

2017 Elections of Local Self-Government Bodies

Second Interim Report of the Pre-Election Observation

September 5 – September 25

September 29, 2017

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I. Introduction

Since July 24, the International Society for Fair Elections and Democracy (ISFED) through its 70 long-term observers (LTOs) has been conducting a long-term pre-election observation of the October 21, 2017 regular elections of municipal representative bodies - Sakrebulos and Mayors of local self-governing cities/self-governing communities. The monitoring is carried out with the support of the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED). The second interim report of the pre-election monitoring covers the period of **September 5-25, 2017.**

II. Key Findings

During the reporting period election campaigning became noticeably active. ISFED observers monitored 252 public meetings held by electoral subjects.

Within the reporting period, ISFED detected 13 instances of alleged political intimidation/harassment, 2 instances of violence, 4 instances of interference with campaigning, 9 instances of illegal participation in campaigning, 3 instances of misuse of administrative resources, 1 instance of possible vote buying, 4 instances of damaging campaign materials. ISFED also found 13 cases of conflict of interest in district electoral commissions (DECs), 5 irregularities in the process of composition of PECs, two instances of suspicions donations and 3 instances of provision of free medical service.

The reporting period was marked by a particular trend of conflicts of interest in DECs, as family members of some commissioners are running in the elections as candidates from different political parties. Among these, stands out the case of Aspindza DEC secretary, whose spouse is running as a majoritarian candidate from the ruling party in the same district. The spouse of deputy chair of the Kobi DEC no.56 is also a candidate of the ruling party. In addition to the so-called professional members of electoral commissions, party-appointed commissioners were also identified who have conflict of interest. Such facts may undermine trust towards the electoral administration and put impartiality and integrity of the electoral administration at risk.

As the election campaign became active, instances of harassment/intimidation on alleged political grounds against members and activists of opposition parties became apparent. In 4 out of 13 instances identified by ISFED, opposition candidates were threatened with termination from employment. Acts of harassment presented in the report also contain signs of misuse of administrative resources.

Last week unknown individuals vandalized PEC offices in two separate electoral districts. They smashed office windows, broke the doors and destroyed electoral documents. Both instances are similar and according to the electoral administration they are currently under investigation.

Various forms of interference with activities of electoral subjects were evident. From those, particularly notable is an attempt to disrupt a meeting with voters for Aleksandre Elisashvili, an independent mayoral candidate in Tbilisi. A local self-government official — Deputy Gamgebeli and employees of the Georgian Dream campaign office were involved in the incident. According to the representative of the mayoral candidate, the following day representatives of the local self-government exerted pressure on voters who had appeared at the meeting.

Misuse of administrative resources mostly entailed use of means of communication at administrative entity's disposal in favor of the ruling party. ISFED believes that a charity football match to be held on September 29 with participation of ruling party's Tbilisi mayoral candidate Kakha Kaladze and

international football stars poses a risk of misuse of administrative resources, violation of campaign rules and illegal donation. The match is organized by the non-profit (non-commercial) legal entity Georgian Football Federation.

Participation of unauthorized individuals in the election campaign was also documented in the reporting period. It was mostly local government civil servants who illegally participated in campaigning. In 4 instances ISFED filed complaints with the electoral administration, seeking imposition of administrative penalty on responsible persons.

III. Recommendations

The electoral administration should:

• take timely and adequate actions in response to cases of conflicts of interest involving professional members of electoral commissions

Political parties, electoral subjects and their representatives should:

- appoint neutral individuals as DEC members;
- prevent any forms of relationship with voters that may pose a risk of vote buying;
- refrain from mobilizing their activists at campaign meetings of competitors and from organizing counter-rallies, which increases the risk of confrontation and violence.

Local self-governments should:

- prevent civil servants from campaigning during work hours;
- observe political neutrality and prevent misuse of municipal budgetary or human resources for advancing party interests;
- keep local self-government employees informed about their rights and obligations during an electoral period.

Individuals without the right to participate in campaigning should:

• abide by the requirements of the Election Code and refrain from participating in the election campaigning.

IV. Conflicts of Interest in DECs

Aspindza

On September 6, the Central Election Commission (CEC) chose Nino Beridze to fill a vacant position in Aspindza DEC no.39. Later on September 8, she was selected as the secretary of the same DEC.

Davit Partladze, spouse of the newly appointed secretary Nino Beridze is registered as a candidate of the Georgian Dream – Democratic Georgia for Sakrebulo membership in the majoritarian district no.1 of Aspindza Municipality.

It should be noted that since his nomination on September 1, Davit Partladze has been actively engaged in

the election campaign and has been intensively meeting with voters together with a mayoral candidate within the election campaign. To that end, Georgian Dream mayoral candidate in Aspindza is a former chair of Aspindza DEC no.39, Rostom Magrakvelidze.

Under para.2 of Article 5 of the Code of Ethics for Officers of the Electoral Administration, if a member of an election officer's family is registered as an electoral subject, the election officer must notify a higher electoral commission and/or the CEC in writing within five days, otherwise a disciplinary penalty may be imposed on the election officer.

On September 15, ISFED inquired with the CEC whether it was notified by a contestant, Nino Beridze about political plans and activities of her spouse, and/or whether she submitted a written notice to a higher electoral commission after she was selected as the DEC member.

The CEC responded with a letter dated September 19, stating that the electoral administration believes the contestant, Nino Beridze was not an election officer on September 6; also, as of September 19, her spouse was not officially registered in any of the electoral districts.

ISFED believes, that the provision of the Ethics Code cited above aims to rule out conflict of interest and distance the so-called professional members of an electoral commission against political influences. Therefore, based on the principles of integrity, neutrality and professional ethics Nino Beridze, first as a contestant and later as a member of the DEC and an electoral officer selected as the DEC secretary, was obligated to notify the electoral commission about political activities of her family member. Selection of Beridze contradicted the spirit of the Code of Ethics for Officers of the Electoral Administration, while the CEC's explanation that the obligation to notify does not apply to her creates suspicions that the electoral administration is trying to avoid responsibility about the issue of conflict of interest.

