

# THE INTERNATIONAL REPUBLICAN INSTITUTE



ADVANCING DEMOCRACY WORLDWIDE

GEORGIA PRESIDENTIAL ELECTION

JANUARY 5, 2008

ELECTION OBSERVATION MISSION FINAL REPORT

# **Georgia Presidential Election**

## **January 5, 2008**

### **Election Observation Mission Final Report**



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## **I. Introduction**

The January 2008 election cycle marked the second presidential election conducted in Georgia since the Rose Revolution. This snap election was called by President Mikheil Saakashvili who made a decision to resign after a violent crackdown on opposition street protests in November 2007. Pursuant to the Georgian Constitution, he relinquished power to Speaker of Parliament Nino Burjanadze who became Acting President. The international community focused on this election with an interest in seeing whether they were indicative of a move forward democratically. In addition, there was significant international interest in the outcome of two plebiscites attached to the vote. The first plebiscite would determine the date for parliamentary elections and the second included a referendum of whether Georgia should seek NATO membership.

To observe the election process, IRI deployed an election observation mission consisting of 26 members, including representatives from the Czech Republic, Lithuania, Poland, Ukraine, and the United States. Delegates monitored more than 120 polling stations in Akhaltsikhe (Samtskhet Javakheti region), Batumi (Ajaran Autonomous Republic), Gori (Shida Kartli region), Kutaisi (Imereti region), Poti, Rustavi (Kvemo Kartli region), Telavi (Kakheti region), Tbilisi and Zugdidi (Samegrelo region).

This report will summarize the pre-election, Election Day, and post-election findings of IRI's election observation mission. This report will also make recommendations for improvement in the areas of election law and election administration.



## **II. Pre-Election Period**

### ***A. Political Situation in Georgia, November 2007 – January 2008***

Georgia held an early presidential election on January 5, 2008. Initially, this election was scheduled in conjunction with parliamentary elections in fall 2008. The decision for an early election was precipitated by the November 2 - 7, 2007, protests in the capital, Tbilisi. These protests were a reaction to disillusionment with the Saakashvili regime, and were fueled in part by accusations of wrongdoing against the government by former Defense Minister and presidential confidant Irakli Okruashvili. Initially, the protesters were demanding that parliamentary elections be moved to April 2008, the original date they were scheduled before parliament extended its term and moved elections to October 2008. As the demonstrations grew, protestors began demanding the resignation of Saakashvili. The January poll represented a compromise that allowed Saakashvili to step down and run for re-election in hopes of confirming his mandate to lead the nation.

A political crisis began to unfold on September 25, 2007. Irakli Okruashvili, former Minister of Defense, publically accused the Saakashvili regime with “daily repressions, destructions of houses and churches, robbery of citizens and murder.” Two days later, on September 27, he was arrested on charges of extortion, money laundering and abuse of power. Following his arrest, the Georgian opposition demanded an official explanation of Okruashvili’s allegations and prepared for large-scale demonstrations. During this time, 10 opposition parties and movements joined together as the All People’s Movement of Georgia in order to demand changes from the government.



The opposition issued a political manifesto on October 17. This manifesto called for such reforms as early parliamentary elections, amendments to the Election Code and amnesty for political prisoners. In response, the government agreed to some minor reforms, including lowering the threshold for parliamentary representation from seven to five percent and the distribution of an additional \$60 million in one-time social benefit payments to nearly two-thirds of the population. The opposition indicated that the government's response was inadequate and proceeded with mass rallies.

On November 2, more than 35,000 Georgians gathered in front of the Parliament building in Tbilisi to publicly make their demands. Some of the leaders began calling for President Saakashvili's resignation. For two days, crowds remained large. By November 7, 2007, only a few hundred protesters remained in front of the Parliament and the government decided to open the main road that had been blocked by protesters for five days. Beginning early that morning, police dispersed the dozens of protesters who had spent the night on the main street of Tbilisi. As the morning wore on, more protesters arrived and broke through the police cordon to continue their rally. Eventually, police were replaced by riot troops armed with truncheons, water cannons, tear gas, sonic emitters, and orders to forcibly remove the protestors. Some 250 people were admitted to hospitals with tear gas poisoning and other injuries, according to news sources.

