



**Georgia's Election Environment Between  
the First and Second Rounds**

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**October 9-21, 2016**

**The Third Interim Report  
By the International Republican Institute's Long-  
Term Election Observation Mission**

# The Election Environment in Georgia

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October 9 - October 21, 2016

International Republican Institute  
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*The Pre-Election Environment in Georgia*

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*Disclaimer: This publication was made possible through the support provided by the United States Agency for International Development (USAID). The opinions expressed herein are those of the authors and do not necessarily reflect the views of USAID.*

## Introduction

As part of its long-term election observation mission to Georgia following the October 8 parliamentary elections, and in advance of the runoff majoritarian elections on October 30, the International Republican Institute (IRI) has collected the findings of seven long-term observation teams in Ajara, Samegrelo, Imereti, Samtskhe-Javakheti, Kvemo-Kartli and Kakheti.<sup>1</sup>

This report describes the findings of IRI's long-term observation teams from October 9 to October 21, and provides recommendations designed to increase public confidence in the electoral process. The findings recorded in this report have been corroborated by IRI's observers, and should not be interpreted to impute motivation to government officials or organizations, political parties or activists, or any other election-related actor.

From October 9 to October 21, IRI's long-term observers held a total of 274 meetings with election stakeholders, broken down as follows:

- Fifty meetings with political party officials, leaders or representatives;
- Forty-three meetings with candidates;
- One-hundred-twenty-six meetings with electoral management bodies;
- Two meetings with local and national government officials;
- Four meetings with media representatives;
- Sixteen meetings with civil society representatives;
- Two meetings with representatives of the judiciary and law enforcement;
- Five meetings with diplomatic or international organization representatives;
- Three meetings with domestic or political party observer;
- Four meetings with private citizens and one meeting with a school director;
- Eleven political party rallies;
- One press conference; and
- One Precinct Election Commission (PEC) session, three District Election Commission (DEC) complaint sessions and two court sessions.

IRI's long-term observers recorded the following key findings:

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<sup>1</sup> As in IRI's two prior long-term observer interim reports, each of the seven teams have been based in their respective regions for the duration of the election period, with support from IRI's core team in Tbilisi. The core team is responsible for assessing national observation trends and observing election-related activities and developments in Shida-Kartli & Mtskheta-Mtianeti.

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## Electoral Administration

- Election procedures were improved on Election Day, but with extensive problems in the counting and tabulation process.
- A total of 1,243 election-related complaints and 76 statements have been filed with the Central Election Commission (CEC), while 15 appeals have been filed with the relevant courts.
- Concerns have been expressed throughout Georgia over the disproportionately high number of annulled ballots and the criteria by which the ballots were annulled.
- Concerns have also been expressed over multiple cases of summary protocols bearing the handwriting of only one election commissioner.

## Election Campaign Environment

- Three parties reached the threshold for party-list seats on Election Day, and there were clear victories in 23 majoritarian districts.
- There was unanimous agreement among opposition parties regarding electoral violations by the ruling party Georgia Dream.
- Multiple party-affiliated NGOs participated as observers on Election-Day.
- Citizens loitering outside polling stations created the impression of voter intimidation.
- The opposition party UNM reported instances of post-election violence against their candidates and supporters. Opposition supporters in Marneuli were detained through use of excessive force by police.

## Gender and Minority Inclusion

- Women constitute a slight majority of commissioners on electoral management bodies.
- In majoritarian elections, one women was elected and eight will compete in the runoff.

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# FINDINGS

## I. Electoral Administration

*Key Observation: Election procedures were improved on Election Day, but with a severe deterioration of the counting and tabulation process.*

IRI's short-term observers reported a mostly calm and incident-free electoral environment on October 8, documenting only isolated incidents of violence, disruption, illegal campaigning and/or intimidation. As noted in IRI's preliminary statement, as well as the reports of local watchdog organizations, election procedures and administration were imperfect, but improved compare to previous years. IRI's short-term observers found little evidence to support claims of bias by commission members, noting well-trained and staffed PECs that exhibited strong procedural execution. IRI observers reported that 95 percent of the precinct commissioners had a good knowledge of their duties and responsibilities, and 95 percent of the commissions observed procedures correctly. However, IRI observers reported a high number of corrected protocols, in some cases, to the degree that protocols were not legible by DEC. This increased the level of distrust in the process.