Khobi

Mamuka Kardava, spouse of Shorena Tskiria, deputy chair of Kobi DEC no.66 serves as a deputy chair of Khobi Sakrebulo, he is also number five on the Georgian Dream's party list. Kardava used to serve as the chair of Khobi Sakrebulo in the past.

Mtatsminda

ISFED found a potential conflict of interest in Mtatsminda DEC no.1. In particular, Davit Jinjolava, spouse of the so-called professional member of the DEC, Sophiko Kobakhidze is a majoritarian candidate of the European Georgia in Vake District.

Besides the so-called professional members of electoral commission, ISFED found that some instances of conflict of interest also involved party-appointed commissioners. In particular, ISFED observers learned about 10 cases of conflict of interest involving party-appointed commissioners in 6 DECs:

- Chokhatauri Ketevan Ramishvili, a member of Chokhatauri DEC no.62 from the Alliance of Patriots is a spouse of Vakhtang Gachechiladze, a majoritarian candidate of the Alliance of Patriots in the town of Chokhatauri.
- **Khoni** Irakli Bakhtadze, number six on the proportional list of the European Georgia in Khoni District no.55 is a spouse of Ketevan Khoneli, a member of the DEC appointed by the European Georgia.

- **Khoni** spouse of Maka Tabidze, a member of Khoni DEC appointed by Industry Will Save Georgia, is number 7 on the list of the p/u Georgian Dream Democratic Georgia.
- **Tkibuli** Bondo Kublashvili, spouse of Luba Abesadze, a member of Tkibuli DEC no.57 appointed by Industry Will Save Georgia, is the Georgian Dream Democratic Georgia's majoritarian candidate for Sakrebulo Membership in Tkibuli Municipality
- **Tkibuli** Davit Katamadze, spouse of Maka Bakradze, a member of the DEC appointed by the United National Movement, is the UNM majoritarian candidate for Tkibuli Municipality Sakrebulo.
- **Khulo** Irakli Jorbenadze, a mayoral candidate of the UNM in Khulo District no.84, is a brother of Miranda Jorbenadze, a member of the district commission appointed by the UNM.
- **Khulo** Zurab Tunadze, a candidate of the Alliance of Patriots of Georgia in Khulo District no.84 and number one on their proportional list is father of Donari Tunadze, a member of the electoral commission appointed by the same party.
- **Khulo** Mindia Rizhvadze, number one on the proportional list of the United Democratic Movement in Khulo District no.84, is a spouse of Tsitsino Meladze, a member of the district commission appointed by the same party.
- **Tskaltubo** Severian Gorduladze, European Georgia's mayoral candidate is a spouse of Bela Beradze, a member of Tskaltubo DEC no.52 appointed by the same party.
- **Keda** brother of Nino Shakaradze, a member of Keda DEC no.80, is a majoritarian candidate from an initiative group in the community of Daba Keda.

V. Acts of Violence

Gardabani

On September 22, premises of PEC no.31 of Lemshveniera village in Gardabani were vandalized by unknown individuals. According to the CEC, a window has been broken, a public version of the voter list and the Order of the commission have been torn down. ISFED was able to obtain <u>photos</u> from the scene of the incident.

Ozurgeti

On September 23, unknown individuals broke the door of Ozurgeti PEC no.6 offices, tore down election documents, including voter lists.

VI. Intimidation/Harassment

Khobi

The European Georgia reported that in the evening of September 22, in Zemo Kvaloni village, their majoritarian candidate Nino Chanturia and her father were attacked and verbally abused by unknown individuals. According to the party, the attackers demanded the campaigning to be halted and threatened them with additional consequences to follow. Later, the Ministry of Interior did not confirm the assault against the European Georgia's candidate and her father but they confirmed that the candidate's campaign materials were damaged. According to the Ministry, the damaged campaign materials were referred to the self-government for further actions.

Nino Chanturia recalled details of the attack in an interview with ISFED observer. She stated that on September 22, while she and her father were distributing campaign posters in Zemo Kvaloni village, a car approached them. She said that the car kept following them all the time as they were distributing the posters. Later the candidate and her father found that their posters had been torn down and damaged. As they were driving back, they suddenly found their car in the middle of three unknown vehicles. Residents of Kvaloni village – Dato Kuchava and Gia Kurashvili got out of those vehicles and verbally abused the candidate and her father. They threatened Chanturia and said that they would not "let the United National Movement anywhere near" the village. They also warned them to drop their party activities or they would be punished. According to Nino Chanturia, Dato Kuchava was probably not sober.

Ozurgeti

On September 10, the Georgian Dream nominated mayoral candidates for all three municipalities of Guria. The nomination of candidates took place in the city of Ozurgeti, near the Theatre on Rustaveli Avenue. At the nomination event ISFED observer found that people including civil servants were arriving in minibuses. Some of them stated in an interview with the observer that they had been forced to attend. These individuals included: Davit Makharadze, a pensioner from Chokhatauri; deputy principal of Lanchkhuti Sports School; Mariam Shavishvili of Chanieti village; residents of Laitauri, Makvaneti, Jumati and Gurianti, who chose to remain anonymous. During the event, party coordinators were distributing among drivers SOCAR fuel vouchers with a nominal value of GEL 10 each. A minibus driver from Makvaneti village received 20 liters worth of fuel voucher. The driver chose to remain anonymous but he confirmed that he gathered 20 citizens and drove them to the event.

At the nomination event, local party coordinators were registering citizens by having those who arrived at the event sign along their names on a list. One of the party coordinators was irritated by the fact that ISFED observer noticed this fact.

Similar fact was found in Chokhatauri. On September 13, the Georgian Dream – Democratic Georgia nominated Irakli Kuchava as a mayoral candidate in Chokhatauri. Coordinators and agitators had been mobilizing citizens since morning and providing free transportation from villages. It was reported that each of them had been instructed to bring 15-20 people to the campaign event.

