

GEORGIA POLICY ALERT

New Voting Technologies in Georgia's Parliamentary Elections

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Georgia is scheduled to hold much-anticipated parliamentary elections on October 26, 2024. This time around 90 percent of Georgian citizens will vote in polling stations using electronic means: special voter verification equipment will be used to check voter identity; voters will fill in paper ballots and feed the ballot into optical ballot scanners. At the end of election day, the scanners will produce preliminary election results. Poll workers will then manually count all the ballots and only the results of the manual count will be reflected in the final results summary protocol. The relevant legal framework for the use of electronic means was adopted as a part of a comprehensive electoral reform in December 2022. The CEC decree further details the procedures for voting with the use of electronic means. The election administration has already procured necessary equipment, supplies, software, and consultancy services from Smartmatic - a Netherlands-based company - for a total of approximately 25 million Euros. Additionally, a large-scale public information campaign is underway. The CEC has conducted eight pilot projects with the use of different voting technologies in different types of elections across multiple electoral districts over the last six years. Domestic observers have in general positively assessed the pilots, but identified challenges related to the violation of the secrecy of the vote, malfunctioning of the equipment, and confusion among voters. As such, the October 26 parliamentary elections will serve as the first country-wide stress test of the use of new electronic voting technologies. It is paramount that the CEC provides adequate training to election administration and conducts an effective public information campaign to educate the voters, but also to cultivate the public trust in the system - amidst fears of tampering with the secrecy of the vote and the possibility of manipulation of results.

Georgia is scheduled to hold much-anticipated parliamentary elections on October 26, 2024. Following years of advocacy by civil society and political parties, all 150 members of the legislative body will be elected through a proportional electoral system in a single nationwide constituency. However, this is not the only novelty that awaits the citizens of Georgia as they head to polls: for the first time, the majority of the voters - around 90 percent - will be able to cast their votes using electronic means.¹ There is an expectation that voting by electronic means will significantly diminish the possibility of voter fraud and human error in the process, thus contributing to the increased public confidence in electoral results.

The experience of using voting technologies in Georgia

A political crisis ensued following the parliamentary elections on October 31, 2020, with most opposition political parties boycotting the parliament. In January 2021, two members of parliament elected on a Citizens Party ticket signed a memorandum with the Georgian Dream party effectively ending their boycott of the parliament. Among many other election-related provisions, the memorandum envisaged the introduction of a number of new election technologies for future elections, including fingerprint registration, voting with the use of electronic machines, and live streams from the polling stations on election day.²

The signatories of the memorandum established an electoral reform working group with the participation of domestic observers and international organizations. As a result, a transitional provision appeared in the Election Code of Georgia granting the Central Election Commission (CEC) of Georgia an authority - but not an obligation - to define and use electronic voting technologies for the 2021 Municipal Elections.³

In the end, the CEC – citing logistical and financial constraints – only obliged mandatory video-audio recording of the vote counting process from opening of the sealed ballot boxes until sealing of ballots - at the polling stations with 300 and more registered voters.⁴ The Georgian Dream party provided the 3700 cameras necessary for the audio-video recording, a move that according to the domestic observer groups contradicted international standards and further blurred the lines between

1 Voting by electronic means will take place in 1989 polling stations out of 2755 regular polling stations.

2 Civil.Ge. Georgian Dream-Citizens Election Reform Memorandum: Key points. Civil Georgia. 2021, January 30 <https://civil.ge/archives/394475>

3 CEC has previously piloted electronic vote counting machines during 2018 and 2019 municipal by-elections, but for information purposes only. The results obtained through the counting technology were not legally binding.

