



The Pre-Election Environment in Georgia

A report by the International Republican Institute's

Long-Term Election Observation Mission

The Pre-Election Environment in Georgia

August 1 - August 25, 2016

International Republican Institute
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Introduction

On August 1, as part of its long-term election observation mission (LTO) to Georgia, the International Republican Institute (IRI) deployed seven long-term observation teams to Ajara, Samegrelo, Imereti, Samtskhe-Javakheti, Kvemo-Kartli and Kakheti.¹

This report describes the findings of IRI's long-term observation efforts from August 1 - August 25, and provides recommendations designed to increase public confidence in the electoral process. The observations recorded in this report have been confirmed or corroborated by IRI's observers and should not be interpreted to impute motivation or intention to government officials or organizations, political parties or activists, or any other election-related actor.

From August 1 to August 25, IRI's long-term observers held a total of 479 meetings with election stakeholders, specifically:

- Two-hundred-twenty-one meetings with political party officials, leaders or representatives;
- Fifty meetings with candidates; 73 with electoral management bodies;
- Forty-eight meetings with local and national government officials;
- Nineteen meetings with media representatives;
- Fifty-two meetings with civil society representatives; and
- Thirteen meetings with private citizens; and 3 with police.

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

- A large proportion of women have been selected to serve on Precinct Election Commissions and increasing numbers of youth are applying for service on Commissions.
- Some District Election Commissions have tested the limits of the Election Code with their selection of professional precinct-level commissioners.

¹ 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, which is responsible for assessing national observation trends and observing election-related activities and developments in Shida-Kartli & Mtskheta-Mtianeti. IRI's observers are: Matteo Bezzi - Italy, Roger Bryant - United Kingdom, Elenora Bulat - Moldova, Gabriele Cekuole - Lithuania, Zoran Ilievski - Macedonia, Milan Kuksa - Czech Republic, Marko Logar - Slovenia, Sonia Mickevicius - Canada, Jessica Nash - United States, Jeremy Pine - United States, Rachel Santos - United States, Sławomir Szyszka - Poland.

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- The early assignment of ballot numbers to the State for the People and Alliance for Georgia-United Opposition parties has given them an edge in campaigning, raising the specter of imbalance.
 - The campaign environment to date has been calm, yet allegations of misuse of administrative resources by local elected officials persist.
 - Pro-Russian parties remain weak, but have gained some support despite anti-Western sentiments in an overwhelmingly pro-Western environment.
 - The election is expected to be competitive at all levels, with many districts proceeding to run-off contests.
 - Redistricting efforts have made significant strides towards equalizing the size of voting districts, but concerns remain that ethnic minority votes may be negated by new boundaries.
 - Despite incentives to include more women on party lists, women remain underrepresented as candidates.
 - The Central Election Commission has taken proactive steps to improve accessibility of polling stations to persons with disabilities.
 - While steps have been made to accommodate ethnic minority voters, they remain underrepresented in election administration, and are even disenfranchised.
 - Efforts to improve the veracity of the voter list have been largely successful; however, some citizens still lack biometric voter cards.
 - The media environment is widely perceived as fair and balanced, despite ongoing ownership controversies.

FINDINGS

I. Election Administration

Key observation: A large proportion of women selected to serve on Precinct Election Commissions; more applications from youth.

As of the beginning of IRI's mission on August 1, District Election Commission (DEC) members had already been selected. The application deadline for Precinct Election Commission (PEC) members was August 17, with selections made between August 19 and August 23. IRI's long-term observers note that women comprise a sizable portion of DEC and PEC positions, though more often as members than as leaders. Additionally, the Central Election Commission (CEC) has made a concerted national effort to raise electoral awareness among youth, such as conducting regional training sessions for young persons. As a result, DEC's are reporting higher numbers of youth

applications to serve on PECs. The six qualified political parties nominate their commissioners in September, and the CEC will release a full tally of commissioners, including women and youth, after the election.²

Key observation: Some District Election Commissions skirt the limits of the Election Code with selection of professional precinct-level commissioners.

DECs are supposed to select professional, non-partisan PEC commissioners in an open session based on submitted resumes. However, it appears that several DECs utilized pre-selected lists to appoint PEC commissioners to specific precincts in their jurisdiction. The International Society for Fair Elections and Democracy (ISFED) confirmed that this practice has taken place in four electoral districts. In each of these cases (listed below), DEC commissioners arrived at the official selection session with prepared lists of names for most or all of the professional PEC members.