Following the government's initial crackdown, protesters started to gather on the banks of the Kura River and some of the rally leaders began calling for revolution and the forcible removal of President Saakashvili. Special Forces police managed to break up this demonstration as well. President Saakashvili responded by declaring a state of emergency. Police closed down the Imedi TV station and the court seized its property, charging owner Badri

Patarkatsishvili with inciting rebellion and revolution. All other stations were banned from broadcasting news programs. On November 8, Parliament voted to extend the state of emergency until November 23 in a vote that was boycotted by opposition parliamentarians.

At the same time, Saakashvili announced that the government would hold early presidential polls, moving them up from fall 2008 to January 5, 2008. To be eligible to run in the early election, President Saakashvili resigned on November 25, 2007. At that time, Speaker of Parliament Nino Burjanadze became Acting President.

The state of emergency was lifted on November 16. On December 4, the ban on Imedi TV was lifted and it was allowed to resume broadcasting, although its studios had been badly damaged. Once the election was announced, 22 candidates officially submitted their petitions and credentials to the Central Election Commission (CEC). Of those 22, seven had their applications approved, while the remaining were denied based on a failure to submit 50,000 legitimate signatures. The seven included, in ballot order, United National Council nominee Levan Gachechiladze, tycoon Badri Patarkatsishvili, New Rights nominee David Gamkrelidze, Labor Party nominee Shalva Natelashvili, former President and United National Movement nominee Mikheil Saakashvili, Party of the Future candidate Gia Maisashvili, and Chairman of Imedi Party Irina Sarishvili-Chanturia.

Barely a week before the election, on December 24, tapes were released of meetings between deputies of Badri Patarkatsishvili, including sitting Member of Parliament Valeri Gelbakhiani, and the head of a department in the Ministry of the Interior regarding the possibility of a coup as well as an effort to buy protesters to de-legitimize the election process. Patarkatsishvili himself supposedly offered Ministry of the Interior official a

large sum of money to eliminate or arrest Interior Minister Vano Merabishvili and to create the appearance of large-scale fraud. These allegations led to the withdrawal of Patarkatsishvili from the race, though he would later reinstate his candidacy just two days before the election. The other consequence of the tapes was a mass walkout at the only recently reinstated Imedi TV. Most of the journalists walked out in protest, claiming that their journalistic integrity was compromised by the actions of their erstwhile owner. As a result of these events, Imedi TV channel was completely off the air during the last week of the campaign.

### ***B. Candidates for the January 5, 2008 Presidential Election***

The following candidates were registered with the CEC to run in the January 5, 2008 presidential election:

1. Levan Gachechiladze – United National Council
2. Arkady “Badri” Patarkatishvili – Independent
3. David Gamkrelidze – New Rights Party
4. Shalva Natelashvili – Labor Party
5. Mikheil Saakashvili – United National Movement
6. Gia Maisashvili – Party of the Future
7. Irina Sarishvili-Chanturia – Imedi Party

### ***C. Campaign Period***

IRI closely followed the 2008 presidential election through monitoring of the news media, meetings with election commissions, and regular contact with political parties, campaigns and civil society in all regions of the country. A team of IRI staff from IRI’s Ukraine office spent more than 30 days in Georgia during the pre-election period acting as long-term observers and regularly traveling throughout the regions of

Georgia to conduct local assessments of the campaign period. IRI noted the competitive nature of the campaign and the vigorous public debate. All candidates actively campaigned and met with voters in all regions of Georgia. However, issues that remained problematic were the use of administrative resources and access to affordable media for all candidates.

- **Use of Administrative Resources**  
The line between normal government spending and former President Saakashvili's campaign spending was blurred at times. IRI was aware of reports of new farming equipment being delivered to the regions and distribution of health care vouchers from the government to the elderly and unemployed in the weeks leading up to the election.
- **Access to Media**  
While all candidates were given equal free time on all national TV channels and equal access to purchase paid media, legitimate questions were raised regarding the former President Saakashvili's use of media. The traditional, nationally televised New Years address from Acting President Nino Burjanadze was preceded by a televised address on state television from Saakashvili speaking from the Samegrelo region (bordering the breakaway region of Abkhazia). It is unclear how the former President was allowed to deliver such an official address to the nation just prior to the election.