4 Decree No 55 / 2021 of the Central Election Commission of Georgia of August 23, 2021. Central Election Commission of Georgia <https://matsne.gov.ge/ka/document/view/5246199?publication=0>

the state and the party.⁵ In the end, domestic observers assessed the use of video cameras as “flawed”, noting that in some cases they did not provide a complete picture of ballot counting and videos were not uploaded within legal deadlines.⁶ According to the OSCE/ODIHR International Election Observation Mission, the use of video cameras slowed down the vote-counting process.⁷

Despite the failure to introduce the wide use of voting technologies across Georgia for the 2021 municipal elections, the CEC made an important decision to pilot the use of optical ballot scanners in one of the districts of Tbilisi - Krtsanisi District #4.⁸ Optical ballot scanners rely on an optical mark recognition system and scan and count inserted paper ballots. While a step forward, the decision was made only a month in advance of election day, leaving little time for a large-scale public information campaign. Some shortcomings were observed during the pilot project, notably the violation of the secrecy of the vote, technical difficulties, and confusion among voters. In rare cases, the optical ballot scanners marked ballots as invalid, despite the voters having clearly expressed their will. However, the total percentage of such cases did not exceed one percent and machine counting results in almost all cases closely matched the results of the manual count of the ballots.⁹

For the 2022 April by-elections, the CEC piloted the use of both voter verification equipment and optical ballot scanners in Batumi. Overall, the domestic observers assessed the process as smooth, though noted shortcomings such as violation of the secrecy of the vote due to the visible ink marks and repeated ballot placement in the optical scanners as well as malfunctioning of equipment and scanners in some cases.¹⁰ Election monitoring organizations noticed the same type of shortcomings during the 2023 April 29 parliamentary by-elections in the 26th election district of Poti, Khobi, and Senaki municipalities and the extraordinary mayoral elections in

5 First Interim Report of Official Pre-election Monitoring, page 8. International Society for Fair Elections and Democracy (ISFED). 2021, September 1. <https://isfed.ge/eng/2021-adgilobrivi-tvitmartvelobis/2021-tslis-adgilobrivi-tvitmartvelobis-archevnebis-ofitsialuri-tsisarchevno-periodis-monitoringis-l-shualeduri-angarishi>

6 2021 Municipal Elections Final monitoring report - page 25, International Society for Fair Elections and Democracy (ISFED) 2021, December 21. <https://isfed.ge/eng/2021-adgilobrivi-tvitmartvelobis/2021-tslis-munitsipalitets-organota-archevnebis-monitoringis-saboloo-angarishi>

7 Georgia, local elections, 2 and 30 October 2021: Final report - page 28. OSCE. 2022 April 8. <https://www.osce.org/odihr/elections/georgia/515364>

8 Decree of the Central Election Commission of Georgia #58 / 2021 "On Determining the Rules and Conditions for Implementing Some Electoral Procedures by Electronic Means for the October 2, 2021 Elections of the Municipal Representative Body - Sakrebulo and the Mayor of the Self-Governing City / Self-Governing Community". Central Election Commission. <https://matsne.gov.ge/ka/document/view/5252172?publication=0>

9 Monitoring report of the pre-election environment, election day, post-election period and by-elections - page 45. Observation Mission of the 2021 Local Self-Government Elections. Georgian Young Lawyers Association (GYLA). 2022 <http://nodiscrimination.gyla.ge/files/2020/2021%20Elections.pdf>

10 Evaluation of the 2022 by-elections of the Parliament of Georgia and the City Council of Batumi Municipality - page 6. ISFED. 2022, April 8. <https://www.isfed.ge/eng/2022-shualeduri/saqartvelos-parlamentisa-da-qalaq-batumis-munitsipalitets-sakrebulo-2022-tslis-shualeduri-archevnebis-shefeseba>

Terjola and Tsageri municipalities.¹¹ Minor technical problems were registered during the 2023 October 1 parliamentary by-elections in Gori-Kaspi District and extraordinary mayoral elections in Gurjaani, where in addition to the use of voter identification equipment and optical ballot scanners, preliminary voting results were transmitted electronically.¹²

