established on January 22, 2013, with the aim of attracting investments for agricultural development of Georgia. According to the Ministry of Agriculture's written response dated April 19, 2013, the fund was at the time running the following two projects: Promoting the Spring Works of Land-Poor Farmers, which this year handed out vouchers of differing values to the owners of agricultural land, and the Preferential Agro-Credit Project, which is aimed at issuing low-interest agro-credits. The projects are funded by non-profit non-commercial international charity foundation Cartu and the non-profit non-commercial International Charity Fund for Rural and Agricultural Development. Although there is no mention of Bidzina Ivanishvili in the registration documents of any of the companies, it is generally believed that this organization is associated with the name

of the Prime Minister.

The work of a legal entity linked to a person with election goals, aimed at providing prosperity for voters is in conflict with goals and stipulations of the organic law of Georgia on Political Unions of Citizens. The purpose of the law is to regulate income and expenditures related to political and election goals of an individual with declared election goals, and to ensure their transparency; however, in the present case it is basically impossible to draw a line between expenditures made by a person with declared election goals for the pre-election purposes and contributions made for charity purposes.

### **Info 9**

During the pre-election period Prime Minister Bidzina Ivanishvili transferred non-material property – brand, name Info 9, web-address and the right to utilize archives to the management of Info 9 news agency, as well as material property.

ISFED believes that similar to the Agriculture and Rural Development Fund, the foregoing case suggests vote buying.

### **Vote buying during celebration of Shuamtoba**

On August 11, 2013, Adjara TV reported that during celebration of Shuamtoba 2013, Prime Minister Bidzina Ivanishvili gave a diamond ring as a gift to a newlywed couple called Gundaladzes. ISFED believes that by giving a gift to voters the Prime Minister may have violated administrative law or criminal law, depending on the value of the gift.

ISFED included these facts in its reports and provided corresponding recommendations for avoiding similar practice in the future. With respect to alleged vote buying, ISFED also applied to the IATF but the latter failed to take any subsequent actions. Similar to the IATF, neither did the State Audit Office or the law enforcement authorities took any further actions, even though these facts suggest violation of administrative or criminal law.

ISFED believes that these facts must be responded adequately in order to prevent the wrongful trend of providing goods of material value to voters by political officials and their use for election purposes.

## **4. Threads and Pressure**

During the pre-election monitoring, ISFED focused on following facts to detect threats and pressure on alleged political grounds:

- Whether employees of state agencies, voters, political party representatives, election subject candidates were subjected to alleged political pressure or threats;
- Whether various forms of violence were applied against voters, public officers, political parties, election subjects to limit their activities.

During the reporting period ISFED detected 14 acts of pressure and threats, mostly against local self-government employees.



ISFED has found that pressure was exerted on municipal officials both by the ruling coalition as well as the representatives of the oppositional United National Movement party. Political party members and activists mostly tried to interfere with the work of self-government authorities and influence changes. Furthermore, we also detected violent acts against political activists. It was particularly alarming that in one of the cases victim was beaten by law enforcement officers, suggesting that police ignored its legal obligations and tried to support interests of a certain political group by resorting to violent means.<sup>20</sup>

## **5. Physical Assault**

We found 7 acts of physical assault on political grounds, including 3 against the UNM supporters, two against supporters of the Democratic Movement – Unified Georgia and two against members of the coalition Georgian Dream.

Assaults were perpetrated both by supporters of various candidates as well as police officers<sup>21</sup>, representatives of municipal authorities<sup>22</sup> and members of parliament.<sup>23</sup>

## **6. Media Environment**

During the pre-election period, media outlets were able to impart any information freely, without any obstacles, including criticism. Broadcasters covered election campaign by various subjects in a non-discriminatory manner, in abundance of election laws. Unlike the 2012 parliamentary elections, ISFED's observers did not find a single act of interference in journalistic reporting. Even though we found that the media environment was free in general, some media outlets faced certain obstacles.

Regional media outlet Guria Moambe accused municipality Gagebeli of pressure, while one of the founders of Maestro TV, Mamuka Ghlonti made a statement about political pressure by a group of representatives of the authorities. Another negative development was dismissal of general director of public TV and closing of political talk-shows. Giorgi Baratashvili as well as hosts of the talk-shows that were closed down alleged that these decisions were politically motivated.

## **7. Staff changes in local self-government authorities**

Following October 1, 2012 parliamentary elections, change of authorities at the central level also affected local self-governments. ISFED estimates that from the parliamentary elections through October 23, 2013, Gagebelis were replaced in 57 municipalities, while Sakrebulo Chairpersons were replaced in 32 municipalities.

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<sup>20</sup> See ISFED's first interim report of pre-election monitoring at <http://www.isfed.ge/main/407/geo/>

<sup>21</sup> Police officers assaulted member of youth organization of the Republican Party's organization in Gori, Giorgi Papiashvili on political grounds

<sup>22</sup> Trustee of the village of Sveri, Chiatura Municipality, Ilo Bitsadze verbally and physically assaulted coordinator of the Democratic Movement – Unified Georgia; member of the UNM was physically abused by Oliko Sologhashvili, secretary of Mtskheta Gagebeli

<sup>23</sup> According to Giorgi Gvilava, head of the coalition Georgian Dream's office, he was first verbally later physically abused by Abasha Majoritarian MP and a member of the National Movement Davit Dartsmelidze with his persons that accompanied him

The IATF adopted a special recommendation for municipal authorities, as the process of replacing officials continued during the period leading up to the presidential elections. The IATF recommends that the municipal authorities refrain from making any significant changes in staff, including dismissal of officials (Gamgebelis, Sakrebulo Chairpersons), including by impeachment, in order for the changes not to be perceived as attempts to influence elections.