### **III. Election Period**

For the purpose of this report, the election period encompasses the duration of the election observation mission. It was conducted from January 2 - 7, 2008.

The delegation attended a full-day briefing on the election process and political situation in Georgia upon arrival in Tbilisi. Among those briefing the delegates were representatives from the U.S. Embassy, U.S. Agency for International Development, local journalists and representatives from each of the candidate's campaigns.

On January 4, 2008, IRI observers deployed to the following cities and regions: Akhaltsikhe (Samtskhet Javakheti region), Batumi (Ajara Autonomous Republic), Gori (Shida Kartli region), Kutaisi (Imereti region), Poti, Rustavi (Kvemo Kartli region), Telavi (Kakheti region), Tbilisi and Zugdidi (Samegrelo region).

#### ***A. Pre-Election Meetings***

Upon arrival in their respective region, delegates conducted a series of meetings with local election officials, civil society representatives from New Generation New Initiative and candidates' campaign activists. These meetings provided the delegate teams with the most up-to-date information about each region as well as the opportunity to be made aware of polling sites that might warrant extra scrutiny on Election Day.

IRI observers found that while the political climate was tense, candidate offices were extremely focused on last-minute campaigning. Local election offices seemed competent and knowledgeable about their duties and responsibilities on Election Day. No serious violations were reported from local campaign

offices with the exception of the alleged use of government funding for last-minute state welfare projects and the lack of access to expensive media outlets.

### ***B. Election Day***

On Election Day, delegates arrived at their first polling station at 6:30 a.m., one half hour before polls opened at 7:00 a.m. Delegates witnessed the lottery system for assignment of commission duties, sealing of empty ballot boxes and the signing of the ballot security protocols by polling station commission workers. Throughout the day, delegates continued to visit polling sites to observe the conduct of the election. Each team visited eight to twelve sites, varying the length of stay at each site as necessary, based on perceived or visible violations.

Delegates arrived at their last polling site at 7:30 p.m., one half hour before the closing of polls. Delegates observed whether precinct station commission members followed procedures on proper closing, vote tabulation (in some cases where Precinct Election Commissions (PEC) counting was completed), the delivery of protocols and ballots to the District Election Commissions (DEC). IRI observers concluded that the overall election process broadly met international standards. The environment was relatively peaceful and calm, in contrast to what many local observers believed would be the case.

The IRI election observation team was pleased to note the high number of voters turning out throughout the day to cast their ballots in extreme wintry weather. In addition to large numbers of international election observers, most political parties also fielded observers, who were present at nearly every polling station. Political parties should be commended for their efforts and for the active role they played in the observation and their role in the administration of this election.

The most widespread problems that IRI observers noted involved either new technology for safeguarding against voter fraud, or the questionable line between motivated party observers and intimidation.

The use of invisible sprayed ink to prevent multiple voting by individuals was found to be problematic. IRI observers in Kutaisi and Telavi tested the spray and found that not only was it very easy for the sprayed ink to be smeared onto other people's hands but was also washable. Many observation teams observed careless or non-existent examination of voters' hands as they entered the PEC. Finally, the use of video cameras to monitor polling stations in PECs located in urban centers such as Tbilisi, Gori and Kutaisi was questionable. No two PECs were consistent in explaining how the equipment was utilized. PEC chairmen were unable to clearly state how the video cameras were to be used, how they knew if they were operating them correctly or who to call in the event that they were not working (observers were told that the DEC or a regional subcontractor for the recording equipment were to be called).

IRI observers in several regions also noted the presence of either party observers, or individuals without visible documentation, asking for the names of voters as they entered polling stations. These individuals recorded voter names and passport information. It was unclear whether this was a case of an overly aggressive get-out-the-vote campaign or a direct form of voter intimidation.