Legal framework

The Parliament of Georgia adopted a comprehensive electoral reforms package in December 2022. For the first time, the state took on an obligation to use voting technologies in elections, including a voter identification system, optical ballot scanners, and the electronic transfer of the preliminary results for at least 70 percent of the voters.¹³ The CEC further expanded the list of polling stations that will use electronic means for the 2024 parliamentary elections effectively covering almost 90 percent of the voters.¹⁴ In precincts with no optical ballot scanners, the PECs are still obliged to scan the ballots during the count and for them to be uploaded by the CEC within two days from election day. While this measure enhances the transparency of the ballot counting process, according to the joint opinion of the Venice Commission and the OSCE/ODIHR, the deadline for the upload might not provide sufficient time for lodging post-election complaints within the deadlines set by the law.¹⁵

The election day procedures, including voter registration, voting, and counting using electronic means are detailed in the CEC decree.¹⁶ The decree sets a minimum of two optical ballot scanners per polling station. At the polling station, the voters are checked for ink marks before proceeding to the registrar. The registrar verifies the voter's identity by inserting the electronic ID card into the reader of the voter identification equipment. For those voting with a passport or non-electronic ID cards,

11 Summary Assessment Report of the Extraordinary/By-Elections held on April 29, 2023. ISFED. 2023, May 3. <https://www.isfed.ge/eng/gantskhadebebi/2023-archevnebi>

12 Free, Fair and Equal Political and Electoral Cycle 2022-2025, Informational Newsletter #49. GYLA. October 2023. https://gyla.ge/files/49_geo.pdf

13 Chapter VIII1 of the Election Code of Georgia

14 Civil.Ge. 90% of voters will vote electronically in 2024 parliamentary elections. Civil Georgia. 2023, November 15. <https://civil.ge/archives/524496>

15 Georgia - Joint Opinion of the Venice Commission and ODIHR on the Draft amendments to the Election Code and Law on the Political Association of Citizens, approved by the Council for Democratic Elections at its 75th meeting (Venice, 15 December 2022) and adopted by the Venice Commission at its 133th Plenary Session (Venice, 16-17 December 2022)-page 13. <https://www.osce.org/files/f/documents/d/a/535131.pdf>

16 Decree of the Central Election Commission of Georgia #7 / 2023 on determining the rules and procedures of conducting voting using electronic means. Central Election Commission of Georgia. 2023, February 6. <https://www.matsne.gov.ge/ka/document/view/5713266?publication=0>

the voter identity is verified by entering the data manually.¹⁷ Each voter identification equipment only contains the voter list for that specific polling station. Following the voter identification, the registrar hands a paper ballot and a sleeve to the voter. After marking their choice by coloring a circle, the voter places the ballot into a special sleeve and feeds the ballot through the optical ballot scanner into the ballot box. The machine prints a receipt confirming the receipt of the ballot. In case none or more than one circles are marked, the optical ballot scanner returns the ballot and such a ballot is immediately marked as “invalid”. At the end of the voting day, the optical ballot scanners print the receipt with the preliminary results that are immediately transmitted to the CEC. The ballots are then counted manually and only those results are officially entered into the results summary protocol of the polling station.

Public Information Campaign

In October 2023, the CEC launched a large-scale public information campaign. The campaign involves the organization of demonstration sessions at universities, public service halls, metro stations, trade centers, state and private agencies and other places commonly visited by citizens. In addition, the CEC has already produced and aired public service announcements (PSA), including in Azeri and Armenian languages, and designed a special game that allows voters to participate in the demonstration online.¹⁸ Considering the fact that the maximum number of registered voters per polling station where elections are held with the use of electronic means increased to 3000, there are concerns that unless voters are well-informed about the sequence of procedures in advance, the use of new technologies may considerably slow down the voting process.

What do observer organizations say?

In general, election monitoring organizations welcomed the introduction of electronic voting technologies, highlighting the benefits of the reform, including streamlining the process and reducing the likelihood of human error or intentional violation. This in turn will contribute to increased public confidence in electoral outcomes.

