



GEORGIA'S PARLIAMENTARY ELECTION
OCTOBER 8 AND OCTOBER 30, 2016

The Final Report of IRI's Long-Term
Observation Mission

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Mission

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Georgia Parliamentary Election Report

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I. EXECUTIVE SUMMARY

Ruling party gains constitutional majority

- The Georgian Dream-Democratic Georgia Party (GDDG) won 44 proportional seats and 23 majoritarian seats in the first round on October 8, 2016.¹ The opposition United National Movement (UNM) won 27 proportional seats, and the Alliance of Patriots (AOP) won six proportional seats.
- Of the 50 majoritarian seats decided by runoff contests on October 30, 2016, 48 were won by GDDG. The remaining two seats went to parties allied with GDDG: the “Topadze-Industrialist-Our Homeland” (Industrialists), and independent candidate and former Foreign Minister Salome Zourabishvili.
- GDDG’s gains have given it a constitutional majority in parliament.
- Other parties which were expected to cross the threshold required to serve in parliament, including the Free Democrats and State for the People, failed to garner the requisite five percent of the overall vote required for proportional representation.

Election Day mostly well-administered, but problems arose after poll closing and ballot count

- The first round of elections was efficient and generally well-administered. Local election officials were knowledgeable about their responsibilities and carried out their duties efficiently. Relatively few Election Day violations were reported.
- However, after the polls closed, the counting process in several precincts was marred by disputes between party representatives, a higher-than-usual number of annulled ballots, and four entire precincts were re-voted on October 22. This was a drastic departure from the well-executed vote counts that IRI and other international observers have come to expect after the last few elections

Few major changes to the Election Code

- The only change to the Election Code was the decision to raise the threshold for majoritarian seats from a 30 percent plurality to a simple majority. This led to a large number of runoff elections on October 30.
- The only other substantive change to election procedures was the redistricting of majoritarian districts. This followed the Venice Commission

¹ Parliamentary Elections of Georgia 8 October 2016. Central Election Commission of Georgia. October 8, 2016. <http://results20161008.cec.gov.ge/eng/>.

recommendations that significant efforts should be made to equalize the size of majoritarian districts.

The Central Election Commission (CEC) and parliament must improve several key areas before local elections

- Election officials and political authorities should take action to address the problems that arose in the course of the parliamentary elections, including: pre-election polarization and violence; perceived interference on Election Day by party activists; increased numbers of voided ballots and incorrect ballot counts; and the need for more detailed training for election commissioners.
- Regrettably, many of these criticisms were expressed by IRI and other international and domestic observers after the 2014 local elections.
- Despite these shortcomings, they were not dispositive of the result and the election reflected the will of the Georgian people.

Recommendations at a Glance

- *Implement additional Election Code reforms (See Page 9):*
 - Institute a regional-proportional system for the 2020 parliamentary elections as promised during parliamentary debates in 2015;
 - In the absence of regional-proportional districts, redraw district lines to be more ethnically-balanced, to avoid the marginalization of ethnic minorities;
 - Formalize incentives to support women's inclusion in electoral administration and on party lists; and
 - Define electoral administration seat distribution and party financing laws more clearly.
- *Address pre-election violence and disruption (See Page 12):*
 - Thoroughly investigate the use and abuse of administrative resources, and strengthen the appropriate laws;
 - Respond quickly and without prejudice to allegations of election-related violence;
 - Thoroughly and impartially investigate all electoral violations; and
 - Equally apply the full force of the law to all valid claims.
- *Address deficiencies in polling station accessibility and functionality (See Page 14):*
 - Establish polling station perimeters to limit the proximity of Election Day campaigning;
 - Ensure all polling stations are accessible to persons with disabilities; and

- Locate polling stations in venues with sufficient space for all Election Day activities.
- *Improve Election Day procedures (See Page 15):*
 - Address the ongoing prevalence of party-aligned “NGO” observers;
 - Clearly define resolutions to the Election Code that affect party observers or political subjects; and
 - Revise ballot tabulation rules to be more efficient and transparent.
- *Continue efforts to increase confidence in electoral administration (See Page 16):*
 - Include international complaints and appeals best practices into Georgia’s electoral administration procedures;
 - Clarify processes for selecting Precinct Election Commissioners; and
 - Provide pre-election trainings specifically for minority commissioners.

II. POLITICAL CONTEXT

Georgia has made significant strides toward democracy and Euro-Atlantic integration in recent years, epitomized by the successful democratic transfers of power following the October 2012 parliamentary elections and the October 2013 presidential contest. However, consolidating Georgia’s democratic gains remains a work in progress as important democratic reforms have stalled due to internal political dynamics and increased meddling from the Russian Federation.