The following are precise figures of these specific cases:

- In Samtredia (Imereti), 256 of the 300 selected PEC members were pre-determined;
- In Kobuleti (Ajara), nearly all of the PEC members were pre-determined;
- In Senaki (Samagrela), 255 of the 282 PEC members were pre-determined; and
- In Ozurgeti (Guria), nearly all of the PEC members were pre-determined. According to ISFED, the DEC members arrived with “pre-circled lists of six names,” which were decided upon three days prior to the official selection.

ISFED uncovered one case in Gori (Shida Kartli) in which the DEC selected the first six PEC applications for nearly all precincts. IRI is also investigating cases in Kaspi (Shida Kartli), Zugdidi (Samagrela) and Martvili (Samagrela), where political parties have unofficially complained that newly-selected PEC members were previously Georgian Dream - Democratic Georgia (GDDG) activists or party supporters, in some cases engaging in door-to-door campaigning for the party (Kaspi).

While IRI’s long-term observers documented a number of unofficial allegations regarding pre-determined lists, these claims tend to stem from a belief that DECs are motivated by allegiance to or pressure from GDDG to stack PECs with that party’s

² Parties with representation are: Georgian Dream - Democratic Georgia, United National Movement, Free Democrats, Republicans, Industrialists, Conservatives, and United Democratic Movement. The allocation is based on the results of the 2014 Local Elections, and each party is entitled to one party-nominated commissioner on each commission at all levels of election administration (Central, District, and Precinct).

supporters. Based on experience in previous elections, IRI believes it to be equally possible that DEC's are pre-selecting their lists of six to save time in the official selection process, and not using these lists to provide the ruling party with an unfair or disproportionate advantage over opposition parties. IRI's long-term observers will continue to document and investigate these matters and liaise with local stakeholders to ascertain the credibility of current claims and report any future violations.

Key observation: The early assignment of ballot numbers to two parties gives them an edge in campaigning, raising the specter of imbalance.

Article 119(1) of the Election Code clearly states that ballot numbers should be assigned to political parties and blocs between 30-36 days prior to Election Day. However, in late August, the CEC voted to assign ballot numbers to two parties, the State for the People and United Opposition-Alliance of Patriots.³ This will give these two parties an advantage in campaigning, as they will be able to print campaign materials and apprise voters of their place on the ballot earlier than their opponents.

The CEC chair explained that the intent of this regulation was to standardize the law and ensure proper campaigning. However, this ordinance appears to have the opposite effect as it gives an unfair campaign advantage to these two parties who are able to put their ballot number on their campaign literature and posters earlier than their competitors. The Republican Party advised observers of their plans to appeal this decision in the court.

II. Pre-Election Campaign Environment

Key observation: The campaign environment to date has been calm, yet allegations of misuse of administrative resources by local elected officials persist.

The pre-election campaign environment has been consistently identified by political parties and non-governmental organizations as calm and deliberate, particularly compared to the 2012 parliamentary elections. However, stakeholders also expressed their concerns that GDDG may be misusing administrative resources for campaigning purposes. Alleged misuse has included the coercion of state employees (including teachers, civil servants, public administrators) to support the party, attend rallies or vote for GDDG; the intimidation of state employees perceived to be supporting

³ Parties participating in elections are: Georgian Dream-United Georgia; United National Movement; Free Democrats; Republicans; National Forum; Conservatives; United Democratic Movement; State for the People; and United Opposition-Alliance of Patriots.

opposition parties; and the utilization of local government influence to prevent opposition party activities.

Such unofficial complaints have been most prevalent among members of the United National Movement (UNM) Party, which has alleged mistreatment and harassment of party members and supporters, office vandalism, arson, termination from state employment, and other punitive actions by GDDG and/or its local officials. It is important to note that these complaints have not been substantiated by the CEC or relevant courts, and are inconsistent with most reports from other opposition parties. However, opposition parties have alleged that GDDG has utilized administrative resources for campaigning, and coerced or intimidated state employees.

As of August 25th, 23 official complaints were filed with the CEC alleging abuses of administrative resources by the ruling party; the stacking of PECs with ruling party supporters; vote buying; and the involvement of foreign citizens in party activities, which is not permitted under electoral rules. The most notable example of this practice was the inclusion of former Georgian President Mikhail Saakashvili—who is now a Ukrainian citizen and governor of Odessa—in UNM promotional videos. Five appeals were filed in the Tbilisi Court after the CEC did not address the filings to the complainants' satisfaction. Two appeals were filed by political parties and three were lodged by NGOs.