Despite the recommendation, the process continued and it was rather intense, entailing impeachment of Sakrebulo chairpersons and Gamgebelis. During the pre-election period, from July 1 through October 20, 2013, Gamgebelis were replaced in 19 municipalities, Sakrebulo Chairpersons – in three municipalities. Further, Mayors were replaced in two cities – Kutaisi and Rustavi. Gamgebelis in these municipalities were changed for the second time following the October 1, 2012 parliamentary elections.

Notably, majoritarian MPs interfered in the work of municipal authorities in certain municipalities, while in a number of cases Gamgebelis were replaced amid public protests. Changes in self-governments were particularly intense in Kaspi, Lentekhi, Keda and Bolnisi Municipalities.

ISFED views such changes at the municipal level as an attempt of political pressure and believes that municipal authorities should refrain from any important staff changes during pre-election period; otherwise, these changes will be viewed as dismissals of public servants on political grounds and an attempt to influence election results.

#### **X. Monitoring of public meetings held by parties/election subjects during the pre-election period**

During the pre-election period ISFED closely followed public meetings of political parties/election subjects and recorded promises made during these meetings. ISFED found that during the pre-election period most of the meetings with voters were held by the coalition Georgian Dream, the Democratic Movement – Unified Georgia and the United National Movement.

ISFED found that from July 1 through October 23, 2013, political parties and their presidential candidates held total of 801 pre-election public meetings in various territorial units of Georgia. Statistics of these meetings are as follows:

1. The coalition **Georgian Dream** held 412 public meetings during the pre-election period. Promises made during these meetings focused on strengthening economy, improving infrastructure, addressing the problem of gasification, pensions as well as gradual increase of teachers' salaries. The candidate also addressed foreign policy and talked about improving relations with Russia.

2. Candidate of the **Democratic Movement – Unified Georgia**, Nino Burjanadze held 159 public meetings. Promises made included regulation of conflicts and improving relations with Russia, as well as restoring territorial integrity of Georgia and strengthening economy. Nino Burjanadze also discussed the importance of independent and competent judiciary and ending the process of cohabitation.

3. Presidential candidate of the **United National Movement** discussed following issues during 131 meetings with public: finishing infrastructure projects, reinforcing economy, multi-party governance, effective control of the government and continuing the Euro-Atlantic path of Georgia.

4. ISFED found that during the pre-election period the **Labor Party** held 35 meetings with voters, during which the candidate discussed the following key issues: free education and healthcare, reducing taxes, abolishing cash registers, restricting alienation of land plots to foreign citizens, visa free regime with Russia and return to the Russian market, as well as the development of agriculture.

5. **The Christian Democratic Movement** held 27 public meetings where promises included building small enterprises and small hydro-electric power stations, bank loans with low interest rates for promotion of small business, prohibition of one-sex marriage, tackling economic and territorial problems of Georgia.

6. **People's Party – Koba Davitashvili** held 21 meetings with public, mostly discussing restoration of justice, addressing the problem of mortgage loans and increasing pensions, as well as prohibiting labor import and placing restrictions on purchase of agricultural land plots.

7. During 11 meetings held by the presidential candidate **Nestan Kirtadze** the following promises were made: regulation of conflicts, development of agriculture, promoting business and implementing infrastructure projects.

## **XI. Election Day**

### **1. Monitoring Mission**

The monitoring mission of ISFED for October 23, 2013 elections consisted of up to 1200 accredited and trained observers distributed among precinct, district and central election commissions. ISFED monitored total of 910 precincts throughout all 73 election districts of Georgia. 800 out of 900 short-term observers were stationed at a randomly selected precincts. In addition to randomly selected precincts ISFED also monitored 110 election precincts, including special election precincts in penitentiary facilities and military units. Apart from short-term observers, Election Day monitoring was also conducted by means of 73 district observers, 78 mobile teams, 20 lawyers and 20 cameramen.

In preparation for the Election Day we first elaborated methodology, the system of reporting and communication, created databases, monitoring forms, instructions, guidelines and other election materials with the involvement of international experts. The following stage of preparation entailed selection of 22 trainers and conducting training sessions, including

- 57 training sessions for up to 1000 observers;
- Training of 49 observers equipped with computer tablets;
- 4 training sessions for 73 district observers
- 4 training sessions for 78 mobile teams;
- Training of 20 lawyers
- Training of 20 cameramen.

Participants were tested following the training to select and accredit members of the Election Day monitoring mission.

## 2. Monitoring Methodology

ISFED is observing Election Day using an internationally recognized and advanced observation methodology called a Parallel Vote Tabulation (PVT). ISFED deployed 800 PVT observers to a nationally representative, random sample of polling stations in all of the 73 districts.

Use of the PVT methodology allowed ISFED to

- Collect qualitative and quantitative information from randomly selected precincts and analyze the information received;
- Evaluate the Election Day process as a whole opening of precincts, voting, closing of precincts, vote counting and tabulation;
- Receive information based on facts that would serve as grounds for acting on issues of concern to improve the process;
- Detect flaws/violations during opening of precincts, polling and vote counting;
- Generalize information received from select precincts;
- Verify official results of the Election Day.

Notably, ISFED's observers conducted monitoring at 49<sup>24</sup> election precincts of Georgia with the use of computer tablets, for the first time in the history of monitoring mission, which turned out to be quite successful.