In their joint opinion, the Venice Commission and the OSCE/ODIHR cautioned to not treat the introduction of the electronic means of voting as a solution to all electoral challenges identified in previous elections. In addition, the joint opinion identified a number of shortcomings in the draft text of the amendment, including broad language and a lack of sufficient details in the provisions regulating the use of voting

¹⁷ The initial amendment did not envisage voting by non-electronic ID cards - a move that was welcomed by domestic observers, but criticized by the Venice Commission and OSCE/ODIHR for potentially disenfranchising voters. An amendment passed in December 2023 reintroduced the use of non-electronic ID cards for voter identification purposes.

¹⁸ The game is available at game.cec.gov.ge

technology.¹⁹ The International Society for Fair Elections and Democracy (ISFED) criticized the lack of the use of biometric data by voter identification machines, which in turn leaves a theoretical risk of multiple voting. In addition, instead of optical ballot scanners, ISFED recommended the use of voting and counting machines to better protect the secrecy of the vote and minimize the risks of carousel voting.²⁰ In its statement, the National Democratic Institute's pre-election delegation noted the mistrust expressed by some stakeholders towards the use of technology due to allegations (though unsubstantiated) of violations of the secrecy of voting.²¹ Some stakeholders raised concerns that the procurement notice appeared to be customized exclusively for Smartmatic, as the company emerged as the sole bidder.²² So far, the CEC procured equipment, supplies, software, and consultancy services worth around 27 million USD (approximately 25 million Euros) from Smartmatic.²³

While valid, not all of these concerns can be addressed prior to the elections: the legal framework is largely set; voter identification equipment and optical ballot scanners have been procured; and other preparatory work is underway. In total, the CEC has conducted eight pilot projects with the use of different voting technologies in different types of elections across multiple electoral districts. However, the October 26 parliamentary elections will in large serve as a country-wide stress test of the use of new electronic voting technologies. As such, it is paramount that the CEC undertakes effective voter education campaigns and comprehensive training for election administration. Additionally, all necessary measures to cultivate public trust in the system must be diligently implemented, including well-grounded response to the allegations of tampering with the secrecy of the vote and possibility of manipulation of results.

¹⁹ Joint Opinion of the Venice Commission and ODIHR, pages 12-15.

²⁰ Use of electronic technologies in the voting process: Assessment of electronic machines introduced in Georgia. ISFED. 2023, November 22. <https://www.isfed.ge/eng/politikis-dokumentebi/elektronuli-teqnologiebis-gamokeneba-kenchiskris-protsessshi-saqartveloshi-danergili-elektronuli-apatatebis-shefaseba>

²¹ Statement of the National Democratic Institute Pre-Election Delegation to Georgia - page 7. National Democratic Institute (NDI). 2024, February 25. https://www.ndi.org/sites/default/files/Statement%20of%20the%20National%20Democratic%20Institute%20Pre-Election%20Delegation%20_%20Georgia%20_%20February%202024.pdf

²² Ibid

²³ For the list and values of the procurement contracts, visit https://tendermonitor.ge/en/organization/199336?default_tab=2



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Tamara Sartania — an independent international consultant, specializing in democratic elections, civil society development, parliamentary and political party strengthening, and women’s political participation. Her work assignments included working as an Election Adviser for OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), where her portfolio included coordinating needs assessment missions and ODIHR’s electoral activities in nine OSCE participating states. In addition, she served as a core team member for several ODIHR election observation missions. As a Deputy Chief of Party for the National Democratic Institute (NDI) Georgia office, Tamara supervised initiatives to support political pluralism in Georgia through capacity building on national and regional levels. She has also worked as a thematic analyst for NDI’s election observation missions to Ethiopia, Ukraine, and Lebanon. Tamara holds a Master of Arts Degree in Law and Diplomacy from The Fletcher School, Tufts University, and a Postgraduate Certificate in Strategic Communications (with Distinction) from King’s College London.

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