Despite these improvements, IRI observers found that in most locations the counting and tabulation process was the exception to the generally efficient election administration. In multiple cases, IRI short-term observers reported inefficiencies in the counting of ballots within the PECs, non-transparent and slow reporting of results by the Central Election Commission (CEC), and exit surveys tainted by assumptions of bias and, in some cases, falling short of professional standards. Twenty-five percent of IRI's short term observers witnessed party agents or observers attempting to influence PEC decisions on vote counting; 12.5 percent reported that the PEC Chair failed to check the integrity of the ballot box and seal before opening; 25 percent reported that unused ballots were not cut by the secretary and/or included in a separate, labeled package; and 43.75 percent reported queries or protests during the counting process.<sup>2</sup> IRI observers concluded that the majority of violations or infractions observed were technical in nature, and did not affect the outcome of elections.

*Key Observation: 1,243 election-related complaints and 76 statements have been filed with the Central Election Commission (CEC) and 15 appeals have been filed with the relevant courts.*

During the period between the first and second rounds, IRI long-term observers met with 127 electoral management bodies, 69 of which were Precinct Election

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<sup>2</sup> A more detailed explanation of queries or reports filed on the precinct closing process will be included in IRI's final report on the Georgian elections.

Commissioners and 58 of which were District Election Commissioners.<sup>3</sup> Between Election Day and October 21, the Central Election Commission documented approximately 1,243 complaints from political parties and local watchdog organizations, including the Free Democrats, the Labour Party, the Republican Party, Georgian Dream-Democratic Georgia (GDDG), State for People, the Industrialists, the United National Movement (UNM), Nino Burjanadze's United Democratic Movement (UDM), the Patriotic Alliance, the International Society for Fair Elections and Democracy (ISFED), the Georgian Young Lawyers Association (GYLA), and Transparency International (TI).

The bulk of complaints range from violations of electoral procedures (most notably in Imereti), discrepancies between the number of votes and signatures on the voter list, protocol errors, control sheets without stamps, incorrect protocols and improperly-sealed ballots. Nearly all of these complaints are currently under review by either the DEC's or the relevant courts, and appear to be representative of a nationwide trend on Election Day. In an election that was largely considered to have been well-administered, these deficiencies may have a negative impact on public confidence in election administration. Seventy-six formal statements have been filed with the relevant election commissions, while 15 appeals have been filed with the relevant courts.

***Key Observation: Concerns have been expressed throughout Georgia over the disproportionately high number of annulled ballots and the criteria by which ballots were annulled.***

IRI's observation mission and other international observers reported inconsistencies both by DEC's as to which PEC protocols were annulled, as well as differences among PEC's as to 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 ballot papers annulled and 4.11 percent of majoritarian ballot papers annulled.<sup>4</sup>

IRI observers reported high percentages of annulled ballot papers in certain regions, including Zugdidi (Samegrelo) where three PEC's annulled the results of the election, leading to a re-run election on October 22; Marneuli (Kvemo-Kartli) where one PEC annulled the results of the election; Tetrtskaro (Kvemo-Kartli) where more than 1,000 ballots were annulled, but certain improperly marked ballots were not; Tbilisi where 4.40 percent of ballots were annulled for majoritarian candidates (with some

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<sup>3</sup> Regional observer meetings with election management bodies are broken down as follows: District Election Commission meetings include Ajara/Guria (seven); Samegrelo (10); Imereti (22); Samtskhe-Javakheti (six); Kvemo Kartli (nine); Kakheti (eight); Tbilisi (five) and Shida-Kartli (two). Precinct Election Commission meetings include Ajara/Guria (eight); Samegrelo (three); Imereti (31); Samtskhe-Javakheti (three); Kvemo Kartli (eight); Kakheti (five).

<sup>4</sup> "Statistics on Annulled Ballot Papers According to the Elections Held in Georgia Since 2002." CEC/Election Administration of Georgia, July 12, 2016, <http://cesko.ge/eng/list/show/109669-batili-biuletenebis-statistika-2002-tslidan-dghemde-saqartveloshi-chatarebuli-archevnebis-mikhedvit>.

districts reporting as high as 6 percent); and Ajara where 4.03 percent of ballots were annulled for the Adjara Supreme Council. Apparent discrepancies in criteria for annulling individual ballots were often either overlooked or went unexplained by PEC officials. Overall, IRI observers reported five PECs that required a recount and 10 where the results were annulled.

*Key Observation: Concerns have also been expressed over multiple cases of summary protocols bearing the handwriting of only one election commissioner.*

IRI observers in Ajara and Samegrelo reported multiple instances in which they witnessed final precinct protocols bearing the signatures of all 13 election commissioners apparently 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."<sup>5</sup> While this may have been agreed upon or allowed by election commissioners in these respective election commissions, the purpose of this article was to ensure that there were no unilateral or politically-motivated approvals of summary protocols.

## II. Election Campaign Environment

*Key Observation: Three parties reached the national threshold on Election Day; four parties won seats in the Ajara Supreme Council and clear victories emerged in 23 majoritarian districts.*

The Central Election Commission determined that three parties passed the necessary five percent national threshold to enter the Georgian parliament as a result of the October 8 elections. GDDG, which received 48 percent of the national vote, won 44 proportional seats; UNM, which received 28 percent of the national vote, won 27 seats; and the Patriotic Alliance, which received just over five percent of the national vote, won six seats.<sup>6</sup> Out of the 73 single mandate districts, only 23 recorded clear victories for one candidate (i.e. 50 percent plus one vote). The remaining 48 districts will hold runoff elections on October 30. The Marneuli and Zugdidi districts were scheduled to hold repeat elections on October 22 in one PEC and three PECs respectively, after election-day violence and unrest led to the annulment of all votes in those two districts.<sup>7</sup> In the semi-autonomous region of Ajara, four political parties or coalitions crossed the 5 percent threshold for election to the Ajara Supreme

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<sup>5</sup> "Election Code of Georgia." CEC/Election Administration of Georgia, July 12, 2016, <http://cesko.ge/res/docs/ElectionCodeEngConsolidated.pdf>.

<sup>6</sup> The Patriotic Alliance crossed the national threshold by 46 votes, receiving 5.01 percent of the national vote. However, this is under review following 400 registered complaints by UNM.

<sup>7</sup> "Information on approximate dates of second round and repeat voting of parliamentary elections at several election precincts." CEC/Election Administration of Georgia, October 16, 2016, <http://cesko.ge/eng/list/show/109655-informatsia-parlamentis-archevnebis-meore-turebis-da-ramdenime-ubanze-ganmeorebiti-kenchiskris-savaraudo-tarighebis-shesakheb->

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Council: GDDG (45 percent), UNM (29.68 percent), Nino Burjanadze - United Democratic Movement (5.9 percent) and the Patriotic Alliance (5.27 percent). All six majoritarian seats for the Ajara Supreme Council will also have runoff elections on October 30.

***Key Observation: There was unanimous agreement among opposition parties regarding electoral violations by the ruling party Georgia Dream.***

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 but not limited to vote-buying, falsified election results and 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. The majority of these allegations have been made by UNM, UDM, State for People, the Labour Party and the Free Democrats. While some of these allegations have been filed formally with the CEC, it is not clear how many of the 1,243 total complaints filed are related to abuse of administrative resources, vote buying and miscounting on Election Day.

***Key Observation: Multiple party-affiliated NGOs participated as observers on Election-Day.***

IRI’s short and long-term observers witnessed multiple cases of individuals representing themselves as local or civic observers who did not know the name of the organizations they were allegedly representing, often reviewing their own accreditation badges in order to read the organization’s name. When asked why these observers were unaware of the organization they were representing, many admitted that they represented a political party. Furthermore, IRI observers also reported multiple cases of political parties utilizing registered but previously inactive NGOs to act as additional party observers in polling stations. While none of these activities are illegal or in direct violation of the Georgian Electoral Code, they are an indication of political parties attempting to work around the system for political gain and are symptomatic of the culture of mistrust between the parties, as described in IRI’s preliminary statement.

***Key Observation: Citizens loitering outside polling stations created the impression of voter intimidation.***

IRI observers across the country consistently reported loitering near and around polling stations in both urban and rural environments. In most cases, observers noted groups of 10 to 15 men in civilian clothing standing in clusters, creating an intimidating environment for voters and even dissuading some of them from voting. When observers often questioned these groups regarding the purpose of their presence, most responded that they were there for a social event that brought neighbors together. While the veracity of these explanations could not be verified, the groups created the impression of being connected to the security apparatus. This

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observation was confirmed by multiple political stakeholders across the country, and was rumored to have been a method employed by the ruling party to influence voters.