The use of the mobile ballot box was largely carried out in a transparent and uniform way, with few abnormalities in the number of requests received by PECs. The large number of those registering to vote on Election Day at individual PECs was very high. More than 50 percent of all observed PECs had high numbers of additional voters. These voters used a red envelope



to cast their vote and it became a point of contention in many PECs during the vote count as to whether these ballots were to be counted immediately or sent to the DEC for inclusion in the count. Most PECs were not completely familiar with the recent changes to the Election Code that determined the manner in which these votes were to be counted. This lack of experience caused considerable confusion during the count and led to heated discussions between PEC commission members over what to do with the ballots. Lack of experience and detailed knowledge of the latest amendments to the Georgian Election Code led to significant delays in vote counting and contributed to the slow manner in which DECs reported their results in the post-election period.

#### IV. Findings and Recommendations

IRI determined that the 2008 presidential election broadly met international standards, but that the electoral process continues to face technical problems.

The IRI election observation mission to Georgia analyzed the strengths and weaknesses of the election and the electoral system in its entirety and offers recommendations for improvement, as follows:

**1. Finding:** IRI observer teams consistently recorded complaints from political party representatives of the high number of red ballots for voters registering on Election Day at precincts, and other accusations of manipulation related to the red ballots. Overall, there was a lack of clarity in the process through which additional red ballots were used on Election Day for same-day registration, and the process for ultimately counting those ballots.

**Recommendation:** In order to avoid the confusion that took place during this election, Parliament should make it a priority to develop one unified approach for election-day registration, and should do so well in advance of the spring 2008 parliamentary elections. Procedures related to the counting of the red ballots on Election Day should be clarified. The provision which allows PECs to pass the responsibility of counting the red ballots on to the CEC should be eliminated from the Election Code, thus making it the responsibility of the PECs to count the red ballots.

**2. Finding:** IRI observer teams recorded widespread complaints related to the flawed voter lists. The most common grievances cited were: deliberate duplicate or twin voters,

residences mysteriously created or omitted from lists and deceased persons appearing on the lists. These inaccuracies did result in problems for some voters.

**Recommendation:** To address these issues, IRI recommends that Parliament consider the appropriate legislation to allow the CEC to create a national, computerized database of voters. The creation of a permanent voter registry would allow voter information to be updated (marriage, death, age eligibility, change of address, foreign residency, etc.). This registry would prevent local polling station commissions from having to correct mistakes in the final days before an election and would help eliminate the concerns over voter lists.

**3. Finding:** IRI observer teams observed disorganization contributing to a tense political environment which was ultimately rooted in flaws in the Election Code. Notable areas of the code that lack clarity and comprehensiveness are regulations for party representatives inside PECs and firm boundaries for campaign activities around the PECs.

**Recommendation:** To ensure the appropriate environment in and around PECs on future election days, Parliament should act to clarify the portions of the Election Code related to party representatives' rights and limitations regarding their presence in and around polling precincts during voting and tabulation. Parliament also should clarify, in the Election Code, the exact territorial boundaries for polling stations, so it will be clear where parties may conduct election-day campaign activities, and where it will be prohibited.

**4. Finding:** IRI teams observed an overall lack of professionalism in the conduct of election commission personnel

on Election Day, as well as in the general election environment. PEC chairmen and other commissioners generally demonstrated a lack of training and exhibited poor knowledge of the rules and regulations, particularly during the count. In addition, IRI noted that the CEC gave fax machines to each PEC in order to submit protocols in time but many PECs were unable to do so because telephone lines were damaged (or were not checked beforehand) or they did not know how to use the fax machine.

**Recommendation:** To address the issue that PEC commissioners were inadequately prepared to fulfill their election-day responsibilities, IRI recommends that PEC chairmen, as well as other commissioners, be offered training in the weeks prior to the spring 2008 parliamentary elections. This training should provide a broad overview of general responsibilities of electoral commissioners, while also highlighting most recent revisions in the Election Code and how those changes affect the commissioners' work. In addition, IRI recommends that the DEC and PEC commissioners receive more training on the use of fax machines if they are to be used to submit protocols. Finally, the CEC should ensure that adequate physical facilities are provided that enable local commissions to appropriately carry out their election-day responsibilities.

**5. Finding:** IRI observer teams noted two problems with the use of invisible sprayed ink to prevent multiple voting: (1) the ink could easily be spread to others' hands, and it was washable; and (2) election commissioners were not diligent in checking voters' hands for the ink as they entered the PEC.