Adigeni

On 18 September 2017, chair of the local office of the European Georgia in Adigeni, Simon Parunashvili contacted ISFED observer to report a threat made by the Samtskhe-Javakheti Inspector of the National Food Agency, Amiran Chitadze against Sakrebulo majoritarian candidate, Murman Tsitashvili. According to Parunashvili, Chitadze threatened Tsitashvili with termination from employment if he did not withdraw his candidacy. In an interview with ISFED observer, Murman Tsitashvili confirmed the report. He works

as a veterinary assistant at the Food Safety Agency. Amiran Chitadze said that he never pressured Tsitashvili and stated that the report is false.

Gurjaani

According to the chair of the local office of the United National Movement, Teimuraz Bitsashvili, their majoritarian candidate Maka Pridonashvili has been subjected to pressure and intimidation. In particular, acting principal of Chalaubani Public School, Lamzira Korchishvili called Chalaubani village majoritarian candidate Maka Pridonashvili and demanded that she withdraw her candidacy or she threatened to dismiss from work her mother, who works as a teacher of Russian language at the same school.

According to Teimuraz Butsashvili, 5-10 minutes before the incident, the candidate received a call from the chair of the European Georgia's local office in Gurjaani and a member of parliament Giorgi Ghviniashvili, who attempted to "win the candidate over" but failed, so he indirectly suggested that her mother could be terminated from employment.

Maka Pridonishvili confirmed with ISFED LTO that her mother was subjected to intimidation by the school principal. In particular, on September 10, Maka Pridonashvili's mother Aida Pridonashvili received a call from Lamzira Korchiashvili warning that her job as a school teacher was not safe if her daughter stood as a candidate. Maka Pridonishvili did not confirm the report about Giorgi Ghviniashvili and said that she and Ghviniashvili have been friends for a long time and ruled out that he would ever pressure her in any way.

In an interview with ISFED LTO, the school principal Lamzira Korchishvili denied the report of intimidation and said that Aida Pridonashvili had been dismissed from school when the UNM was in power and she herself reinstated her three years ago. The principal said she has no intention to dismiss Aida Pridonashvili from work.

Dmanisi

• On September 4, renewal of an employment contract was denied for two representatives of Dmanisi Municipality Gamgebeli - Emzar Petriashvili and Vakhtan Avalishvili. Representative of Gamgebeli in Guguti, Vakhtang Avalishvili informed ISFED observer that he had an argument with current Gamgebeli of Dmanisi Gogi Barbakadze, while Petriashvili says that his dismissal is currently under investigation by the Prosecution Service and he declined to provide any further comment. According to Avalishvili, the confrontation with Barbakadze had to do with the fact that current Gamgebeli was going to run in the election again but he did not have the support from the ruling party, which is why Avalishvili refused to provide assistance for the election.

Later the Georgian Dream nominated Giorgi Tatuashvili as a mayoral candidate in Dmanisi Municipality, while current Gamgebeli Gogi Barbakadze registered as an independent candidate.

• 12 individuals registered as independent majoritarian candidates for Sakrebulo membership in Dmanisi Municipality¹ but later four withdrew their candidacies². They refrain from commenting with ISFED observer about reasons for withdrawing their candidacies.

¹ Akaki Orkiashvili – Gantiadi Community, Davit Barbakadze – Mashavera Community, Leri Beruashvili, Acting Chair of Dmanisi Sakrebulo – city of Dmanisi; Ilia Sarsevanidze – Gomareti Community; Faig Rustamov – Amamlo Community; Omar Gogochuri – Sarkineti Community; Fazil Akhmedov – Geguti Community; Zulpugar Mikailov –

Current Gamgebeli Gogi Barbakadze alleges that relatives of MP Kakhaber Okriashvili ³ were intimidating the independent candidates, which is what led them to withdraw from the race. Further, Georgian Dream mayoral candidate is a relative of Kakhaber Okriashvili and works at his pharmaceutical company - PSP network of pharmacies.

Mestia

The initiative group of independent mayoral candidate in Mestia, Malkhaz Udesiani released a statement that Food Safety Agency imposed a fine of GEL 500 on Hotel Chubu owned by Udesiani. The candidate believes that the fact has to do with his political activities. In an interview with ISFED observer, manager of the hotel Eka Parjiani stated that following an inspection, representatives of the Agency identified minor irregularities and concluded that the hotel is operating in violation of sanitary norms and lacks refrigerating facilities. The hotel manager posted part of the Agency's report on her personal Facebook page. ⁴

Supporters of Malkhaz Udesiani believe that Udesiani was fined based on the instructions of Kapiton Zhorzholiani, the Georgian Dream mayoral candidate, who also owns a hotel.

In response to these allegations, employee of Mestia local self-government Lasha Japaridze published a special statement on his Facebook page on behalf of Kapton Zhorzholiani⁵, rejecting all allegations of Udesiani's supporters. According to the statement, a planned inspection of food establishments in Samegrelo-Zemo Svaneti was carried out under the Order of the Head of the National Food Agency. According to Japaridze, a total of 19 establishments were inspected in Mestia Municipality, two of which were found in violation because they stored expired products. These establishments were subsequently fined. Japaridze claims that two authorized individuals including the hotel manager confirmed the fact of storing expired products with their signatures, and the document published on social media contains only recommendations. Zhorzholiani claims that the allegations against him are false and intentionally misleading. In an interview with ISFED LTO Eka Parjiani denies signing any protocol documenting discovery of expired products.

Telavi

At 16:00 on September 7, outside the offices of Telavi DEC, Nikoloz Vardoshvili who sought to become a mayoral candidate in Telavi from the Labor Party held a briefing. He informed reporters that he has a long-standing conflict with the DEC Chair Giorgi Kalmakhelidze, dating back to the time Kalmakhelidze worked in Telavi Sakrebulo.

He said that as a person who seeks to become a candidate, on several occasions he addressed the DEC Chair with questions about registration procedure but he was met with aggression and was told to leave the premises. According to Vardoshvili, the main reason why he had invited reporters to the briefing was to approach the chair together with the reporters, ask him the questions that he had, so that reporters would see Kalmakhelidze's reaction themselves. He then entered Kalmakhelidze's office together with the reporters and asked him a procedural question about keeping of documents.

Karabulakhi Community; Karman Khidirov – Orozmani Community; Gumbat Iusubov – Community of Irganchai village; Shavlegi Saakadze – Didi Dmanisi Community; Shiraiat Huseinov – Ipnari Community.