On October 22, at 12:00, ISFED the conducted a simulation of the Election Day monitoring methodology - Parallel Vote Tabulation (PVT). The simulation

1. Tests the network connections;
2. the observers' understanding how to report;
3. the receipt of SMS messages into the database;
4. it tests that all reports are complete; and
5. it tests the quality of the data

During one hour of the simulation **99.7** percent of observers successfully submitted their reports. Therefore, it is safe to conclude that the simulation was successful.

On the Election Day central office of ISFED operated the following two centers: **PVT/SMS Center and incidents center.**

Reports received from observers in the form of text messages were compiled in a special database and verified as needed by operators. Verified information was processed and analyzed by a team of experts.

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<sup>24</sup> 45 election precincts in all election districts in Tbilisi; four election precincts in the regions – Gori, Kutaisi and Batumi, one precinct in each.

All violations detected election precincts or districts on the Election Day were reported to the incidents center divided according to regions and manned by 20 lawyers. After consulting with lawyers observers took corresponding further actions for each individual violation detected. Lawyers entered in the database reports after they were verified and processed. The database entailed not only the information about violations reported but also complaints filed with election districts and precincts.

Three non-governmental organizations<sup>25</sup> jointly operated elections portal ([www.electionsportal.ge](http://www.electionsportal.ge)) on the Elections Day, mapping violations reported by individual citizens and NGOs during the polling process.

After all reports received from the incidents center and the PVT/SMS center were processed, we released total of **5 statements** about polling process, trends identified, violations detected and polling results provided to public by publishing them on ISFED's website, releasing them in social networks and at press-conferences.

ISFED held the following five press-conferences on the Election Day:

1. **On October 27, 2013, at 11:00** – opening process
2. **On October 27, 2013, at 14:00-** process of voting and turnout, as of 12:00
3. **On October 27, 2013, at 19:00** - process of voting and turnout as of 17:00
4. **On October 27, 2013, at 22:30** – process of voting and closing of precincts
5. **On October 28, 2013, at 09:30** – vote counting and election results

### 3. Key Findings

The voting process was mostly conducted in an organized and peaceful environment. Majority of violations detected on the Election Day were procedural in nature. Several major flaws in the polling process include failure to adequately maintain election materials (**112** cases), presence of unauthorized individuals at election precinct (**13** cases), voting with inappropriate documents (**12** cases), violation of regulations for sealing election documents (**12** cases) and problems about voter lists in Batumi. Further, there was a trend of gaps in summary protocols (**18** cases) and rewriting information recorded in summary protocols (**13** cases).

ISFED detected total of **216** violations on the Election Day, including **39** less important violations for which ISFED's observers expressed verbal disapprovals. For remaining **177** violations total of **93** complaints were filed in precinct and district election commissions.

Notable findings also include those about mobile ballot boxes as there were certain questions about portable voting in the past. ISFED welcomes that average number of voters for each mobile ballot box was 16 for the 2013 presidential elections, compared to 21 in 2012. We found that maximum number of voters on the list of mobile ballot box was around 200, a significant reduction from 2012 numbers (300 people). Compared to 2012, average number of voters registered in the unified list of voters was decreased from 986 to 965 per precinct.

According to PVT, voter turnout throughout Georgia was **46.9%**<sup>26</sup>, in Tbilisi – **48.2%** and **46.4%** in the regions, a significant decrease from the 2012 parliamentary elections when voter turnout was **60.9%**.

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<sup>25</sup> ISFED, Georgian Young Lawyers' Association, Transparency International – Georgia

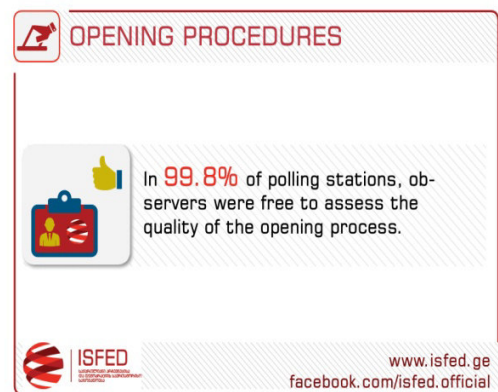
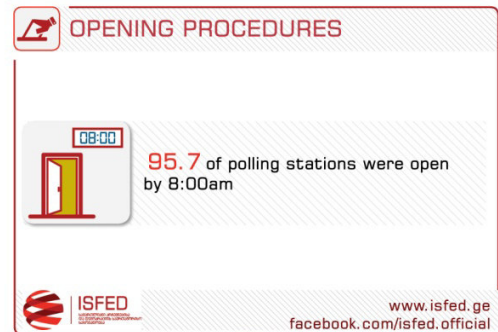
The Coalition Georgian Dream and United National Movement deployed their representatives to **81.1%** and **78.3%** of all polling stations respectively. In 2012 Parliamentary Elections, these electoral subjects observed Election Day processes at **93.8%** and **90.2%** of polling stations respectively.

#### 4. PVT Results

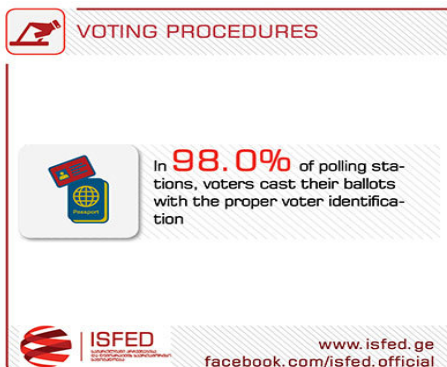
##### Opening of Precincts

ISFED’s observer reports showed significant improvement in the process of opening election precincts, compared to the 2012 parliamentary elections.