**Recommendation:** In order to ensure that the use of ink to prevent multiple voting is an effective measure, the

CEC should do the following prior to the spring 2008 parliamentary elections: (1) acquire new indelible ink and test this ink to ensure that it reacts as intended on people's hands; (2) ensure that all commissioners are adequately trained to properly apply ink to voters' hands and to diligently check every voters' hands for the ink upon their entry to the PEC. Alternately, should the CEC determine that the system of using ink is not effective, it should omit the ink's usage from Georgia's election-day procedures.

**6. Finding:** IRI observer teams noted that election commissioners did not have sufficient knowledge about the purpose and use of video cameras in the PECs.

**Recommendation:** The purpose of these cameras should be explicitly stated to the public. In addition, election commission members should be informed of the purpose and function of the video cameras as a part of their training, as well as of their required actions should the video equipment not be properly functioning.

**7. Finding:** IRI noted that confidence in the judicial system is severely lacking. Throughout the 2008 presidential election process, neither the political opposition nor private citizens had sufficient confidence in the courts to rule in an impartial and apolitical manner. While judicial reform and the improvement in the rule of law should be a long-term goal of the country, some steps forward in these processes should be evident prior to the spring 2008 parliamentary elections.

**Recommendation:** IRI recommends that Parliament increase the amount of time prior to CEC deadlines for appeals to the DEC against PEC protocols. Moreover, Georgia must establish a firm tradition of rule of law and

judicial review. The President and the Parliament must act to guarantee that the rule of law remains a paramount priority. The courts must be impartial, independent and function exclusively outside the realm of politics, safeguarding the constitution and protecting Georgia and its citizens from legal immorality.



**V. Appendix**

**A. *IRI Preliminary Statement on the Georgian Presidential Election***

FOR IMMEDIATE RELEASE

January 6, 2008

**Georgia's Election Broadly Meets International Standards:  
Technical Improvements Needed**

**Tbilisi, Georgia** – The International Republican Institute (IRI) supports the development of democracy in more than 70 countries around the world. It has a long history of supporting political party development in Georgia and has observed three previous elections here.

The January, 2008, IRI election observation delegation found that Georgia's presidential election broadly met international standards. However, technical problems continue to affect the electoral process. The delegation urges the government to work with all Georgian political elements, including opposition parties, to jointly resolve these issues in advance of parliamentary elections, to be held later in 2008.

Despite tensions resulting from the events of November, the campaign period was competitive and was conducted without violence. The delegation applauds all candidates and campaigns for their efforts to meet voters and to conduct nationwide door-to-door efforts, and to conduct a campaign based on issues affecting Georgia's future.

IRI commends election officials at the polling station commissions and district election commissions for generally providing a calm and organized process on Election Day. Similarly, the parties



and candidates competing in the election are to be commended for maintaining a calm and peaceful environment during voting and tabulation.

Above all, the citizens of Georgia should be applauded for exercising their constitutional right to vote, despite difficult weather conditions.

While the Central Election Commission has implemented significant improvements in various aspects of election administration, problems persist with the voter list that continues to be an issue of concern of many political actors. While IRI applauds the government's attempts to begin the process of improving the voter lists, it is imperative that this process be completed well in advance of the parliamentary elections.

The ability of the judicial system to function as an equal and independent body has been called into question. Doubts persist regarding the judiciary's impartiality and its ability to resolve election disputes.

The delegation urges the new administration, together with Parliament, to make judicial reform and the rule of law a top priority for continued democratic reform in Georgia.

IRI delegates witnessed the presence of unidentified individuals in a few polling stations, requesting the names of voters and their voter list numbers. The Georgian Parliament should amend the Election Code to prohibit such practices, which could be interpreted by some to be an attempt to intimidate voters.

IRI will issue a comprehensive report which will include more detailed conclusions and recommendations.

IRI's 26-member international delegation included representatives from the Czech Republic, Lithuania, Norway, Poland, Ukraine and the United States. Delegates observed the election process at more than 120 polling stations in regions of Imereti, Kakheti, Kvemo Kartli, Samegrelo, Samtskhet Javakheti, Shida Kartli, the cities of Poti, Rustavi and Tbilisi, as well as the Autonomous Republic of Ajara.