² Candidates for communities of Amamlo, Geguti, Karabulakhi, Orozmani

³ Majoritarian MP from Dmanisi District.

⁴ See the hotel manager's post at: https://imgur.com/a/tFLNK

⁵ See Zhorzholiani's response: https://imgur.com/a/t866m

In response, Kalmakhelidze demanded that Vardoshvili leave the premises immediately. He demanded the same from reporters and Vardoshvili's supporters. Vardoshvili kept insisting that he answer the question. Kalmakhelidze called the police patrol to report break in into the DEC building by unauthorized individuals and demanded that they act on it. As he was making the call, Vardoshvili said that he was leaving the building. Kalmakhelidze demanded that Vardoshvili provide his identification card for a protocol of violation. Vardoshvili responded that he had not done anything wrong and that he would provide his identification card only to the police. By the time the police arrived, Vardoshvili had already left the building. After examining the situation, law enforcement officers prepared "a protocol of response".

According to ISFED observer, throughout the incident Giorgi Kalmakhelidze was clearly aggressive towards Nikoloz Vardoshvili. Calling the police was disproportionate because the situation was not uncontrollable. It is important to note that Telavi DEC Chair Giorgi Kalmakhelidze is known for his unconstructive attitude towards his own employees as well as observers.

Participant of the incident, the Labor Party's prospective mayoral candidate Nikoloz Vardoshvili was summonsed to the DEC at 17:30 the following day, September 8. Vardoshvili arrived at the meeting together with Rustavi 2 journalist Ia Guliashvili, head of Kakheti Information Center – Gela Mtvlivishvili and several supporters. The DEC chair's demand that accompanying individuals leave the meeting room was followed by a conflict: Gela Mtvlivishvili was fiercely refusing to leave the meeting room, and Vardoshvili was also protesting the DEC chair's demand. Following an argument and a small commotion, third parties left the meeting room. Before the meeting began, Kalmakhelidze strictly warned observers of ISFED and GYLA to act only as "attendees". He said they were prohibited from expressing their views, asking questions and talking, or protocols of violation would be drawn up against them as well. The DEC Chair introduced Vardoshvili to the administrative protocol drawn up in connection to the September 7 incident. Kalmakhelidze claimed that Vardoshvili forced his way into his office without his permission while he was having a meeting with his employees, and disrupted work of the commission as a result. ISFED observer confirms that there was no meeting with employees when Vardoshvili entered the office. The only people in the room were the chair and the DEC lawyer, the latter had been watching the briefing from a window earlier.

Vardoshvili vehemently refused to sign the protocol and to provide his identification documents.

A subsequent trial held on September 12 at 11:00, was attended by Nikoloz Vardoshvili with GYLA lawyer, the plaintiff – Telavi DEC Chair G. Kalmakhelidze and the DEC lawyer, observers of ISFED and GYLA. Judge M. Tsertsvadze found that Vardoshvili's actions amounted to a violation and ordered him to pay a fine of GEL 500. At the end of the trial, N. Vardoshvili declared that he was going to challenge the decision in the court of a higher instance.

Zestaponi

On August 29, a furniture factory owned by Paata Gabrichidze, a majoritarian candidate of the Alliance of Patriots of Georgia in Kvalta Settlement of Zestaponi, burned down under suspicious circumstances. In an interview with ISFED observer, Gabrichidze alleged that the incident had to do with him leaving the Georgian Dream some time ago, where he used to serve as a zone manager.

Gabrichidze is also protesting the fact that a small public garden was built without announcement of a tender first and two trees were cut down in the process of construction. Gabrichidze invited TV reporters about the issue and a subsequent report was aired on Obiektivi TV.

Executive Secretary of the Georgian Dream in Zestaponi, Giorgi Jugheli spoke with ISFED LTO and spoke of Paata Gabrichidze positively. According to him, they used to have normal work relations in the past. He said he had nothing to do with the fire.

Notably, the issue was discussed during a meeting of the Inter-Agency Commission for Free and Fair Elections, where a representative of the Ministry of Interior stated that the investigation is ongoing and several individuals have already been questioned.

Ozurgeti

- Mindia Kechakmadze, majoritarian candidate of the European Georgia in Meria Community of Ozurgeti stated that since the European Georgia nominated him as a majoritarian candidate his relatives and friends from the Georgian Dream have been asking him to withdraw his candidacy and distance himself from the elections. According to Kechakmadze, individuals that have been sent as messengers are asking him not to get in the way of the ruling party candidate, Aleksandre Ghlonti. He did not provide any names but said that those "messages" continue to date.
- According to Giorgi Rokva, a majoritarian candidate of the European Georgia in the Ozurgeti village
 community, he was subjected to intimidation by representatives of the ruling party until it stopped a
 few days ago. He does not provide any names but says that he was threatened he would lose his job
 if he did not withdraw his candidacy. Rokva is currently working as the head of the department for
 medicine procurement and expenditures at Medalfa Ltd.

Lanchkhuti

It was publicly reported that a mayoral candidate of the Alliance of Patriots Lela Chakhvadze was contacted by an employee of Tbilisi Office of the National Food Agency, Vasil Basiladze and told to resign from work if she was not a supporter of the ruling party. In an interview with ISFED, Lela Chakhvadze did not confirm the report but stated that Vasil Basiladze is certainly pressuring her, because he refused to approve her request for a paid leave. According to Lela Chakhvadze, the refusal has to do with her and her daughter's political activities. While Chakhvadze is a mayoral candidate of the Alliance of Patriots, her daughter Gvantsa Chkhartishvili is an opposition candidate for the office of a majoritarian member of Sakrebulo in Ninoshvili Community.

Batumi

On September 12, outside the summer theatre in Batumi Boulvard, the Georgian Dream nominated its candidates. People had been mobilized from all municipalities to attend the event. They were driven to the venue in minibuses in an organized manner.

In an interview with ISFED observer, several individuals stated that they were required at work to go to the event. The meeting was attended by Minister of Education of Ajara Inga Shamilishvili, Rector of Batumi State University Merab Khalvashi and Chancellor of the University Jemal Ananidze, employees of different ministries, representatives of Gamgebeli and specialists from Gamgebeli's office.