- All observers of ISFED (**100%**) were able to access polling stations and conduct monitoring. This is a significant improvement from 2012 as during the parliamentary elections **2%** of ISFED’s observers were preventing from accessing polling stations and monitoring the process of opening election precincts.
- **95.7%** of polling stations was ready for the first voter by 8am, an increase from **91%** in 2012.
- Small drawbacks in opening and setting up of polling stations was detected only at the slightest portion of election precincts (**1.3%**).
- ISFED’s observers were able to monitor opening procedures at **99.8%** of election precincts without any obstacles.



##### Polling Process



Based on the analysis of information collected through monitoring, it is safe to conclude that polling at most of election precincts was conducted in observance of applicable legal procedures. As noted above, major drawbacks of the polling process included voting with inappropriate documents, flaws in the process of inking and problems related to voter lists in Batumi.

At **98.0%** of election precinct throughout Georgia, polling station staff registering voters required that they present personal identification documents mandatory for voting; at remaining **2%** no such demands were

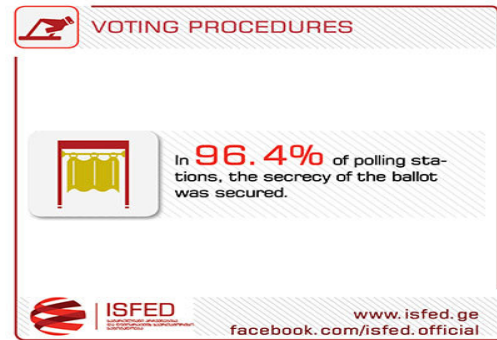
<sup>26</sup> with a margin of error of +/-0.9% (at a 95% confidence level)

made for certain voters.

At **99.1%** of election precincts ballots were always signed and sealed, an increase from **96.5%** in 2012.

Ballot secrecy was protected at **96.4%** of precincts. There is no statistically significant difference between the rates from 2012 and 2013 elections.

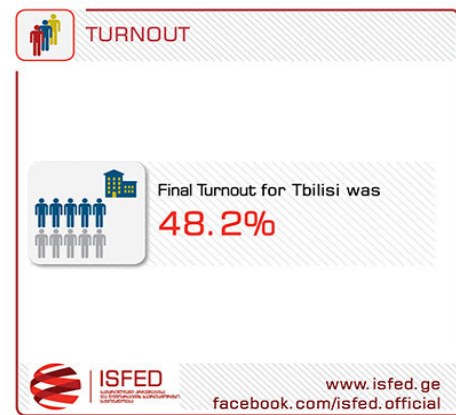
At **97.4%** of election precincts no pre-made signatures were found on voter lists.



### The Process of Vote Counting

At **98.5%** of polling stations, there were not violations during the counting of the votes. This marks an improvement from the 2012 Parliamentary Elections when **96.1%** of stations did not have violations during counting.

In **99.8%** of polling stations, the electoral materials were properly sealed before being sent to the district election commissions. In 2012, the election materials were properly sealed at **98.0%** of polling stations.



ISFED observers filed a complaint at **1.9%** of polling stations. In polling stations where complaints were lodged, **86.7%** percent of PECs properly registered the complaints.

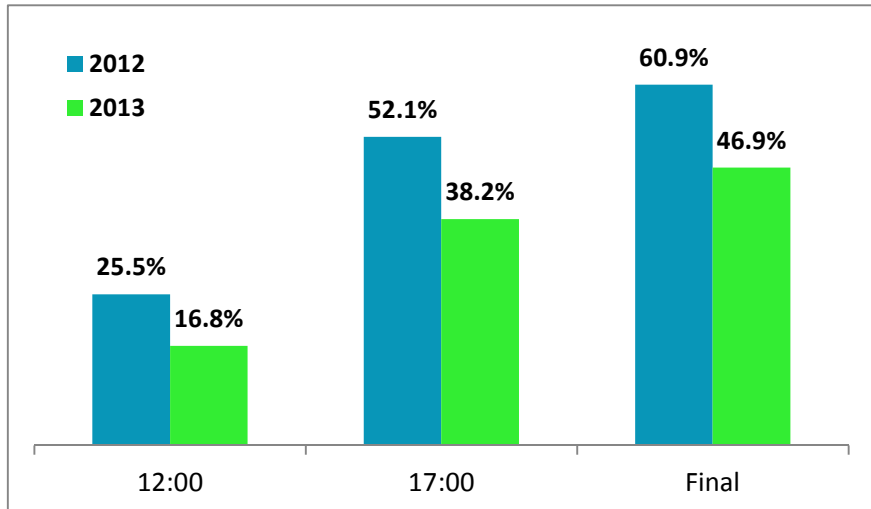
### Voter Turnout

Turnout throughout the country was **46.9** percent with a margin of error of  $\pm 0.9\%$  (at a 95% confidence level). **48.2** percent of voters had cast a ballot in Tbilisi, **46.4%** - in the regions (i.e., outside Tbilisi). The marks significant decrease of voter turnout from 2012 Parliamentary Elections where **60.9%** of registered voters cast their ballots.

By 12:00, voter turnout was **16.8%** (with a margin of error of  $\pm 0.6\%$ ), a decrease from voter turnout in 2012 parliamentary elections (**25.5%**) by 12:00. In Tbilisi, turnout was **15.2%**, lower than 12:00 turnout during last elections (**24%**). Turnout in the regions (i.e., except in Tbilisi) was **17.5%**, while in the 2012 Parliamentary Elections, the turnout for the regions was **26%**

By 17:00, **38.2%** of voters have participated (with a margin of error of  $\pm 1.1\%$ ), a decrease from last year's Parliamentary Elections when voter turnout by 17:00 was **52.1%**.