***Key Observation: The opposition party UNM reported instances of post-election violence against their candidates and supporters.***

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, a local government official, the GDDG local coordinator, and a number of unidentified village inhabitants and assaulted because of their support for UNM. While the alleged perpetrators deny the incident, IRI observers visited the individuals and were given photographic evidence of bodily harm and bruising to the UNM supporter and his son. The case is currently being investigated by local police under Article 125 of the Georgian Criminal Code, but charges have yet to be filed.

***Key Observation: Opposition supporters in Marneuli were detained through use of excessive force by police.***

In an instance of post-election violence in Marneuli, six UNM activists from Free Zone, an NGO supportive of UNM, were arrested by the Georgian Ministry of Internal Affairs Special Forces late in the night of October 12/early morning October 13 and detained. IRI long-term observers reported UNM claims of excessive police force, including use of battering rams to break down doors, particularly when police could have simply issued an order for the alleged suspects to appear for questioning. Following their arrest, UNM claims these individuals were pressured to confess to disrupting the election process on October 8 in Marneuli and that four of the six individuals were beaten and mistreated in detention. The suspects allege that the level of force used, as well as the mistreatment while in questioning, was politically motivated. The case is pending.

### **III. Gender & Minority Inclusion**

***Key Observation: Women constitute a majority of most electoral management bodies.***

IRI notes that, according to CEC-provided data, women constituted 23.08 percent of the Central Election Commission, 57.89 percent of permanent members of District Election Commissions, 65.58 percent of temporary or party appointed members of District Election Commissions and 69.76 percent of Precinct Election Commission members. IRI's observers on Election Day was able to anecdotally confirm the presence of a significant number of women serving as commissioners at the precinct level.

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*Key Observation: In majoritarian elections, one woman was elected and eight will compete in the runoff.*

IRI observers noted that of the 155 women majoritarian candidates who participated in the first round of elections, one candidate was elected outright in the first round, and only eight will compete in the majoritarian runoff elections on October 30.

#### IV. Recommendations

- ***Electoral bodies should work to increase confidence in electoral administration.*** Throughout the remainder of the runoff campaign period, electoral management bodies—including the CEC, DEC and PECs—need to carry out their roles and responsibilities transparently and in strict adherence to the Georgian Election Code. Additionally, complaints and appeals—which will likely increase in number, intensity, and complexity in the last few days before the election—must be handled in a manner that is unbiased, lawful, and proportionate to the offense.
- ***Electoral bodies should improve electoral procedure training.*** The CEC should continue to incorporate international best practices into its procedures, particularly regarding the instruction and correct execution of electoral procedures on Election-Day. Taking into consideration the high number of official complaints reported to the CEC regarding electoral procedures, PEC members should be better trained in opening, closing, and counting procedures.
- ***Political parties should foster a peaceful, respectful and cooperative election environment.*** In the interest of maintaining a safe and open campaigning environment, IRI calls on all second-round parties to avoid engaging in confrontational rhetoric or behavior and take positive steps to prevent further disruptions of their opponents' right of assembly. Additionally, party leaders need to send a clear message to their representatives in local government that they will not condone or reward actions taken in unofficial "support" of their party.
- ***Officials should respect the distinction between their public and political roles.*** As allegations continue to mount accusing GDDG of the improper use of government administrative resources for political benefit on and after Election Day, IRI urges GDDG not to use its authority to disadvantage political opponents and intimidate voters in the second round of elections. GDDG party leaders should instruct their elected officials not to take any action which might violate the integrity of their respective offices, and make it clear that violations will not endear them to the party.

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- ***Political parties should take steps to enhance the inclusion of women.*** IRI recommends that political parties not only continue to support women’s inclusion in electoral administration, but expand efforts to ensure that they are equally represented as candidates on proportional party lists. Until the majoritarian system—which disadvantages women candidates—is abolished, and in order to ensure a balanced and democratic environment, IRI recommends that political parties focus on building the capacity of young women leaders, and support more women as majoritarian candidates. IRI continues to believe that a regional-proportional system of representation would enable both ethnic minorities and women to achieve increased representation in future parliaments, and urges the new parliament to move affirmatively in this direction when it enters new session in November.
  - ***The role of law enforcement should remain separate from and impartial to election activities.*** IRI encourages Georgia’s law enforcement agencies to thoroughly and impartially investigate all electoral violations that transpired on Election Day, and to ensure that its agents are not involved in acts of intimidation in the runoff elections.

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