Organizing attendance of voters at a party event and making attendance obligatory is purely negative trend as an act of indirect intimidation. Request to attend such events, even if attendance is optional, is viewed as mandatory by state employees, pensioners and beneficiaries of social benefits because they believe that failure to comply with the request to attend campaign events will create problems at work or will cause their social benefits to stop.

VII. Interference with Election Campaigning

Tbilisi

On September 19, near a stadium at 63 Tsereteli Avenue, an independent candidate for the office of Tbilisi Mayor, Aleksandre Elisashvili was having a meeting with voters when Deputy Gamgebeli of Didube and his accompanying individuals referring to themselves as members of the Georgian Dream campaign office tried to disrupt the meeting. They were protesting statements made by Elisashvili during the meeting with voters and were telling the candidate that they would not let him "tell lies in Didube" 6. Later, during a meeting of the Inter-Agency Commission, a representative of the candidate, Ivane Norakidze stated, the individuals that disrupted Elisashvili's meeting the following day summoned constituents that attended the meeting and reproofed them for it, saying that they could have applied to Gamgeoba about the problems instead of meeting with Elisashvili.

Ozurgeti

A representative of the UNM in Ozurgeti DEC no.60, Nino Burchuladze reported that the Georgian Dream's representative in the commission, Mate Skamkochashvili interfered with her activities and threatened to destroy her camera. According to Burchuladze, on August 27 she was recording the working process at Ozurgeti DEC on a camera, which irritated Mate Skamkochashvili - the Georgian Dream's representative in the commission. He demanded that Burchuladze stop recording, threatened to destroy her camera and tried slapping it out of her hand. Burchuladze has footage to prove it. She filed a complaint addressed to Zviad Tenieshvili, Chair of Ozurgeti DEC no.60, demanding imposition of liability on Skamkochashvili.

Batumi

Batumi Sakrebulo determined within the legal deadline the places for posting campaign materials, as well as the list of buildings and the territories where stands for displaying campaign materials can be installed. However, as of September 18, stands for displaying campaign materials had not yet been installed in Batumi. Batumi City Hall explained that they had announced a tender, which takes some time. They also explained that a winning company was required to install the stands in designated areas by the end of the week. The stands were installed in Batumi on September 27.

Zugdidi

According to an independent candidate for the office of Zugdidi Mayor, Domenti (Zviad) Sichinava, four of his campaign billboards installed by a company outdoor.ge fell off one after another. He claims that despite numerous requests and phone calls, the company intentionally delayed fixing of the billboards. Later a representative of Sichinava's campaign office informed ISFED that an agreement had been reached with the company and service costs would be adjusted accordingly.

Representatives of the company outdoor.ge themselves state that the billboards installed on September 23 experienced some technical difficulties – in particular, their scroller had been damaged but they fixed it the following day. According to the company, the problem was caused by a technical difficulty and they had no intention of interfering with the candidate's campaign.

⁶ https://www.facebook.com/AlexanderElisashvili/videos/1685178698180937/

VIII. Illegal Participation in Campaigning

Kvareli

During work hours on September 12, Ketevan Chipashvili, Head of Kvareli Municipality Educational Resource Center published a post on her personal Facebook page in support of the Georgian Dream majoritarian candidate in Kvareli Municipality during. In the post that featured a photo of the candidate and his biography, Chipashvili was declaring support for the candidate on behalf of the Resource Center and public schools in Kvareli. Taking into consideration Chipashvili's position of power, her declaration of support contains signs of use of administrative resources and can be viewed as a mandatory instruction for her subordinates. ISFED <u>filed</u> a complaint with the electoral administration in connection to the incident, seeking imposition of administrative penalty on Ketevan Chipashvili.

On September 27, Kvareli DEC Chair refused to grant ISFED complaint and found that drawing up of a protocol of violation was inexpedient. ISFED believes that the decision is unfounded; it does not cite a legislative act that the DEC chair relied on in the decision-making process. Further, the legal act does not provide the timeframe and the rule for appealing, which is in violation of requirements of the General Administrative Code and constitutes grounds for invalidation of the act. In light of this, ISFED plans to file a corresponding application with the CEC.

Khulo

On September 14, the p/u Georgian Dream – Democratic Georgia met with constituents in Khulo Municipality and presented their majoritarian and mayoral candidates for the local election. Photo and video material released by media shows that the event was attended by the following public officials: Head of the Infrastructure and Improvements Service Malkhaz Surmanidze, Head of the Sports and Youth Affairs Department Archil Zoidze and a specialist of Riketi Administrative Entity, Leri Antadze.⁷

ISFED subsequently filed a complaint with the electoral administration, seeking imposition of administrative penalty on the responsible persons but Khulo DEC Chair refused to grant the complaint. In his decision the DEC chair states that on the day of the event, September 14, Malkhaz Surmanidze was on a one-day leave from work, the order on approval of his request for the leave is dated September 14. According to the DEC, Archil Zoidze was not at the rally but was fulfilling his official duties that day, while Leri Antadze is not a civil servant – according to the DEC he is a municipal contractor.

Gori

Deputy Gamgebeli of Gori Municipality, Gela Kapanadze is actively participating in the election campaign of the p/u Georgian Dream. He was at the campaign office of the Georgian Dream during work hours. Kapanadze considers that Deputy Gamgebeli is a political office and he has the right to participate in election processes without limitation, including during work hours. However, for the purposes of the Election Code, Deputy Gamgebeli is not a political official and is not entitled to the right to participate in campaigning.

ISFED filed a complaint with the CEC in connection to violation of the election legislation by Gela Kapanadze and demanded drawing up of a protocol of violation in response.

⁷ See the information at: http://ajaratv.ge/news/ge/20115/khulos-municipalitetshi.html.html

⁸ See the information at: https://www.youtube.com/watch?v=o4N2c78DEZM

Kutaisi

Head of the Legal Department of Kutaisi City Hall, Irakli Giorgadze is systematically posting on his personal Facebook page⁹ about campaign meetings of the Georgian Dream candidates during work hours. ISFED filed a complaint with the electoral administration in connection to this fact and demanded imposition of administrative penalty on Irakli Giorgadze.