### Voter turnout throughout the country

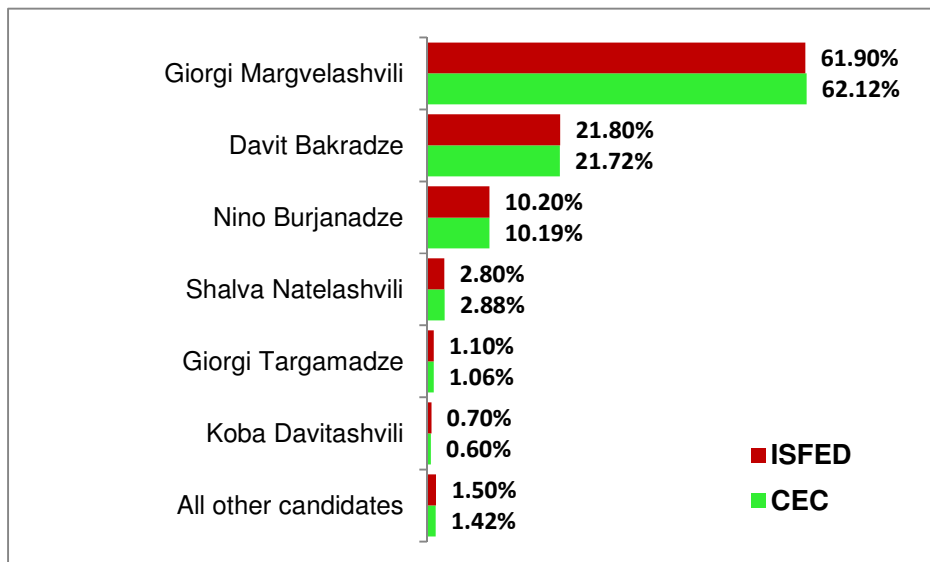


### Final Election Results According to PVT

Given the reports about the conduct of the Election Day process, ISFED is confident in releasing PVT projections for the Presidential Election. Their PVT projections are based on reports received from all **100%** of ISFED's PVT observers. ISFED presents its projections about election results based on PVT. The margin of error is **+/- 0.7%** at a **95%** confidence level:

### Results of the 2013 Presidential Elections

#### Projections by ISFED and by the CEC





Below are the detailed projections for the top 6 presidential candidates. The final results for each candidate to be announced by the CEC should fall within the range of projections:

Candidates	PVT Projection	Margin of Error	Range:	
			Lower Limit	Upper Limit
Giorgi Margvelashvili	61.9%	0.7%	61.2%	62.6%
Davit Bakradze	21.8%	0.6%	21.2%	22.4%
Nino Burjanadze	10.2%	0.3%	9.9%	10.5%
Shalva Natelashvili	2.8%	0.1%	2.7%	3.0%
Giorgi Targamadze	1.1%	0.1%	1.0%	1.1%
Koba Davitashvili	0.7%	0.1%	0.6%	0.8%
All other candidates	1.5%	(varies)	(varies)	(varies)

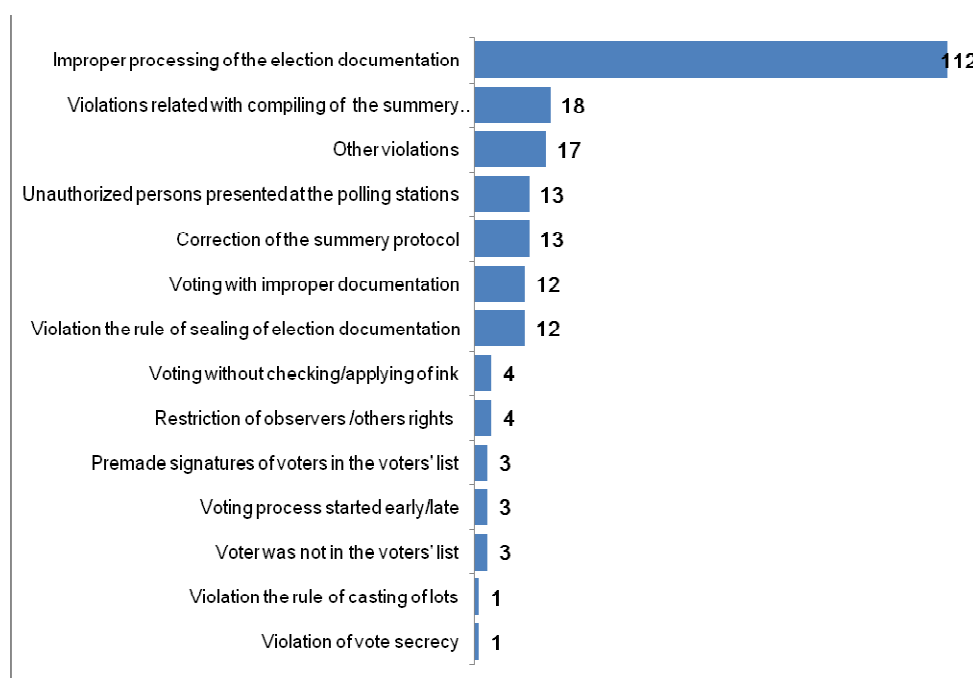
## 5. Election Day Violations and Complaints

ISFED detected **216** violations<sup>27</sup> on the polling day. ISFED's observers expressed only verbal disapproval for **39** relatively minor violations that were immediately eliminated while in remaining **177** cases ISFED filed **93** complaints with election commissions, including **11** complaints with precinct commissions and **82** complaints with district commissions. One complaint was filed in court. ISFED's complaints mostly sought elimination of violations and holding commission chairperson, secretary and other members liable.