IRI's delegation was led by The Honorable Jim Kolbe, member of IRI's Board of Directors and a former Congressman from Arizona's Eighth District. Other delegates are Geoff Connor, former Secretary of State for Texas and co-founder and Chairman of CACH Capital Management; Urszula Gacek, Member of the European Parliament from Poland; Bill Graham, founder of Shenandoah Capital LLP; Marek Hannibal, Group Press Advisor, Czech Republic, European Parliament; Ambassador Stephan Minikes, member of IRI's Board of Directors and former Ambassador to the Organization for Security and Cooperation in Europe; Eirik Moen, Secretary General of the International Democrat Union; Bill R. Phillips, founder of The Bill Phillips Company; Andriy Shevchenko, Member of the Ukrainian Parliament; and Mark M. Spradley, Executive Vice President of Mazao Capital LLC.

IRI staff also served as observers and assisted in the mission. IRI staff were led by Georges Fauriol, Senior Vice President of IRI and Stephen B. Nix, Regional Director for IRI's Eurasia division.

IRI has monitored more than 135 elections in 42 countries since 1983.



## ***B. Election Observation Delegation Members***

### **Delegates**

1. **The Honorable Jim Kolbe**, member of IRI's Board of Directors and a former Congressman from Arizona's Eighth District
2. **Geoff Connor**, former Secretary of State for Texas and Chairman of CACH Capital Management LLC
3. **Urszula Gacek**, Member of European Parliament, European People's Party–Poland
4. **Bill Graham**, founder, Shenandoah Capital LLP
5. **Marek Hannibal**, Group Press Advisor, Czech Republic, European Parliament
6. **Ambassador Stephan Minikes**, member of IRI's Board of Directors and former Ambassador to the Organization for Security and Cooperation in Europe
7. **Eirik Moen**, Secretary General, International Democrat Union
8. **Bill Phillips**, founder, The Bill Phillips Company
9. **Andriy Shevchenko**, Member of the Ukrainian Parliament
10. **Mark M. Spradley**, Executive Vice President, Mazao Capital LLC

### **IRI Staff**

1. **Georges Fauriol**, Senior Vice President for Strategic Planning and Evaluation
2. **Stephen B. Nix**, Eurasia Regional Director
3. **Nataliya Brantly**, Program Assistant, Ukraine and Moldova
4. **Anthony Chang**, Europe Division Deputy Director

5. **Michael Druckman**, Assistant Program Officer, Armenia, Georgia and Azerbaijan
6. **Michael Getto**, Director, Regional Parliamentary Program, Lithuania
7. **Chris Holzen**, Resident Country Director, Iraq
8. **Ryte Jonaityte**, Program Officer, Lithuania
9. **Jake Jones**, Acting Resident Country Director, Azerbaijan
10. **Andrea Keerbs**, Resident Program Officer, Ukraine
11. **Elizabeth Knight**, Assistant Program Officer, Ukraine and Moldova
12. **Preston Lindler**, Program Assistant, Belarus, Russia and the Caucasus
13. **Brian Mefford**, Resident Country Director, Ukraine
14. **Meghan Redd**, Program Assistant, Central Asia
15. **Dimitry Shashkin**, Program Officer, Georgia
16. **Alex Younoszai**, Application Developer

### ***C. IRI in Georgia***

IRI has been working to promote political plurality since the Rose Revolution in December 2003, which brought the United National Movement (UNM) to power. Political party plurality in Georgia was initially challenged by the loss of key party personnel and regional prestige as the UNM consolidated its power following the revolution. IRI works with all major political parties, in an effort to build a truly competitive, multi-party system in Georgia.

Leading up to the Rose Revolution, the political arena in Georgia marginalized women and youth. Since April 2002, IRI has worked with the women and youth wings of political parties to bring them into the political process. IRI seeks to augment these groups' roles in the political arena by providing trainings and exchange programs in the lead-up to the 2008 parliamentary elections.

In addition, IRI conducts quarterly nationwide voter surveys to help political parties identify issues that are important to the Georgian people. The surveys provide Georgia's political parties with important data on demographic groups and regional issues that allow them to better craft party plans and refine their message development processes.