Kareli

At 16:00 on September 11, nomination of the Georgian Dream majoritarian candidate in Akhalsopeli village of Kareli Municipality was attended by Acting Gamgebeli Zaza Guliashvili, Governor of the Region Kakha Samkharadze, Assistant to Kareli Gamgebeli Ilia Kelekhsashvili and Gamgebeli representative in Akhalsopeli village, Inga Tsotsolashvili. ISFED found out that the assistant to Gamgebeli had taken a leave on September 11, while Zaza Guliashvili explained that Inga Tsotsolashvili did not participate in the nomination event, she was just interested to know what was happening outside her work place and came out. Nomination of the majoritarian candidate for Akhalsopeli was held outside the administrative building of the village.

Lanchkhuti

On September 25, Lanchkhuti Municipality Sakrebulo Chief of Staff Nino Dzidziguri used her Facebook page to share a page supporting the Georgian Dream majoritarian candidate Gigi Gvarjaladze, featuring his photo, party number and an inscription "Our Vote for Gigi".

Shuakhevi

- On September 12, at a party meeting of the Georgian Dream Democratic Georgia in Batumi, mayoral candidates for municipalities of Ajara were nominated. The meeting was attended by a member of Shuakhevi PEC no.1, Maia Kezheradze and a member of PEC no.14 Temur Khumshiashvili. Both have been selected by the district as precinct electoral commission members.
- On September 15, a photo from the personal Facebook page of Marine Darchidze, a public school teacher in Skhepi village of Shuakhevi Municipality, was spread on the social network. In it she poses with first-graders that are holding the Georgian Dream flags. Notably, Marine Darchidze also serves as a member of Shuakhevi PEC no.2. She used to serve as a secretary of the same PEC for the 2016 parliamentary elections. Shuakhevi DEC no.82 is looking into the issue.

Tkibuli

A meeting of the Georgian Dream on September 19 was attended by a member of the precinct electoral commission appointed by Tkibuli DEC, Davit Kakhidze. Kakhidze informed ISFED observer that he did not think the meeting was a campaign event. He said he saw an event held right outside his home and wanted to find out what it was about. The deputy chair of Tkibuli DEC explained that under the Election Code a PEC member begins his/her term of office on September 21, when the commission meets for the first time. Therefore, he does not think Kakhadze acted in disregard of the Election Code.

⁹ See https://www.facebook.com/irakli.giorgadze.3154?ref=br tf

IX. Misuse of Administrative Resources

Batumi

• On September 12 in Batumi, the Georgian Dream – Democratic Georgia nominated mayoral candidates for Ajara A/R. It was a large-scale campaign and canvassing event held with the use of corresponding campaign attributes. Information about the event was published by the Ministry of Finance and Economy of Ajara A/R on their official Facebook page. The material posted on the official Facebook page of the Ministry (15 photos) showed nomination of mayoral candidates in Ajara and featured party symbols, party logo, flags, etc. The Facebook page also posted a video of the campaign event. Immediately after ISFED published a statement about the fact, the material was removed from the Ministry's Facebook page.

ISFED filed a complaint over the misuse of administrative resources with the electoral administration and requested issuance of a protocol of violation. After examining materials of the case, Batumi DEC issued a protocol of administrative offence against a specialist of the press office of the Ministry of Finance and Economy of Ajara, Tamar Diasamidze and referred it to court for consideration.

• On September 9, the official Facebook page of Ajara A/R reported that Lasha Komakhidze, a candidate for the office of Batumi Mayor was in Batumi International Airport together with the Chair of Ajara Government, Zurab Pataradze, to see off members of the Turkish helicopter crew. "Zurab Pataradze bid farewell to members of the Turkish helicopter crew this morning in Batumi International Airport and thanked them for their important role in tackling the fire. The chair of Ajara Government was accompanied by the Georgian Dream's candidate for the office of Batumi Mayor, Lasha Komakhidze who also thanked the pilots of the Turkish helicopter," — says the statement published on the official Facebook page of Ajara Government. The statement is accompanied by photos of the sendoff at the airport, including a photo of the mayoral candidate. 10

Tbilisi

During the campaign period for the 21 September 2017 local self-government elections, Tbilisi City Hall published on social and traditional media videos titled "Done for Tbilisi – 2014-2017 – new squares and public gardens", "Done for Tbilisi – 2014-2017 – infrastructural projects". ¹¹ The videos published provide information about new squares that were built in Tbilisi during the period between 2014 and September 2017, existing squares and public gardens that were rehabilitated and some major and important infrastructural projects that were implemented. Tbilisi City Hall has also published another video on its official Facebook page and YouTube channel, which provides information about new kindergartens opened in Tbilisi in 2014-2017. ¹²

ISFED believes that these videos advertise Tbilisi City Hall's activities and releasing such advertisement one month prior to the elections may undermine fairness of the pre-election environment, as it may be perceived as campaigning in favor of the authorities and their mayoral candidate. Campaigning by an administrative agency – Tbilisi City Hall may contain signs of misuse of administrative resources during a pre-election period.

¹⁰ See the photo at: https://imgur.com/a/Ys04R

¹¹ Tbilisi City Hall videos, see: "Done for Tbilisi - 2014-2017 – New Squares and Public Gardens" https://www.youtube.com/watch?v=s_eQ979YH94; "Done for Tbilisi - 2014-2017 – Infrastructural Projects" https://www.youtube.com/watch?v=-XCDRpWMNUE

^{12 &}quot;Done for Tbilisi 2014-2017" https://www.facebook.com/CityHallofTbilisi/videos/vl.447145772328374/1871948006155124/?type=1; "Done for Tbilisi 2014-2017 Kindergartens" https://www.youtube.com/watch?v=PnULSem2UX0

X. Charity Match with Participation of World Football Stars

According to the Georgian Football Federation (GFF), in partnership with VTB Bank and Aisi Beer it will organize a charity football match World Football Stars for Georgia on September 29, 2017, in Tbilisi. Proceeds from the event will be used to restore Borjomi forest destroyed in a massive wildfire in summer.¹³ World football stars will participate in the match at the invitation of the GFF.