Majority of violations or **112** cases involve improper processing/filing of election documents, mostly by failure to fill out control sheets properly, place them in ballot boxes, to carve a seal, and have a voter sign along appropriate line on the voter list. Further, observers detected drawbacks in the process of preparing summary protocols in **18** cases. In particular, summary protocols lacked signatures and seals of commission members, while in **13** cases information recorded in summary protocols was later written over. In **13** cases observers found presence of unauthorized individuals at election precincts. In **12** cases regulations that mandate voting with proper documents and sealing election documents were violated. Notably, compared to the 2012 parliamentary elections, the 2013 presidential elections were marked by lower number of cases where inking was not verified/performed, and ballot secrecy was violated; number of cases where observers' rights were restricted or voter signatures were pre-made were also lower compared to the last year's elections. Majority of violations detected by ISFED were observed at various election precincts; however, ISFED identified the following 12 election precincts where multiple violations of procedures was found: Mtatsminda #25, Chughureti #2 and #20, Dedoplistskaro #23, Bolnisi #47, Dusheti #31 and #45, Kharagauli #13, Zestaponi #26, Zugdidi #99, Kobuleti #14 and Shuakhevi #21 election precincts.

<sup>27</sup> For detailed information, please visit: <http://www.electionportal.ge/geo/map?map=6&category=0&dist=0&org1=1>

## Violations Detected by ISFED



### Complaints filed in precinct commissions

Total of **11** applications were filed in precinct election commissions over violations in polling and vote counting procedures. Violations were eliminated in **7** cases, while no further actions were taken in four. Subsequently, we filed complaints with relevant district commissions seeking imposition of liability on PEC chairpersons and other members.

The statistics above illustrate that PEC chairperson mostly reacted adequately to applications filed with the precinct and took appropriate measures to eliminate violations.

Complaints in precinct election commissions were filed over the following alleged violations:

**Improper processing/filling of the electoral documentation**, in particular improper filling of control sheets or placement in ballot boxes, failure to make carving on a seal: #29 election precinct in Mestia Election District; #65 election precinct in Kutaisi #59 election district #65; #2 election precinct in Keda Election District #80.

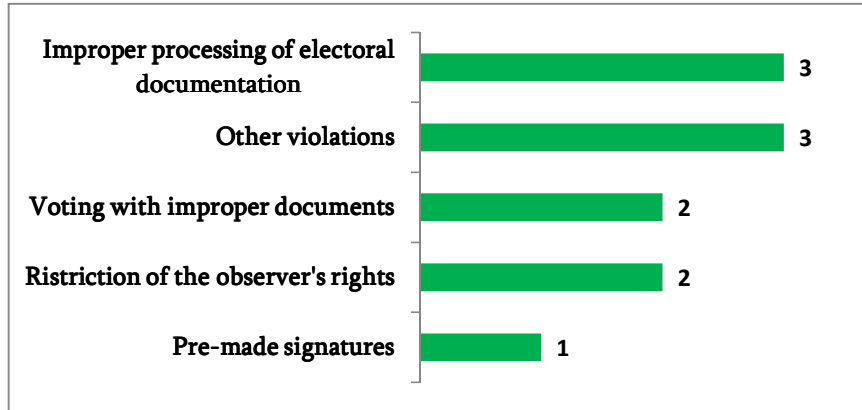
**Restriction of observers' rights and rights of other individuals** having the right to be present at polling stations, by hindering observers record comments in logbook, at polling station #19 in Lagodekhi Election District and at polling station #2 of Batumi Election District, persons with the right to be present at polling stations were asked to leave without any valid reason.

**Voting with improper documents** – driving license or without ID card in election precinct #28 in Signaghi Election District #13 and election precinct #26 of Kaspi Election District #30.

**Pre-made signature** was detected in election precinct #26 of Didube Election District #8.

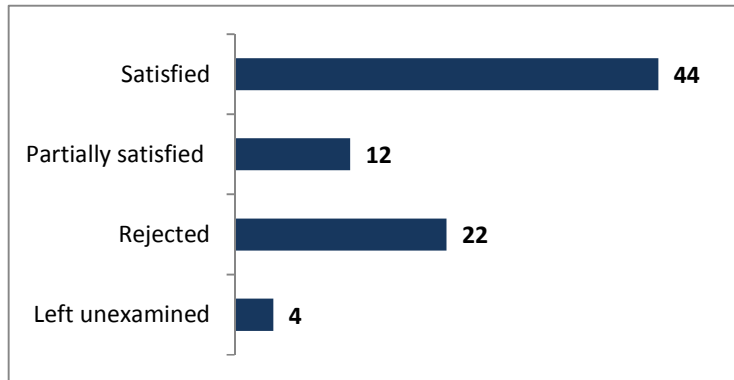
**Other types of violations**, including ballot-papers marked in booths, violation of regulations for recognizing ballot-paper as valid or annulling a ballot paper were detected in election precinct #19 in Lagodekhi Election District #15, election precinct #4 of Ozurgeti Election District #60, election precinct #66 of Batumi Election District #79.