A culture of constructive, issue-based political negotiation has not yet taken root in the 2012-2016 parliament or in local governments. Currently, political debate in Georgia tends to focus more on polemics than facts and evidence. Legislative agendas are often driven by personalities rather than policy platforms or constituent priorities. Many Georgian elected officials at the national and local level are still learning how to balance their obligations to their party, their institutions and their constituents.

Increased Pessimism and Reduced Confidence in Government

According to IRI’s public opinion research, the percentage of citizens who think that Georgia is heading in the right direction dropped to a five-year low of 25 percent in February 2015, down from a high of 63 percent following the 2012 parliamentary elections.² IRI’s April 2016 poll revealed that 70 percent of Georgians believe their country is headed in the wrong direction – a 15 percent increase from 2015.

² “IRI Georgia Poll: Georgians are Less Optimistic, Continue to Desire Deeper Ties with the West, Wary of Perceived Russian Threat, Concerned Regarding Economy.” International Republican Institute, March 31, 2015. <http://www.iri.org/resource/iri-georgia-poll-georgians-are-less-optimistic-continue-desire-deeper-ties-west-wary>.

IRI's data also indicates that 42 percent of Georgians feel that the employment situation has worsened, and approval of parliament has dropped from 81 percent to 49 percent in the last two years.³ Polls show that Georgians continue to have extremely favorable attitudes towards Western integration: 79 percent support Georgian membership of NATO, and 85 percent support joining the EU. This widespread support may also be motivated by fears of Russian aggression, as 71 percent of Georgians view Russia as the country's greatest threat.

Governing Party Wins Landslide Election

Despite running independently from its more experienced former and current coalition members, and against a backdrop of mounting public frustrations, Georgia Dream (GDDG) secured a strong electoral victory. In the first round, GDDG won 48.7 percent of the popular vote with 51.6 percent turnout. The United National Movement (UNM) came in second with 27.1 percent of the vote, while the Alliance of Patriots (AOP) barely cleared the 5 percent threshold with 5.01 percent. No other parties gained sufficient votes to enter parliament on the party list. GDDG won 44 of the 77 party list seats, while UNM won 27 and AOP won six.

GDDG won 23 out of 73 majoritarian seats during the first round. The remaining 50 districts proceeded to a second round of elections since no candidate reached 50 percent plus one vote. These districts held runoff contests on October 30, and GDDG won 48 of 50 seats. The remaining two seats were won by a nominally independent candidate and a member of the Industrialists party, both of whom will likely caucus with GDDG. GDDG now controls 115 of 150 total seats in parliament. This represents 76.7 percent of parliament and will provide GDDG with a constitutional majority through the 2020 parliamentary election.

III. ELECTORAL SYSTEM AND INSTITUTIONS

The electoral framework for the 2016 parliamentary elections was mostly consistent with the October 1, 2012 parliamentary elections and 2014 local elections, providing for a mixture of party list and majoritarian seats. Initially implemented by the UNM government, this mixed system has proven problematic as it tends to provide the winning party with a greater number of seats than would be reflected by the party's share of the vote. For instance, GDDG won 115 seats, giving it 76.7 percent of seats on the strength of 48.7 percent of the popular vote. This may have influenced GDDG's reluctance to institute changes such as the introduction of a regional party list system prior to the election.

³ "IRI's Center for Insights Poll: Georgians Maintain Pro-Western Attitudes in Face of Russian Threat." International Republican Institute, April 28, 2016. <http://www.iri.org/resource/iri%E2%80%99s-center-insights-poll-georgians-maintain-pro-western-attitudes-face-russian-threat>.

Pre-Election Changes to Election Code

The most recent version of the Code (signed into law on January 8, 2016) did not change the composition of electoral administration or Election Day procedures in any significant way. However, two changes were introduced which had a significant impact on the outcome of the election. First, the threshold for majoritarian victory was raised from 30 percent to 50 percent, increasing the number of districts requiring runoffs from 13 of 73 during the 2014 local elections to 50 during the 2016 parliamentary election.

The second major change was electoral redistricting. This was a major point of contention after the 2012 parliamentary election as the old district boundaries were barely representative of the population. The number of voters represented by each majoritarian representative varied widely, with the largest district of Kutaisi containing approximately 158,000 registered voters, and the smallest regional district of Kazbegi only containing roughly 4,000 voters. Meanwhile the capital of Tbilisi, home to 30 percent of the nation's population, only had 10 majoritarian representatives (13.6 percent)

Following the redistricting process, the result of which was overall commended by the international community for its effort to equalize constituency size, the average constituency size is now approximately 47,700 voters (+/- 10 percent). The smallest district under the new system contains 41,364 voters, while the largest has been reduced to 53,480 voters. This realignment means that Tbilisi, formerly home of 10 majoritarian districts, increased its majoritarian representation by 22 seats. The cities of Batumi, Kutaisi, and Rustavi also received increased representation, consistent with their status as regional population centers.