The GFF General Secretary Davit Mujiri held a press conference about the match on September 19, and talked about details of the event and its participants. Kakha Kaladze, Georgian Dream's candidate for the office of Tbilisi Mayor will also participate in the charity match together with other Georgian footballers.¹⁴ This was also confirmed by the head of Kaladze's campaign office.¹⁵

ISFED believes that participation of a mayoral candidate in a charity match may violate the rules of participation in an election campaign (canvassing) prescribed by law. Further, for purposes of the law of Georgia on Political Association of Citizens, organization of a charity event by the Football Federation may amount to a donation made in favor of the mayoral candidate.

Possible violation of rules of participation in pre-election campaigning (canvassing)

Article 2 of the Election Code of Georgia defines canvassing as "appeal to voters in favor of or against an electoral subject/candidate, as well as any public action facilitating or impeding its election and/or containing signs of election campaign, including the participation in organization/conduct of pre-electoral events, preservation or dissemination of election materials, work on the list of supporters, presence in the representations of political parties." The law provides a broad definition of canvassing, which entails not only appeal to voters in favor of a candidate but also, any public action that may facilitate election of the candidate. Article 45 of the Election Code provides a list of individuals who are prohibited from conducting and participating in election campaign. These individuals include aliens and foreign organizations. According to the GFF's public statement, famous football players from different countries will be participating in the match. As pre-election campaigning is now officially underway, voters may view participation of these players in a football match together with the mayoral candidate as part of his election campaign, whether or not it will entail appeal to voters in favor of the candidate.

Under Article 79 of the Election Code of Georgia, participation in election campaigning in violation of requirements of the Election Code amounts to an administrative violation and is subject to a penalty in the amount of GEL 2 000.

Donation in favor of the p/u Georgian Dream – Democratic Georgia

Holding a charity football match by the Football Federation with participation of a mayoral candidate from the p/u Georgian Dream – Democratic Georgia can be viewed as a donation made in favor of the ruling party.

Article 25 of the Law of Georgia on Political Associations of Citizens defines a donation as tangible or intangible assets (including low interest loans) and services (Except for voluntary work performed by volunteers) received by a party from a natural or legal person free of charge, at discounted prices or on

¹³ See the information at: https://www.gff.ge/ka/News/Details/7184

¹⁴ See the information at: https://www.youtube.com/watch?v=E1g0IPiPFNE

¹⁵ See the information at: https://imedinews.ge/ge/archevnebi/28131/talakvadze-sapekhburto-matchshi-kaladzis-monatsileobit-kanoni-ar-irgveva

concessional terms. Holding a charity match can be viewed as a free service rendered in favor of a party. The same law prohibits non-profit and non-commercial legal entities like the Football Federation from making donations in favor of political parties/candidates.

Of note is the fact that under para.4e of Article 45 of the Election Code, a charity organization is prohibited from participating in election campaigning. The aim of the prohibition is to avoid risks of vote buying. Because the match will be held with participation of the ruling party's mayoral candidate, it has political undertones and can be perceived as a campaign event in addition to being a charity one. Holding a football match in such manner violates the spirit of the law about drawing a line between charity work and party activities/campaigning.

XI. Possible Vote Buying

Kutaisi

On September 14, UNM candidate for Sakrebulo membership, Nika Narsia released a video showing Georgian Dream majoritarian candidate in the district of Nikea, Kakha Bochorishvili telling a woman during a meeting with constituents to give him the lists immediately, so that he can help them with employment. Nika Narsia explained that such act amounts to vote buying and the candidate must be removed from registration.

ISFED confirms that the video shows Bochorishvili requesting lists from a voter at the campaign meeting but this particular moment in the video has no beginning or continuation as the footage switches to a different scene, which makes it impossible to establish the fact of vote buying for certain ¹⁶. Nika Narsia filed a complaint with Kutaisi DEC in connection to the incident but the commission dismissed it without consideration. ¹⁷

In an interview with ISFED observer, lawyer of Bochorishvili's campaign office Gocha Avaliani stated that citizens often approach the candidate with requests and they always try to provide consultation to the extent possible. He also said that the campaign office maintains lists of such individuals, which is what the candidate was referring to in the video.

XII. Damaging Campaign Materials

Baghdati

On September 12, representatives of the European Georgia found that their campaign materials had been torn down from post lights and trees. A video provided by the European Georgia shows a person holding posters that have been torn down saying that head of the cleaning department, Amberki Robakidze instructed him to take down the posters.

ISFED observer interviewed Amberki Robakidze about the incident. He explained that at 7am on September 12, he found that the city had been littered by posters, which may have been torn down by the

¹⁶ https://www.facebook.com/303532176782335/videos/305998166535736/

¹⁷ http://newpress.ge/qutaisis-saolqo-komisiam-nika-narsias-sachivari-ganuxilvelad-datova

wind. He said that employees of the cleaning department cleaned up the waste that remained from campaign materials.

Telavi

UNM mayoral candidate in Telavi, Giorgi Botkoveli announced that on September 13, they put up campaign posters in Telavi only to find later at night that someone had torn the posters down throughout Rustaveli Street. Botkoveli alleges that the posters were torn down by representatives of the Georgian Dream but there is no proof of that.

Tbilisi

- On September 16, it was found that campaign posters of the European Georgia mayoral candidate in Tbilisi, Elene Khostaria had been torn down and scattered on the ground at 17 Melikishvili Street, and campaign materials of the European Georgia majoritarian candidate for Mtatsminda, Davit Avaliani had been vandalized.
- On September 25, it was found that posters of the European Georgia's candidates for Sakrebulo membership in majoritarian districts of Isani no.8 and no.9, Giorgi Shamievi and Mimoza Kokhia had been covered up by posters of the Georgian Dream candidates.

XIII. Suspicious Donations

Tegeta Motors

Tegeta Motors Company was the winner of the government's two consolidated RFTs (requests for tenders) on September 4 and September 13, valued at GEL 272,000 and GEL 208,613 respectively. The day after winning their bid, on September 14, the company donated GEL 120,000 to the Georgian Dream – Democratic Georgia.