Below are statistics of complaints filed in precinct election commissions over violations:



**Complaints filed in district commissions and in court**

ISFED filed **82** complaints with DEC. Claims were granted fully in **44**, in-part in **12** and rejected in **22** while four complaints were left unexamined.



Complaints with DEC were filed over the following violations

**Restriction of observers' rights and rights of other individuals** having the right to be present at polling stations, by hindering observers record comments in logbook, at polling station #42 in Marneuli Election District #22 and polling station #2 at Batumi Election District #2.

**Violation of secret ballot**, in particular, voting outside a polling booth at election precinct #22 of Chokhatauri Election District #62.

**Voting with improper documents** – driving licenses, copy of an ID card or without an ID card at election precinct #58 of Saburtalo Election District #3; election precinct #28 of Signaghi Election District #13; election precinct #2 of Tianeti Election District #19; election precincts #4 and #56 of Marneuli Election District #22;

election precinct #22 of Dusheti Election District #28; election precinct #26 of Kaspi Election District #30; election precinct #11 of Mestia Election District #47; election precinct #120 of Kutaisi Election District #59; election precinct #10 of Martvili Election District #65; election precincts #5 and #21 of Batumi Election District #79.

**Voting without verification of/performing inking** at election precincts #37 and #50 of Marneuli Election District #22; election precinct #20 of Kaspi Election District #30.

**Pre-made signatures on voters' list** at election precinct #22 of Saburtalo Election District #3; election precinct #26 of Didube Election District #8.

**Presence of unauthorized individuals at polling stations** #2, #4, #5, #21 and #31 of Akhaltsikhe Election District #37.

**Improper processing/filling of election documents** – failure to fill out control sheets properly or placing them in ballot boxes, failure to make a carving on a seal, failure to have a voter sign along his/her name on the voter list, detected at election precincts #4, #11, #66 and #78 of Vake Election District #32; election precincts #4, #15, #34, #38, #39, #60, #68, #74 of Saburtalo Election District #3; election precincts #4, #5, #12, #32, #45, #51, #69, #70, #77, #88 and #101 of Samgori Election District #6; election precincts #11 and #23 of Sagarejo Election District #11; election precinct #8 of Telavi Election District #17; election precinct #10 of Akhmeta Election District #18; election precincts #7, #8 and #13 of Rustavi Election District #20; election precincts #2, #12, #18, #38, #45, #52 and #55 of Gardabani Election District #21; election precincts #16, #38, #53, #73 and #80 of Marneuli Election District #22; election precincts #1, #22 and #48 of Bolnisi Election District #23; election precincts #22, #30, #34, #46 and #47 of Dmanisi Election District #24; election precincts #7, #9 and #15 of Mtskheta Election District #27; election precincts #13, #15, #24, #26, #32 and #37 of Dusheti Election District #28; election precincts #1, #51, #63 and #80 of Gori Election District #32; election precincts #22, #29 and #33 of Akhaltsikhe Election District #37; election precinct #1 of Adigeni Election District #38; election precinct #4 of Aspindza Election District #39; election precincts #9, #11, #28, #32, #37, #45, #46, #48, #51, #52 and #57 of Akhalkalaki Election District #40; election precinct #8 of Oni Election District #43; election precinct #29 of Mestia Election District #47; election precinct #24 of Terjola Election District #49; election precinct #65 of Kutaisi Election District #59; election precincts #3, #8, #36, #37 and #42 of Senaki Election District #64; election precinct #2 of Keda Election District #80; election precincts #25, #26, #30, #35, #38, #46, #53 and #63 of Senaki Election District #64; election precinct #2 of Keda Election District #80; election precinct #18 of Khulo Election District #84.

**Violation of casting of lots procedures**, detected at election precinct #72 of Rustavi Election District #20.

**Failure to properly prepare summary protocol**, in particular, summary protocol was not certified with a seal of the commission or signed by commission chairperson at following election precincts: #3 and #19 in Krtsanisi Election District #4; election precincts #36, #46 and #83 of Rustavi Election District #20; election precinct #33 of Marneuli Election District #22; election precinct #4, #9 and #44 of Bolnisi Election District #23; election precincts #11 and #34 of Khashuri Election District #35; election precincts #25 and #39 of Tskaltubo Election District #58; election precinct #17 of Chokhatauri Election District #62; election precincts #8, #28, #52 and #60 of Kobuleti Election District #8.

**Writing over the information previously recorded in summary protocols**, detected at election precincts #57, #60, #97 and #101 of Gori Election District #32; election precincts #1, #6, #12, #31, #42, #45, #56 and #61 of Akhalkalaki Election District #40; election precinct #51 of Kutaisi Election District #59.