The Inter-Agency Commission for Free and Fair Elections (IACFF) has begun meeting, and thus far has conducted four meetings. The Commission was first established in 2010 for the local elections to provide a forum for parties and other actors to air election-related grievances prior to Election Day, and in the company of the government ministries responsible for remedying these concerns. These meetings are held at the Ministry of Justice, and include members from other relevant ministries (including the Ministry of Interior, Prosecutor's Office, Central Election Commission, Civil Registry, the Ministry of Regional Development, and the Ministry of Foreign Affairs). The sessions are also regularly attended by political party representatives and non-governmental organizations, including IRI, the National Democratic Institute, ISFED, and the Georgian Young Lawyer's Association. The sessions are chaired by the sitting Minister of Justice Tea Tsulukiani, and it remains a venue where parties can come to discuss concerns with the pre-election environment, as well as receive recommendations on proper electoral conduct.

Key observation: Pro-Russian parties remain weak, but have gained some support despite anti-Western sentiments in an overwhelmingly pro-Western environment.

The growth of alleged pro-Russian parties continues to be an ever-present concern among stakeholders, with allegations circulating that these parties have received financial support from the Kremlin. The Patriotic Alliance Party has continued to gain ground in parts of the country, despite its unwillingness to recognize minority rights and its strong anti-Europe/anti-Western sentiment. The CEC deregistered the pro-Russian Centrist Party, and initially claimed the decision was a response to the party's release of a video calling for military bases on Georgian soil, but later attributed the decision to the party's failure to select an authorized party leader.

Key observation: Election is expected to be competitive at all levels, with many districts proceeding to run-off contests.

Nearly all majoritarian candidates and political stakeholders have projected a competitive election, which will likely result in second round runoff elections. By-elections for *sakrebulo*s (local councils), as well as special elections for *gamgabeli* (elected local executive officials) and one mayor are set to take place simultaneously with the October 8 parliamentary elections. To date, the CEC plans to conduct seven *sakrebulo* elections (Tsalka, Chiatura, Abasha, Krtsanisi, Isani, Gldani and Zugdidi), one mayoral election (Akhaltsikkhe City) and five *gamgabeli* elections (Bolnisi, Kharagauli, Chiatura, Zugdidi and Tsalenjikha).⁴

Key observation: While redistricting efforts have made significant strides towards equalizing the size of voting districts, concerns remain that ethnic minority votes may be negated by new boundaries.

IRI's long-term observers noted recent efforts to redraw electoral districts in Georgia insofar as the result better exemplifies the ideal of "one person, one vote." However, IRI has concerns about the process and criteria by which the boundaries of some majoritarian districts were redrawn. Political stakeholders have alleged that this was a politically-motivated maneuver, designed to help the ruling party win districts where it has enjoyed less support historically.

⁴"By-elections of Sakrebulo and Extraordinary Elections of Gamgebelis Will Be Held on October 8." CEC/Election Administration of Georgia. August 19, 2016. <http://cesko.ge/eng/list/show/108373-8-oqtometers-sakrebulo-shualeduri-da-gamgeblebis-riggareshe-archevnebi-gaimarteba>

The lack of transparency in the redistricting process has the potential to confuse voters regarding their majoritarian candidates. The process also combined formerly ethnically homogenous (Armenian and Azeri) districts with primarily Georgian districts, which has the potential to underrepresent minority groups and increase the alienation of registered voters who do not speak Georgian. Stakeholders have identified the results of redistricting as unrealistic for party canvassing, and say the new boundaries favor well-funded and ruling parties. Overall, a range of parties and candidates view the redistricting as gerrymandering.

III. Gender and Minority Inclusion

Key observation: Despite incentives to include more women on party lists, women remain underrepresented as candidates.

The IRI long-term observers identified a deficiency in women's political participation among political stakeholders, who often cite the existence of women activists within their party as sufficient evidence of gender balance. Registered majoritarian candidates remain overwhelmingly male, due in part to the persistence of patriarchal views on women's leadership roles. This imbalance undermines the impartiality of the majoritarian system since parties generally support male candidates and relegate women to the voluntary 30 percent quota on party lists. Parties which reach this voluntary quota receive an additional amount of state funding for their party.

Key observation: The Central Election Commission has taken proactive steps to improve polling station access for persons with disabilities.

Despite IRI's observers receiving unofficial complaints (not filed with the CEC) regarding the accessibility of polling stations, IRI's observers note that the CEC has made a conscious effort to make precincts accessible for people with disabilities (nearly one-in-three precincts nation-wide). While braille ballots are not available in this election, the CEC has taken steps to ensure that blind and deaf voters are not only accommodated at polling stations, but that ballot secrecy is maintained. Voters who are partially blind or visually impaired will be provided with a magnified page so they may better read the ballot, while totally blind persons will be allowed to bring a friend or family member into the voting booth to assist them in casting their ballot. Overall, the CEC has made a proactive effort to make more polling stations accessible for persons with disabilities.

Key observation: While steps have been made to accommodate ethnic minority voters, they remain underrepresented in election administration, and are even disenfranchised.

IRI's long-term observers have concerns over ethnic minority access. A number of political stakeholders noted the improved inclusion of Azeri communities compared to past elections, insofar as the Georgian government has provided Azeri-language voting materials. However, there is a distinct lack of minority representation in DECAs in predominantly Azeri (Marneuli, 83 percent; Dmanisi, 67 percent; Bolnisi, 66 percent; Gardabani, 44 percent) and Armenian districts (Tsalka, 55 percent). In ethnic Armenian communities, there is a general sense that their interests are not represented by the Georgian government due to a lack of employment opportunities and the requirement to renounce their Armenian citizenship in order to access to healthcare and voting rights. At present, between 5,000 and 8,000 Armenians are estimated to be unable to vote due to their lack of Georgian citizenship.

IV. Voter Registration Lists

Key observation: Efforts to improve the veracity of the voter list have been largely successful; however, some citizens still lack biometric voter cards.

Based upon the CEC's August 6 report, 3,452,093 voters are registered in Georgia.⁵ Despite flaws in national voter lists, the system has improved considerably since the 2012 parliamentary elections. The CEC and DECAs have expressed confidence in the voter lists and the implementation of biometric identification cards (secured with photos on both the ID card and on the voter list), which has rendered duplication and/or impersonation virtually impossible for citizens who possess this form of identification.

Since not all citizens have biometric identification cards, electoral commissions will require photo identification of all citizens who wish to vote to prevent inaccurate voter identification or carousel voting. However, to ensure that citizens are aware of their registered precinct, the CEC has encouraged all voters to check that they are included on the relevant voter lists through the CEC's website. IRI's long-term observers welcome the Ministry of Justice's offer for all citizens to obtain a biometric ID card free of charge.

⁵ "CEC Updated Unified List of Voters." CEC/Election Administration of Georgia. August 6, 2016. <http://cesko.ge/enq/list/show/108059-tseskom-amomrchevelta-sia-ganaakhla>

V. Media

Key observation: The media environment is widely perceived as fair and balanced, despite ongoing ownership controversies.

Eleven parties have been deemed eligible for free national advertising of a 90-second video on state media channels. Regional media outlets have been observed to be largely fair and balanced, with most stakeholders trusting in a transparent debate process. Although there have been claims that larger party leaders have vested financial interests in some regional media sources, overall, the long-term observers did not record any evidence of outright favoritism toward one party. The ownership controversy involving Rustavi-2 is ongoing, and no official rulings have yet been made by the Constitutional Court.⁶ IRI's observers will continue to monitor the case and report on any new developments.

Recommendations

- ***Increase Confidence in Electoral Administration.*** While the use of pre-determined lists in PEC selection does not constitute a violation of the Georgian Election Code, in the interest of objectivity and transparency IRI's observers advise the District Election Commissioners to participate in the Precinct Election Commission selection process without pre-determined lists or demonstrable party preference. In addition, IRI's observers call on the CEC to engage with political parties in a neutral and professional manner in order to avoid even the appearance of bias.
- ***Stricter Compliance with the Election Code.*** On numerous occasions, the UNM party has utilized videos featuring former President Mikheil Saakashvili—who is no longer a Georgian citizen—for campaigning purposes. This is a clear violation of the Georgian Election Code, which stipulates that foreign citizens should not be involved in the campaign process. IRI's observers recommend that UNM immediately cease this practice.
- ***Public vs. Political Roles.*** Local officials affiliated with the GDDG need to be more conscious of their roles as public servants, and mitigate the perception that they are using their authority to disadvantage their political opponents and intimidate voters.

⁶ TV Station Rustavi 2 has been embroiled in a shareholder dispute for more than a year, which many political actors and other interested parties believe is politically motivated due to the channel's reputation for being critical of the Georgian Dream Coalition's government's policies. Shareholders lost their appeal on July 10, and the matter is now pending in the Constitutional Court.

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