Biometric Voter IDs Issued to More Voters

This was the second election in which the photos on voter identification cards were compared with photos on the voters list. The process was called “voter verification” and appeared to result in a marked decrease in complaints about double voting or voter identification-related fraud. Voters who did not possess biometric photo voter cards after the local elections in 2014 were able to report to the Ministry of Justice to verify their voter registration address and receive an ID card free-of-charge. Citizens who were unable to procure a biometric ID in time for Election Day were permitted to vote with an official photo ID, which was matched with their photo on the voter list.

IV. ELECTORAL ADMINISTRATION

As in previous elections, the District Election Commissions (DEC) were responsible for appointing six of the 13 PEC commissioners for each of the PECs under their jurisdiction. These six appointees were intended to be independent commissioners,

unaligned with any political party, and ideally experienced in electoral administration. As part of the application process, prospective professional commissioners were required to submit their CVs to the relevant DEC for review during an open session, and were subsequently submitted to a vote.

However, during the pre-election period IRI's observers received multiple reports that DEC members were selecting professional PEC members on the basis of lists which were pre-approved after alleged consultations with local officials or GDDG party leaders. At the outset of the observation period, IRI noted that this practice may have been a personal time-saving method and not an overt attempt to provide the ruling party with an unfair or disproportionate advantage at the PEC level. Upon further investigation, IRI's observers found otherwise.

Observers Confirm Complaints of Biased Processes

IRI's LTO team in Kakheti further explored the allegations of pre-selected lists and discovered that DEC voting records in each of the electoral districts in the region exhibited a regular voting pattern. Voting blocs of between eight and nine members voted in favor of the same pre-selected individuals, each of whom became the DEC-appointed members on each PEC.

Further analysis of votes cast within electoral District 23 (Sagarejo) revealed that the voting bloc was comprised of the CEC-appointed DEC member, the professional DEC members, and the GDDG, Conservative and Industrialist party representatives (all members of the ruling Georgian Dream Coalition).⁴ The LTOs then performed a spot analysis of the votes for 20 percent of PECs from each of the other electoral districts in Kakheti region, and their findings were consistent with those from District 23.

The evidence indicates that DEC members pre-selected individuals to sit on PECs in a way that violates the spirit of the electoral code by placing clearly partisan individuals in seats designated for politically neutral, professional commissioners. This finding is consistent with the complaints of opposition political stakeholders, who expressed concerns that CEC-appointed professional members of DEC members were in essence functioning as GDDG representatives.

Qualified Party Status Unfairly Awarded

In order to become qualified and to obtain funding from the state budget, a party must have earned three percent of the vote during a previous national election. Following the second round contest, the CEC announced the parties that would receive funding from the central budget for the local campaign in 2017 based on the proportion of electoral results they received. These parties are considered "qualified

⁴ Each DEC is comprised of 13 members, six professional members (one of them directly appointed by the CEC) and seven partisan members, including: one member each from the GDDG, Conservatives, Industrialists, UNM, Free Democrats, Republicans, and UDM. Four of these parties (UNM, Free Democrats, Republicans, and UDM) are in opposition to the current government.

parties” and will be able to claim free broadcast time during the local campaign period in 2017. The qualified parties will be entitled to install a party member in all electoral bodies at all levels.

In the past, parties have based their claims on the either the previous parliamentary or local election, depending on which one offered the best result. However, following the October parliamentary election, the CEC agreed to allocate additional state funds to the pro-GDDG Industrialists, despite the fact that the party failed to attain the necessary results in either of the previous two national elections and only secured one majoritarian seat in parliament.⁵ The CEC also determined that the Free Democrats should lose its seat on electoral commissions, to be replaced by the Industrialists. This appears to demonstrate a clear bias on the part of the CEC, as it would effectively allow a second GDDG-appointed member at all levels of election administration.

The CEC’s decision was appealed in Tbilisi City Court and in the Court of Appeals by the Free Democrats and the Georgian Young Lawyers Association (GYLA), but both courts rejected the complaint. The result is that the single Industrialist MP was able to create a faction in parliament with other majoritarian MPs elected from GDDG, effectively giving a bloc which only gained 0.78 percent of the proportional vote more state funding than the Free Democrats, which gained 4.63 percent.

Specific Incidents Noted by IRI Observers

- On September 7 and 8, DEC’s held simulations for newly-selected Precinct Election Commissioners to demonstrate the appropriate selection process for PEC leadership. On September 8 and 9, PEC members across the country selected their respective Chairs, Vice Chairs and Secretaries. During this period, LTOs observed 82 PEC sessions, including the official PEC opening, trainings of newly-selected PEC members and the leadership selection process. IRI’s observers noted that in these initial PEC sessions, a quorum was present when the PECs voted for the three leadership positions. All votes were completed under the supervision of DEC staff, and were carried out in a transparent and open manner.
- The CEC initially rejected the Industrialist party list on the grounds that the party submitted an incomplete candidate list. After appealing to the Tbilisi City Court, it was found that Industrialists did indeed submit a full list, but that it was in electronic format and not in hard copy. In light of the fact that it is not stipulated in the Georgian Electoral Code that all lists must be submitted in hard copy, the courts ruled in favor of Industrialists and restored their registration.

⁵ Including the 2014 local elections, and the 2016 parliamentary election.

Detailed Recommendations for Improving Electoral Administration

- *Institute further Election Code reform:* Continuous reforms to the Election Code have resulted in a legal framework that is more equitable than in prior years. However, some additional changes would prove helpful to enhance the competitiveness of future elections:
 - A regional-proportional system of representation would enable both ethnic minorities and women to achieve increased representation in future parliaments, and IRI urges the new parliament to take affirmative steps in this direction when it enters new session in November 2016.⁶
 - Should a regional-proportional system not be fully implemented, the government should redraw district lines so that districts are fully contiguous and unify ethnic groupings instead of distributing them among several majority Georgian districts.
 - Political parties should continue to support women’s inclusion in electoral administration, and expand efforts to ensure that they are equally represented as candidates on proportional party lists. Until the majoritarian system is abolished, political parties should build the capacity of young women party members and support more women as majoritarian candidates.
 - The laws governing political party financing leave too much room for manipulation and misinterpretation by both parties and authorities, and should be revised to mitigate ambiguities.

⁶ A “regional-proportional” system would be an attempt to merge the benefits of the party list system and the majoritarian system, while mitigating the problems of each. In short, the party list allows for an increased number of parties in parliament, but does not hold MPs accountable to any specific constituency. Meanwhile, the majoritarian system holds MPs accountable to a specific constituency, but has a tendency to favor one (or at most two) parties which have significant resources and popularity.

The “regional proportional” system would break the country up into its 10 administrative regions plus Tbilisi. Each region would then be allocated a number of parliamentary seats proportional to its population (much like Congressional seats are allocated to each state in the United States). However, instead of parties competing for each seat individually, parties would field a party list for the region and the seats would be allocated depending on each party’s percentage of the popular vote in each region (instead of nationally). Notionally, this would allow more parties to enter parliament, and provide a handful of seats to parties which have strong regional presences, but lack the political strength to gain the necessary 5 percent of the nationwide vote. Such a system would also allow for regional minorities to have more opportunities for representation in parliament than the current hybrid party list/majoritarian system.

V. CAMPAIGN ENVIRONMENT

Early Campaign Period Generally Calm

IRI's long-term observers found that the early campaign period was calm and deliberate, particularly compared to the 2012 parliamentary elections. However, stakeholders expressed concerns that the GDDG may have been misusing administrative resources for campaigning purposes.

Unofficial complaints were most prevalent among members of UNM and United Democratic Movement (UDM), although not all of these were formally filed with the appropriate bodies. UNM alleged mistreatment and harassment of party members and supporters, office vandalism, arson, termination from state employment, and other punitive actions by GDDG and its local officials.

Campaign Tension Increased Closer to Election Day

As the campaign period progressed toward Election Day, the electoral environment grew increasingly contentious and hostile. IRI's observers received dozens of reports of increased violence and verbal harassment from political stakeholders, as GDDG and UNM accused each other of destabilization and provocation. UNM released video and photographic evidence of GDDG supporters violently disrupting a UNM event in Zugdidi (Samagrelo), vandalizing UNM campaign banners and posters in multiple locations, and beating a UNM supporter in Tbilisi.

GDDG representatives made similar accusations against UNM, claiming to have concrete evidence of UNM plans for electoral disruption and even plans for a post-election coup, which were never substantiated. Multiple other opposition parties lodged a range of complaints against GDDG, primarily related to the abuse of administrative resources and voter intimidation.

Significant Concerns Over Abuse of Administrative Resources

IRI observers received dozens of reports that state administration officials worked on GDDG's campaign during work hours, including posting campaign materials in government buildings, public spaces and in unauthorized locations and monuments (a clear violation of Article 46 of the Election Code). This included a professional PEC commissioner engaging in campaign activities for the ruling party in Tbilisi (Vake). GDDG's pre-election actions did little to move the political dialogue toward an issue and policy-based campaign. Instead, the campaign period was marred by consistent allegations of abuses of administrative resources, including the coercion of state employees (including teachers, civil servants, and public administrators), and use of local government influence to prevent opposition party activities.

Specific Incidents Noted by IRI Observers

- Article 119(1) of the Election Code clearly states that ballot numbers should be assigned to political parties and blocs 30 to 36 days prior to Election Day. However, in late August the CEC voted to assign ballot numbers to the State for the People and United Opposition-Alliance of Patriots. Officially, this was so they could compete in a bi-election, although the CEC did not assign numbers to other competing parties.⁷ This gave the two parties an advantage in campaigning for parliament, as they were able to print campaign materials and inform voters of their place on the ballot earlier than their opponents.
- The CEC deregistered the pro-Russian Centrist Party due to the party's failure to select an authorized party leader. The Centrists had already prompted a public outcry after they released a campaign advertisement advocating Russian military bases on Georgian soil and distribution of Russian state pensions to Georgian citizens living in Georgia.
- Georgian President Giorgi Margvelashvili called on political parties to adopt GDDG's "peace memorandum," which would serve as a code of conduct committing the parties to participating peacefully, fairly and democratically. A number of opposition political parties expressed reservations about signing a document written by representatives of the ruling party, and most vowed not to sign it.
- On September 12, 2016, former Prime Minister Bidzina Ivanishvili made a media appearance in Kutaisi (Imereti). Approximately 300 protesters amassed in front of the theater to confront Ivanishvili in a demonstration that IRI observers reported was tense but peaceful. As he exited, protestors became agitated and swarmed his car, with some blocking its departure. When the word spread that the car was a decoy and that Ivanishvili was in fact exiting through the front of the building, security locked the protesters (including IRI's observers) inside the parking lot until Ivanishvili had left. Security opened the gates after Ivanishvili's car departed, enabling protesters to disperse.
- In Boriti Village (Imereti) on October 10, the UNM-appointed member of Precinct Election Commission #48.51.7 and his family were visited by the head of the Kharagauli Municipality, the GDDG local coordinator, and a number of unidentified village inhabitants. The family was allegedly assaulted because of their support for UNM. The alleged perpetrators denied the incident, but IRI observers visited the commissioner and his family and were given photographic

⁷ Although this was the official reason provided, only the Alliance of Patriots actually competed in the local bi-election. The CEC claimed that it was necessary to keep the Alliance ballot number consistent with its local election number from 2014, even though two years have passed. However, State for the People was not planning to compete in the bi-election, and simply wanted to lock down the number that New Rights was assigned in 2014, after New Rights joined State for the People's coalition. By law, neither party had the right to maintain their number from the previous election, as that privilege is only afforded to the top three parties in each election.

evidence of bodily harm and bruising. The case is currently being investigated by local police under Article 125 of the Georgian Criminal Code, but charges have yet to be filed.

Detailed Recommendations for Improving the Campaign Environment

- *Address Pre-Election Violence and Disruption:* While the pre-election period was relatively calm, there were incidents of violence, disruption of opposition campaign events and claims of pressure by local officials on opposition candidates and representatives.
 - The Georgian parliament should investigate and take appropriate action to strengthen laws prohibiting the use and abuse of administrative resources during the campaign period.
 - The government should respond quickly to all allegations of violence and investigate all claims that are found to have merit.
 - Georgia’s law enforcement agencies should impartially investigate all electoral violations that transpired on Election Day, and ensure that law enforcement agents were not involved in any acts of intimidation.
 - All meritorious claims against any individual, regardless of government position or party affiliation, should be prosecuted to the fullest extent of the law in order to effectively discourage further violations.

VI. ELECTION DAY

General Observations

Despite the calm atmosphere, IRI observers in all seven regions noted that opposition parties and political stakeholders alleged a wide range of electoral violations by GDDG and local officials on Election Day including vote-buying, falsified election results and the miscounting of ballots. Opposition parties also claimed that GDDG engaged in “picking off” their supporters and commission members by offering monetary compensation in exchange for switching allegiances.

Voter turnout in the first round was 51.63 percent – an improvement from the 2014 local election (43.31 percent), but trailing the 2012 parliamentary election turnout by eight points (59.76 percent). Turnout in the second round went down to 37.5 percent in the 50 districts in which runoffs were conducted. Both rounds were characterized by a generally calm and peaceful atmosphere nationwide. However, problems during the vote count required a recount in four PECs on October 22: one in Marneuli (District 36), and three in Zugdidi (District 66).

Opening Procedures and Voting Processes Proceeded Smoothly

Precinct Election Commissions (PECs) where IRI observed the voting process were generally peaceful, orderly, and well-run. As turnout was significantly lower than the previous parliamentary election, lines were typically not long and voters were able to vote without difficulty. Very few official complaints were filed, and most issues raised were addressed appropriately by polling station leadership.

When there was occasion to file a complaint, the process was typically initiated by independent NGOs such as the International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers Association (GYLA) or Transparency International (TI), and not party observers. These complaints typically focused on relatively minor procedural issues. All polling stations visited by IRI had domestic observer presence, generally representing GDDG, UNM, UDM, Free Democrats, AoP, and local NGOs (including ISFED, GYLA, TI and various party-associated groups).

There were few major or systemic violations during the opening and voting processes, and IRI observed only minor shortcomings on Election Day. Most of these were carry-over problems from previous elections due to the lack of major revisions to the procedural portions of the Election Code. As in previous elections, many of the minor violations occurred outside of major population centers. This trend suggests the need for improved training and the dissemination of better information to rural PEC commissioners in advance of the next election, in particular regions where Georgian and/or Russian may not be the primary language.

Significant Problems Reported During Closing and Counting Procedures

IRI's observation team reported that commissioners substantially complied with proper closing and counting procedures. Voters in line at closing time were allowed to vote. The counting process generally proceeded smoothly and without distraction. There were occasional disagreements over whether a ballot was spoiled, but these disputes tended to be resolved quickly and by a democratic vote.

However, in contrast to past elections, IRI observers noticed a marked increase in PEC commissioners who were not adequately prepared to execute their duties of counting and tabulating ballots and preparing final protocols. This led to several instances, witnessed by IRI observers, in which party agents or NGO observers effectively took over the counting process because the designated PEC commission were unsure of the proper procedure.

Specific Incidents Noted by IRI Observers

- IRI's observation mission and other international observers reported inconsistencies in the methods used by DEC's to determine when PEC protocols were to be annulled, as well as differences among PECs regarding what merited an annulled ballot. While not as high as the 2014 municipal elections, the national percentage was still higher than in 2012, with 3.43 percent of proportional ballots annulled and 4.11 percent of majoritarian ballots annulled.
- Apparent discrepancies in criteria for annulling individual ballots were often either overlooked or unexplained by PEC officials. In Zugdidi (Samegrelo), the results of three entire PECs were annulled; in Marneuli (Kvemo-Kartli) one PEC was annulled; and in Tetrtskaro (Kvemo-Kartli) more than 1,000 individual ballots were annulled, but certain improperly marked ballots were not. In Tbilisi 4.45 percent of ballots were annulled for majoritarian candidates (with some districts reporting as high as 6 percent); and in Ajara 3.3 percent of ballots were annulled for the Adjara Supreme Council. Overall, IRI observers reported five PECs that required a recount and 10 where some or all results were annulled entirely.
- IRI observers in Ajara and Samegrelo reported multiple instances in which the final precinct protocols bore the signatures of all 13 election commissioners apparently written in one person's handwriting. This is a clear violation of Article 71.4 of the Georgian Election Code, which stipulates that "all PEC members shall be obliged to sign a summary protocol of polling results, thus evidencing their presence at an electoral precinct. The protocol shall be endorsed by the PEC seal." While this procedure may have been agreed upon by election commissioners in these respective commissions, the purpose of Article 71.4 is to ensure that there were no unilateral or politically-motivated approvals of summary protocols.

Detailed Recommendations for Improving Election Day

- *Address Issues of Polling Station Accessibility and Functionality:* On Election Day, IRI's observers noticed several issues which, while not illegal or otherwise prohibited by the Election Code, impeded the smooth conduct of the election.
 - While it is technically legal for local government officials or party activists to be present outside polling stations, their presence was perceived by both international and domestic observers as an attempt to intimidate or coerce voters. It would be prudent for the CEC to establish a perimeter around the buildings housing polling stations, prohibiting access for local officials or party activists. This would remove the current ambiguities surrounding proximity issues regarding voter contact, and would preserve the sanctity of the "voter's walk."

- Before the next national election (scheduled for October 2017), all polling stations should be made accessible to persons with disabilities. If this is not possible, persons with limited mobility should be permitted to transfer their registration to accessible stations in the same voting district, instead of being forced to rely on the mobile ballot box.
 - Polling stations should be located in facilities that are large enough to house the full commission, voting booths and ballot boxes, and local and international observers without crowding out voters. While smaller communities sometimes lack appropriately sized facilities to accommodate large crowds, larger venues should be identified where possible and should also be made accessible for persons with disabilities.
- *Improve Election Day Procedures:* Election Day procedures have remained relatively unchanged since 2008. While this has provided a degree of certainty in relation to the process, it also has institutionalized some poor practices and procedures.
- There is a disturbing trend of observers from non-party organizations who do not have proper credentials, cannot name their affiliated organization, do not appear to understand proper voting processes, and even openly exhibit a preference for a particular party. Parties should not be permitted to use these organizations as a means to work around legal requirements limiting official party representatives within PECs.
 - All provisions of the Election Code that affect the inclusion of political subjects and party observers in Election-Day polling stations (especially during second round voting), or limit the presence of third parties in and around polling stations, should be clearly defined and unambiguous.
 - Ballot tabulation procedures should be improved to become more efficient, transparent and accurate. Clearer processes will mitigate the negative impact of under-trained PEC commissioners and forestall opportunities for intervention by party and NGO observers.

VII. COMPLAINTS AND APPEALS PROCESS

The 2010 Electoral Code established a more streamlined complaints and appeals process with the introduction of a standardized and simplified complaints submission form, clear deadlines for rulings and the finality of decisions made by two courts of appeal. On Election Day, PEC decisions could be appealed at either the DEC level or via the judiciary. Most of the complaints which were filed formally with the CEC came from local NGOs, notably ISFED and GYLA, and the majority of party complaints originated with UNM and UDM. Reports from international observers after Election Day

indicated that several smaller parties, including UDM and Labour, instructed their party observers to file appeals during the counting process in order to cast doubt on the veracity of the election.

It is not clear how many of the 1,168 total complaints reported by the CEC during the first round were related to the abuse of administrative resources or vote buying. The CEC reported that 718 complaints requested disciplinary action against alleged violators, and 24 concerned administrative violations. An additional 430 requested recounts and 337 sought to annul either the precinct results or a particular summary protocol.⁸ Of these complaints, 431 were fully or partly upheld, 485 were not upheld, 229 were refused consideration, and 23 were withdrawn. UNM filed 221 complaints, 67 of which were upheld, and UDM filed 234, of which only 16 were upheld.

Three-hundred and thirty-five out of 635 complaints by local NGOs and nonpartisan observers were upheld in whole or in part (52.7 percent). Despite the fact that slightly more than half of complaints were addressed either in full or in part, there remains a widespread perception (particularly among opposition political parties) that GDDG's influence in government prevented the CEC from addressing a number of valid complaints as it would require taking action against the ruling party.

Detailed Recommendations for Improving the Complaints and Appeals Process

- *Continue Efforts to Increase Confidence in Electoral Administration:* The CEC, DEC and PECs must execute their roles and responsibilities transparently and in strict adherence to the Georgian Election Code before, during and after Election Day. Complaints and appeals – which always increase in number, intensity, and complexity in the final days before the election – must be handled in an unbiased, lawful, and proportionate manner. To this end, the CEC should consider policies which:
 - Incorporate international best practices into its procedures, particularly regarding the instruction and execution of electoral procedures on Election Day. Taking into consideration the high number of official complaints reported by DEC chairpersons, PEC members should be better trained in opening, closing, and counting procedures.
 - The processes used for selecting PEC commissioners should be clarified and the process must be made more transparent. This would significantly reduce the frequency of allegations that local officials or party leaders influenced the selection of the non-partisan members of each PEC.

⁸ The full breakdown of complaints and appeals can be found on the CESKO website [HERE](#).

- Pre-election trainings for PEC commissioners should be clarified and made available in multiple languages, including Armenian and Azeri. This would mitigate against the possibility of precinct annulment due to lack of knowledge of procedures.

VIII. MINORITY AND WOMEN PARTICIPATION

Minority Participation

Georgia's constitution confers full political rights upon national minorities. Minority groups comprise 16 percent of Georgia's population, the largest being the Armenian (7 percent) and Azeri (6 percent) communities. Historically, one of the most significant impediments to minority electoral participation has been the language barrier. In past elections, the CEC provided trainings in Russian, Armenian, and Azeri languages to remedy this barrier. However, for the most recent election cycle, trainings were mostly conducted in Georgian and/or Russian at the trainer's preference. The failure to create training materials in minority languages decreased the quality of the sessions in those areas, and undermined minority PEC commissioners' understanding of the electoral processes.

Some political parties appeared to make a concerted effort to engage Azeri voters. GDDG held public events in the Azeri language in Rustavi (Kvemo Kartli), and the Marneuli FM radio station aired information on voter education programs in Azeri. According to the Congress of Azeris in Georgia, 12 ethnic Azeri majoritarian candidates represented multiple political parties in the Kvemo Kartli region, a significant improvement from previous elections. Meanwhile, the Armenian population found that their communities were often split up by the redistricting process and incorporated into majority ethnic Georgian districts, as in Akhalkalaki where 17 Armenian villages were redrawn into the Borjomi district.

The inclusion of Azeri communities improved compared to past elections, insofar as the Georgian government provided Azeri-language voting materials. However, there was a distinct lack of minority representation in DECAs in predominantly Azeri and Armenian districts.⁹

Ethnic Armenian communities continue to feel marginalized by the Georgian government due to a lack of employment opportunities and the requirement to renounce their Armenian citizenship in order to access healthcare and voting rights. At present, between 5,000 and 8,000 Armenians are estimated to be disenfranchised due to their lack of Georgian citizenship.

⁹ There are four districts with significant Azeri populations - Marneuli (83 percent), Dmanisi (67 percent), Bolnisi (66 percent), and Gardabani (44 percent) - and one region with a significant Armenian population - Tsalka (55 percent).

With the notable exception of the October 2012 parliamentary elections and the October 2013 presidential election, minority regions have tended to support the ruling party or incumbent candidates. This historic trend continued in the 2016 election, with minority-dominated districts electing majoritarian candidates from the ruling Georgian Dream Party. The CEC does not currently compile official statistics on the minorities who run for office, or the percentage of minority voters that vote as compared to the general population.

Women's Participation

Men have traditionally dominated Georgian politics, and women continue to face barriers to entry. The CEC collected data on local women candidates and participation for the first time during this election cycle. A provision in the election code offered a 30 percent increase in public funding to political parties that included women candidates on 30 percent of their party list. Despite this financial incentive, the number of women elected to party-list seats is far below that percentage. GDDG was the only party in receipt of public funds that did not make use of the additional incentive to add more women to its party list.

Of the 155 women who ran as majoritarian candidates during the first round, only one was elected outright. Eight advanced to the runoffs on October 30, five of whom won, yielding a total of six women elected through the majoritarian process. Of the women on party lists, 18 were high enough on the list to gain a seat in parliament (GDDG - 8, UNM - 7, AOP - 3). There will be a total of 25 women in the new parliament (16 percent), a slight improvement from the 17 women members of the previous parliament (11.3 percent).

This falls short of the more ambitious quota proposals which would have required 50 percent women on each party list, and would have yielded a minimum of 38 women MPs, plus any women elected through the majoritarian process. Even the less ambitious 30 percent requirement would have yielded a minimum of 23 women parliamentarians via the party list, plus any women elected as majoritarians.

The CEC also reported that:

- First round turnout was 51.63 percent, 49.08 percent of whom were women.
- Second round turnout was 37.5 percent, 35.17 percent of whom were women.

Women played a significant role in the election administration process. According to the CEC, women comprised 57.9 percent of DEC permanent members, 65.6 percent of DEC temporary (party-appointed) commissioners, and 69.8 percent of PEC commissioners nationwide. More than 7,500 of women held leadership roles as PEC chairperson, deputy chairperson or secretary. Fifty-seven percent of PEC chairpersons, 62 percent of deputy chairs, and 91.5 percent of secretaries were women.

IX. ABOUT IRI'S MISSION IN GEORGIA

IRI has worked in Georgia since 1998 supporting the development of a multi-party political system. With an office in Tbilisi, IRI maintains strong relations with all major political parties and support them as they develop their regional party structures. IRI also works with youth, women and other marginalized groups to help them develop policy awareness and strengthen their positions in party structures. IRI is also a source of reputable, methodologically-sound, issue-based public opinion polling in the country.

In recent years, IRI has focused on the development of internal party training capacities, the training of women candidates and the implementation of party youth debate programs. IRI also conducts international election observation missions, and most recently deployed assessment missions for both rounds of the 2014 local elections, and international long and short-term observation missions for both rounds of the 2016 parliamentary election.

IRI's Election Assessment Mission

Under the terms of a cooperative agreement with the United States Agency for International Development's (USAID) Office of Democracy and Governance, the International Republican Institute (IRI) deployed 20 teams of Election Day observers (18 in Georgia and two observing diaspora voting in Kyiv, Ukraine) to assess and report on the election environment across Georgia on October 8, 2016, and an additional 10 teams for the second round on October 30, 2016. IRI's goal was to increase the transparency of the electoral process and the accountability of those responsible for conducting open and transparent elections in Georgia.

On August 1, IRI deployed a 14-person Long-Term Election Observation mission. The mission consisted of six teams of two observers, based in major regional cities (Batumi, Zugdidi, Kutaisi, Akhaltsikhe, Rustavi, Telavi), with one team in Tbilisi manned by IRI's Georgia's expatriate and local staff. These teams were responsible for meeting with a wide range of stakeholders, including local and regional elected officials, party candidates and agents, election administration, and law enforcement. The mission held more than 1,300 stakeholder meetings to inform IRI's three interim pre-election reports and the final report.

Short-term observation teams were deployed to the regions on October 6, 2016 to meet with LTOs, local election officials and party leaders during the 48 hours prior to Election Day. On Election Day, observers witnessed the openings of polling stations and visited polling stations to monitor the voting process, and subsequently logged their findings electronically to build a comprehensive database.

Six long-term observer teams and four short-term observer teams made up of IRI local staff deployed to the field on the morning of October 29 to meet with parties and

government officials ahead of the October 30 runoff, and proceeded to observe the runoff nationwide.

IRI is a signatory to the Declaration of Principles for International Election Observers, endorsed by more than 40 leading international organizations. IRI would like to thank the Georgian government, election officials, political parties, civil society, international organizations, the diplomatic community, and USAID for their cooperation and assistance throughout the Institute's election monitoring mission.

The official results of the balloting are posted in full on the website of the Central Election Commission of Georgia: the first round results may be viewed here, and the second round results are available here. During the pre-election and inter-election period, IRI produced three interim long-term observation reports. The first report (August 1-25, 2016) may be found here, the second report (August 26-September 22, 2016) here, and the third report (October 9-21, 2016) here. The preliminary Election Day report and press release issued October 9 may be found here. This is the final report produced by IRI on the pre-election and election environment.

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