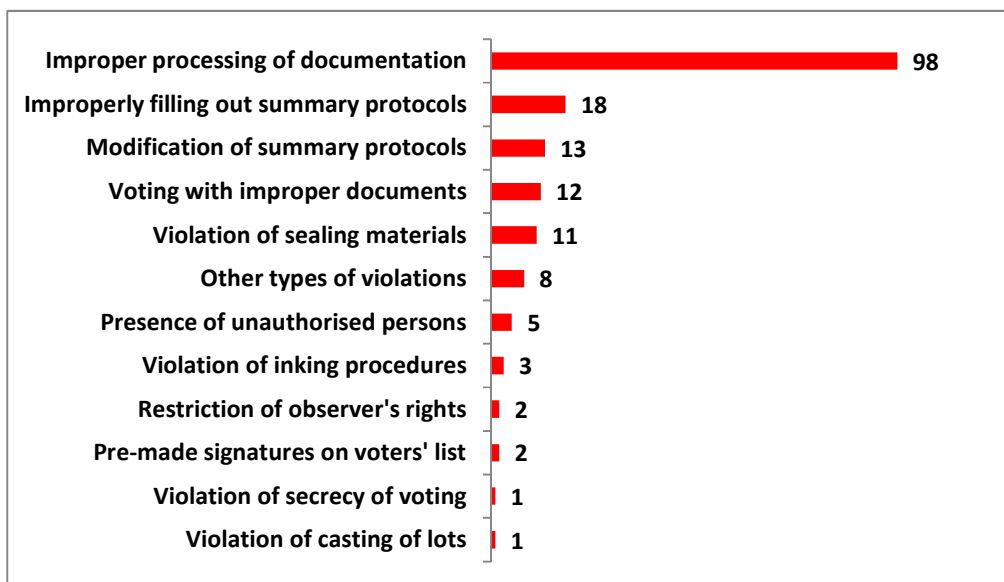
**Violation of regulations for sealing election material**, detected at election precincts #4, #8, #13, #15, #18, #21, #34 and #45 of Gurjaani Election District #12; election precinct #30 of Gardabani Election District #21; election precinct #23 of Mtskheta Election District #27; election precinct #10 of Akhaltsikhe Election District #37.

**Other types of violations**, including ballot-papers marked in booths, violation of rules for recognizing a ballot-paper valid or annulling it, restricting right of persons with disabilities to cast a ballot, voting for someone else, failing to verify ID card which prevented many voters from voting were identified at election precincts #3 and #7 of Dedoplistskaro Election District #14; election precinct #43 of Dmanisi Election District #24; election precinct #13 of Kharagauli Election District #48; election precinct #11 of Baghdati Election District #52; election precinct #14 of Vani Election District #53; election precinct #28 of Martvili Election District #65; election precinct #66 of Batumi Election District #79.

As noted above, four complaints were left unexamined by Aspindza, Saburtalo, Tianeti and Adigeni District Election Commissions. Further, Aspindza and Adigeni DEC's imposed disciplinary liability on members of relevant commissions on their own as violations over which these complaints were filed had in fact occurred.

We filed in court over a decision of Batumi DEC to leave three complaints filed by ISFED unexamined. The court granted the claim and annulled the DEC's decision, ordering the latter to examine complaints filed by ISFED.

Below are statistics of violations over which ISFED filed in DEC's:



### **In its complaints ISFED sought the following:**

All complaints filed with PECs sought elimination of violations and taking of further actions, while majority of complaints filed in DEC members sought imposition of disciplinary liability on DEC members.

Based on violations identified by ISFED, **174** members of election commissions were imposed with disciplinary liability, including **116** commission chairpersons. The type of disciplinary liability ordered most often (in **113** cases) was reproof, including **94** issued to a commission chairperson, 16 against secretary and **18** against other commission members. In **14** cases salaries of PEC members were cut, including fully in one case.

Annulment of summary protocol and revision of polling results due to inaccurate and flawed summary protocols was sought in nine cases. None of the claims for annulment of summary protocols was granted as in most of the cases polling results were reviewed and revised in accordance to applicable procedures.

In one of the cases that involved election precinct #6 of Lanchkuti Election District, ballot box was annulled on the basis of a complaint filed by ISFED.

### **Trends in application process**

In majority of cases DEC members ordered light penalties like reproofs and warnings. DEC decisions mostly lacked substantiation, with the exception of decisions of Tianeti, Marneuli and Dedoplistskaro DEC members.

In general, complaints filed by ISFED were reviewed in compliance with applicable legal procedures, with only minor exceptions. DEC members examined factual circumstances, summoned and examined witnesses. ISFED's representative were allowed to attend the complaints review and express the position of the organization over individual complaints filed.

## **XII. Conclusions and Recommendations**

**Election legislation** – it is important to continue working for improving election laws and election environment, including with respect to voter list regulations; in particular, norms that apply to setting up of special precinct should be elaborated and the list of people authorized to vote at special precincts should be narrowed down. Further, military servicemen should be prohibited from participating in majoritarian and self-government elections if they are stationed in election precinct outside the place of their registration. This is an important issue in light of the upcoming self-government elections.

In order to rule out use of state resources in favor of a party as much as possible, participation of public servants in agitation should be limited; in particular, list of political office holders outlined by the Election Code should be narrowed down and specific definition of the term “agitation” should be offered.

It is important to revise disputes chapter of the Election Code in order to elaborate ambiguous norms and specify norms that regulate election disputes to prevent election commissions from wrongfully applying these norms and leaving complaints unexamined.

Individual procedures of polling should be simplified to prevent mistakes by election commission members, which may be caused in part by complexity of applicable regulations.

**The election system** – in view of the upcoming self-government elections it is important to start discussions for choosing election system. In this respect, the inter-factional task force on elections should be restored or another task force should be set up within the parliament of Georgia, in which all stakeholders in addition to MPs will be able to participate and review in expiated manner election systems to choose from.

**Election Administration** – for the election administration to develop into a qualified and objective agency, regulations for recruitment of election administration members at all levels should be revised. New regulations should focus on recruitment based on professional qualities to promote professionalism of election commissions and their freedom from political influence.

In order to eliminate all procedural flaws of the Elections Day, more attention should be paid to training of PEC members.

**Voters' List** – ISFED believes that significant work should be performed to improve voter list, including through door-to-door campaigns and use of biometric information for preparing voter lists. Further, the authorities, the CEC, in view of interests of voters residing abroad, should come up with alternative means of voting.