Badagoni

On 8 September 2017, Badagoni Company donated GEL 60,000 to the ruling party. Interestingly, later on September 14, Akhmeta Municipality Gamgeoba announced a tender for pavement of asphalt on the road that leads to Badagoni wine factory, worth approximately GEL 100,000. According to the RFT terms, the works must be finished before 1 December 2017.

In the above instances, winning a tender bid or expecting to benefit from a state RFT coincided with making large sums of donations in favor of the ruling party by the companies.

Although these cases do not involve any violation of law, the fact that the company with winning bids made donations in favor of the Georgian Dream creates suspicions about unhealthy cooperation and reciprocation between the authorities and private sector representatives.

XIV. Composition of Precinct Electoral Commissions

Telavi

On September 4, UNM mayoral candidate in Telavi, Giorgi Botkoveli held a briefing and announced that from the Georgian Dream campaign office he was provided with information confirming that the district electoral commission was using pre-made lists in the competition for selection of PEC members.

ISFED observer compared the list of PEC members selected by the district electoral commission to the list of candidates published by Botkoveli and found them to be identical with the exception of one candidate for the PEC no.50; all other candidates on Botkoveli's list had been chosen as PEC members.

Batumi

8 candidates selected as PEC members on September 4 by Batumi DEC have been previously imposed with a disciplinary penalty. Among these individuals are 5 PEC chairs, 2 PEC secretaries and 1 commissioner. All of them were imposed with a disciplinary sanction for improper performance of official duties in the last parliamentary elections. The disciplinary sanction used in 7 cases was a reproof, in the remaining 1 case - a warning.

Ozurgeti

13 candidates selected as PEC members on September 4 by Ozurgeti DEC have been previously imposed with a disciplinary penalty during last elections. Seven of them were selected as PEC chairs again, six as secretaries and one as an ordinary commissioner. A disciplinary measure used in 7 cases was a reproof, in 6 other cases – a warning.

Kaspi

7 out of 228 PEC members selected by Kaspi DEC no.30 have been previously imposed with a disciplinary sanction for violating election legislation during the last parliamentary elections.

Khashuri

15 candidates selected as PEC members by Khashuri Dec no.35 have been previously imposed with a disciplinary sanction for violating election legislation during the last parliamentary elections.

XV. Free Medical Assistance

Mestia

On the official Facebook page of Mestia Municipality it was reported that on September 9-10, under the auspices of the Government of the Autonomous Republic of Abkhazia, the Ministry of Health and Social Affairs of Abkhazia A/R provided preventive medical examinations for locals in Mestia Municipality.

Tskaltubo

On September 13, the official Facebook page of Tskaltubo Municipality announced that specialists invited from Tbilisi would be providing free screenings for women using contemporary equipment in Tskaltubo Regional Hospital, on September 18-19. The chair of Sakrebulo's financial and budgetary commission, Malkhaz Ghvinianidze and the head of the health and social protection service of Gamgeoba, Natia Chakvetadze informed ISFED observer that the event was not planned by the self-government of Tskaltubo, nor envisaged by the budget. According to Chakvetadze, the information on the official Facebook page of Gamgeoba was published at the request of the chief physician of Tskaltubo Regional Hospital, Shalva Tavkhelidze. This was confirmed by Shalva Tavkhelidze, who stated that the free screenings program is carried out nationwide by EVEX Corporation.

Lanckhuti

Locals in villages of Aketi, Atsana, Mamati and Chokhati in Lanchkhuti Municipality received free medical examinations between August 1-4. The event was organized by majoritarian MP representing Lanckhuti-Chokhatauri in Parliament, Nino Tsilosani. A representative of MP Tsilosani's bureau informed ISFED that the charity event was financed by the MP's own foundation "Tsilosani" and was supported by the Medical Center of Sachkhere.

XVI. Public Meetings of Electoral Subjects

ISFED long-term observers are monitoring pre-election campaign of political parties in all electoral districts. ISFED records only meetings that observers attend personally.

ISFED observers attended **252** public meetings of electoral subjects that took place during the period of September 5-25, 2017.

Number of public meetings by political parties:

- 1. Georgian Dream-Democratic Georgia 163;
- 2. United National Movement 23;
- 3. Movement for Freedom European Georgia 34;
- 4. Davit Tarkhan-Mouravi, Irma Inashvili, Alliance of Patriots of Georgia 11;
- 5. United Democratic Movement (Burjanadze) 6;
- 6. Independent mayoral candidate Aleksandre Elisashvili 7;
- 7. The Movement for Building Usupashvili 4
- 8. New Georgia Giorgi Vashadze 3
- 9. Independent majoritarian candidate in Saburtalo, Joseph Alexander Smith 1

XVII. About the Monitoring Mission

The International Society for Fair Elections and Democracy (ISFED) conducts the pre-election monitoring in all electoral districts of Georgia through 70 long-term observers.

Monitoring of the pre-election period covers the following important areas:

- Election administration activities;
- Public meetings of electoral subjects and their political activities;
- Promises made by electoral subjects to voters;
- Cases of harassment/threats or alleged politically motivated dismissals;
- Possible instances of vote buying;
- Cases of misuse of administrative resources;
- Formation of voter lists, etc.

During the monitoring ISFED relies on public information requested from administrative bodies, as well as information provided by electoral subjects, media, NGOs and individual citizens. ISFED verifies each report by interviewing witnesses and all sides of the incident.

In addition to monitoring, ISFED reports violations during meetings of the Inter-Agency Commission for Free and Fair Elections to ensure that further actions are taken in a timely manner.

ISFED periodically informs public about pre-election incidents and trends through statements and reports.

ISFED maps all reports of pre-election incidents and possible violations on the interactive incident map available at the Georgian Elections Portal: http://www.electionsportal.ge/eng/.

Any citizen can report a possible violation to the Elections Portal by sending a text to a toll-free number 90039 or by submitting information at http://www.electionsportal.ge/eng/new incident.

ISFED conducts the pre-election observation through the support of the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED).